

Thurrock: A place of opportunity, enterprise and excellence, where
individuals, communities and businesses flourish

Council

To the Members of Thurrock Council

The next meeting of the Council will be held at **7.00 pm** on **28 January 2015**

The Council Chamber, Civic Offices, New Road, Grays, Essex RM17 6SL

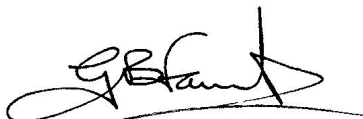
Membership of the Council:

Steve Liddiard (Mayor)
Sue Gray (Deputy Mayor)

Tim Aker
Chris Baker
Jan Baker
Clare Baldwin
Terry Brookes
Mark Coxshall
Charles Curtis
Tony Fish
Oliver Gerrish
Robert Gledhill
Yash Gupta (MBE)
Garry Hague
James Halden
Shane Hebb
Terence Hipsey
Victoria Holloway

Barry Johnson
Roy Jones
Tom Kelly
John Kent
Cathy Kent
Martin Kerin
Charlie Key
Aaron Kiely
Brian Little
Susan Little
Sue MacPherson
Ben Maney
Val Morris-Cook
Tunde Ojetola
Bukky Okunade
Barry Palmer

Maureen Pearce
John Purkiss
Robert Ray
Joycelyn Redsell
Barbara Rice
Gerard Rice
Andrew Roast
Susan Shinnick
Philip Smith
Graham Snell
Richard Speight
Michael Stone
Pauline Tolson
Simon Wootton
Lynn Worrall



Graham Farrant
Chief Executive



Councillor Steve Liddiard
Mayor of Thurrock

Agenda

Open to Public and Press

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1	Apologies for absence	
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	In accordance with Chapter 2, Part 2(Rule 14) of the Council's Constitution.	
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The Council are asked to agree any changes to the appointments made to committees and outside bodies, statutory and other panels, as requested by Group Leaders.

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	(ii) The report of Councillor Richard Speight, Cabinet Member for Communities, is enclosed.	
	(iii) The report of Councillor John Kent, Cabinet Member for Education, is enclosed.	
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Children's Services Overview and Scrutiny Committee	15 July 2014
Planning, Transport and Regeneration Overview and Scrutiny Committee	30 July 2014
Health and Wellbeing Board	11 September 2014
Planning Committee	23 October 2014
Standards and Audit Committee	10 July 2014
General Services Committee	26 June 2014
Housing Overview and Scrutiny Committee	16 July 2014
Corporate Overview and Scrutiny Committee	24 July 2014

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26 To consider motions from Members in the order in which they were submitted 227 - 230

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution.

Queries regarding this Agenda or notification of apologies:

Please contact Stephanie Cox, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Future Dates of Council:

25 February 2015, 25 March 2015.

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

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The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

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In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

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Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

PROCEDURE FOR MOTIONS

No speech may exceed 3 minutes without the consent of the Mayor [Rule 19.8], except for the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 3 minute time shall apply) [Rule 19.8(a)]

All Motions will follow Section A and then either Section B or C

- | | | | |
|-----------|----|--|----------------------------|
| A. | A1 | Motion is moved | [Rule 19.2] |
| | A2 | Mover speaks | [Rule 19.8(a) (5 minutes)] |
| | A3 | Seconded | [Rule 19.2] |
| | A4 | Secunder speaks or reserves right to speak | [Rule 19.3] (3 minutes) |

Then the procedure will move to either B or C below:

B.		C.	
IF there is an AMENDMENT (please see Rule 19.23)		If NOT amended i.e. original motion	
B1	The mover of the amendment shall speak (3 mins).	C1	Debate
B2	The seconder of the amendment shall speak unless he or she has reserved their speech (3 mins).	C2	If the seconder of the motion has reserved their speeches, they shall then speak
B3	THEN debate on the subject .	C3	The mover of the substantive motion shall have the final right of reply
B4	If the seconder of the substantive motion and the amendment reserved their speeches, they shall then speak	C4	Vote on motion
B5	The mover of the amendment shall have a right of reply		
B6	The mover of the substantive motion shall have the final right of reply		
B7	Vote on amendment		
B8	A vote shall be taken on the substantive motion, as amended if appropriate, without further debate		

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspirations and attainment so that local residents can take advantage of job opportunities in the local area
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Provide the infrastructure to promote and sustain growth and prosperity
- Support local businesses and develop the skilled workforce they will require
- Work with communities to regenerate Thurrock’s physical environment

3. Build pride, responsibility and respect to create safer communities

- Create safer welcoming communities who value diversity and respect cultural heritage
- Involve communities in shaping where they live and their quality of life
- Reduce crime, anti-social behaviour and safeguard the vulnerable

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being
- Empower communities to take responsibility for their own health and wellbeing

5. Protect and promote our clean and green environment

- Enhance access to Thurrock’s river frontage, cultural assets and leisure opportunities
- Promote Thurrock’s natural environment and biodiversity
- Ensure Thurrock’s streets and parks and open spaces are clean and well maintained

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Minutes of the meeting of Council held on 22 October 2014 at 7.00pm.

Present: Councillors Steve Liddiard (Mayor), Sue Gray (Deputy Mayor), Chris Baker, Jan Baker, Clare Baldwin, Terry Brookes, Mark Coxshall, Charles Curtis, Oliver Gerrish, Yash Gupta, Garry Hague, James Halden, Shane Hebb, Terry Hipsey, Victoria Holloway, Barry Johnson, Tom Kelly, Cathy Kent, John Kent, Martin Kerin, Charlie Key, Aaron Kiely, Brian Little, Sue Little, Sue MacPherson, Ben Maney, Val Morris-Cook, Tunde Ojetola (from 7.33pm), Bukky Okunade, Barry Palmer, Maureen Pearce, John Purkiss, Robert Ray, Joy Redsell, Barbara Rice, Gerard Rice, Andrew Roast, Sue Shinnick, Philip Smith, Graham Snell, Richard Speight (from 7.01pm), Michael Stone, Pauline Tolson, Simon Wootton and Lynn Worrall.

Apologies: Councillors Tony Fish, Robert Gledhill and Roy Jones.

In attendance: Graham Farrant – Chief Executive
Steve Cox – Assistant Chief Executive
Barbara Brownlee – Director of Housing
David Bull – Director of Planning and Transportation
Carmel Littleton – Director of Children’s Services
Roger Harris – Director of Adults, Health and Commissioning
Sean Clark – Head of Corporate Finance
Fiona Taylor – Head of Legal and Democratic Services
Steve Jones – Democratic Services Manager
Stephanie Cox – Senior Democratic Services Officer

The Mayor welcomed Councillor Terry Brookes to the Chamber, following his victory in the recent West Thurrock and South Stifford by-election.

The Mayor then informed all present that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council’s website.

51. Minutes

Councillor Johnson drew Members’ attention to the point of order that was referenced on page 17 of the minutes regarding Portfolio Holder reports not containing the requested financial information. He stated that he had not received an update following the meeting, but noticed that the financial information had been supplied in the Portfolio Holder report printed in the agenda.

The Minutes of the Council meeting, held on 10 September 2014, were approved as a correct record.

52. Items of Urgent Business

The Mayor informed the Council that he had agreed to the consideration of an item of urgent business, which related to the result of the by-election in West Thurrock and South Stifford and the appointments that were required to be made to Committees and Outside Bodies, Statutory and other panels.

The Mayor informed the Chamber that a copy of the report had been sent to all Members by email prior to the meeting and that a copy had also been circulated at the meeting.

53. Declaration of Interests

There were no interests declared.

54. Tributes to Councillor Maggie O’Keeffe-Ray

The Mayor invited Members to pay tribute to Councillor Maggie O’Keeffe-Ray, who sadly passed away on 24 September 2014.

Reverend Barlow led the Chamber in prayer and a minute’s silence was observed in remembrance of Councillor Maggie O’Keeffe-Ray.

The Leader of the Council led the tribute and was followed by Councillor Halden, Councillor Snell and Councillor Palmer and a number of Members from all political groups represented on the Council.

55. Announcements

The Mayor informed the Chamber that he did not wish to make any announcements this month.

The Leader of the Council had no announcements that he wished to make.

56. Questions from Members of the Public

The Mayor informed the Chamber that one question had been submitted by a member of the public.

A copy of the transcript of questions and answers can be found at Appendix 1 to these Minutes.

57. Petitions from Members of the Public and Councillors

The Mayor informed Members that, in accordance with the Council’s Petition Scheme, the requisite notice had not been given by any councillors or members of the public that they wished to present a petition at the meeting.

58. Petitions Update Report

Members received a report on the status of those petitions handed in at Council Meetings and Council Offices over the past six months.

59. Item of Urgent Business – Result of the West Thurrock and South Stifford By-election and changes to appointments to Committees and Outside Bodies

The Mayor informed the Chamber that a report had been circulated to Members which provided detail of the result of the by-election held in West Thurrock and South Stifford on 16 October 2014, together with the changes that were required to Committees and Outside Bodies.

The Leader of the Council informed the Chamber that he would cover the positions on the East of England Regional Transport Forum and the Thames Gateway South Essex Transport Board in the interim period.

He also advised that the Labour group nominated Councillor Gerard Rice to fill the vacancy on the Thames Gateway Innovation Growth and Enterprise (TIGER) scheme.

The Deputy Leader of the Conservative Group offered his congratulations to Councillor Brookes on his recent victory and informed Members that he would like to confirm the following appointments that had been made to the Shadow Cabinet, as detailed below:

Shadow Portfolio Holder	Portfolio
Councillor Robert Gledhill	Housing
Councillor Shane Hebb	Transformation and Corporate Services
Councillor Pauline Tolson	Environment
Councillor Sue Little	Highways
Councillor Barry Johnson	Finance
Councillor Tunde Ojetola	Planning & Regeneration
Councillor Charlie Key	Health & Adult Social Care
Councillor Andrew Roast	Communities & Public Protection
Councillor James Halden	Education and Children's Social Care

Members unanimously agreed to the recommendations set out in the report, together with the nomination to the Thames Gateway Innovation Growth and Enterprise (TIGER) scheme.

RESOLVED:

- 1. That the result of the West Thurrock & South Stifford by-election, held on 16 October 2014, be noted.**
- 2. That the Council note the appointment of Councillor John Kent to the vacancies to the East of England Regional Transport Forum and the Thames Gateway South Essex Transport Board.**
- 3. That Councillor Gerard Rice be appointed to the Thames Gateway Innovation Growth and Enterprise (TIGER) scheme.**
- 4. That the Council do not change the allocation of seats on committees, as set out in Appendix 1, leaving the membership of committees as they are at present until the result of the by-election in the Aveley and Uplands Ward is known and so leave the seats on the following committees vacant:**
 - Children's Services Overview and Scrutiny Committee**
 - Health and Wellbeing Overview and Scrutiny Committee**

60. Appointments to Committees and Outside Bodies, Statutory and Other Panels

The Mayor enquired whether Group Leaders wished for any changes to be made to the appointments previously made to Committees and outside bodies, statutory and other panels.

The Leader of the Council informed the Chamber that he wished to make the following changes:

- for Councillor Brookes to be appointed as a substitute member of the Corporate Overview and Scrutiny Committee.
- for Councillor Smith to be appointed as a substitute member of the Corporate Parenting Committee.
- for Councillor Brookes to be appointed as a member of the Health & Wellbeing Overview and Scrutiny Committee to replace Councillor Gray.
- for Councillor Gray to be appointed as a substitute member of the Health & Wellbeing Overview and Scrutiny Committee.
- for Councillor Brookes to be appointed as a substitute member of the Licensing Committee.
- for Councillor Gerard Rice to be appointed as a substitute member of the Planning Committee

- for Councillor Gerrish to be appointed as a substitute member of the Planning, Transport & Regeneration Overview & Scrutiny Committee
- for Councillor Gerrish to be appointed as a substitute member of the Standards & Audit Committee.

In addition, the Leader of the Council informed the Chamber that he wished for Councillor Gupta to be appointed to the vacant position of Vice Chair of the Standards and Audit Committee.

The Deputy Leader of the Conservative Group informed the Chamber that his Group wished to make the following changes:

- for Councillor Kelly to be appointed as a substitute member of the Planning Committee to replace Councillor Halden.

The leaders of both the UKIP Group and the Independent Group confirmed that they did not wish to make any changes to appointments that had previously been made.

RESOLVED:

- 1. That Councillor Brookes be appointed as a substitute member of the Corporate Overview and Scrutiny Committee.**
- 2. That Councillor Smith be appointed as a substitute member of the Corporate Parenting Committee.**
- 3. That Councillor Brookes be appointed as a member of the Health & Wellbeing Overview and Scrutiny Committee to replace Councillor Gray.**
- 4. That Councillor Gray be appointed as a substitute member of the Health & Wellbeing Overview and Scrutiny Committee.**
- 5. That Councillor Brookes be appointed as a substitute member of the Licensing Committee.**
- 6. That Councillor Gerard Rice be appointed as a substitute member of the Planning Committee.**
- 7. That Councillor Gerrish be appointed as a substitute member of the Planning, Transport & Regeneration Overview & Scrutiny Committee.**
- 8. That Councillor Gerrish be appointed as a substitute member of the Standards & Audit Committee.**

9. That Councillor Kelly be appointed as a substitute member of the Planning Committee to replace Councillor Halden.

10. That Councillor Gupta be appointed as the Vice Chair of the Standards & Audit Committee.

61. Report of the Cabinet Member for Children's Social Care

Councillor Okunade, Cabinet Member for Children's Social Care, introduced the report and, in doing so, highlighted some of the key successes and update of the service, which included the following:

- Family Support and the Multi-Agency Safeguarding Hub (MASH)
- Child Protection Plans
- Looked After Children and Care Leavers
- The work of the Local Safeguarding Children's Board (LSCB)

The Cabinet Member welcomed Andrew Carter, who had recently been appointed to the position of Head of Care and Targeted Outcomes and thanked Nicky Pace for her work with the service in the interim.

The Cabinet also paid tribute to the fantastic work of Thurrock's loyal foster carers and the Local Safeguarding Children's Board, and stated that she was proud to be Portfolio Holder for the service.

Members questioned the Portfolio Holder and received responses on the following matters:

- Councillor Halden observed that the Council had given incorrect advice to parents regarding permission for home schooling their children. He called for the Portfolio Holder to undertake a review and to ensure that Council officers received adequate training to allow them to advise parents on the correct procedure in accordance with the law. He also questioned how many parents had been disadvantaged by receiving the incorrect information issued.

The Cabinet Member advised that general education did not fall under her portfolio but assured Members that it was both Members and officers responsibility to ensure that the correct information was disseminated to parents and stated that officers would review this.

- Councillor Roast stated that in 2013 Members approved an increase in the child care budget of £3 million to meet the budget short fall, however it was not expected that this would become a permanent feature of the department's budget setting process. He questioned what the Portfolio Holder was doing to ensure that the poor budget setting did not happen again.

The Cabinet Member explained that the priority was to safeguard children and that increased demand on the service had increased the placements budget cost. She emphasised that this was difficult to control the placement budget as the Council's priority was to support children who needed help, regardless of the impact of cost. However, she further added that the Council was not complacent and that every placement was reviewed to ensure that money was being spent effectively and that this was regularly reported back and reviewed by the Corporate Parenting Committee.

(At 7.33pm Councillor Ojetola entered the Chamber)

- Councillor Johnson thanked the Portfolio Holder for including the budget outturn information in the report. He observed that the legal costs budget for 2014/15 had increased from £700,000 to over £1.2 million and that in the past year the Council had seen at least one case where a child had been returned to its parents following a court case. He questioned whether the increase in budget was a result of greater scrutiny and challenge of social care decisions rather than errors and mistakes.

The Cabinet Member advised that the legal cost increase was not a result of careless mistakes and that when a child was identified at risk the Council always adopted a cautious approach and without court agreement a child would not be taken into care. She further explained that new guidance had resulted in a reduction of external independent experts and that the creation of a threshold panel reduced the need for a number of Legal Planning meetings and therefore some legal costs.

- Councillor Hebb questioned how the service was working differently with their budgets, in light of the additional £3 million budget short fall that was required in 2013/14.

The Cabinet Member assured Members that a number of measures were in place to reduce the reliance on more expensive external placements and drive forward recruitment for in house foster carers. She noted the progress that had been made so far but reiterated that the priority for the Council was to ensure that every child who needed support received it.

- Councillor Sue Little advised Members that, through her work on the Adoption and Fostering Panel, she had become aware of a number of problems with Social Workers IT systems which had made it more difficult and time consuming to complete tasks. She called for better IT systems that were fit for purpose for Social Workers needs.

The Cabinet Member agreed that IT systems should be in place to support officers in their work and provided assurances that every system to help social workers work more effectively should be achieved.

- Councillor Barbara Rice congratulated the Portfolio Holder for her work on implementing the Multi-Agency Safeguarding Hub (MASH), which had been a fantastic success story. She asked whether Members would be attending the local pantomime again this year with Looked After Children with their Corporate Parenting hat on.

The Cabinet Member thanked Councillor Barbara Rice for her kind words and agreed that it would be good for all Members to support Looked After Children again this year. She paid particular thanks to Councillor Brian Little for his work in helping to make last year's event a success and hoped that he would continue to provide support this year.

The Cabinet Member briefly summed up the report and thanked all front line staff and partners for their support.

62. Questions from Members

The Mayor informed the Chamber that 2 questions had been submitted to the Leader and a further five questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

Members were informed that as apologies had been received from Councillor Fish, the Leader of the Council would provide a response to the question that had been submitted to the Cabinet Member.

A copy of the transcript of questions and answers can be found at Appendix 1 to these Minutes.

63. Reports from Outside Bodies

Councillor Ojetola provided an update on the work of the Standard Advisory Council on Religious Education (SACRE) which was now fully constituted. He advised that the recent meeting had been well attended by representatives from all faiths and a new co-opted Member, and that they continued to encourage and support Thurrock schools with their syllabus.

64. Minutes of Committees

The Minutes of Committees, as set out in the Agenda, were received.

65. Motions update report

Members received an information report updating them on progress in respect of Motions resolved at Council over the past year.

Councillor Hebb stated that the Chief Executive had circulated a response to all Members regarding a motion from 23 July 2014, however asked for a specific answer in relation to point 2 of the item.

The Chief Executive advised Members that this was being dealt with through the budget process, but that he would look into the matter that had been raised.

Councillor Ojetola referred to a past motion that had been submitted regarding the Council working to support a new GP surgery in Chafford Hundred and asked whether the accompanying strategy could be forwarded to him.

Councillor Barbara Rice confirmed that the strategy was still being developed and assured Members that this would be circulated when finalised.

66. Motion submitted by Councillor Halden

The Motion, as printed in the Agenda, was proposed by Councillor Halden and seconded by Councillor Hebb.

Councillor Halden introduced the motion, and in doing so called for a governance review to be carried out in order to judge the advantages and disadvantages of a committee, cabinet, mayoral or hybrid forms of governance.

Councillor Robert Ray proposed an amendment to the motion, so that the motion would read:

“The Chamber instructs the constitution working group to carry out a governance review, in order to judge the need for the committee form of governance from May 2015 onwards.”

The amendment was seconded by Councillor Snell.

At this point, Councillor Ojetola raised a point of order and queried whether the amendment should be allowed, as it ought to have been submitted to the Monitoring Officer by 12 Noon.

Councillor Halden suggested that the meeting be adjourned for 2 minutes so that Legal and Democratic Services could advise on the validity of the amendment that had been proposed. This was agreed by the Chamber.

The meeting was adjourned at 8.24pm.

The meeting was reconvened at 8.30pm.

The Mayor informed the Chamber that he would not allow the amendment and instructed Members to proceed to debate the original motion.

During the course of the debate the following key points were made:

- Councillor Hague supported the motion as the present structure of Democratic decision making had been in place for some time and that it was always wise to review. He felt that it was time to respond to

change in order to improve local democracy, efficiency and decision making.

- Councillor Barbara Rice supported the motion but felt that the current system worked well and remarked that in her Portfolio she had strived to work with both Councillors Hebb and Halden for the betterment of Thurrock. She felt that if a review was undertaken thorough research should be conducted with similar size authorities with different forms of governance systems so that Thurrock would get the final recommendation right.
- Councillor Ojetola declared his support for the motion and explained that it was crucial that the Constitution Working Group be constituted and to conduct a thorough review to see what works well, and for the outcome to be reported back to Council.
- Councillor John Kent remarked that a number of Councillors in the Chamber had experience of working under a committee governance system but felt that the system had disadvantages, particularly in relation to the lack of Member accountability.
- Councillor John Kent further added that it was wise to review the current system which had been in place for 14-15 years. He proposed that an item on the Constitution Working Group be brought back to the next meeting and a small budget be allocated to the group to investigate thoroughly the benefits and disadvantages of different forms of governance within similar size authorities, such as Brighton and Hove and East Cheshire.
- Councillor Coxshall remarked that he did not wish to abandon the Cabinet style system altogether but that it was important to examine the benefits and disadvantages in equal proportion to other forms of governance. He remarked that if the review concluded that the Cabinet system be the most appropriate for Thurrock he would not be afraid to support the recommendation to retain a Cabinet style form of governance in Thurrock.
- Councillor Palmer observed that all Members should have the opportunity to review the findings.
- Councillor Gerard Rice agreed that a review would be sensible and to examine the governance models of other local councils.

Councillor Halden echoed the sentiments that were raised by Members and stated that he was looking forward to working in collaboration to review governance arrangements in Thurrock. He felt that all systems would have benefits and weaknesses but that it was a process that must be fully examined.

Upon being put to the vote, Members voted unanimously in favour of the Motion, whereupon the Mayor declared this to be carried.

RESOLVED:

The Chamber instructs the constitution working group to carry out a governance review, in order judge the need for the committee, cabinet, mayoral, or hybrid forms of governance from May 2015 onwards.

67. Motion submitted by Councillor Hebb

The Motion, as printed in the Agenda, was proposed by Councillor Hebb and seconded by Councillor Halden. The Motion read as follows:

“Thurrock is an area which is thirsty for regeneration, and needs political stability to attract investment. It therefore needs to demonstrate a more stable; consistent; lower-cost governance system.

Following a number of years of being in No Overall Control (NOC) Thurrock Council resolves to investigate and implement a move to a Four Yearly Election model”.

Councillor Hebb introduced the motion and in doing so made the following key points:

- That a four year election model would make Thurrock more stable and allow time for the ruling group to drive forward and embed their policies.
- That a move to a four year election model would save approximately £400,000 to the Council every four years.
- That it would improve political turnout and engagement.

During the course of debate on the Motion, the following key points were raised both in support and opposition:

- Councillor Gerard Rice felt that in his experience a 4 year election model did not work well or was in the best interests of the electorate, and recounted that some political groups had become complacent for 3 years out of 4 after winning an election. He felt that the current model provided more opportunity for challenge.
- Councillor Speight remarked on the achievements in Thurrock and felt that the electorate wanted more cross-party working not shutting people’s voices out for an additional year.
- Councillor John Kent questioned how elections by thirds created instability, and highlighted a number of regeneration success stories which had been achieved under the current model. He felt that the election by thirds model provided stability.
- Councillor Ray agreed that regeneration was important but felt that the political balance had little effect. He added that there was no evidence to support the claim that a 4 year election model was good for residents and instead stated that it was of paramount importance to let residents have their say.
- Councillor Johnson felt that there would be greater turnout on general election years and that a 4 year election model supported zero based budgeting.
- Councillor Coxshall felt that the 4 year election model would give more time for policies to embed and for the political majority to deliver their manifesto.

- Councillor Snell explained that the 4 year model would give residents less of a voice and that the current system worked well to keep Members on their toes.

Upon being put to the vote, 15 Members voted in favour of the Motion, and 30 Members voted against, whereupon the Mayor declared the motion was lost.

Before the formal close of the meeting, the Mayor invited Councillor Ray to address the Chamber. Councillor Ray thanked Members for their kind words and messages of support. He also took the opportunity to thank a number of people who were not present in the Chamber for their kind words and support, which included Tim Aker MEP, Jackie Doyle-Price MP and Polly Billington. He added that Maggie O’Keeffe-Ray had been extremely proud to be an Elected Member of Thurrock Council.

The meeting finished at 9.17pm.

Approved as a true and correct record

MAYOR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

QUESTIONS FROM MEMBERS OF THE PUBLIC

There are 2 questions from members of the public.

1. From Ms. Vine to Councillor Hipsey

"Would the Chairman of the Planning Committee give me a full account of how a large housing estate was given planning approval within the greenbelt at St Clere's golf course in Stanford-le-Hope?."

2. From Mr Perrin to Councillor J Kent

"A death is invariably a time of sadness for those mourning the loss of a family member or close friend. However, if the deceased is the tenant of a Council rented property, there is a task, that peculiarly befalls family members and friends, which is the dismantling of the deceased's home and the vacation of the property. I believe 14 days is allowed for this task to be completed. Do you consider 14 days adequate and sympathetic?"

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Item 8: Petitions Update Report – 28 January 2015

Petition No.	Description	Presented by (and date)	Portfolio Holder	Status Full copies of the responses may be obtained from Democratic Services
439	Thurrock Council considers the use of space at Defoe Parade for the purpose of a weekly market to include any Farmer's markets and French market. This is requested due to the lack of shopping facilities and value for money in the area and also to bring the community together.	23/07/14 Presented at Council by a local resident	Cllr L Worrall	<p>Thurrock Council's Housing Department currently provide a license to a market provider for the provision of a market at South Ockendon. They also have an expired licence for a market in Tilbury which may be extended pending conversations with the market provider.</p> <p>The Housing Department do not run markets but provide licenses for providers to run markets on Housing land.</p> <p>If the shop keepers in Defoe Parade wish to work with a market provider or, if they wish to become one themselves, then they simply need to put a business plan together which shows a sustainable market can be run and gain a license from Housing to run a market in Defoe Parade.</p>
440	We the undersigned call on Thurrock Council to continue installing the verge hardening along Lenmore Avenue and Rectory Road, Little Thurrock. This will help improve parking provision on these busy roads, keep verges green and save money on verge repair.	10/09/14 Presented at Council by Cllr Kelly	Cllr J. Kent	The cost of rolling out this project will be £75,000. it is further estimated that the deployment of this form of verge hardening to every part of Thurrock would benefit from it would be £3m. The Council is currently pursuing competitive grant funding for highways maintenance. The potential to finance a verge hardening programme will be reviewed once the outcome of Thurrock's

* indicates petitions handed in at the Civic Offices or e-petitions - not presented at Council

Item 8: Petitions Update Report – 28 January 2015

				funding bid is known.
441	<p>For many years Dr Devaraja has been negotiating with Thurrock Council to buy a piece of land adjacent to Graham James Primary School in The Sorrells. We the public realised that the Council is not willing to sell to Dr Devaraja.</p> <p>The community is in need of a new purpose built surgery. We support Dr Devaraja on this project.</p> <p>We therefore call upon Thurrock Council to make a decision and grant Dr Devaraja the chance to go ahead with this project for the Corringham community.</p>	<p>15/09/14</p> <p>Submitted by Dr Devaraja</p>	Cllr J. Kent	<p>Cabinet considered this matter at its meeting on the 3rd September 2014. Although seeking to purchase the site for a number of years, and having the Council's consent to do so since 2006, Dr Devaraja has been unable to complete the purchase. His opportunity to do that expired at the end of 2013, and since then the Council has been endeavouring to agree with NHS England the selection of a different purchaser who would develop a new surgery in which Dr Devaraja (and potentially other neighbouring GP's in similarly unsuitable surgery accommodation) could become tenants.</p> <p>This plan is still very much on track, and NHS England have commissioned a focused option appraisal which will review bids from two parties to develop the surgery during October 2014, enabling a decision to be made during November. It is then anticipated that the Council will sell the site to the nominated provider by the end of 2014. Dr Devaraja has been informed of the up to date position by both NHS England, and by the Council.</p>

Item 8: Petitions Update Report – 28 January 2015

442	<p>The Petition calls on Thurrock Council to prohibit the culling of badgers on council-owned land and invest in vaccination programmes locally. We ask this because we believe culling to be inhumane, inefficient and unscientific.</p> <p>This is a national issue which will be of direct concern to the people of Thurrock when DEFRA "rolls out" its culling policy in 2014. The object of the petition is to ensure that Thurrock Council's badger population is as safe as possible from slaughter and that the already available injectable badger vaccine against bTB is used in as many cases as possible. We ask this because we believe the culling policy is inhumane (DEFRA's measurement of "humaneness" is to time the screams of wounded badgers), inefficient (previous culls showed an increase in bTB because of badger movement) and unscientific (the majority of scientific opinion hold that a cull will have "no meaningful result").</p>	30/09/14 Submitted online by a resident.	Cllr T. Fish	<p>Thurrock Borough Council is aware of the DEFRA arrangements to allow the culling of badgers in certain prescribed areas where there are high levels of bovine tuberculosis and the polarised viewpoints that such a cull creates. None of these locations is close to the boundaries of this authority.</p> <p>The Council recognises that badgers are an animal that has a specific protection (The Protection of Badgers Act(1992)) which makes it an offence to injure, kill or take a badger or to damage or interfere with a sett unless a licence is obtained from a statutory authority. In the case of the recent DEFRA initiated cull Natural England was the approving authority as opposed to any local council.</p> <p>Thurrock Borough Council does not allow individuals or organisations to undertake hunting or culling of badgers on land under its control and has no plans to give consideration to amending this position at this time. Should there be a change in primary legislation which impacts on this position it would be considered by the Council.</p> <p>The Council is, however, not in a position to consider a vaccination programme for any animals that inhabit its estate due to the potentially significant cost at a time when it is facing significant funding constraints over the foreseeable future.</p>
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* indicates petitions handed in at the Civic Offices or e-petitions - not presented at Council

Item 8: Petitions Update Report – 28 January 2015

443	<p>Arrange for the construction of a suitable sound barrier to reduce the amount of noise being caused as a result of the increased size and volume of traffic movement on the A13 approach slip road to the West Stanford le Hope interchange.</p> <p>Myself and fellow ward councillors have received concerns from residents with regards to increased noise as a result of the size and volume of traffic on the slip road to the Stanford Le hope interchange. Thurrock Council to date have no plans to install any noise barriers and have said that the port will have to pay into a general amenities fund that can be used for unforeseen highways issues but this will not happen until warehouses are occupied which may take time. It is not fair on local residents to have to close windows and not be able to live a quiet life as a result of this increased traffic. We therefore call on Thurrock Council to install noise barriers as soon as possible to protect the residents from this increasing noise issue.</p>	7/11/2014 Submitted by Cllr S. MacPherson	Cllr J. Kent	Officers had arranged for some analysis to be undertaken to determine what the best solution would be to reduce road traffic noise in this area of the Homesteads. Those options will include a noise barrier on the west bound off-slip. This report has now been received from Environmental Health and its conclusions are being considered.

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<p>444</p>	<p>We ask Thurrock Council to work the new owners of the Pegasus club to keep the trackbed of the Corringham Light Railway open and accessible to the public footpaths that intersect it. We ask Thurrock Council to consult with the new owners of the Peg club and the CLR Society to maintain the track bed and produce Wildlife feeding station at Kynoch Wildlife Corner beside one of the public footpaths within the Pegasus club land.</p> <p>The Corringham Light Railway Society would like to save the remaining sections of the Corringham Light Railway track bed behind the Pegasus Club in Herd Lane, Corringham, Essex.</p> <p>The land behind the Peg has been put into the sale of the Peg club and it's future is under threat from the new owners whom have been informed that the Society is working down there, but are also aware that as we have no money to carry out any work, that we are technically trespassing. We have been informed we will soon be hearing from the owners to cease and desist in the area. But I would like to work with the new owners, regardless of if we have money or not, because I feel that the work we are doing is making a difference down there. We have already made a feeding station in the area and it is thriving and we have called it Kynoch Wildlife Corner. We have</p>	<p>7/11/2014</p>	<p>Cllr J. Kent</p>	<p>Petition issues have been considered and advised that significant engineering would require planning permission. Any related formal planning process would need to take into consideration the historic value and local support for access. Society have been advised that they may wish to submit an application to create a permissive footpath along the track bed and/or the non-definitive footpath route to establish appropriate rights of way to continue to access the area. Information under Section 53(2) of the Wildlife and Countryside Act 1981 are attached detailing the procedure required.</p>
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	<p>chaffinches, watervoles and terrapins in the lower Kynoch lake. If this land is blocked off and we are not allowed down there anymore, all this would be lost and the place will just become overgrown again. Recently, the Society walks that we hold have been a huge success and we have been praised by local councillors and the South Essex MP Stephen Metcalfe who have all walked the line and feel that this is a good thing that needs to be kept up.</p> <p>Loosing this land by blocking it off would be very detrimental to this area, that is a part of the countryside, no matter how close it is to civilisation.</p>			
445	<p>To install double yellow lines on Lodge Lane (Slip Road) South side. Opposite Sockets Heath Shops. From 40 to 50 Lodge Lane.</p> <p>There has always been issues with parking opposite our drive ways preventing access and egress from our properties.</p> <p>However since the hairdressers and car showroom and the various take-aways and cafes that have since opened the situation had deteriorated and is now far worse.</p> <p>Vans and cars are parked there obstructing views and cause safety issues, as it is difficult to see pedestrians whilst</p>	<p>21/11/2014</p> <p>Presented by Councillor Redsell</p>	<p>Cllr J. Kent</p>	<p>Letter sent to Lead Petitioner (Cllr Redsell) on 23rd December 2014 advising that a Public Notice will be drawn up with a proposal to install the restrictions as requested. The statutory consultation will be carried out in the new year. Ward Members will be sent a copy of the consultation before it appears in the Thurrock Enquirer.</p>

* indicates petitions handed in at the Civic Offices or e-petitions - not presented at Council

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	manoeuvring from our drives.			
445a	To relocate parking bays in Daiglen Drive, South Ockendon to the front of the Derwent Parade Shops.	18/11/2014 presented by Councillor Curtis		<p>Council Officers have met with the South Ockendon Community on 27th November 2014 and 11th December 2014 to discuss the parking concerns in Derwent Parade. These meetings included residents, tenants, the South Ockendon Forum and Shop Keepers.</p> <p>A number of options were put forward from the Council to address parking issues in Derwent Parade and through listening to the community an additional option was added which met with the majority of agreement.</p> <p>The Council are currently working up costs and feasibility of the community proposal and are looking to complete a statutory consultation starting in January 2015. Hopefully a scheme can progress and work start in February 2015 to create additional parking spaces in Derwent Parade.</p>

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28 January 2015	ITEM: 9
Council	
Result of the Aveley & Uplands by-election and review of the allocation of seats on committees	
Wards and communities affected: None	Key Decision: Not applicable
Report of: Graham Farrant, Chief Executive	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

A by-election was held in the Aveley & Uplands Ward on Thursday 4 December 2014 and this report provides Members with the details of the result.

Following the result of the by-election, the opportunity has been taken to review the allocation of seats on committees.

1. Recommendation(s)

- 1.1 That the result of the Aveley & Uplands by-election, held on 4 December 2014, be noted.**
- 1.2 That the allocation of seats on committees, as set out in Appendix 1, be approved.**

2. Introduction and Background

- 2.1 A by-election was held on 4 December 2014 to fill the vacancy in the Aveley & Uplands Ward.
- 2.2 This report provides Members with the details of the result of the by-election and also reports the position in respect of political balance and the allocation of seats on committees.

3. Issues, Options and Analysis of Options

- 3.1 A by-election to fill the vacancy on the council was held in the Aveley & Uplands Ward on Thursday 4 December 2014. The result of this is set out in the table below.

Name of Candidate	Description	Number of Votes
AKER, Tim Mark	UK Independence Party	747 Elected
O`REGAN, John	Labour Party Candidate	338
STRINGER, Edward Andrew	Independent	217
WEBSTER, Teresa	The Conservative Party Candidate	520

- 3.2 Accordingly, the Returning Officer declared that Tim Aker was duly elected as a councillor for the Aveley & Uplands Ward.

Political balance and allocation of seats on committees

- 3.3 On 22 October 2014, the Council considered a report following the by-election in West Thurrock & South Stifford. At this meeting, it was agreed that the Council would not change the allocation of seats on committees and therefore leave the membership of committees as they were until the result of the by-election in the Aveley and Uplands Ward was known (Minute No.59(4) refers).
- 3.4 This meant that the following seats on committees, previously allocated to the UKIP Group, would be left vacant:
- Children's Services Overview and Scrutiny Committee
 - Health and Wellbeing Overview and Scrutiny Committee
- 3.5 Following the recent by-elections in both the West Thurrock & South Stifford Ward and the Aveley & Uplands Ward, the political balance of the Council has returned to the position originally reported at the Annual Meeting of the Council on 11 June 2014. This is set out in the table below for Members' information:

Group	Councillors	%
Labour	23	47%
Conservative	18	37%
UKIP	6	12%
Independent	2	4%
Total	49	100

3.6 The position reported to the Annual Meeting of the Council on 11 June in respect of the allocation of seats on committees was as follows:

- (a) As a result of the rounding of the strict entitlement to seats, the calculation allocated an additional seat on the Licensing Committee that took it above the actual size of the Committee. The Group that were statistically least entitled to this were the Conservative Group, with 0.51, as opposed to the Independent Group with 0.61 and UKIP with 0.84. As a result, after giving up the seat on the Licensing Committee, the Conservative Group now required 2 seats to be allocated to them in order to bring them into line with their strict entitlement.
 - (b) A seat was to be allocated on the Planning Committee. The Group that was statistically the most under represented on this Committee was the Independent Group. If any other Group were to be allocated this seat, they would have a greater statistical over representation on the Committee than the Independent Group. Accordingly, the seat was given to the Independent Group.
 - (c) UKIP were required to give up 2 seats in order to bring them into line with their strict entitlement. Statistically, they had a greater over representation on those committees that comprise 6 Members, namely, all of the Overview & Scrutiny committees and the Standards and Audit Committee. UKIP were to give up two seats, to be drawn from those they have been notionally allocated on the aforementioned committees, in order to bring them into line with their strict entitlement to 10 seats across all committees.
- The UKIP Group gave up seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee.
- (d) The Labour Group were required to give up 1 seat in order to bring them into line with their strict entitlement. Statistically, the Committee they were most over represented on was the Corporate parenting Committee. They gave up this seat in order to bring them into line with their strict entitlement to 38 seats across all committees.
 - (e) The Conservative and Independent Groups were owed 2 and 1 seats respectively to bring them into line with their strict entitlement. Seats were available on the Corporate Parenting Committee, the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee.
 - (f) The Independent Group had the greatest under representation on the Corporate Parenting Committee and therefore were allocated this seat in order to bring them into line with their strict entitlement to 3 seats across all committees.

- (g) The Conservative Group were allocated the remaining two seats that had been given up by UKIP, in order to bring them into line with their strict entitlement to 30 seats across all committees.

The Conservative Group has not yet nominated to the two seats given up by UKIP at the Annual Council Meeting on 11 June 2014 and, as a result, seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee have remained vacant.

- 3.7 Group Leaders have been consulted and have reiterated their agreement to the previously reported and agreed position, as set out above.
- 3.8 Accordingly, there are no changes required to the allocation of seats on committees.
- 3.9 However, the UKIP Group will be required to nominate to the vacancies that exist on both the Children's Services Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee.
- 3.10 It should be noted that the Conservative Group has not yet nominated to the two seats given up by UKIP at the Annual Council Meeting, with these being on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee. Both seats will remain vacant until such time as nominations are made.
- 3.11 An opportunity exists on the Agenda for Groups to make nominations to seats on Committees that have been allocated to them, with the Council subsequently being asked to make the appointments that have been requested.

4. Reasons for Recommendation

- 4.1 The Council is being asked to note the result of the Aveley & Uplands by-elections and approve the political balance calculation in order for appointments to be made to the vacancies that currently exist on committees.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Consultation has been undertaken in respect of this report with the Leader of the Council and the Leaders of each of the political groups.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 It is important for the council to properly constitute its committees in order to ensure that it properly represents the interests of both the authority and the wider community.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications arising from this report.

7.2 Legal

Implications verified by: **Fiona Taylor**
Head of Legal and Monitoring Officer

A review of the allocation of seats on committees has been undertaken following the result of the Aveley & Uplands By-election, in accordance with Section 15 of the Local Government and Housing Act 1989.

Once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.

7.3 Diversity and Equality

Implications verified by: **Teresa Evans**
Equalities and Cohesion Officer

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. Therefore attention is drawn to the importance of ensuring that appointments to committees are underpinned by appropriate training on the statutory equality framework.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- **Appendix 1** – allocation of seats on committees

Report Author:

Matthew Boulter

Principle Democratic Services Officer

Chief Executive's Office

No-Majority Proportionality

Party Group	Conservative		Labour		Independent		UKIP		Ungrouped / Seats to allocate	Total	
	Number of members										
Number of members	18		23		2		6		0	49	
Overall proportionality	0.367346939	36.73%	0.469387755	46.94%	0.040816327	4.08%	0.12244898	12.24%			
Total strict entitlement	29.75510204		38.02040816		3.306122449		9.918367347				
Total rounded entitlement	30		38		3		10		81	0	
Committee	Size of Committee	Strict entitlement	Rounded Entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement	Strict entitlement	Rounded entitlement	Total Rounded Entitlement	
Children's O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Cleaner & Greener O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Corporate O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Health O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Housing O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Planning, Transport & Regeneration O&S	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Planning	9	3.31	3	4.22	4	0.37	0	1.10	1	8	1
Licensing	15	5.51	6	7.04	7	0.61	1	1.84	2	16	-1
General Services	7	2.57	3	3.29	3	0.29	0	0.86	1	7	0
Corporate Parenting	8	2.94	3	3.76	4	0.33	0	0.98	1	8	0
Standards & Audit	6	2.20	2	2.82	3	0.24	0	0.73	1	6	0
Total seats	81		29		39		1		12	81	0
Adjustments			1		-1		2		-2		

The position reported to the Annual Meeting of the Council on 11 June was as follows:

- The total rounded entitlement of each party group is compared with the total number of seats allocated to that group. The allocations are then adjusted manually to ensure that the number of seats allocated to a particular group matches their entitlement.
- As a result of the rounding of the strict entitlement to seats, the calculation has allocated an additional seat on the Licensing Committee that takes it above the size of the Committee. The Group that are statistically least entitled to this are the Conservative Group, with 0.51, as opposed to the Independent Group with 0.61 and UKIP with 0.84. As a result of this, the Conservative Group now required 2 seats to be allocated to them in order to bring them into line with their strict entitlement.
- A seat is to be allocated on the Planning Committee. The Group that is statistically the most under represented on this Committee is the Independent Group. If any other Group were to be allocate this seat, they would have a greater statistical over representation on the Committee than the Independent Group.
- UKIP are required to give up 2 seats in order to bring them into line with their strict entitlement. Statistically, they have a greater over representation on those committees that comprise 6 Members, namely, all of the Overview & Scrutiny committees and the Standards and Audit Committee. UKIP should therefore give up two seats, to be drawn from those they have been notionally allocated on the aforementioned committees, in order to bring them into line with their strict entitlement to 10 seats across all committees. The UKIP Group gave up seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee.
- The Labour Group are required to give up 1 seat in order to bring them into line with their strict entitlement. Statistically, the Committee they are most over represented on is the Corporate parenting Committee. They should therefore give this seat up in order to bring them into line with their strict entitlement to 38 seats across all committees.
- The Conservative and Independent Groups are owed 2 and 1 seats respectively to bring them into line with their strict entitlement. A seat is available on the Corporate Parenting Committee and two seats are available as a result of UKIP giving up seats on any two of the committees with 6 members - this will affect the 6 overview & scrutiny committees and the Standards & Audit Committee.

- 7 The Independent Group have the greatest under representation on the Corporate Parenting Committee and therefore should be allocated this seat, in order to bring them into line with their strict entitlement to 3 seats across all committees.
- 8 The Conservative Group should therefore be allocated the remaining two seats that have been given up by UKIP on any two of the committees with 6 members, namely the 6 overview & scrutiny committees and the Standards & Audit Committee, in order to bring them into line with their strict entitlement to 30 seats across all committees. The Conservative Group has not nominated to the two seats given up by UKIP at the Annual Council Meeting on 11 June and as a result, seats on the Cleaner, Greener & Safer Overview and Scrutiny Committee and on the Standards & Audit Committee have remained vacant.

28 January 2015	ITEM: 11
Council	
Council Tax Base 2015/16	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor John Kent, Leader	
Accountable Head of Service: Sean Clark, Head of Corporate Finance	
Accountable Director: Graham Farrant, Chief Executive	
This report is Public	

Executive Summary

This report sets out the number of properties within Thurrock and classifies them into Band D equivalents for budget setting purposes. A contributing factor to this calculation are the various discounts that can be awarded to properties and this report recommends a change to the discount for empty unfurnished properties.

1. Recommendation(s)

- 1.1 That the discount for empty unfurnished properties be reduced to 100% for one month; and
- 1.2 That pursuant to the Head of Corporate Finance report and in accordance with the relevant regulations, the amount calculated by Thurrock Council as its Council Tax Base for the year 2015/16 shall be 47,889.

2. Introduction and Background

- 2.1 This report is one of the components required for the setting of the 2015/16 budget and Council Tax. It does not fix the Council Tax rate. This will be decided as part of the 2015/16 Budget reports, which will be considered in February 2015.

The Council's Constitution does not delegate these determinations to Cabinet or any officer and so requires a decision from Council.

3. Issues, Options and Analysis of Options

- 3.1 The Council has discretion over discounts for domestic properties. Historically, for Empty Unfurnished Properties, the Council has granted a 100% discount for a period of three months.
- 3.2 A saving proposal that has been considered over recent months as part of the Shaping the Council programme, has been whether to reduce this discount. Options included the period and level of discount.
- 3.3 The original proposal was to remove any discount completely and this was considered by the Corporate Overview and Scrutiny Committee as part of the consultation process. The Committee agreed with the principle but recommended that instead of being removed completely, the discount should remain at 100% but only for a period of one month. This was subsequently considered and accepted by Cabinet.
- 3.4 The Council Tax base represents the Council's total taxable resources. A brief explanation of the method of calculation is given in this report. The full Council is required to make this calculation and, because it is also used by the Police and Fire Authorities to calculate the precept payable, the precepting bodies must be notified of the result before 31st January in each year.

4. Reasons for Recommendation

The Tax Base Calculation

- 4.1 The Valuation Officer of the Inland Revenue (called the Listing Officer for Council Tax purposes), places each property in the Borough in one of eight valuation bands. Each band relates to the estimated capital value of the property as at 1st April 1991. Examples are that the lowest band (A) covers properties that were then up to a value of £40,000 whereas the highest band (H) covers all properties which then exceeded £320,000 in value.
- 4.2 Having done this, the Listing Officer produces a Valuation List, which shows the band allocated to each property. The individual properties are then added together to produce the total number of properties in each band and the total of all properties in the Borough. The current list for this Authority gives the following results:

BAND	<u>NUMBER OF PROPERTIES</u>
A	7,343
B	13,101
C	26,269
D	11,339
E	4,399
F	2,053

G	778
H	41
Total	65,323

- 4.3 From this it can be seen that 71.5% of Thurrock properties are in Bands A-C.
- 4.4 Each band will be charged a different amount of tax. The proportion payable by each band is laid down by statute. A Band D property was taken as the national average and occupants of these properties will therefore pay the base rate of tax. Lower banded properties pay less (Band A properties pay two thirds of the Band D rate) while higher banded properties pay more (Band H properties pay twice the Band D rate).
- 4.5 As required, the full calculation of the tax base is set out in Appendix 1 to this report.

The Final Calculation

- 4.6 2013/14 saw the introduction of the Local Council Tax Scheme (LCTS) that required those of working age that were in receipt of Council Tax Benefit to now have to pay a minimum of 25% of the annual charge. As this applies to the more vulnerable sections of the community, it is not surprising to see lower rates of collection from this group. On non LCTS bills, the Council is collecting circa 99%. Adjusting for LCTS, it is prudent to set an overall collection rate of 98.75% and so account for 1.25% non collection. After this and other adjustments have been made, the final tax base would look as follows:

BAND	<u>NUMBER OF PROPERTIES</u>
A*	5
A	2,794
B	7,292
C	18,937
D	9,920
E	4,898
F	2,770
G	1,223
H	51
Total	47,889

A* is Band A properties entitled to Disabled Relief reduction.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 There has been no consultation on this report.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The only impact is that this is a key component in the calculation of the Council Tax.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

A council tax base of 47,889 is an increase over the 2014/15 council tax base of 1,445 that, at the level of the 2014/15 council tax, would raise an additional £1.66m. This increase has already been factored into the MTFS.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Deputy Monitoring Officer

The Council Tax base must be calculated in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2003 and Section 33 of the Local Government Finance Act 1992.

7.3 Diversity and Equality

Implications verified by: **David Lawson**
Deputy Head of Legal & Deputy Monitoring Officer

There are no direct diversity implications noted in this report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

There are no other implications arising from this report.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- There are various working papers within the Revenues Section.

9. Appendices to the report

- Appendix 1 – detailed calculation of the 2015/16 Council Tax Base

Report Author:

Sean Clark

Head of Corporate Finance

Corporate Finance

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COUNCIL TAX BASE Year 2015/16

1 Band	2 Total Properties	3 No. of Discounts	4 Exempt Properties	5 Net Disabled Relief	6 LCTS	7 LT Premiums	8 Changes in Year			11 Sub Total	12 Total Band "D" Equiv	13 Adj for collection rate	14 Tax Base (Rounded)
				(+) or (-)			Estimated Discounts	New Properties	Demolitions				
A*	0	(-) 2	(-) 0	(+) 11	(-) 1,919	(+) 10	(-) 0	(+) 0	(-) 0	9	5	1.25%	5
A	7,343	1,066	160	15	2,170	11	0	23	0	4,244	2,830	35	2,794
B	13,101	1,391	180	82	2,626	15	0	41	1	9,494	7,384	92	7,292
C	26,269	1,884	244	-37	531	5	0	82	1	21,573	19,176	240	18,937
D	11,339	663	97	-42	113	2	0	35	1	10,045	10,045	126	9,920
E	4,399	203	34	-6	35	1	0	14	0	4,058	4,960	62	4,898
F	2,053	61	8	-14	13	2	0	6	0	1,942	2,805	35	2,770
G	778	27	2	3	0	0	0	2	0	743	1,239	15	1,223
H	41	2	1	-12	0	0	0	0	0	26	51	1	51
TOTALS	65,323	5,299	726	0	7,407	45	0	203	3	52,135	48,496	606	47,889

note A* is band A properties entitled to disabled relief reduction.

Column Key

- 1 Property Bandings
- 2 Total Number of Properties as per VO list
- 3 Ratio of properties receiving discounts relating to Single Persons and 1st disregard at 25% and Second Disregards at 50%, Class A at 50% and Class C at 100%
- 4 Number of Exempt properties by band inc. exemption classes B,D,E,F,G,H,I,J,L,N,R,S,T,V,W
- 5 Banding adjustments for Disabled relief
- 6 Ratio of Properties receiving CTS
- 7 Ratio of Properties charged 50% premium for long term empties
- 8 Forecast for increase/ decrease in discounts next year
- 9 Net estimate of new properties (Full year equivalents)
- 10 Net estimate of demolitions

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28 January 2015	ITEM: 12
Council	
Determination of The Collection Fund Balance 2014/15	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor John Kent, Leader of the Council	
Accountable Head of Service: Sean Clark, Head of Corporate Finance	
Accountable Director: Graham Farrant, Chief Executive	
This report is Public	

Executive Summary

The Collection Fund regulations require a local authority to estimate the balance on its Collection Fund as at 31 March each year. Any such balance relating to Council Tax is to be distributed to/borne by the Council and the Essex Police and Fire Authorities in proportion to the value of their respective precepts.

Any such balance relating to Business Rates is to be distributed to/borne by the Council, Central Government and Fire Authority in proportion to the agreed split under regulations.

1. Recommendation(s)

1.1 (a) Determines the estimated 31 March 2015 balance of Thurrock Council's Council Tax Collection Fund to be a surplus of £1,164,181 (before distribution to major precepting authorities).

(b) Allocates the surplus to the three main precepting bodies in proportion to their precepts for 2014/15 as follows:

- i) Thurrock Council £980,495;**
- ii) Essex Police Authority £125,779; and**
- iii) Essex Fire Authority £57,907.**

1.2 That the Council:

(a) Determines the estimated 31 March 2015 balance of Thurrock Council's Business Rate Collection Fund to be a deficit of £8,896,308 (before distribution to Central Government and Essex Fire Authority).

(b) Allocates the deficit to the three main precepting bodies in the proportion set out in legislation:

- (i) Thurrock Council £4,359,191;**
- (ii) Central Government £4,448,154; and**
- (iii) Essex Fire Authority £88,963.**

2. Introduction and Background

2.1 This report sets out the information required for Council to agree:

- the determination of the estimated balance of the Council Tax Collection Fund that will be apportioned between the Council and the major precepting authorities (the Police and Fire Authorities) and;
- the determination of the estimated balance of the Business Rate Collection Fund that is apportioned between the Council, Central Government and the Fire Authority in accordance with regulations.

The Council's Constitution does not delegate this determination to Cabinet or any officer and so requires a decision from Council.

2.2 Each billing authority is required to maintain a separate Collection Fund which shows its transactions in relation to business rates and council tax and illustrates the way that these have been distributed to preceptors and the General Fund.

2.3 The key reasons for balances arising on the Collection Fund are:

- The estimated Council Tax Base may differ from the actual position throughout the year. The Council Tax Base comprises of the number of properties, the number of voids and the various discounts and exemptions awarded, it is inevitable that these will change and that a difference will arise.
- The Business Rates estimated at the start of the year and any predicted growth in those rates may differ from the actual amounts collectable from business rate payers, mainly as a result of growth and business closures.
- The Collection Fund also includes contributions to the bad debt provisions for Council Tax and Business Rates which are reassessed each year.

2.4 Council Tax billing authorities are required by the local Authorities (Funds) (England) Regulations 1992 to estimate any surplus or deficit on their Council Tax Collection Fund for the year as at 15 January every year and, at the same time, apportion such amount between themselves and the major precepting authorities.

- 2.5 Billing authorities are required by the Local Government Finance Act 2012 to estimate any surplus or deficit on their Business Rate Collection Fund for the year as at 15 January every year and, at the same time, apportion such amount between themselves and the major precepting authorities in accordance with regulations. This is then notified to central government through the NNDR 1 form. However the form has not yet been issued and is likely to be amended following the Chancellor's Autumn Statement. This will be populated using the data supporting the position included in this report and will be presented at the February Cabinet meeting.
- 2.6 Based on the latest forecasts of collections and write offs the Council Tax Collection Fund is estimated to be a surplus of £1,164,181 as at 31 March 2015. This is apportioned to the major preceptors as follows:

Major Precepting Authority	£
Thurrock Council	980,495
Essex Police Authority	125,779
Essex Fire Authority	57,907
Total Allocated	1,164,181

- 2.7 The Council's share of the balance is a surplus of £980,495 which has been taken account of in the budget for 2015/16 and has been included in the MTFS.
- 2.8 Based on the latest forecasts of collections and write offs the Business Rates Collection Fund is estimated to have a deficit of £8,896,308 as at 31 March 2015. This is apportioned under regulations as follows:

Major Precepting Authority	£
Thurrock Council	4,359,191
Central Government	4,448,154
Essex Fire Authority	88,963
Total Allocated	8,896,308

- 2.9 The Council's share of the balance is a deficit of £4,359,191 which has been taken account of in the budget for 2015/16 and has been included in the MTFS.
- 2.10 The main cause of the ongoing deficit on the fund has been the significant provision for the impact of appeals lodged with the Valuation Office.

3. Issues, Options and Analysis of Options

- 3.1 A key issue in this calculation is the accounting for the levels of appeals that are with the Valuation Office. The calculation includes a provision for a reduction in business rates of an additional £1.72m in 2014/15 bringing the total provision to £15.3m. This is based on the levels of appeals waiting to be

heard and an assessment of their likelihood of success and then the ongoing impact in future billing.

- 3.2 This figure could obviously change significantly and any variation would be accounted for in the setting of the 2016/17 budget.

4. Reasons for Recommendation

- 4.1 There is a legal requirement to agree these calculations and to include it within the budget setting process.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report has been considered by Cabinet.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 There is no direct impact from the content of this report that is not already being considered as part of the budget consultation.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Corporate Finance

The Council's share of the Council Tax Collection Fund surplus is £980,495 and the share of the Business Rates Collection Fund deficit is £4,359,191. This has been considered in setting both the budget and MTFS.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Deputy Monitoring Officer

Council Tax billing authorities are required by the Local Authorities (Funds) (England) regulations 1992 to estimate any surplus or deficit on their Council Tax Collection Fund as at 15 January every year.

Business Rate billing authorities are required under the Local Government Finance Act 2012 to estimate any surplus or deficit on their Business Rate Collection Fund at 15 January every year.

7.3 **Diversity and Equality**

Implications verified by: **David Lawson**
Deputy Head of Legal & Deputy Monitoring Officer

There are no equalities issues arising from this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

In terms of risk, the estimated Council Tax Base includes prudent assumptions about the Tax Base and changes in exemptions, voids, discounts and the provision for bad debts.

The assumptions underpinning the amounts of business rate collectable and any associated bad debt provision are also considered to be prudent.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Statement of Accounts 2013/14
- Working papers retained by Corporate Finance

9. **Appendices to the report**

- There are no appendices to this report.

Report Author:

Sean Clark
Head of Corporate Finance
Corporate Finance

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28 January 2015	ITEM: 13
Council	
Local Council Tax Support Scheme	
Wards and communities affected: N/A	Key Decision: Non Key
Report of: Cllr Victoria Holloway, Cabinet Member for Central Services	
Accountable Head of Service: Sean Clark, Head of Corporate Finance	
Accountable Director: Graham Farrant, Chief Executive	
This report is Public	
Date of notice given of exempt or confidential report: N/A	

Executive Summary

It has been nearly two years since Local Authorities have run the new localised council tax support schemes that were implemented from April 2013. Thurrock Council initially implemented and agreed its current scheme through a public consultation exercise, held cross party Members working groups and through bringing reports both to Cabinet and Council. The current approved scheme recognises and takes into account people who are working and allows for extra earnings disregard as well as disregarding child maintenance and child benefit thus assisting those with children in households. As at the end of March 2014 the Council had collected 95.28% against the specific Council Tax Support portfolio.

The public consultation closed on the 28th September 2014. It is recognised that the response has been poor. The results indicated that the survey had attracted 154 “hits” and only 54 responses were fully completed. However the results give an indication that the respondents are supportive of how the scheme has been structured and how it’s been delivered. At the time of the public consultation the Sandwell ruling had just been made and it wasn’t clear whether Sandwell Council would challenge the ruling against the Local Residency rule. However it has now come to light that the Council will not be challenging this ruling. The ruling basically highlighted that the Billing Authority cannot invoke a local residency clause within its local scheme as there is no provision for this within the Local Government Finance Act.

1. Recommendation(s)

1.1 That the 2015/16 LCTS for Thurrock Council remains the same as it is for this current year thereby containing the following elements:

- **The first £25 per week of earned income will be disregarded when calculating levels of council tax support.**
- **The maximum capital limit is to be set at £6,000. This means anyone who has savings over £6,000 may not receive support with their Council Tax.**
- **Second adult rebate will no longer be awarded for working age claimants.**
- **For working age claimants, the maximum support that will be allowed will be 75% of the full Council Tax bill for the Banding of the property.**
- **Child Benefit and Child Maintenance received will not be included as income in the calculation of Council Tax Support.**
- **There will be a 100% disregard of military compensation payments, including War Disablement Pensions, War Widow's Pension and Armed Forces Compensation Scheme payments.**

2. Introduction and Background

2.1 The design of each LCTS must be finalised by 31 January at the very latest. Failure to provide a scheme by this date will trigger the implementation of a default scheme, imposed by the Government. The Government default scheme would require the Council to revert back to the level of support that would have been provided under the national Council Tax Benefit arrangements. Due to changes in the level of funding this would mean that the Council would have to find at least £1.3 million from elsewhere in its annual budget, currently collected from the amounts billed to those of working age.

2.2 Local authorities will take on the risk that liabilities under LCTS exceed that which has been budgeted for at the start of the relevant financial year. Furthermore the risk is shared between billing and major precepting authorities with about 15% of the Council Tax Thurrock collects being paid over to the Essex County Fire and Rescue Service and Essex Police.

3. Issues, Options and Analysis of Options

3.1 Officers initially used the modelling tools provided by Northgate IT software providers who support the Council's revenues systems to test a variety of possible schemes. The key variables were: definition of income, level of disregard for weekly earnings, level of savings at which households would not be eligible for support.

- 3.2 Based on the 2012/13 Council Tax Benefit expenditure of £11.3 million officers worked closely with both internal and external groups to devise the scheme we have in place for 2014/15. The Department of Communities and Local Government (DCLG) gave Thurrock a grant of £8.353 million and Precepting Authorities a separate amount to fund its LCTS for this financial year, leaving £1.3m to be collected from those of working age.
- 3.3 From the forthcoming financial year, any specific funding for LCTS is rolled up into the main Revenue Support Grant (RSG) as provided to local authorities by the DCLG. It will be entirely for local authorities to decide how much they are prepared to spend on LCTS. Officers considered that it was prudent to carry on for this year based on the same principles as we have currently adopted within our present LCTS as this will enable the Council to gather a full year's worth of information.
- 3.4 Officers have maintained a close working relationship with other Essex authorities and have continued to work on the same principles that were originally agreed at the start of the 2013/14 schemes:
- Common approaches to consultation between billing and major precepting authorities;
 - Joint working on consultation on scheme designs between Essex authorities and the public;
 - Standardised approaches to processes such as claims, fraud, appeals etc;
 - Common components to scheme designs.
 - There remains general consensus throughout Essex that the LCTS remain cost neutral, that is to say that the cost of Council Tax support will remain in line with the sum allocated to the LCTS.
 - The schemes will as far as possible also allow for expected growth in demand and where possible each authority will look to reduce the complex nature of the schemes and make them easier to claim and administer.
- 3.5 Some components of the LCTS have been directed by Government such as:-
- All low income pensioners will be protected under the national framework as defined by DCLG.
 - Consideration for protection for vulnerable working age groups will be allowed for.
 - Each authority's scheme will maintain work incentives wherever possible. The Government continues to stress the importance of this principle given

the current economic climate and the Government's welfare reform agenda.

4. Reasons for Recommendation

- 4.1 Officers have now been able to gather information based on the last 20 months activity regarding the additional collection of the billed amounts. The considered design of the scheme, building in various protections and incentives has contributed to the Council managing to sustain a high collection rate against this specific portfolio. In order to carry on with this high collection rate it is considered prudent that the same elements are kept going forward into the 2015/16 financial year.
- 4.2 The LCTS scheme must also be approved by full Council by the 31 January preceding the relevant financial year. Failure to adhere to this will mean the Council will have to operate a default scheme adding financial pressures that have not been budgeted for.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The Council carried out consultation which lasted for a period of 8 weeks and concluded on the 28th September 2014. The Council promoted the on line survey by placing adverts through the Council website and via local newspapers to raise awareness of the survey.
- 5.2 Appendix 1 highlights the 6 key questions concentrated on the design of the scheme.
- Question 1 asked whether changes ought to be made and a majority concluded that this should be the case.
- Question 2 focused on whether the percentage discount should remain the same; again the majority concluded that this should be the case. In modelling a reduction to a maximum of 70% discount it transpires it would affect an additional 5,928 households with an average increase of £44.35 per household.
- Question 3 asked if residents were in favour of a local residency rule. Although we are aware that we can't invoke such an element in our local scheme as already mentioned, it is interesting to note the response from the survey 85% (out of 53 responses) indicated that they were in favour of a local residency element to be included.
- Question 4 dealt with the working incentive, in that we disregard the first £25.00 of wages. This remains a popular element and continues to acknowledge that those working who still require some assistance are being rewarded as per the disregard within the scheme.
- Question 5 dealt with Child Benefit and Child Maintenance being disregarded, although the majority of responses indicate that these elements should be included in the scheme, the Council feels that by continuing to exclude these elements we are continuing to assist with the eradication of child poverty we are experiencing both from a national and local perspective and as a result will carry on with disregarding these elements within the scheme.

Question 6 focussed on a Banding restriction, the results here indicated 55.5% responses in favour of reducing the assistance to the value of a band C council tax value. However when this was modelled it indicated that an additional 258 households would be impacted with an average increase in their Council Tax bills of £168.99 per household. The Council has considered this and feels that it would be unfair to invoke such an increase on a small number of households that would be impacted against this element.

5.3 Appendix 2 provides the additional comments received regarding the scheme, it is worth noting here that when compared with Appendix 3 highlighting diversity information that only 7 of the respondents who replied are actually in receipt of assistance towards their Council Tax bills from these scheme.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The current LCTS in place has, as much as possible, encompassed all the different criteria necessary to enable a balanced local scheme to be delivered. It has by no means been without challenges especially in engaging with residents, for whom this would have been the first time many would have been asked to pay something towards their Council Tax. The Council has a Fair Debt Policy and this is adopted as part of the collection of Council Tax.

7. Implications

7.1 Financial

Implications verified by: **Sean Clark**
Head of Finance

The financial implications are set out in the body of the report. Any increases to the amounts collectable from residents would need to be considered against collection rates. The overall amount to be provided by DCLG towards 2015/16 is now absorbed into the RSG. As such, it is difficult to set a scheme within the financial parameters of grant awarded and so the scheme now needs to be set on the fairness of individual measures within it whilst considering the financial needs of the Council. This scheme is in line with the current MTFs assumptions.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Deputy Monitoring Officer

The Council Tax Benefit system was abolished by Section 33 of the Welfare Reform Act 2012. The Local Government finance bill prescribed certain steps in the design of a local scheme, such as consultation and publication, and

enables the Secretary of State to introduce both Regulations and Guidance relating to local schemes. The Government has indicated Regulations will ensure that pensioners will not lose or gain relative to the current system.

Any local scheme will need to be ratified by full Council by the 31 January 2015 at the latest to enable the authority to implement its LCTS from the new financial year being 01 April 2015.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

The Council has a duty as set out in the Equality Act 2010 to consider the equality impact of its policies and decisions. The current LCTS should be considered in the wider context of welfare reform and localism which may have other impact on poorer households, in particular as other elements of welfare reform, such as Universal Credit, are fully rolled out over the next few years.

The Council will need to be satisfied that any LCTS that is adopted is based on good equality analysis as any scheme will be highly relevant to the equality of duty.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

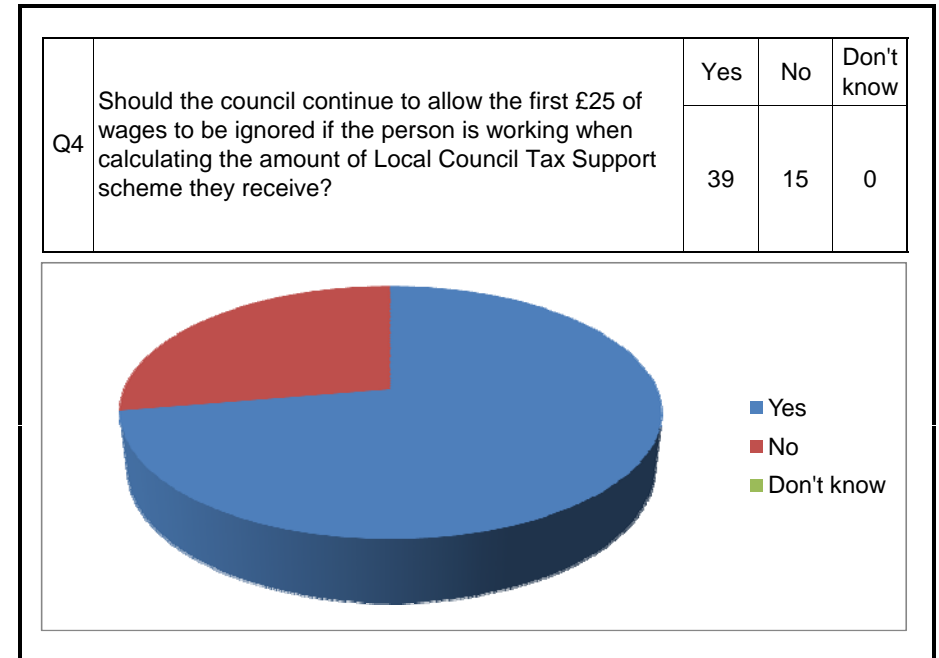
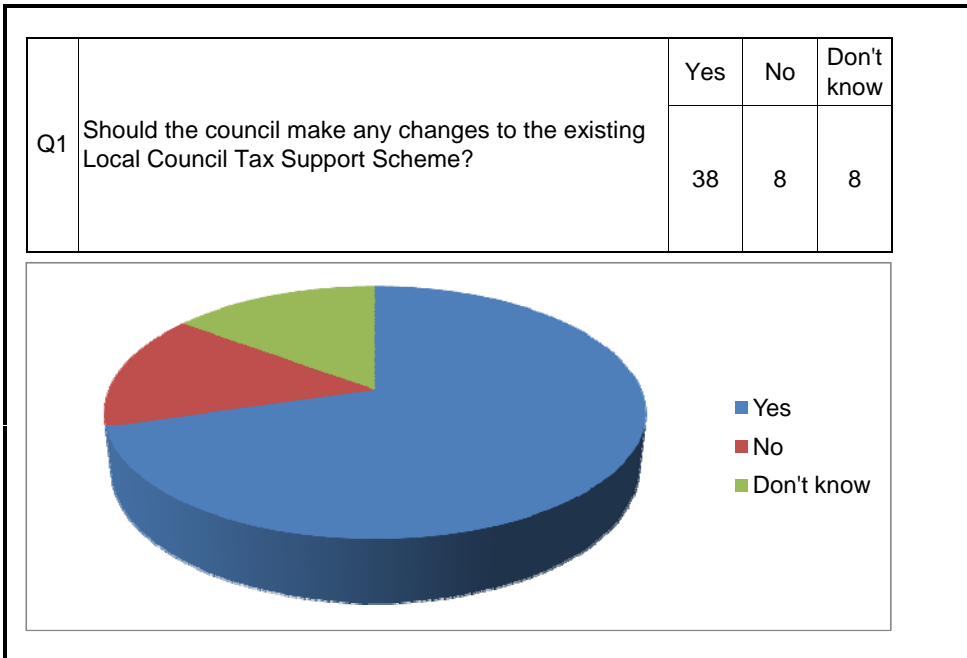
- Appendix 1 LCTS Survey Results September 2014
- Appendix 2 Survey comments September 2014
- Appendix 3 LCTS survey Diversity Information September 2014

Report Author:

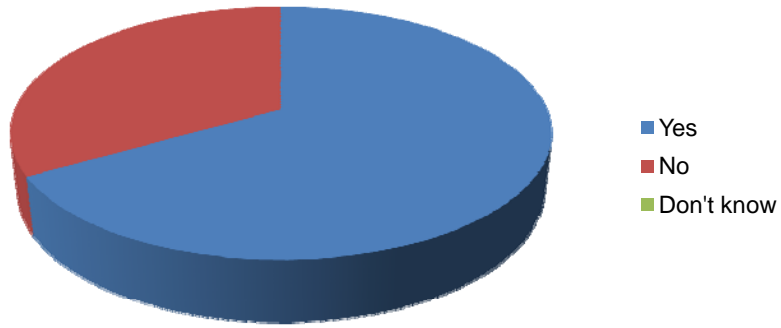
Seraphim Zacharia
Business and Strategic Development Manager
Finance

Thurrock Council - Local Council Tax Scheme

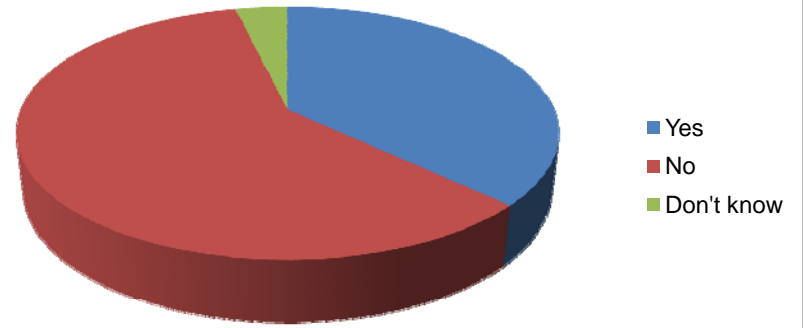
Survey Response 2014



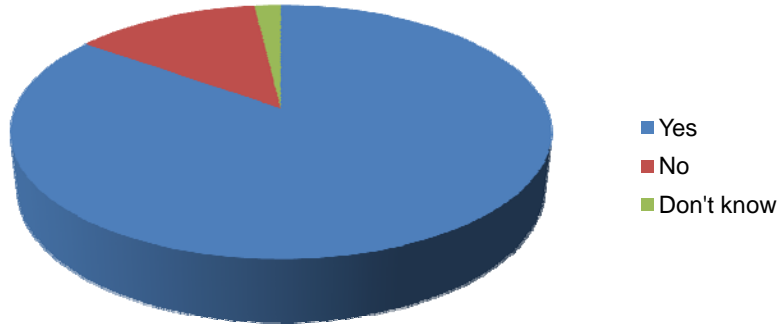
Q2	At the moment working age people who have very low income have up to 75% of their Council Tax paid through the local Council Tax Support scheme.Do you agree that this should remain the same for financial year 2015/16?	Yes	No	Don't know
		36	18	0



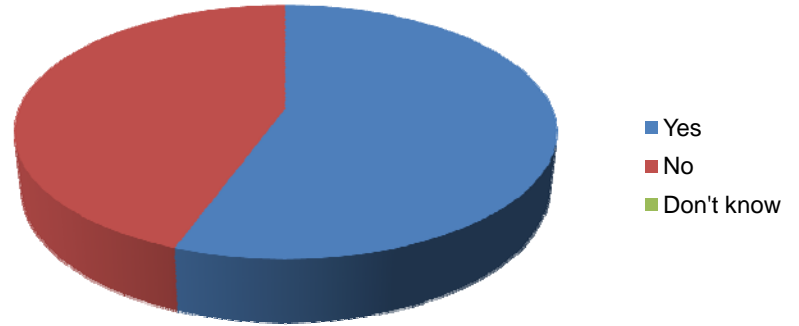
Q5	Currently Child Benefit and Child Maintenance are not counted as income for Local Council Tax Support. We propose to continue to ignore this income under the scheme.Do you agree?	Yes	No	Don't know
		20	32	2



		Yes	No	Don't know
Q3	Do you agree with a Local Residency rule, as described on the previous page, being introduced in the Local Council Tax Support scheme?	45	7	1



		Yes	No	Don't know
Q6	Currently there is no Banding restriction in place, this means that all residents receiving Local Council Tax support assistance get up to the maximum of 75% off their Council Tax Bill. Should this help be restricted up to the Council Tax band value of a band C property?	30	24	0



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Appendix 2 Survey comments

Please use the space below for any comments about the proposed scheme for 2015/16
Why should we disregard child benefit and child maintenance for this scheme as clearly
I think people should pay more than 25% as a senior citizen in full time work I get 25% SPD I pay full rent and because I work full time my age is not taken into account but if I had not
I cannot understand why people on child benefit and child maintenance benefits are not counted as an income. I know people who have numerous children and end up with more money than I earn working hard, simply through these benefits! They use just as much, if not more, of the services Council Tax pay for therefore why should they be exempt?! What
I consider it desperately unfair that unemployed people i.e. those getting Â£72 a week in Jobseekers Allowance are forced to pay council tax (albeit a proportion. You should start by
I agree that Thurrock Council should introduce a residency rule for Local Council Tax support. As a council tax payer I have no issue whatsoever in supporting vulnerable and needy people but I feel we should encourage individuals into work and not give them too many incentives to stay unemployed. I also think money paid into Thurrock Council by hardworking people over the years should be used to support local people in the first instance. I am in favour of discouraging benefit immigration, where people move into the
I strongly support that claimants should have been residents in the borough for at least 5 years, maybe this will stop people coming to Thurrock who think they will get an easy ride
If the applicant is in a larger property than they can afford they always have the option of
Having the council tax allowing people to claim when they have been placed from another borough is unfair as this lessens up the housing for local residents, I feel that 5 years living in the area before being allowed council tax relief is important as the borough will result in
We need to ensure that all residents in Thurrock Borough do not abuse the housing benefits and c/tax system. We are seeing too many people re-locating here because
The answering system in this survey is biased as it does not provide enough option for users to select what they truly think is right, nor as an opinion box like this one been provided below each question. Therefore the outcome of this survey will not reflect in any
Good idea. Should also be restricted up to band C
Should be up to a band D
If you introduce a residency rule into the council tax support scheme and I have just moved into the borough and I receive Jobseekers Allowance and you say that I have to pay full council tax then I am very unlikely to pay it as it would be better to force the council to take of the statutory deduction from benefit which is currently set Â£3.65 for the 2014-2015
I'm pretty sure that those receiving Child Benefit/Maintenance use that as an declared
You should not be penalising people who have moved to the area due to work and then suddenly find themselves unemployed. Had this been in place last year, I would not have think should be help most people on low income and people in wheelchair more than family
Currently I am struggling to get any form of support or understanding in regards to my council tax bills which was only issued in June as I do not get paid till end of September for the term as I am a full time social work degree student and as well a single to 3 children. All efforts to come to a viable arrangement with the Thurrock council tax team has proved abortive and is pushing me far into debt as well as threatening my health I am happy and willing to agree to clear a huge amount off at the end September and finally clear the little if any left in January has been all abortive. I find their attitude very draconian no one seems to listening I don't have a job so no regular income, I get monthly child benefit of Â£136 and
The residency restriction for Council Tax support and is almost certainly illegal - see Sandwell MBC & Winder, Downen & Hampton & Equality Commission. 30 July 2014 - England & Wales High court [Administrative Court] Case CO/633/2014. The residency

People on low incomes should have 100% of their Council Tax paid. This shouldn't be affected by the length of time a person lives in an area but on income. It could deter some people from moving to this area for employment purposes if they are unable to obtain assistance with Council Tax. If the same system is in place in other boroughs, people in Thurrock on low wages will be deterred from moving. It lowers the standard of living and quality of life of people who are unable to find work/only able to find low paid work.

I agree that people should not be able to claim council tax relief if they have not lived within Thurrock for less than 5 years. However, Â£6000 savings cap is too low. You should bring it in line with figures they use for income support. I've lived in Thurrock for over 10 years,

It needs to be fair and equitable. If people are entitled to it there should be a simple process covering all applicants. If they meet the criteria you shouldn't penalise people in a larger

Appendix 3 Diversity Information

Are you responding as a resident or on behalf of an organisation ?	What is your postcode?	Do you or your partner receive Local Council Tax Support?	Please tick the description(s) below that best describes your household	Are you in the Armed Forces or ex-service personnel?	Are you a war widow?	Are you...?	What is your age?	Do you have any long-standing illness, disability or infirmity? (Long-standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time)	To which of these groups do you consider you belong to?	What is your religion?	Do you consider yourself to be...?
Resident	RM17	No	A household w	No	No	Female	45 - 54 years	No	White English	Christian	Heterosexual or straight
Resident	RM15 6NW	No	A single pers	No	No	Female	55 - 64 years	NOT AT PRESENT	White English	Christian	Heterosexual or straight
Resident	RM18 8YP	Don't know	A single pers	No	No	Female	25 - 34 years	No	White English	No religion	Heterosexual or straight
Resident		Yes	A single pers	No	No						
Resident	SS17 8RJ	No	A household w	No	No	Female	55 - 64 years	No	White English	No religion	Prefer not to say
Resident	RM16 2QU	No	A single pers	No	No	Female	65 years or a	No	White English	Christian	Heterosexual or straight
Resident	rm155hp	No	A household w	No	No	Female	45 - 54 years	not yet but will do in future	White English	Christian	Heterosexual or straight
Resident	rm17 6lh	No	A lone parent h	No		Female	45 - 54 years	No	White English	Any other reli	Heterosexual or straight
Resident	SS16	No	A household w	No	No	Female	55 - 64 years	I can only work part time	White English	Christian	Heterosexual or straight
Resident	rm16	Yes	A family with o	Yes	No	Female	45 - 54 years	No	White English	No religion	Bisexual
Resident	RM17	No	A family with o	No	No	Male	35 - 44 years	yes	White English	Christian	Heterosexual or straight
		No	A carer	No	No	Female	45 - 54 years	No	White English	No religion	Heterosexual or straight
Resident		No	None of the ab	Yes	No	Male	55 - 64 years	No	White English	Christian	Prefer not to say
Resident	RM19 1NW	No	A single pers	Yes	No	Male	25 - 34 years	No	White English	Any other reli	Heterosexual or straight
Resident	rm15 5dh	Yes	A single pers	No	No	Female	25 - 34 years	yes long term sick and indefity period	White English	No religion	Prefer not to say
Resident	RM15 4LU	No	A family with o	No	No	Female	45 - 54 years	No	Any other bla	Christian	Heterosexual or straight
Resident	RM15 6JA	No	None of the ab	No	No	Male	65 years or a	No	White English	No religion	Heterosexual or straight
Resident	RM18 7SS	Yes	A single pers	No	No	Female	45 - 54 years	Yes	White English	No religion	
Resident	rm16 2ja	No	A lone parent h	No	No	Female	35 - 44 years	No	White English	No religion	Heterosexual or straight
Resident	RM166NW	No	A family with th	No	No	Male	45 - 54 years	Mobility	White English	Christian	Heterosexual or straight
			A family with o	No							
Resident	Rm15 5ju	No	None of the ab	Yes	No	Male	65 years or a	No	White English	Christian	Heterosexual or straight
Resident		No	None of the ab	No	No	Female	25 - 34 years	No	Black/Black E	Christian	Prefer not to say
Resident	RM16	No	A lone parent h	No	No	Female	35 - 44 years	No	White English	No religion	Heterosexual or straight
Resident	RM16 4RB	No	A family with o	No	No	Female	35 - 44 years	No	White English	Christian	Prefer not to say
Resident	RM17 6PQ	No	A household w	Yes	No	Male	45 - 54 years	No	Mixed White	Christian	Prefer not to say
Resident	RM191LA	No	A family with o	No	No	Female	25 - 34 years	No	White English	Christian	Heterosexual or straight
Resident	rm188hf	Yes	A family with o	No	No	Female	45 - 54 years	wheelchair bound	White English	No religion	Heterosexual or straight
Resident	rm164dh	No	A single pers	No	No	Male	35 - 44 years	No	White English	Christian	Heterosexual or straight
Resident	rm17 6eq	No	A household w	No	No	Male	25 - 34 years	No	Mixed White	Muslim	Gay or Lesbian

Are you responding as a resident or on behalf of an organisation ?	What is your postcode?	Do you or your partner receive Local Council Tax Support?	Please tick the description(s) below that best describes your household	Are you in the Armed Forces or ex-service personnel?	Are you a war widow?	Are you...?	What is your age?	Do you have any long-standing illness, disability or infirmity? (Long-standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time)	To which of these groups do you consider you belong to?	What is your religion?	Do you consider yourself to be...?
Resident	RM15 4NH	No	A household w	No	No	Male	35 - 44 years	I'm having treatment for venous sinus thrombosis	White English	Christian	Gay or Lesbian
Resident		Yes	A single person	No	No						
Resident	RM15 6HZ	No	None of the ab	No	No	Male	45 - 54 years	No	White English		
Resident	RM17 5QT	No	A household w	No	No	Male	45 - 54 years	No	White English	No religion	Heterosexual or straight
Resident	rm175jb	No	A single person	No	No	Female	45 - 54 years	No	White English	Christian	Heterosexual or straight
Resident	rm16 3hj	No	None of the ab	No	No	Male	65 years or a	No	White English	Christian	Prefer not to say
Resident	RM16 3ER	No	A single person	No	No	Male	55 - 64 years	No	White English	Christian	Heterosexual or straight
Resident	RM17 5YQ	No	A household w	Yes	No	Male	45 - 54 years	No	White English	No religion	Prefer not to say
Resident	rm17 6du	No	A household w	No	No	Female	55 - 64 years	Yes	White English	Christian	Heterosexual or straight
Resident	RM17 5QT	No	A household w	No	No	Male	24 years or b	No	White English	No religion	Heterosexual or straight
Resident	RM17 5QT	No	A household w	No	No	Female	24 years or b	No	White English	No religion	Heterosexual or straight
Resident	RM17 5QT	No	A household w	No	No	Female	45 - 54 years	No	White English	No religion	Heterosexual or straight
Resident	RM20 4YE	Yes	A household w	Yes	No	Female	45 - 54 years	Diabetic	White English	Christian	Heterosexual or straight
Resident	RM17 6AN	No	A household w	No	No	Female	55 - 64 years	slightly at the moment	White English	Christian	
Resident	Rm17 6FB	No	A single person	No	No	Male	25 - 34 years	No	White English	Christian	Heterosexual or straight
		No	A carer	No	No	Female	45 - 54 years	No	White English	No religion	Heterosexual or straight
Resident		No	A single person	No	No	Female	45 - 54 years	Yes it does i have multiple sclerosis	White English	Christian	Heterosexual or straight
Resident	Ss17 7gj	No	A household th	No	No	Female	35 - 44 years	Yes	White English	Christian	Heterosexual or straight
Resident	RM15 5JU	No	A single person	No	No	Male	65 years or a	No	White English		
Resident	rm19 1px	No	A single person	No	No	Female	25 - 34 years	No	Any other wh	Christian	Heterosexual or straight
Resident		No	None of the ab	Yes	No	Male	55 - 64 years	No	White English	Christian	Prefer not to say
Resident	rm154hs	No	A household w	No	No	Male	24 years or b	No	White English	Christian	Heterosexual or straight
Resident	RM17 6DN	No	A household w	Yes	No	Male	45 - 54 years	Yes	White English	Any other reli	Heterosexual or straight
Resident	RM156EQ	Yes	A household w	No	No	Female	45 - 54 years	Yes	White English	Christian	Heterosexual or straight
Resident	Rm188eg	No	A family with th	No	No	Male	45 - 54 years	No	Black/Black E	Christian	
Resident	RM17 6XD	No	A household w	No	No	Male	35 - 44 years	No	White English	No religion	Heterosexual or straight

28 January 2015	ITEM: 14
Council	
Constitution Working Group – Governance Review	
Wards and communities affected: None	Key Decision: Not applicable
Report of: Fiona Taylor, Head of Legal and Democratic Services and Monitoring Officer	
Accountable Head of Service: Fiona Taylor, Head of Legal and Democratic Services and Monitoring Officer	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

On 22 October 2014 a motion was considered and unanimously agreed by the Council which instructed the Constitution Working Group to carry out a governance review, in order to judge the need for the committee, cabinet, mayoral, or hybrid forms of governance from May 2015 onwards (Minute No.66 refers).

In the course of debating the motion, the Leader of the Council suggested that an item on the Constitution Working Group be brought back to the next meeting of the Council and that a small budget be allocated to the group so that they could investigate thoroughly the advantages and disadvantages of different forms of governance with similar size authorities.

This report therefore seeks the agreement of the Council to the composition and membership of the Constitution Working Group, and, the allocation of a small budget to the Group, in order that it can then proceed with the review it has been tasked to undertake.

1. Recommendation(s)

1.1 That the Constitution Working Group comprise of 8 Members, to be drawn from each of the political groups represented on the Council, as set out below:

- **3 members of the Labour Group**
- **3 members of the Conservative Group**
- **1 member of the UKIP Group**
- **1 member of the Independent Group**

- 1.2 **That, subject to the agreement to recommendation 1.1, Group Leaders be invited to inform Council of their nominations to the Constitution Working Group**
- 1.3 **That the nominations of each of the political groups to the available seats on the Constitution Working Group be approved.**
- 1.4 **That a budget of £5,000 be allocated to the Constitution Working Group to enable it to properly investigate the advantages and disadvantages of different forms of governance amongst similar sized authorities.**

2. Introduction and Background

- 2.1 On 22 October 2014, the Council acknowledged that the current form of governance in Thurrock, an executive Leader and Cabinet model, had been in place for some time and that it was good to review systems to see where any improvements could be made in order to improve local democracy, scrutiny, efficiency and decision making.
- 2.2 It was agreed that the best and most appropriate vehicle to conduct the review would be the Constitution Working Group, who could investigate thoroughly the benefits and disadvantages of all forms of governance and then report back to the Council with their recommendations.
- 2.3 Members were in agreement that the operation of different forms of governance within similar size authorities to Thurrock should be examined. The Review is therefore likely to involve visits and communication with similar size local authorities (to be determined by the Constitution Working Group) who operate according to a range of governance arrangements. Therefore, as suggested by the Leader of the Council, it is recommended that a budget of £5,000 be allocated to the Working Group to enable them to undertake this work.
- 2.4 The Localism Act 2011 enables local authorities to decide on their own form of governance whether an executive model (Leader and Cabinet system), a Directly Elected Mayor and Cabinet model, a non-executive Committee system, or adopt an alternative arrangement – although any alternative proposal must be approved by Government.
- 2.5 Changing its governance arrangements is a significant decision for any council and has a considerable number of implications. However, the choice allowed by the Localism Act 2011 has prompted a number of local authorities (including Cornwall Council, Cambridgeshire County Council, Stroud District Council, Nottinghamshire County Council and Kent County Council) to evaluate the benefits and disadvantages of both executive and non-executive governance arrangements and move to a different form of governance.

2.6 The Constitution Working Group will be asked to consider the practicalities of changing the governance systems and to factor in any necessary consultation periods into its findings or recommendations to Council.

3. Issues, Options and Analysis of Options

3.1 The Council is recommended to establish the Constitution Working Group with a membership of 8. This is so that the Group includes members of each of the political groups represented on the Council and it is felt that a greater number of members would provide sufficient capacity for the Group to undertake the work required, including visits to other local authorities.

3.2 The Constitution Working Group is not required to adhere to the rules of political balance in respect of its composition and membership.

3.3 An important feature of the review will be to see if improvements can be made to the current governance arrangements at Thurrock, for example the Overview and Scrutiny process, in order to strengthen democracy, decision-making, accountability and transparency under the current Cabinet and Leader model. This will be for determination by Members of the working group and officers during the course of the review.

3.4 If a change of Governance Arrangements is recommended by the Constitution Working Group, which is subsequently agreed by Council, no further governance change would be permitted within 5 years, unless the later resolution is approved in a referendum.

3.5 Officers are currently preparing an information pack for Members of the Constitution Working Group which will be circulated in advance of its first meeting to enable the working group to start its review without delay.

3.6 A draft timetable and work programme will also be prepared by Officers in advance of the first meeting of the Working Group as an initial starting point for discussion, comment and agreement.

3.7 The Constitution Working Group and its Review will be supported by Legal and Democratic Services.

4. Reasons for Recommendation

4.1 The Council is recommended to establish the Constitution Working Group, as set out in the report, and appoint the nominated members to represent each political group to enable the Working Group to undertake a review of governance arrangements and make any recommendations to the Council.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Group Leaders have been consulted in respect of the recommendations in the report.
- 5.2 The findings and recommendations of the Constitution Working Group will be referred back to full Council for consultation and debate.
- 5.3 Should a change of governance arrangements in Thurrock be recommended by the Working Group a full proposal will be included in order to detail how the required consultation with residents should take place.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Governance Review will promote good governance in Thurrock. The community impact of changing the form of governance will be examined as part of the review and how the different governance options allow the public a voice in decision-making.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

In conducting the governance review the Constitution Working Group is expected to incur nominal costs, for example in order to cover travel and subsistence expenses for a group of Members and Officers to visit a number of similar size local authorities to examine their governance arrangements and determine best practice.

For this purpose, the Working Group have been allocated a budget of £5,000 that will be administered by the Head of Legal & Democratic Services, or their nominated representative.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal

The Localism Act 2011 enables local authorities to decide on their own form of governance. Councils have a responsibility to ensure that decision-making is as effective as it can be and decision making should critically benefit from the perspective of all councillors, but also be accountable, and involve the

public. In undertaking the Governance Review the Constitution Working Group is expected to help promote and foster good governance in Thurrock.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
**Community Development & Equalities
Manager**

The work of the Constitution Working Group in undertaking the Governance Review will be expected to examine the strengths and weaknesses in the way that the council involves the public in all major decisions in order to improve and promote good governance in Thurrock. The findings of the working group will be reported back to Council and will specify any specific diversity and equality implications and proposals to consult. Any proposals to change to governance arrangements in the Borough must be open for consultation.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. **Appendices to the report**

- None

Report Author:

Stephanie Cox
Senior Democratic Services Officer
Legal and Democratic Services

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28 January 2015	ITEM: 15
Council	
Amendment to Polling Places and Polling Stations	
Wards and communities affected: All	Key Decision: Not applicable
Report of: Graham Farrant, Chief Executive and Returning Officer	
Accountable Head of Service: Fiona Taylor, Head of Legal & Democratic Services	
Accountable Director: Graham Farrant, Chief Executive	
This report is public	

Executive Summary

This report requests Council to consider and approve the recommendations of the Returning Officer and Chief Executive in relation to the polling places and polling stations used for elections.

1. Recommendation(s)

- 1.1 That members note the existing arrangements for Belhus Ward, polling district F can be confirmed for the elections on 7 May 2015 with a requirement to source a new polling place thereafter.**
- 1.2 That the polling place for polling district P, Corringham and Fobbing be confirmed as the Pegasus Club, Herd Lane.**
- 1.3 That members note there are existing arrangements in place within the Constitution and the Terms of Reference of the General Services Committee which will enable the Chief Executive to make changes to a polling place if required, in an emergency.**

2. Introduction and Background

- 2.1 Members will recall the Returning Officers report to Council on 22 January 2014 which detailed the statutory Review of Polling Districts, Polling Places and Polling Stations. At that meeting members approved the polling places for elections held on 22 May 2014.
- 2.2 The report stated that The Electoral Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. The Act stated that the review must be started

and completed between 1 October 2013 and 31 January 2015 inclusive. This review was completed with the report taken to Council on 22 January 2014 and the polling places were confirmed for the elections held on 22 May 2014 and thereafter.

- 2.3 The Act now requires that compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013.
- 2.4 There is therefore no requirement for an immediate review of polling districts, places or stations for elections held in 2015 however the Returning Officer and his staff have followed up on issues arising from the 2014 report.
- 2.5 The report had two unresolved issues relating to polling stations:
 - a) the uncertainty of the polling place for Polling District F for elections held in 2015.
 - b) the use of Corringham Primary School in Corringham and Fobbing – polling place for polling district P

3. Issues, Options and Analysis of Options

Belhus Ward - Polling District F

- 3.1 Members approved the continued use of The South Ockendon Youth Centre at the Culver Centre for elections held in May 2014. However, members were informed that the Youth Centre would not be available in May 2015 due to the closure of the Culver Centre.
- 3.2 The Returning Officer has been informed that the closure of the South Ockendon Youth Centre/ Culver Centre has been delayed and the polling place will be available for elections held in May 2015. The General Election will result in an increased elector turnout and the Youth Centre has adequate facilities to cope with a large turnout. It is also familiar to electors as the polling place for this district.
- 3.3 The Returning Officer therefore recommends no change to the existing arrangements for the May 2015 elections. Members were not consulted on this recommendation as it is continuing and confirming the use of an existing polling place.

Corringham and Fobbing - Polling District P

- 3.4 At the meeting on 22 January 2014, Members agreed to delegate the decision for the polling place for polling district P to the Chief Executive and Group Leaders. It was subsequently agreed that polling would take place at Corringham School in Herd Lane. The school was used for polling on 22 May 2014.

3.5 Polling places in this polling district have been researched thoroughly in order to find a suitable venue. Prior to the use of the Pegasus Club, Members may recall that polling was undertaken in the Community Hall on Fobbing Road. Due to parking and access issues (this is a working Fire Station) it was not considered suitable for future elections. The Pegasus Club was then designated as the polling place for the district. Polling at the club provided no issues and it was preferable to continue at this site however the future of the club was uncertain in 2014. In the review carried out for 2013/2014, Members and the Conservative Association responded to consultation and stated that the Pegasus Club was the best location for a polling station and encouraged its continued use.

3.6 The following responses to the consultation were received:

- The Labour Party responded and agree with the proposed use of the Pegasus Club.
- The ward member Cllr Andrew Roast responded that the use of the Pegasus Club was acceptable, and in easy walking distance for most with good car parking.
- The Acting Returning Officer for South Basildon and East Thurrock had no objection to the proposed new polling place.
- The Member of Parliament for South Basildon and East Thurrock had no objection to the proposed use of the Pegasus Club.
- The UKIP Basildon and East Thurrock Branch fully support the relocation of this polling station to the Pegasus Club.

3.7 The Pegasus Club reopened in August 2014 and the election staff have enquired and made a provisional booking, subject to member agreement, for 7 May 2015.

3.8 The Returning Officer and his staff consider the Pegasus Club to be a more practical venue than the school for the following reasons:

- a) The Returning Officer and members have tried to minimise disruption to schools wherever possible on polling day and even though the school remained open, it was not ideal and practically it was difficult to organise and safeguard the children. The decision to keep the school open is taken by the school, not the council.
- b) The Pegasus Club offers a self contained annexe for polling with good facilities for staff and electors.
- c) Parking is available on site at the Pegasus Club; parking was not available during school hours when the school was used and Herd Lane becomes congested at peak school hours. The provision of parking is not a requirement for a polling place but it does increase accessibility to the polling station when available.

- d) The Pegasus Club venue would cope better with the higher turnout at a General Election and candidates and election agents/parties would be more welcome and better catered for on this proposed site.
- e) Group Leaders, ward members and their political parties have been asked to comment on the proposal for Polling District P in this report. The Acting Returning Officer for South Basildon and East Thurrock has also been consulted previously and on this occasion.

3.9 The proposed arrangement takes into account the Electoral Commission guidance for the recommended number of electors voting at one polling station. The Electoral Commission recommend that no more than 2500 electors be allocated to vote at a single polling station (excluding absent voters). The Pegasus Club will be able to accommodate this.

Existing arrangements to enable the Chief Executive to make changes to a polling place

- 3.10 Members are asked to note the existing arrangements in place within the Constitution and the Terms of Reference of the General Services Committee which will enable the Chief Executive to change a polling place if required in an emergency.
- 3.11 There are no known further issues with existing polling places or stations but the Returning Officer would like to remind members of the contingency arrangements in place, which are set out below for Members' information:

General Services Committee – Terms of Reference

Rule 8 “To exercise the functions of the Council in relation to elections...”

Constitution, Chapter 6, Part 1 – Functions which are delegated to Officers

Rule 7.1 The Chief Executive shall:

(d) in the case of urgency or emergency, take any decision on behalf of the Council (after consultation with the Leader)

4. Reasons for Recommendation

- 4.1 The reasons for recommendations are informed by the existing polling arrangements and history of the polling places and districts.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 There was not an extensive consultation exercise carried out for this report. The consultation was carried out for the report brought to council on 22nd January 2014.
- 5.2 Group Leaders and their political parties, the MP for South Basildon and East Thurrock, South Basildon and East Thurrock UKIP group, plus the Acting Returning Officer for South Basildon and East Thurrock were consulted on the proposed changes included in this report.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The Council continually seeks to ensure services are accessible by all users and the proposed changes will help to ensure that prospective electors who wish to vote will not be put off by inaccessible polling stations. The proposed changes have been reviewed to actively encourage participation. Changes to polling places will be communicated to electors on poll cards, press releases and in statutory notices.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

All costs associated with the changes in polling places or polling stations are contained within the electoral services budget and where applicable will be part funded by the budget provided for the General Election.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Democratic Services

The authority is required pursuant to the Electoral Administration Act 2006 to undertake a full review of all polling districts and stations to improve accessibility. The Electoral Administration Act 2013 now requires such reviews to be started and completed between 1 October 2013 and 31 January 2015. The changes proposed are part of a follow up to the review carried out and completed between 1 October 2013 and 31 January 2015.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
**Community Development and Equalities
Manager**

The Equality Act 2010 places a duty on Local Authorities to promote equal opportunities. These considerations should sit alongside the statutory obligations set out in the Electoral Administration Act. The Electoral Administration Act (2006) and the Electoral Registration and Administration Act 2013 seeks to improve the engagement in the electoral process, by ensuring that polling places are accessible to all. The proposed changes will improve access to the electoral process, in line with the objective of the legislation.

The proposals contained in the report will aid community participation in elections, by bringing the polling stations nearer to the voters and ensuring adequate facilities are available.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Review of Polling Districts, Polling Places and Polling Stations 2013/2014 – report to Council, 22 January 2014 (available via <https://www.thurrock.gov.uk/committees-meetings-minutes>)

9. Appendices to the report

- None

Report Author:

Elaine Sheridan
Electoral Services Manager
Legal & Democratic Services

28 January 2015	ITEM: 16
Council	
Refresh of Community Priorities	
Wards and communities affected: All	Key Decision: Key
Report of: Councillor John Kent, Leader of the Council	
Accountable Head of Service: Karen Wheeler, Head of Strategy & Communications	
Accountable Director: Steve Cox, Assistant Chief Executive	
This report is public	

Executive Summary

The current Community vision and priorities were agreed unanimously by Council in September 2012. The recent unprecedented budgetary and savings challenges means that councils need to change the way communities are supported and services are delivered.

To reflect this shift in relationship between the Council and the community and the council's important role in place shaping and enabling community leadership, the community priorities and objectives have been reviewed and refreshed.

1. Recommendation(s)

1.1 Council agrees to adopt the new community priorities and objectives as set out in Appendix 1

2. Introduction and Background

2.1 Thurrock Council, along with every local authority in the country, is facing significant financial pressure and savings targets, which means the way services are delivered in the future needs to change drastically.

2.2 Key strengths in the borough include the unique growth opportunities and ambitious regeneration projects creating additional employment and bringing communities together. The budget challenge therefore provides an opportunity to reflect on the community priorities set out in the Community Strategy and look at how the Council will work with partners to meet these

head on and proactively, ensuring that the Council continues to shape the place and enable community leadership.

3. Issues, Options and Analysis of Options

3.1 In light of the financial position, and as part of Strategy Week, Directors Board and the Cabinet have been reflecting with partners on the community priorities as set out in the Community Strategy. The current vision and priorities, agreed unanimously by Council in September 2012, are set out below:

3.2 Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

- Create a great place for learning and opportunity;
- Encourage and promote job creation and economic prosperity;
- Build pride, responsibility and respect to create safer communities;
- Improve health and well-being; and
- Protect and promote our clean and green environment

3.3 Due to the unprecedented challenges and the consequential changes that are needed in the shape of public services, the priorities need to be refreshed to better reflect the ambition and focus for the borough as well as the changing relationship between the Council and the community, and our role in place shaping and enabling community leadership.

3.4 The proposed community priorities are set out at Appendix 1. The five overarching priorities have not changed significantly, however the objectives underneath them have been reframed.

3.5 The Council wants to drive growth in our role as champions for the place and as local system leaders to maximise opportunities and attract inward investment. This will be evidenced through developing the local workforce with the right skills to get local jobs, high quality urban environment, community facilities including hubs supporting the public health interface, and quality existing and new housing underpinned by a supportive and enabling planning framework. The Council will work with partners to provide and facilitate this, but will no longer be able to afford to provide the direct services that it has previously provided.

3.6 Our relationship with partners and the community is changing and the Council wants to enable increased community leadership across the borough for groups and individuals. This can be achieved by working with the voluntary, community and faith sectors to build pride, respect and cohesion and also by building resilience in local communities; supporting active citizens, local assets and neighbourhood networks including community led development and management of community hubs. This will create a place that better supports community well-being and healthy lifestyles.

3.7 If agreed by Council tonight these will take immediate effect.

4. Reasons for Recommendation

4.1 As outlined above, due to the unprecedented challenges and the consequential changes that are needed in the shape of public services, the priorities need to be refreshed to better reflect the ambition and focus for the borough as well as the changing relationship between the Council and the community, and our role in place shaping and enabling community leadership.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This refresh has been agreed in principle by Cabinet in July, and endorsed again by Cabinet in November recommending the changes to Council. Consultation with partners has taken place including with the community and voluntary sector and other partners, through the Joint Strategic Forum and with local business representatives, through the Business Board. Both groups supported the proposed refresh.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The priorities need to be refreshed to better reflect the ambition and focus for the borough as well as the changing relationship between the Council and the community, and our role in place shaping and enabling community leadership.

7. Implications

7.1 Financial

Implications verified by: **Michael Jones**
Management Accountant

This report does not in itself have any financial implications, however any actions or initiatives which are undertaken to deliver the refreshed priorities and objectives may have financial implications. These will need to be considered on a project by project basis.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal & Governance, Deputy Monitoring Officer

According to the council's constitution, any change to the community priorities requires Council approval.

Any actions or initiatives which are undertaken to deliver the refreshed priorities and objectives may have legal implications. These will need to be considered on a project by project basis.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Community Development Officer

The refreshed priorities and objectives still have as their building blocks the aim to have a fair, safe and welcoming borough. This is directly referenced within the priorities to build pride, responsibility and respect, and improve health and well being, but is also implicit in the other three priorities.

Any actions or initiatives which are undertaken to deliver the refreshed priorities and objectives may have diversity and equality implications. These will need to be considered on a project by project basis.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

Not applicable

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

9. **Appendices to the report**

- Appendix 1: Refresh of Community Priorities

Report Author:

Karen Wheeler
Head of Strategy & Communications
Chief Executive's Delivery Unit

Community Priorities Refresh

Vision: Thurrock. A place of **opportunity, enterprise and excellence**, where **individuals, communities and businesses** flourish.

Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

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28 January 2015	ITEM: 17
Council	
Proposed Amendments to Thurrock's Health and Wellbeing Board Membership	
Wards and communities affected: None	Key Decision: Not applicable
Report of: Councillor John Kent, Leader of the Council	
Accountable Head of Service: n/a	
Accountable Director: Roger Harris, Director of Adults, Health and Commissioning	
This report is public.	

Executive Summary

Recent Ofsted Inspections of Children's services across the country have highlighted the importance of the close working relationship between the Health and Wellbeing Board and Children's Safeguarding Board. Inspections have raised concerns in areas where Health and Wellbeing Boards have not had the Chair of the Local Children's Safeguarding Board (LCSB) as one of its members. In addition, Adult Safeguarding Boards will become statutory boards from April 2015 as part of meeting the Care Act 2014's requirement. As such this report is recommending that the Health and Wellbeing Board's membership is expanded to include:

- Portfolio Holder for Children's Social Care
- Chair of the Local Safeguarding Children Board
- Chair of the Safeguarding Adults Partnership Board

1. Recommendation

1.1 That Council agrees that the Chair of the Local Children's Safeguarding Board, Chair of the Adult Safeguarding Partnership Board, and Portfolio Holder for Children's Social Care become members of the Health and Wellbeing Board.

1.2 Subject to recommendation 1.1 above, the monitoring officer be requested to update the Terms of Reference of the Health and Wellbeing Board as set out in Chapter 5, Part 5 of the Council's Constitution.

2. Introduction and Background

- 2.1 As a committee of the Council, changes to the Health and Wellbeing Board's membership have to be agreed by Council. The Health and Social Care Act 2012 states that the Board must be consulted about any proposed changes and that elected members must be nominated by the Leader of the Council.

For reasons outlined in the executive summary, Council is asked to agree the following additions to the Board's membership:

- Portfolio Holder for Children's Social Care
 - Chair of Local Children's Safeguarding Board
 - Chair of Safeguarding Adults Partnership Board.
- 2.2 Should Council approve the recommendation of this report, the Board's Terms of Reference will be amended accordingly and are attached to the report for reference (Appendix 1).
- 2.3 Should the Council choose not to endorse the recommendations set out within this paper (paragraph 1.1) there are possible risks relating to the HWBB's safeguarding children governance responsibilities. This risk is evidenced in recent Ofsted inspections of Local Safeguarding Boards across the country where Boards are being graded as 'requires improvement' due to this process not being in place within a Local Authority area. It is a core expectation of Ofsted that the Chair of the LSCB is a member of the HWBB in order to strengthen the coordination, focus and impact of the LSCB's work with the Health and Wellbeing Board (reference section 136 and 144 Ofsted inspection of Barking and Dagenham LSCB report 7 July 2014 graded - requires improvement).

3. Issues, Options and Analysis of Options

- 3.1 The alternative option would be to not approve the changes to the Board's membership as set out within the report. The risks associated within this option are set out within paragraph 2.3 of this report.

4. Reasons for Recommendation

- 4.1 To strengthen the coordination, focus and impact of the Adults and Children's Safeguarding Boards' work with the Health and Wellbeing Board.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The recommendations within this report were endorsed by the Health and Wellbeing Board at its meeting on the 13th November 2014.

6. Impact on corporate policies, priorities, performance and community impact

6.1 Safeguarding is a core responsibility of the Council and its partners and central to ensuring health and wellbeing.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

No implications identified.

7.2 Legal

Implications verified by: **Dawn Pelle**
Adult Social Care Lawyer

There are no legal implications especially as the statutory basis of the Safeguarding Board (from the 1st April 2015 due to the Care Act 2014) has been recognised and the chair is being invited to be a member of the Health and Wellbeing Board.

7.3 Diversity and Equality

Implications verified by: **Teresa Evans**
Equalities and Cohesion Officer

No implications identified.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None.

9. Appendices to the report

- None

Report Author:

Sharon Grimmond

HWBB Business Manager

Adults, Health and Commissioning

28 January 2015	ITEM: 18
Council	
Adoption of Thurrock Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework	
Wards and communities affected: All	Key Decision: Yes
Report of: Councillor Richard Speight – Portfolio Holder for Communities and Regeneration	
Accountable Head of Service: Andy Millard – Planning and Growth	
Accountable Director: David Bull – Planning and Transportation	
This report is public	

Executive Summary

The Council’s Core Strategy and Policies for Management of Development Development Plan Document was adopted in December 2011.

In March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF indicates that plans may need to be revised to take into account the policies in the NPPF. This revision should be progressed as quickly as possible, either through a partial review or by preparing a new plan.

On 17 October 2012 Cabinet agreed that a review of the Council’s Core Strategy and Policies for Management of Development be undertaken in response to publication of the NPPF.

On 24 April 2014 Cabinet agreed submission of the Focused Review for independent examination. The examination Inspector’s report has been issued, and Council is now asked to agree that the resultant Focused Review document be adopted. This is in order to ensure that the Core Strategy and Policies for Management of Development are as robust, relevant, and up to date as is practicably possible at this time pending adoption of a new Local Plan.

1. Recommendations

- 1.1 Agree with immediate effect the adoption of the Thurrock Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework, as modified in accordance with the examination Inspector’s report.**

1.2 Agree the Council make available in accordance with regulation 35 of The Town and Country Planning (Local Planning) (England) Regulations 2012:- (i) the adopted Focused Review; (ii) an adoption statement; (iii) the sustainability appraisal report, and (iv) details of the places and times when these documents can be inspected.

1.3 Agree that a copy of the adoption statement be sent to persons who have asked to be notified of the adoption of the Focused Review, and to the Secretary of State.

2. Introduction and Background

2.1 The Council's Core Strategy and Policies for Management of Development Development Plan Document was adopted in December 2011.

2.2 In March 2012 the Government published the NPPF.

2.3 On 17 October 2012 Cabinet agreed that a review of the Core Strategy be undertaken to achieve consistency with the NPPF and that a draft document be published for public consultation.

2.4 On 24 April 2013 Council agreed that a Submission Draft of the Focused Review be prepared, published and submitted for independent examination pursuant to Section 20 of the Planning and Compulsory Purchase Act 2004. The document was submitted on 1 August 2013.

2.5 The examination Inspector's report was issued to the Council on 15 October 2014. The report concludes that the Focused Review can be made sound and legally compliant provided that a number of modifications are made to it. In the light of issues which arose during examination the Council had requested the Inspector to recommend modifications to render the Focused Review capable of adoption.

3. Issues, Options and Analysis of Options

3.1 The NPPF indicates that policies in a Local Plan should not be considered out of date simply because they were adopted prior to the publication of the NPPF. However the NPPF must be taken into account in the preparation of local plans, and thus Annex 1 of the NPPF indicates that plans may therefore need to be revised to take into account the policies in the NPPF. The Government advises that this revision should be progressed as quickly as possible, either through a partial review or by preparing a new plan.

3.2 Having reviewed the Core Strategy and Policies for Management of Development against the definition and presumption in favour of sustainable development found in the NPPF, and its 12 core principles, the Council was satisfied that no wholly new local plan was required. However there were instances where policies and supporting text needed to be revised to more

fully align the document with the detail of the NPPF and put into effect its requirements - hence the decision to undertake the Focused Review.

3.3 It became evident during the course of the examination that various modifications would have to be made to the Submission Document if it was to be found sound and legally compliant. Most significantly these modifications centre on the withdrawal of various policy amendments which could not be taken forward without an additional up-to-date evidence base the Council could not provide at this time.

3.4 Notwithstanding the more limited nature of the Focused Review it does take forward many beneficial changes. As Members will be aware, a more holistic review of the Core Strategy (and the creation of an integrated Local Plan) was approved by Cabinet earlier this year and is being progressed.

3.5 A table summarising the key outcomes of the Focused Review is appended.

4. Reasons for Recommendation

4.1 Council is recommended to agree that the Focused Review be adopted in order to ensure that the Council's Core Strategy and Policies for Management of Development are as robust, relevant, and up to date as is practicably possible at this time pending adoption of a new Local Plan.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Extensive consultation has taken place at various stages in the progress of this Local Plan in accordance with regulations, the Council's adopted Statement of Community Involvement, and Inspector's advice.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None of the changes are considered to be incompatible with corporate policies or priorities.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no direct financial implications associated with the recommendations of the report.

7.2 Legal

Implications verified by: **Vivien Williams**

Planning and Regeneration Solicitor, Legal and Democratic Services

The preparation of the Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework has followed the requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004.

Following a formal decision by the Council to adopt the Focused Review, it will be subject to a 6 week challenge period. During this time it will be possible for persons to lodge a High Court challenge on legal or procedural grounds.

7.3 Diversity and Equality

Implications verified by: **Teresa Evans**
Equalities and Cohesion Officer

Consultation during the preparation of the Focused Review has taken place in accordance with the Council's adopted Statement of Community Involvement, and, so far as reasonably practicable, has given opportunities to all members of the community to participate and make their views known. The adoption version of the Focused Review contains no provisions that would have an inequitable impact on any part of the community.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

By including changes to policies PMD1 – Minimising Pollution and Impacts on Amenity, Health, Safety and the Natural Environment, the Focused Review will facilitate decisions on planning applications being made with health considerations in mind.

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental, and sets out roles for the planning system in relation to each. The changes contained in the Focused Review will assist the Council in fulfilling these roles.

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- National Planning Policy Framework. www.gov.uk
- The Town and Country Planning (Local Planning) (England) Regulations 2012. www.legislation.gov.uk
- Inspector's report 15 October 2014. www.thurrock.gov.uk/planning-policy/

9. Appendices to the report

- Appendix 1 - Text for adoption version of Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework
- Appendix 2 - Table summarising the key outcomes of Focused Review

Report Author:

Paul Clark

Principal Planner

Planning and Growth

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THURROCK BOROUGH COUNCIL

THURROCK LOCAL DEVELOPMENT FRAMEWORK

Thurrock Core Strategy and Policies for Management of Development

Focused Review – Consistency with National Planning Policy Framework Local Plan

By a decision of Thurrock Council dated 28 January 2015 the policies and supporting text of the *Thurrock Core Strategy and Policies for Management of Development 2011* are amended as follows:-

Following publication of the NPPF, the Council have identified a number of policies in the Core Strategy and Policies for Management of Development DPD (adopted in December 2011) that require amendment in order to remain consistent with the NPPF.

This Focused Review amends certain policies to which amendments could be taken forward without the need to prepare additional evidence. These policies are: CSSP5, CSTP8, CSTP23, CSTP25, CSTP26, CSTP27, CSTP28, CSTP31, CSTP32, PMD1, PMD2, PMD4, PMD6, PMD7, PMD10, PMD12, PMD15, PMD16. On adoption of the Focused Review, the previous adopted versions of these policies are replaced by the amended versions. New Policy OSPD1 is also added.

All other policies of the Core Strategy and Policies for Management of Development DPD remain unchanged. The Examination of the Focused Review: Consistency with National Planning Policy Framework (NPPF) did not endorse any of the unchanged policies as being consistent with the NPPF. The Council intend to prepare a Local Plan for the Borough which will include a full review of all of the policies in the Core Strategy and Policies for Management of Development DPD.

CHAPTER 3 – THE FUTURE OF THURROCK

3.50 The Council has developed policies at four levels:

- **Overarching Sustainable Development Policy** – sets out the Council's commitment to the sustainable growth and regeneration of Thurrock's communities through a presumption in favour of sustainable development. This policy is set out in full as the final section of this chapter as the scene-setter and overarching policy context for the spatial, thematic and Management of Development policies that follow in the subsequent chapters.
- **Core Strategic Spatial Policies** – deal with the overall spatial distribution, broad locations and key strategic schemes for development that will deliver the Spatial Vision for Thurrock. Chapter 4 sets out in full the five Core Strategic Spatial Policies.
- **Core Strategic Thematic Policies** – deal with each important theme or topic in turn and set out in detail how the Council intends to ensure the best outcomes are delivered. Chapter 5 sets out in full the thirty-three Core Strategic Thematic policies.
- **Core Strategic Policies for Management of Development** – which in conjunction with the Thematic and Strategic Spatial Policies are the basis for the determination of planning applications for the development and use of land and buildings.

OSDP1 – PROMOTING SUSTAINABLE GROWTH AND REGENERATION IN THURROCK

Thurrock Council is committed to promoting sustainable growth in Thurrock that serves to regenerate its communities by proactively engaging with developers to deliver high quality sustainable development schemes across all types of land uses and facilities.

Thurrock Council, when considering development proposals, will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Thurrock. Working pro-actively to find solutions will be achieved by measures such as encouraging applicants to hold early pre-application discussions and through the use of Planning Performance Agreements and Local Development Orders in appropriate circumstances.

Planning applications that accord with the policies in this Core Strategy, (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- (i) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- (ii) Specific policies in that Framework indicate that development should be restricted.

The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

CHAPTER 4 – SPATIAL POLICIES

CSSP5 – SUSTAINABLE GREEN GRID

- 4.32 The Thames Chase Community Forest has been identified as an asset of regional significance for the retention, enhancement and provision of Green Infrastructure for its value as an area of landscape, ecological and recreational importance. Natural England's *Green Infrastructure Guidance* (2009) confirms the value of Green Infrastructure and sets out how this can be promoted through development plans, which should link into Sustainable Communities Strategies, Local Area Agreements and partnership working.
- 4.33 'Greening the Gateway' published in 2004, set out the Government's vision for the Thames Gateway as a world class model of sustainable development. It calls for the landscape to be regarded as 'functional Green Infrastructure' and suggests that the Thames Gateway should promote a high quality, functional green space network for use by local people. The NPPF recognises the importance of green infrastructure, the principles of which are incorporated in the Green Grid. The Council will plan positively for the creation, protection, conservation, enhancement and management of networks of biodiversity, heritage assets and green infrastructure as appropriate to their significance, and will identify opportunities to incorporate adaptation measures that will address risks associated with climate change. The Parklands Projects are large-scale projects announced by Government in 2008 to deliver large areas of the South Essex Greengrid. Two of these projects are in Thurrock, including Wildspace, which is a project focused around the Rainham RSPB Reserve, Purfleet and the Thameside Nature Park, Mucking. The Council will actively participate in effective joint working arrangements with neighbouring local authorities in the case of those sites of importance that cross administrative boundaries. In addition a substantial part of Thurrock lies within the Greater Thames Marshes Nature Improvement Area. Nature Improvement Areas aim to achieve significant and demonstrable enhancements of the ecological network over large areas by such actions as increasing the size and number of, and connectivity between, wildlife sites. The proposals encompass consideration of the historic dimension of the landscape among the shared objectives for such areas and the Greengrid generally. The Council will take account of any ecological network components and locations for priority action identified in project plans for the designated area.
- 4.35 The Council's *Community Needs and Open Spaces Study* (2005) assesses open space including parks and gardens; amenity green spaces; children's play space; outdoor sports facilities; and allotments and community gardens. The report sets out current provision levels, and confirms the deficit throughout the Borough. It identifies a need to

enhance existing open space provision to ensure that it meets the standards for quality, quantity and accessibility as set out in the *Open Spaces Strategy 2006-2011*. Based on the best available evidence and understanding of community needs the Council will designate open spaces through the forthcoming Thurrock Local Plan. However the Council welcomes the opportunity afforded to local communities to designate additional Local Green Spaces through neighbourhood plans. Should any such spaces be designated the Council will respect the wishes of the community that these areas be protected.

CSSP5 – SUSTAINABLE GREENGRID

It is the policy of the Council and its Partners to:

1. Deliver the Greengrid Strategy as part of the Thurrock Core Strategy Infrastructure Prioritisation and Implementation Plan and the Adopted Statutory Development Plan
 - I. Ensure that all development proposals take account of the objectives of the Greengrid network and where appropriate contribute to the management and enhancement of the Greengrid.
 - II. Deliver the area based Greengrid Improvement Zones to ensure that the location, planning, design and ongoing management of sites is appropriate, and that opportunities are sought to make best use of land and green infrastructure assets in delivering ecosystem services.
 - III. Set out guidance for the delivery of Thurrock Greengrid in the Thurrock Greengrid Supplementary Planning Document.
 - IV. Ensure the Thurrock Greengrid is delivered by Developer Contributions as necessary.
 - V. Provide opportunities for skills development, education and public awareness-raising on the value and importance of the Greengrid.
2. The Greengrid will be delivered at a spatial level through a series of 8 Greengrid Improvement Zones. The Improvement Zones are listed below:
 - i. Aveley and South Ockendon (Including Thames Chase)
 - ii. Mardyke Valley
 - iii. West Thurrock/Lakeside/Chafford
 - iv. Purfleet
 - v. North Grays & Chadwell St Mary
 - vi. Grays Riverside/ Tilbury
 - vii. East Thurrock / Rural Riverside
 - viii. Stanford-le-hope/ Corringham/ Horndon/ Langdon Hills

Across the borough, considerations will include:

- Semi-natural green space
- Multifunctional greenspace

- Promotion and safeguarding of biodiversity and geodiversity
- Urban and rural trees and woodlands
- Historic Environment and Heritage assets
- Ecosystem services opportunities
- Strategic links and bridging points
- Flood Risk and water management
- Mitigation of and adaptation to effects of climate change through the use of natural systems and green infrastructure assets
- Strategic views
- Broad landscape management areas

3. Develop and protect Local Scale Assets

The Council will promote and protect Local-scale assets including any Local Green Spaces identified in local plans or neighbourhood plans that contribute to Thurrock's sustainable Greengrid including:

- i. Doorstep sites, play areas, amenity open spaces and allotments, which are often local sites within urban areas and villages and the first link to the wider setting;
- ii. Local green links, which provide vital routes for people to access local sites and the wider Rights of Way and Safe Routes to School network;
- iii. Registered commons and villages and town greens;
- iv. Biodiversity interests and local nature reserves, such as Linford Wood and Grove House Wood;
- v. Local productive land, including local allotments, community gardens and commercial small-holdings involved in supplying local food or craft resources.

Development within Local Green Spaces will not be permitted unless there are very special circumstances. The Council envisages these circumstances will include where such development would support the functional value of such spaces without detracting from the visual qualities which the community may value.

4. In addition to the above actions, specifically support the objectives of the Greater Thames Marshes Nature Improvement Area by taking account of any core areas and buffer zones, corridors and stepping stones, restoration areas, and locations for priority action which may in due course be identified by the project plans of the Nature Improvement Area Partnership.

5. Promote productive land and natural system opportunities

The Council and Partners will promote productive land and natural systems opportunities (soils, bio and geo diversity), including:

- i. current allotments
- ii. agricultural/rural lands

- iii. the potential for biomass cropping in the northeast of Thurrock
- iv. potential co-firing using biomass fuels in the Tilbury area
- v. the potential use of the Thames Chase Community Forest area for sustainable management of wood fuel.

Key diagrams and Maps

Map 3 provides an indicative illustration of the elements of the Thurrock Greengrid. The precise location and extent of the Greengrid sites and the designated Greater Thames Marshes Nature Improvement Area will be identified in the forthcoming Thurrock Local Plan.

CHAPTER 5 – THEMATIC POLICIES

CSTP5 – NEIGHBOURHOOD RENEWAL

5.37 The NPPF sets out the framework for delivering sustainable communities. In support of the regeneration approach the DCLG recently published *Transforming places; changing lives: taking forward the regeneration framework* (2009). This document sets out the Government's approach to taking forward regeneration initiatives. It is stated that regeneration can help remove the barriers, that hold back local areas and provide an important catalyst for reversing decline and improving prosperity and can help retain existing businesses whilst also attracting new inward investment and enterprise.

CSTP8 – VITALITY AND VIABILITY OF EXISTING CENTRES

5.61 Alongside the transformation of Lakeside into a regional centre and the creation of the new Purfleet Centre, the improvement of the vitality and viability of Grays town centre, the local centres and neighbourhood centres is fundamental to the achievement of sustainable development. Therefore, development of an appropriate scale will be directed to these centres, and out-of-centre proposals for main town centre uses will be resisted if suitable sites are available within, or failing that, adjacent to these centres.

CSTP8 - VITALITY AND VIABILITY OF EXISTING CENTRES

The Council will maintain and promote the retail function of existing centres. Measures to improve the vitality and viability of the network of centres will be encouraged in order to meet the needs of the Borough's residents and act as a focus for retail, leisure, cultural, business and residential uses. The Council will do this in the following ways:

- (i) Permitting applications for main town centre uses on suitable sites of an appropriate scale to the role and function of the centres, with Town Centres being the preferred locations, followed by edge of Town Centre locations;
- (ii) Resist proposals for main town centre uses in out of centre locations if town centre or edge of town centre locations are available, and also at edge of town centre locations if Town Centre locations are available,
- (iii) Encouraging diversification and improvement of the range and quality of facilities including retail, employment, leisure and entertainment, community, culture and education;
- (iv) Retaining and, subject to other Core Strategy policies, permitting additional residential development in appropriate locations and in particular on sites identified for mixed development;

- (v) Improving access for public transport, pedestrians, cyclists and those with special needs, whilst managing road traffic and improving road safety;
- (vi) Improving the wider environment by ensuring new development protects and/or enhances the designated centres including historic character, townscape and biodiversity;
- (viii) Where appropriate seeking to improve personal safety and contribute to crime reduction by design and other measures.

'Town Centres' for the purposes of this policy means:- Grays; Aveley, Socketts Heath, South Ockendon; Corringham; Stanford le Hope; and Tilbury on the Proposals Map.

'Main town centre uses' for the purposes of this policy means:- retail development, including warehouse clubs and factory outlet centres; leisure, entertainment facilities and the more intensive sport and recreational uses, including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls; offices except where ancillary to other permitted or permissible uses; and arts, culture and tourism development, including theatres, museums, galleries and concert halls, hotels and conference facilities.

'Edge of town centre' for the purposes of this policy means:- for retail purposes, a location that is well connected to and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a Town Centre boundary. For office development this includes locations outside Town Centres but within 500 metres of a public transport interchange.

'Out of centre' for the purposes of this policy means:- a location which is not in or on the edge of a Town Centre but not necessarily outside the urban area.

Key Diagram and Maps

Key Diagram.

The Regional Centre Boundary will be identified in the forthcoming Thurrock Local Plan and on the Proposals Map.

Existing Town Centres and other centres are shown on the Key Diagram and Proposals Map. Primary shopping areas and any additional Town Centres will be identified in the forthcoming Thurrock Local Plan and on the Proposals Map.

TRANSPORT AND ACCESS

INTRODUCTION: THURROCK TRANSPORT STRATEGY

- 5.93 The strategy is consistent with the subsequently issued NPPF which states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. It further states that plans and decisions should ensure that developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The priority will be to deliver accessibility improvements both where deprivation is most apparent and where significant levels of growth need to be accommodated sustainably. The strategy will give a priority to promoting active transport to improve health, a key element of which will be helping to deliver the Greengrid. Improved accessibility will also be delivered in a way that supports the large-scale jobs growth in Thurrock, such as widening the labour market.
- 5.94 The strategy will tackle congestion by focusing interventions on where congestion and poor journey reliability are having the most adverse impact on quality of life and on economic productivity and competitiveness. This will mean tackling congestion as a priority around strategic employment sites and employment growth locations (much of the Thurrock Urban Area and London Gateway), and on the routes that provide access to strategic employment and ports, especially for freight traffic.
- 5.95 The strategy will achieve reduced congestion by, in priority order, delivering a modal shift to more sustainable modes of transport particularly in the urban areas (including Smarter Choices), improving the efficiency of the road transport network, and as a last resort providing additional highway infrastructure. This is broadly consistent with national policy as set out in the NPPF and the Government's vision for the transport system as set out in the *Creating Growth, Cutting Carbon* White Paper.
- 5.97 **DELETED**
- 5.98 The Road Safety Strategy, whilst aiming to reduce the number of people killed and seriously injured, will take a proactive approach by reducing road danger and thereby promoting accessibility and community regeneration as a way of supporting other strategy areas. The strategy will therefore improve conditions for vulnerable road users and sustainable transport modes, and give priority to improving road safety in disadvantaged communities as well as around schools and major workplaces. In addition, the strategy will give a priority to casualty reduction where the resultant incident based congestion has

the greatest adverse impact on economic productivity and competitiveness, such as routes to strategic employment locations, as well as on inter-urban public transport routes.

CSTP14 – TRANSPORT IN THE THURROCK URBAN AREA

5.101 Combined with parking controls, the improvement of sustainable transport modes can tackle congestion in urban areas by means of modal shift and improve economic productivity. The policy highlights the benefits of modal shift for reducing emissions, and the health benefits of active transport.

CSTP16 – NATIONAL AND REGIONAL TRANSPORT NETWORKS

5.110 The NPPF indicates that the transport system needs to be balanced in favour of sustainable transport modes.

CSTP23 – THURROCK CHARACTER AND DISTINCTIVENESS

5.140 The character of a place or area is derived from the recognisable and consistent patterns of natural, historic and built elements within it, which make it different or distinct from another place or area. Thurrock recognises that protecting and promoting the best elements of the Borough's character and strengthening its sense of place provides benefits for community cohesion, the quality of life, and economic growth.

5.143 The requirement for increased housing in Thurrock exerts pressure on both the industrial river frontage of the Thames and the central swathe of rural Green Belt, while the transport agenda also remains central and will have major implications for the character and sense of place of the Borough. Residential areas are subject to proposals for infill and backland development but some of these areas have distinctive characters which would be degraded by such development. Thurrock character studies identify five broad types: Fenland, Rolling Farmland / Wooded Hills, Marsh, Urban Fringe and Urban which are distributed into 23 distinct landscape character areas, 14 urban character areas and 7 villages. The purpose of the policy is to ensure that the character of Thurrock is preserved and improved.

CSTP23 – THURROCK CHARACTER AND DISTINCTIVENESS

The Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.

- I. The Council identifies the following key areas where character is a key issue:
 - i. Regeneration Areas
 - ii. Lakeside Basin
 - iii. Strategic Employment Hubs
 - iv. High volume transport networks
 - v. Urban Fringe
 - vi. Town/Village centres
 - vii. Historically Sensitive Areas
 - viii. Strategic Natural and Semi- Natural Spaces
 - ix. Strategic Multifunctional Green Space
 - x. Rural landscapes
 - xi. Green Belt
 - xii. Wooded Hills
 - xiii. Residential Precincts comprising distinctly spacious residential areas and the intensively developed Homesteads ward
 - xiv. Small scale sites where development may contribute to cumulative degradation.
- II. The Council requires the retention and enhancement of significant natural, historic and built features which contribute to the character of the Borough as defined by their value, quality, cultural association and meaning or their relationship to the setting and local context.
- III. The Council requires the retention and enhancement of strategic and local views, which contribute to a distinctive sense of place. Where development will affect these views, their sensitivity and capacity for change must be adequately assessed and the effect of the development on them appropriately tested.

In order to assess the sensitivity and capacity for change of Thurrock's character, the Council will require an assessment based on *The Guidelines for Landscape and Visual Impact Assessment*, or other methodology supported by the Council.

The Council will provide further guidance in the Design and Sustainability SPD.

Key Diagrams and Maps

Map 4: Location of Landscape Character Areas

Residential Precincts are identified on the Interim Adopted Proposals Map.

CSTP25 – ADDRESSING CLIMATE CHANGE

5.152 As referenced in Policy CSTP22– Thurrock Design, new developments in Thurrock provide an opportunity to promote new techniques in design and renewable energy. To achieve this, the Council will:

- Secure the use of sustainable construction techniques;
- Develop guidance on sustainable construction and design for the construction of any new facilities;
- Enable increase of sustainable construction, design and renewable energy in new housing and industrial development;
- Reduce waste and carbon emissions; encourage better use of water and energy; and reduce environmental impact and increase efficiency of construction industry;
- Reduce our impact and increase our preparedness for climate change;
- Develop an action plan to improve energy efficiency in existing communities, and
- Promote and support climate change adaptation measures through the use of green infrastructure.

5.154 The *Climate Change Act (2008)* sets challenging but achievable targets for net UK carbon emissions, to reduce emissions to at least 80% lower than the 1990 baseline by 2050, with a reduction of at least 26% by 2020. The NPPF indicates that Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure.

5.155 In 2003, the East of England Sustainable Development Roundtable commissioned *Living with Climate Change in the East of England* to determine the regional impacts of climate change.

CSTP25 – ADDRESSING CLIMATE CHANGE

1. Adaptation

- I. The Council will require climate change adaptation measures and technology to be considered from the outset in any development proposal including reduction of emissions, renewable and low carbon technologies, passive design, recycling and waste minimisation, and through the application of green infrastructure techniques.
- II. The Council will work to ensure that vulnerability to climate change impacts is minimised in new development, and that such development does not increase vulnerability to climate change impacts.
- III. The location and layout of new buildings should minimise vulnerability to climate change.

<p>IV. Developers must consider the potential effects of climate change on their development, including:</p> <ul style="list-style-type: none"> i. Water conservation and drainage ii. Need for summer cooling iii. Risk of subsidence iv. Flood risk from tidal, fluvial and surface water <p>2. Mitigation</p> <p>I. The Council will require new and existing development and associated activities to adhere to local, regional and national targets for reducing carbon emissions.</p> <p>II. The Council will seek the achievement and maintenance of the following minimum reductions in CO2 emissions compared to emissions in 2005:-</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Sector</th> <th style="text-align: center;">By 2015</th> <th style="text-align: center;">By 2020</th> </tr> </thead> <tbody> <tr> <td>Domestic: CO2 per household</td> <td style="text-align: center;">4.0%</td> <td style="text-align: center;">5.8%</td> </tr> <tr> <td>Road Transport: CO2 per AADT*</td> <td style="text-align: center;">6.0%</td> <td style="text-align: center;">6.5%</td> </tr> <tr> <td>Business: CO2 per job</td> <td style="text-align: center;">9.0%</td> <td style="text-align: center;">11.3%</td> </tr> </tbody> </table> <p style="margin-left: 40px;">*Annual Average Daily Traffic</p> <p>III. The Council will employ innovative methods of reducing and mitigating emissions, including the introduction of a Carbon Offset Fund.</p>	Sector	By 2015	By 2020	Domestic: CO2 per household	4.0%	5.8%	Road Transport: CO2 per AADT*	6.0%	6.5%	Business: CO2 per job	9.0%	11.3%
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Business: CO2 per job	9.0%	11.3%										
Key Diagrams and Maps												
Not Applicable												

CSTP26 – RENEWABLE OR LOW-CARBON ENERGY GENERATION

5.161 ***DELETED***

CSTP 26- RENEWABLE OR LOW-CARBON ENERGY GENERATION
<p>As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.</p> <p>I. The Council will promote and facilitate proposals for centralised renewable or low-carbon energy schemes at appropriate locations and standards, including but not exclusively at Tilbury and London Gateway.</p> <p>II. The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.</p>

III. The Council will promote the delivery of district energy networks in appropriate locations, in order to increase the proportion of energy delivered from renewable and low-carbon sources in the Borough.

IV. The Council will ensure that effort is made to achieve a significant carbon reduction in all new development, at least matching the national targets.

The Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts.

Key Diagrams and Maps

Not applicable.

CSTP27 – MANAGEMENT AND REDUCTION IN FLOOD RISK

5.164 In relation to flood risk the primary aim of the NPPF is to ensure that flood risk is taken into account at all stages in the planning process in order to avoid inappropriate development in areas at risk of flooding, and wherever possible, to direct development towards areas at least risk of flooding. This is achieved through the application of the Sequential Test.

5.168 Core Strategy policies CSSP1 to CSSP5 identify the 5 Broad Areas for Regeneration within the Borough, these have all been subject to the Sequential Test. Future site allocations will be subject to a more detailed Sequential Test in accordance with the NPPF.

5.169 Due to the location of the main settlements in Thurrock and the nature of flood risk in the Borough, it has not been possible to locate all new development in areas of least flood risk. The NPPF therefore requires the application of the Exception Test which will ensure that proposed development will deliver sustainability benefits to the whole community, makes effective use of land and can be achieved safely without increasing flood risk elsewhere, and where possible, reduces flood risk overall.

CSTP27 – MANAGEMENT AND REDUCTION OF FLOOD RISK

I. The Council will ensure that flood risk management is implemented and supported through effective land use planning. The Sequential, and where necessary Exception Test, as set out in the NPPF and associated Planning Practice Guidance will be employed when allocating sites for development and an Emergency Plan for the Borough will be completed.

II. The Council will also continue to work collaboratively with the Environment Agency by supporting the area based policy approach

adopted in the Thames Estuary 2100 Project. In particular the Council will seek to safeguard existing flood defences and new areas for flood defences, water storage and drainage areas, as well as seeking secondary defences for key assets.

- III. The Council will support the work of the Environment Agency in the Environmental Enhancement Project for the Mucking Flats and Marshes to ensure the delivery of appropriate flood mitigation and environmental enhancement measures.
- IV. The Council will work with the Environment Agency and other main stakeholders to ensure that fluvial and surface water flood risk is managed within Thurrock. This will include supporting the policies identified in the South Essex Catchment Flood Management Plan, such as identifying and safeguarding areas of land for existing and future areas of water storage in Policy Units 9, 10, 11 & 12 and in formulating System Asset Management Plans (SAMP) and the Integrated Urban Drainage Plans for Stanford-le-Hope, Tilbury and Purfleet. A Surface Water Management Plan will also be carried out to assist in the identification and mapping of areas susceptible to surface water flooding as recommended by Defra and the Pitt Review. Development proposals that will affect these locations will be expected to contribute towards infrastructure improvements, including where appropriate green infrastructure, in these locations to enable the development to proceed.
- V. The Council will ensure that, where necessary, new development throughout the Borough contains space for water including naturalisation and environmental enhancement.
- VI. Developers will be required to incorporate sustainable drainage systems as a priority and to contribute towards flood risk management infrastructure where appropriate.
- VII. Planning applications received for sites within Flood Zone 3 will be treated in accordance with the NPPF, this policy and Policy PMD15.

Key Diagrams and Maps

Where appropriate sites will be identified in the forthcoming Thurrock Local Plan and on the Proposals Map.

5.178 Less vulnerable development might therefore be permitted on previously developed land in Flood Zone 3a. More vulnerable development may also be permitted in areas identified as Flood Zone 3a, but will be subject to the Exception Test, as outlined in the NPPF. Essential infrastructure will also be required to pass the Exception Test in both Flood Zone 3a and 3b. Highly vulnerable development will not

normally be permitted in Flood Zone 3a in accordance with NPPF. All development within a flood zone must apply the NPPF Sequential Test and it must be shown that there are no other sites where the proposed development can be situated within a lower risk flood zone.

CSTP28 – RIVER THAMES

5.182 DELETED

5.183 A key feature of the Thames Gateway Parklands Vision (2008) is to improve the river setting, its environment and landscape, and make it more accessible and visible for people. This is also reflected in Delivering the Future by the Thames Gateway South Essex Partnership which promotes bringing the natural environment closer to communities through development of a Greengrid. People can currently interact with the Thames ‘riverscape’ in a variety of ways, such as enjoying walks on the various nature trails. However, much of the river and its landscape are not easily accessible or visible, both of which are important to define the area’s identity. For operational reasons, many of the industrial complexes and port areas are fenced in, posing significant obstacles to permeability along the river edges.

CSTP28 – RIVER THAMES

- I. The Council and Partners will ensure that the economic and commercial function of the river will continue to be promoted through:
 - i. Priority being given to allocating riverside development sites to uses that require access to the river frontage, especially those which promote use of the river for passenger transportation purposes.
 - ii. Safeguarding port-related operational land.
 - iii. Safeguarding additional adjacent land required for further port development, including expansion. For port development onto additional land to be acceptable however, it will be necessary to substantiate the need for it over and above land that is already available for operational port uses.
 - iv. To safeguard existing and promote new jetties and wharves facilities where appropriate for transport of goods and materials.
- II. New development will provide new or enhanced sustainable, safe and equitable access to and along the river foreshore, especially using natural and semi-natural corridors and other elements of the Greengrid.
- III. Development Proposals will be required to undertake appropriate level of flood risk assessment as set out by the NPPF and take account of the need for flood mitigation measures and to accommodate any necessary flood defence measures.

IV. New development will also maintain or enhance views, particularly of key features including heritage and landscapes, and will improve recreational interaction with the river and its setting. Critical elements include:

- i. The Thames Path through Thurrock, a designated National Trail.
- ii. National Cycle Network Route 13, which overlaps with the Thames Path through much of Thurrock.
- iii. Safeguarding of strategic and locally important views.

V. The following exceptions to this may apply:

- i. Where industrial/commercial development requires use of the river and its foreshore and needs to restrict public access for operational or safety reasons.
- ii. Where unrestricted public access is likely to result in unacceptable adverse impacts on riverside habitat or biodiversity.

In both cases, reasons for access restrictions will need to be substantiated and justified with supporting evidence. In addition, the expectation will be that opportunities will still be sought to enable views of the river and its setting, such as through the design of development.

The proposed power generation plant at Tilbury will require controlled and secure access to the waterside including using the river as its water supply source.

Key Diagrams and Maps

Key Diagram – Where applicable.

Sites will be identified in the forthcoming Thurrock Local Plan and on the Proposals Map.

CSTP31 – PROVISION OF MINERALS

5.235 The NPPF sets out the overall objectives of Government policy for minerals provision. It recognises that minerals are essential to support sustainable economic growth and quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the Country needs. Local planning authorities are required to:

- identify, and have policies for the extraction of, mineral resources of local and national importance;
- so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would

make to the supply of materials, before considering extraction of primary materials;

- plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options including marine dredged, secondary and recycled sources;
- plan for a landbank of permitted reserves of sand and gravel to be maintained for at least seven years.

5.236 **DELETED**

5.237 **DELETED**

5.240 There are a limited number of ports and wharves in the region able to receive marine sand and gravel imports to England and these include wharves and combined wharves and rail depots on the River Thames in Thurrock. There is a need for Thurrock to continue to maintain these facilities. Although the NPPF effectively encourages facilities for recycling of construction and demolition waste there is no target or sub-regional split for the provision of alternative materials. This is in part due to limited data. Furthermore the great majority of facilities for the provision of such materials in Thurrock are temporary facilities associated with mineral workings which are being 'fuelled' by imports of waste into Thurrock. Consequently while the Council will encourage the provision of appropriate facilities for these purposes it considers that it is not currently practicable to take account of the contribution these sites make to the supply of materials before considering extraction of primary materials.

CSTP31 – PROVISION OF MINERALS

1. Land Won Minerals

- I. The Council will endeavour to maintain a landbank of at least 7-years and aim to meet the sub-regional apportionment of 0.14mt per annum of sand and gravel throughout the Plan period or meet any subsequent change in the period as agreed by national policy or as a result of a review of the regional apportionment. The Council will assess the provision of the landbank through its monitoring framework.
- II. To ensure the prudent use of Thurrock's mineral resources:
 - i. Mineral working will only be permitted where there is an identified national, regional or local need and the sites fall within the criteria policies outlined in the forthcoming Thurrock Local Plan
 - ii. The forthcoming Thurrock Local Plan will identify 'Preferred Areas' located within the Minerals Safeguarding Area (MSA) (Policy

CSTP32) which, if granted planning permission, will contribute to maintaining the sand and gravel annual apportionment and the 7-year landbank. Sites will be phased depending on the identified need, based upon the requirements outlined above (see Table 13) to 2021 or beyond, where the site will contribute to maintaining the 7-year landbank and meeting the sub-regional apportionment throughout the Plan period.

2. Recycled and Secondary Aggregate

Subject to the waste policies of this plan the Council will encourage the use of facilities for recycling aggregate or secondary materials, or processing of such materials, as alternatives to land won aggregate. Proposals on unallocated sites which do come forward must meet the criteria set out in the forthcoming Thurrock Local Plan.

Key Diagrams and Maps

Not Applicable

CSTP32 – SAFEGUARDING MINERALS RESOURCES

5.250 The NPPF requires local planning authorities to:

- define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of minerals are not needlessly sterilised by non-mineral development;
- safeguard existing, planned and potential rail heads, wharfage and associated storage, handling and processing facilities for the bulk transport of minerals including recycled, secondary and marine-dredged materials;
- safeguard existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

5.253 The Proposals Map will include the designation of the Mineral Safeguarding Area (MSA), in accordance with paragraph 143 of the NPPF. The purpose of the MSA is not to identify all minerals deposits which will be extracted, but to identify and indicate to developers the possible presence of workable mineral deposits, and to consider these deposits when submitting proposals for non-mineral related development. This is to ensure valuable mineral resources are not needlessly sterilised.

CSTP32 – SAFEGUARDING MINERALS RESOURCES

1. Mineral Safeguarding Area

All site allocations for mineral extraction identified in the forthcoming Thurrock Local Plan will be based on the MSA to be identified in the forthcoming Thurrock Local Plan and on the Proposals Map. All areas identified in the MSA will be safeguarded from non-mineral related development. Applications for non-mineral related development on the site allocations will be assessed against the policies provided in the forthcoming Thurrock Local Plan.

2. Aggregate Recycling and Secondary Processing Sites

The permanent authorised aggregate recycling capacity will be safeguarded from non-mineral related development, unless the proposals meet the criteria outlined in the forthcoming Thurrock Local Plan and/or the site is identified for alternative use in the forthcoming Thurrock Local Plan.

All safeguarded sites will be allocated in the forthcoming Thurrock Local Plan.

3. Coated materials and concrete products

The permanent authorised facilities for concrete batching, manufacture of coated materials and concrete products, and the handling, processing and distribution of substitute, recycled and secondary aggregate material will be safeguarded from non-mineral related development, unless the proposals meet the criteria outlined in the forthcoming Thurrock Local Plan and/or identified for alternative use in forthcoming Thurrock Local Plan.

All safeguarded sites will be allocated in the forthcoming Thurrock Local Plan.

4. Aggregate Wharves

All existing aggregate wharves will be safeguarded against proposals which prejudice their use for the importation of aggregates. The Council will favour proposals which contribute to the importation of aggregates where they accord with the policies in the forthcoming Thurrock Local Plan. New sites for possible aggregate wharves will be encouraged through policies in the forthcoming Thurrock Local Plan.

All existing aggregate wharves will be identified in the forthcoming Thurrock Local Plan.

Key Diagrams and Maps

Not Applicable – To be added at Adoption stage.

The Minerals Safeguarding Area and sites will be identified in the forthcoming Thurrock Local Plan and identified on the Proposals Map.

CHAPTER 6 – POLICIES FOR MANAGEMENT OF DEVELOPMENT

INTRODUCTION

The Policies for the Management of Development include:

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POLICY PMD1 – MINIMISING POLLUTION AND IMPACTS ON AMENITY

PMD1 – MINIMISING POLLUTION AND IMPACTS ON AMENITY, HEALTH, SAFETY AND THE NATURAL ENVIRONMENT

- 6.5 The main sources of pollution in Thurrock are emissions from road transport and industrial processes. Although in recent decades, cleaner fuels and the implementation of pollution control policies have led to some reductions, pollution attributed to motor vehicles remains, with heavy goods vehicles (HGVs) being the main contributors. Thurrock has fifteen Air Quality Management Areas (AQMAs) mainly in the west of the Borough, in close proximity to major transport routes, such as the M25 and A13.

- 6.6 Owing to Thurrock's industrial and extensive quarrying and land-filling past, the area has a legacy of contaminated land. Consequently it also has land where stability may be an issue. Some of this land lies within the urban area where development needs to take place to avoid intrusion into the Green Belt.
- 6.7 The Borough also has a history of incompatible land uses, with housing having been developed next to heavy industries. This has resulted in a poor living environment. The Council's aspiration is to break from previous trends and to minimise pollution, enhance local amenity and provide safe and healthy environments for the community. The Council does not wish legitimate business activities to have to be curtailed because of the introduction of sensitive uses in locations where their presence would be likely to lead to restrictions over business activity having to be imposed in order to avoid unacceptable nuisance to those sensitive uses, unless that is part of the planned change of an area.
- 6.8 The Council will be guided by the NPPF, EC Directive 2000/60/EC and Environmental Agency Acts to assess the implications of development, and will seek compliance with, and contribution to, EU limit values and national objectives for pollutants taking into the presence of AQMAs.

PMD1 – MINIMISING POLLUTION AND IMPACTS ON AMENITY, HEALTH, SAFETY AND THE NATURAL ENVIRONMENT

1. Development will not be permitted where it would cause or is likely to cause unacceptable effects on:
 - i. the amenities of the area;
 - ii. the amenity, health or safety of others;
 - iii. the amenity, health or safety of future occupiers of the site; or
 - iv. the natural environment.
2. Particular consideration will be given to the location of sensitive land uses, especially housing, schools and health facilities, and nationally, regionally and locally designated biodiversity sites, and areas of recreational and amenity value which are relatively undisturbed by noise and valued for this reason.
3. The Council will require assessments to accompany planning applications where it has reasonable grounds to believe that a development may suffer from, or cause:
 - i. Air pollution;
 - ii. Noise pollution;
 - iii. Contaminated land/soil;
 - iv. Odour;
 - v. Light pollution and shadow flicker;
 - vi. Water pollution;
 - vii. Invasion of privacy;
 - viii. Visual intrusion;
 - ix. Loss of light;
 - x. Ground instability;

xi. Vibration

4. Where the assessment confirms such potential harm, planning permission will only be granted if satisfactory solutions can be achieved through design, or suitable mitigation measures can be put in place through conditions or a planning obligation. Where an assessment is not forthcoming the Council may refuse permission on a precautionary basis.
5. The Council will seek compliance with, and contribution to, EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality in local areas arising from individual sites.
6. In the interests of supporting legitimate business activity pursuant to policy CSSP2 the Council will resist the introduction of sensitive uses in locations where their presence would be likely to lead to unreasonable restrictions over business activity having to be imposed in order to avoid unacceptable nuisance to those sensitive uses. Exceptionally the Council may accept co-location of sensitive uses with business uses where the sensitive uses are part of approved proposals for the redevelopment of a wider area from business use to a predominantly residential use.

Key Diagrams and Maps

Not Applicable

PMD2 – DESIGN AND LAYOUT

6.11 Thurrock has an environment of surprising contrast of industry, housing, infrastructure, farming and wildlife habitats. In some cases this has led to fragmented character and poor quality of physical and visual linkages. To rectify these deficiencies, the Council considers it essential that new schemes are built to appropriate design and layout standards to protect and enhance the quality and value of the built environment, natural assets and amenity on and around the development site. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It further states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces and wider area development schemes. Development should function well and add to the quality of the area, not just for the short term but over the lifetime of the development. Thurrock Council fully embraces these objectives. This policy sets out the criteria that will be assessed when considering schemes to ensure that their design and layout contributes to a high quality accessible environment in Thurrock.

PMD2 - DESIGN AND LAYOUT

1. The Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimise the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts.

All development proposals must satisfy the following criteria:

- i. **Character** – Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views, townscape, heritage assets and natural features, and contribute to the creation of a positive sense of place.
- ii. **Continuity** – Development proposals must promote continuity of street frontages and provide active ground floor frontages as far as reasonably possible.
- iii. **Public Realm** – New development should contribute to improvements in the public realm by contributing sensitive planting, street furniture, appropriate lighting and public art where appropriate. The quality of the design and detailing of all development, including interfacing elements such as facades, steps and walls should be robust, engaging and contribute positively to the public realm.
- iv. **Public and Private Amenity space** – Development proposals must provide adequate public and private amenity space in accordance with Thurrock's relevant adopted standards, particularly in areas with identified deficiencies. It should be attractive, safe, uncluttered, readily accessible and should promote play.
- v. **Accessibility** – Development proposals must allow easy and safe access for all members of the community. Development must also integrate land uses and all modes of transport but pedestrians and cyclists must be given priority over traffic in scheme design.
- vi. **Permeability and Legibility** – Development should promote connections between places that people wish to use, including public transport links, community facilities and the Greengrid. Development should be designed to help people find their way and must be legible for all members of the community, providing recognisable routes using landmarks and signage where appropriate.
- vii. **Safety and Security** – Development proposals must create safe and secure environments and reduce the scope for crime and fear of crime. Where appropriate, proposals should adopt the principles of *Designing Out Crime* set out in the Police Service's publication *'Secured by Design'*.
- viii. **Landscape** – Features contributing to the natural landscape in the Borough, such as woods, hedges, specimen trees, unimproved grassland, ponds and marshes, will be protected and where appropriate enhanced to maintain their landscape and wildlife value.

	<p>Provision and enhancement of landscape features will also be required to contribute to multiple uses and/or eco-system services, including amenity, recreation, flood alleviation and Sustainable Urban Drainage Systems.</p> <p>ix. Diversity – Development proposals must promote variety and choice through a mix of mutually compatible developments and uses.</p> <p>x. Utilities – Development proposals must accommodate public services and utilities without compromising design and layout. This includes providing suitable access to maintenance, waste and emergency service vehicles.</p> <p>xi. Energy and Resource use – Development should be designed to minimise energy and resource use. This includes integrating sustainable construction techniques, siting and orientation of buildings to maximise energy and water efficiency.</p> <p>xii. Layout – The layout of all development should optimise the assets of the site, while conforming to the appropriate standards for layout, design and access set out in the Layout and Standards SPD.</p> <p>2. In the interests of encouraging good design the Council will require residential developers to carry out robust assessments of their proposals using the <i>Building for Life</i> 12 questions, where the questions are relevant to the development being proposed, and submit such assessments in support of planning applications. The Council will use these questions as the basis for discussions with intending developers both before and after submission of planning applications. The objective will be to arrive at a mutually agreed assessment of proposals prior to a decision being made where there are no ‘red’ outcomes and where the only ‘amber’ outcomes are those where the characteristics of the site and its circumstances are such as to make ‘green’ outcomes unachievable.</p> <p>3. The Council will encourage pre-application discussions and design review of development proposals by the Commission for Architecture and the Built Environment (CABE) and/or other relevant bodies, and in relation to proposals having a wider impact, will wish to see that developers have worked closely with local communities to arrive at proposals that take account of their views.</p> <p>4. Where the Council has produced a design brief for a site or sites, developers will be obliged to meet its detailed requirements.</p>
Key Diagrams and Maps	
Not Applicable	

PMD3 – TALL BUILDINGS

6.16 Against the background of design guidance set out in the NPPF Thurrock will operate its tall buildings policy in accordance with guidance recognised as best practice, such as ‘Guidance on Tall

buildings’ (2007), published by the Commission for Architecture and the Built Environment (CABE) and English Heritage.

PMD4 – HISTORIC ENVIRONMENT

PMD4 - HISTORIC ENVIRONMENT

The Council will ensure that the fabric and setting of heritage assets, including Listed Buildings, Conservation Areas, Scheduled Monuments and other important archeological sites, and historic landscape features are appropriately protected and enhanced in accordance with their significance.

1. The Council will also require new development to take all reasonable steps to retain and incorporate non-statutorily protected heritage assets contributing to the quality of Thurrock’s broader historic environment.
2. Applications must demonstrate that they contribute positively to the special qualities and local distinctiveness of Thurrock, through compliance with local heritage guidance including:
 - i. Conservation Area Character Appraisals;
 - ii. Conservation Area Management Proposals;
 - iii. Other relevant Thurrock-based studies, including the Landscape Capacity Study (2005), the Thurrock Urban Character Study (2007) and the Thurrock Unitary Historic Environment Characterisation Project (2009).
 - iv. Further local guidance as it is developed.
3. The Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock’s built or archaeological heritage assets including the expectation that the relevant historic environment record will be consulted and the heritage asset(s) assessed using appropriate expertise where necessary. This will include consideration of alterations, extensions or demolition of Listed Buildings or the demolition of unlisted buildings within Conservation Areas, and requirements for pre-determination archaeological evaluations and for preservation of archaeology *in situ* or by recording.

Key Diagram and Maps

Map 4: Location of Landscape Character Areas

Map 6: Location of Listed Buildings, Scheduled Monuments and Conservation Areas

PMD5 – OPEN SPACES, OUTDOOR SPORTS AND RECREATIONAL FACILITIES

6.23 The NPPF states that planning policies for open space, sports and recreational facilities should be based on robust and up-to-date need assessments. Thurrock Council undertook quantitative and qualitative assessments of existing local provision and deficiencies in open space in the *Community Needs and Open Spaces Study (2005)*. The findings inform local policy and strategy development, and enable the determination of locally derived standards of provision. The study has informed the *Thurrock Open Spaces Strategy 2006-2011* and the related *Play Strategy for Thurrock: The Thurrock Play Partnership 2007-2017*.

PMD6 – DEVELOPMENT IN THE GREEN BELT

6.32 Although generally open in character the Green Belt contains various buildings which should only be developed or redeveloped in ways consistent with the objectives of Green Belt policy. This policy sets out clear guidance on the types of development that will be permitted within Thurrock's Green Belt and the reasonable limitations that will apply to those developments.

6.33 The Green Belt in Thurrock is protected and maintained though the principles set out in Government guidance. The Council will produce a Supplementary Planning Document to provide guidance on how the Council will define disproportionate additions and materially larger replacement buildings. The *Thurrock Greengrid Strategy* principle puts the natural environment at the centre of land use management and development in Thurrock.

PMD6 – DEVELOPMENT IN THE GREEN BELT

The Council will maintain, protect and enhance the open character of the Green Belt in Thurrock in accordance with the provisions of the NPPF. The Council will plan positively to enhance the beneficial use of the Green Belt by looking for opportunities to provide access to the countryside, provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, and to improve damaged and derelict land.

Planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this DPD, and the following:

1. Extensions

i. The extension of a building must not result in disproportionate additions

over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.

- ii. The extension of the curtilage of a residential property which involves an incursion into the Green Belt will only be permitted where it can be demonstrated that very special circumstances apply.

2. Replacement Buildings

- i. Replacement dwellings in the Green Belt will only be permitted provided that the replacement dwelling is not materially larger than the original building.
- ii. The replacement of other buildings shall only be for the same use, and the replacement building shall not be materially larger than the one it replaces.

3. Established Residential Frontages

- i. Where an established frontage of residential development exists in the Green Belt, planning permission will be granted, subject to compliance with all other relevant policies in this plan, for new dwellings on genuine infill plots and the replacement of existing dwellings and the extension of existing dwellings located on the existing frontage only. Replacement dwellings and extensions to existing dwellings will not be subject to the size limitations contained in paragraphs 2 and 3 of this policy. Established frontages of residential development in the Green Belt are identified on the Interim Adopted Proposals Map.

4. Re-Use and Adaptation of Buildings

- I. The re-use and adaptation of buildings for residential, employment, leisure or community use will be permitted, provided the following criteria are met:
 - i. The building is of a permanent and substantial construction and does not require significant rebuilding before it can be put to its proposed use;
 - ii. The building should not detract from the character and appearance of the locality after implementation of the new use. The bulk, form and general design of the building must reflect its surroundings;
 - iii. The proposed use can be fully contained in the building and would not require extensive new buildings or inappropriate use of open areas;
 - iv. The use does not have a materially greater impact than the present use on the openness of the Green Belt or amenities of the area by reason of noise, visual intrusion, traffic generation, fumes, dust or other forms of nuisance.
- II. Re-use or adaptation of existing farm buildings for non-agricultural purposes will not automatically result in permission being granted to erect additional buildings to accommodate the displaced agricultural

uses. Where permission for re-use or adaptation is granted, the Council will consider attaching a condition that removes permitted development rights for new farm buildings on the agricultural holding. The following factors will be considered when applying such a condition:

- i. The openness and landscape value of the agricultural holding and surrounding area; and
- ii. The grouping and/or dispersion of existing buildings on the agricultural holding and in the vicinity;
- iii. The size of the holding and the ability to disperse new agricultural buildings widely within it.

5. Equestrian Facilities

- i. The Council will expect stables to be located in existing buildings wherever possible. New buildings will only be permitted where there are no suitable existing buildings.
- ii. Stables will only be permitted where they are requisite to the use of the land for grazing. The Council will only permit one stable per 0.6 hectares (1.5 acres)⁴ of grazing land and the stable must be on, or immediately adjacent to, the grazing land.
- iii. Stud farms, riding schools and other large-scale commercial equestrian facilities will only be permitted in the Green Belt where they use existing buildings.
- iv. Permission will not be given for additional housing in association with stables.

6. Infilling and partial or complete redevelopment of a previously developed site comprising more than a single building, and located outside of Established Residential Frontages

I. Infilling should:

- i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development
- ii. not exceed the height of the existing buildings discounting any abnormally tall existing structures; and
- iii. not lead to a major increase in the developed proportion of the site.

II. Redevelopment should:

- i. have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development taking into account any proposed enclosure of open land
- ii. contribute to the achievement of the objectives for the use of land

⁴ British Horse Society

- in the Green Belt
- iii. not exceed the height of the existing buildings discounting any abnormally tall existing structures
 - iv. not occupy a larger area of the site than the existing buildings unless this would achieve a reduction in height which would benefit visual amenity, and
 - v. satisfactorily integrate with its landscape surroundings and, where it may be appropriate in order to meet that objective, buildings should be sited closer to existing buildings.

The relevant area for the purposes of II iv above is the aggregate ground floor area of the existing buildings excluding temporary buildings. Any buildings demolished prior to the grant of permission for redevelopment will not count as developed area.

The Council will expect the site to be considered as a whole, whether or not all buildings are to be redeveloped, and the floor area limitation at II iv above relates to the redevelopment of the entire site. Any proposals for partial redevelopment should be put forward in the context of comprehensive, long-term plans for the site as a whole.

In granting permission the Council may impose conditions to ensure that buildings which are not to be permanently retained are demolished as new buildings are erected in order to keep the total development area under control so that there is no adverse effect on openness.

7. Agricultural and Forestry dwellings

I. Permanent agricultural dwellings

New permanent dwellings will be allowed on well-established agricultural units to support existing agricultural activities providing all of the following are met:-

- i. there is a clearly established existing functional need for one or more workers to be readily available at most times on the unit.
- ii. the need relates to a full time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.
- iii. the unit and activity concerned:- have been established for at least three years; have been profitable for at least one of them; are currently financially sound; and have a clear prospect of remaining so.
- iv. the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned.
- v. the proposed dwelling is of a size commensurate with the established functional requirement.
- vi. the proposed dwelling would be sited so as to meet the identified

- functional need, and be well-related to existing farm buildings or other dwellings, and;
- vii. the relevant requirements of the Council's policies for management of development are met.

In relation to (i) above such need will be considered to exist if workers are needed to be on hand day and night in case animals or agricultural processes require essential care at short notice, or to deal quickly with emergencies that could otherwise cause serious loss of crops or products and pose a substantial threat to the financial soundness of the unit.

The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new dwelling but will not by itself be considered sufficient to justify one. Requirements arising from food processing, as opposed to agriculture, will not be considered justification for a new dwelling.

If any dwelling(s) or building(s) suitable for conversion to dwellings have recently been sold separately from the farmland concerned this will be considered as evidence of a lack of agricultural need.

In relation to (v) above dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income the unit can sustain in the long term will not be permitted. The relevant consideration will be the requirements of the enterprise rather than those of the owner or occupier. The planning permission for a dwelling will be made subject to a condition removing 'permitted development' rights for enlargement in order to ensure that a dwelling once built does not exceed a size commensurate with the established functional requirement.

II. Temporary agricultural dwellings

If a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, the Council will only permit this to be provided by way of a caravan or other temporary removable accommodation.

Temporary accommodation will only be permitted if all of the following are met:-

- i. there is a functional need for the dwelling which could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned;
- ii. there is clear evidence of a firm intention and ability to develop the enterprise and it has been planned on a sound financial basis;
- iii. the relevant requirements of the Council's policies for the management of development are met.

Such accommodation will only be permitted to be present on the agricultural

unit for a maximum of four years, unless by this time permission has been granted for a permanent agricultural dwelling and that dwelling is the subject of sustained construction activity. In such case the Council will grant further time limited permissions for the temporary accommodation until the permanent dwelling is habitable or the Council considers the dwelling is no longer the subject of sustained construction activity.

III. Forestry dwellings

The Council does not envisage that requirements for forestry worker accommodation will arise, but should they do so this policy will equally apply.

IV. Occupancy restrictions

In order to ensure that any permitted agricultural dwelling is kept available for meeting the need for such accommodation for so long as it exists planning permission for such accommodation will be subject to an appropriate occupancy condition limiting occupation to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependents. The Council will not agree to the removal of such conditions unless it has been satisfactorily demonstrated that there is no longer any need on the particular holding and in the area for a dwelling for someone solely, mainly or last working in agriculture. Those seeking removal will be expected to show that for the period of two years preceding the planning application for removal of the condition, sustained and appropriately targeted efforts to sell or rent the premises on terms reflecting the encumbrance of the agricultural occupancy condition have been made with no success. The Council will not consider this requirement to have been met unless the property has been marketed for the duration of this period at a discount of at least 35% against open market price. The Council will not agree to the removal of occupancy conditions from temporary accommodation.

8. Definitions and Limitations

In considering whether a proposal complies with the above:

- i. account will only be taken of lawful existing buildings,
- ii. for the purposes of paragraph 1 and 2 'original building' means in relation to a building existing on 1st July 1948, as existing on that date, and in relation to a building built on or after 1st July 1948, as so built. Any building which is itself a replacement building will not be considered to be an original building for the purposes of this policy and the acceptability or otherwise of any proposals for further extension or replacement will be judged by reference to the 'original building' which preceded it. If the exact size of this previous building is unknown the redevelopment of a replacement dwelling will be limited to a like for like replacement
- iii. for the purposes of paragraph 6 a 'previously developed site' is

one which is, or was, occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure, but excludes the site of agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Key Diagrams and Maps

Established Residential Frontages are identified on the Interim Adopted Proposals Map.

PMD7 – BIODIVERSITY, GEOLOGICAL CONSERVATION AND DEVELOPMENT

- 6.34 The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the natural environment, moving from a net loss of bio-diversity to achieving net gains for nature. It further states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Thurrock Council is committed to this vision and will protect and enhance all of its designated biodiversity sites, such as Ramsar sites, Sites of Special Scientific Interest (SSSIs), Local Wildlife Sites and Local Nature Reserves in accordance with the requirements of the Natural Environment and Rural Communities Act (2006) and the NPPF. The protection and management of the internationally designated (Ramsar) site within Thurrock is achieved by a combination of the provisions in the Habitat Regulations and Section 28 of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000.
- 6.35 With respect to SSSIs, the NPPF indicates that where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI, planning permission should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at the site, clearly outweigh both the adverse impacts that it is likely to have on those features and any broader impacts on the national network of SSSIs.

PMD7 – BIODIVERSITY, GEOLOGICAL CONSERVATION AND DEVELOPMENT

1. Development proposals will be required to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site. Where it can be demonstrated that this is not possible, and there is no suitable alternative site available

<p>for the development, developers will be required to show that their proposals would mitigate any loss of biodiversity or geological interest. In circumstances where it can be demonstrated that neither retention on site nor mitigation is possible, developers will be required to provide appropriate compensation for any significant loss of biodiversity or geological interest, such that there is no overall net loss of biodiversity habitat or features of geological conservation interest in Thurrock. The Council will seek to achieve net gains in biodiversity where such gains would be possible, with particular reference to the desirability of re-creating priority habitats and the recovery of priority species.</p> <ol style="list-style-type: none">2. The Council will not permit development that would result in the loss, or partial loss, of a locally designated biodiversity or geological site, except in exceptional circumstances where it can be demonstrated that there is no alternative, subject to the sequential approach outlined in (1) above.3. To enable the Council to determine an application which would result in a loss of biodiversity or geological value, the developer will be required to submit a detailed justification setting out:<ol style="list-style-type: none">i. why the loss is considered to be unavoidableii. an assessment of what species and habitat would be lost or adversely affected as a result of development (including an ecological survey where appropriate)iii. how the loss or adverse effect is proposed to be mitigated on-site through habitat restoration or creation; and/or compensated for through the acquisition and management of a suitable site within the area, or a financial contribution towards the purchase and management of such a site or management of an existing site to bring it up to a necessary standard.4. Thurrock Council will require development proposals to incorporate biodiversity or geological features into the design as far as possible. These may include green roofs, brown roofs and the creation of green corridors for wildlife.5. Where it is necessary to secure the biodiversity or geological interest of a development site, the Council will seek the provision and implementation of a Biodiversity or Geological Management Plan through planning obligations. The Council will evaluate development proposals and biodiversity management plans or geological management plans against recognised best practice.
Key Diagrams and Map
Map 5: Location of Strategic Biodiversity Sites Sites will be identified in the forthcoming Thurrock Local Plan and on the Proposals Map.

PMD8 – PARKING STANDARDS

6.39 The availability and design of car parking are integral to a number of challenges in Thurrock, including the need to promote alternatives to private car use (modal shift), make the best use of land given the high levels of growth being planned and the constraints of the Green Belt, and tackle high levels of vehicle crime. These challenges are particularly pressing in the Thurrock Urban Area. The Core Strategy policy *CSTP14: Transport in the Thurrock Urban Area* clearly states the importance of a policy approach to car parking and the need to link availability with levels of accessibility in order to support efforts to achieve a modal shift. The NPPF advises that when setting local parking standards local planning authorities should take into account accessibility, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership levels, and the overall need to reduce the use of high-emission vehicles.

6.42 **DELETED**

PMD10 – TRANSPORT ASSESSMENTS AND TRAVEL PLANS

6.50 The purpose of the policy is to encourage safe, healthy and sustainable travel options. By reducing car travel, Travel Plans/ Assessments can improve health and wellbeing, free up car parking space, and make a positive contribution to mitigating adverse impacts on the transport system, the environment and amenity. Taking into account any proposed mitigation including provision of sustainable transport modes and safe and suitable access, the Council will resist development where the residual cumulative impacts would be severe. Depending on the circumstances, this may include development proposals that would have a significant adverse effect on the free flow and safe movements of vehicular and non-vehicular traffic and/or fail to limit the use of motor vehicles and promote adequate alternative modes of transport.

PMD10 – TRANSPORT ASSESSMENTS AND TRAVEL PLANS

Transport Assessments, Transport Statements, and Travel Plans must accompany planning applications in accordance with the Department for Transport guidance in *Guidance on Transport Assessments* (March 2007).

- i. Travel Plans must be consistent with Council policies. They will normally be secured through planning obligations, although planning conditions might suffice where this will clearly be the best option because the outcomes and measures required are simple and very clear, such as where the travel plan is for an existing use.
- ii. All developments that fall below the thresholds for individual Travel Plans will be expected to support the Council's Smarter Choices

programme or Area Wide Travel Plans.

- iii. Where schools add capacity through development or new schools are proposed, they will be required to develop a School Travel Plan or revise their existing Travel Plan.
- iv. Proposals for residential developments of 25 units or more should be accompanied by a 'Safe Routes to School' assessment.
- v. Development will only be permitted where the Travel Plans, Transport Assessments or Transport Statements are agreed by the Council and there is adequate provision for existing or planned transport infrastructure and other proposed measures.

Proposed mitigation measures will either be implemented in their entirety by or on behalf of the developer or will be implemented as part of a wider pooling of resources. Developers will be required to make provision for the objectives of the agreed Travel Plans to be monitored. Agreed Travel Plans will include targets, coupled with penalties if outcomes are not being met.

Where adequate affordable mitigation is not secured or achievable and the residual cumulative impacts of development proposals are likely to be severe, such developments will be resisted.

Key Diagrams and Maps

Not Applicable

PMD12 – SUSTAINABLE BUILDINGS

6.59 The Code for Sustainable Homes is an environmental assessment method for rating and certifying the performance of new homes against a range of design categories including energy performance. Although devised as a voluntary rating system to foster a step change in sustainable building practice for new homes the intent was that the code would signal the future direction of Building Regulations in relation to carbon emissions ultimately leading to the goal that all new homes would be 'Zero Carbon' by 2016. However the definition of 'Zero Carbon' which is separately emerging for the purposes of national regulation is diverging from that defined by level 6 of the Code. The Council considers that requiring residential development to comply with level 4 of the Code in tandem with other policy requirements set out in this DPD and the future national requirement for homes to be 'Zero Carbon' by 2016 is the most appropriate means to ensure that homes in Thurrock are built to a satisfactory standard against a range of sustainability considerations.

6.61 **DELETED**

PMD12 – SUSTAINABLE BUILDINGS

In determining planning applications for new development, the following criteria must be met:

1. Residential

Proposals for new or conversion to residential development must achieve a “Code for Sustainable Homes” level 4 rating, except in respect of any of the Code’s requirements that have been officially superseded by mandatory national standards.

In meeting the above requirement the Council will require the following credits to be achieved as a minimum in the respective design categories:

- i. External Water Consumption: 1 credit
- ii. Management of surface water run-off from developments: 2 credits
- iii. Ecology: 4 credits

2. Non-residential (including Expansions or Extensions) over 1000m²

Proposals for non-residential development must achieve, as a minimum, the following BREEAM standards (or equivalent), where appropriate:

- BREEAM Very Good up to 2016;
- BREEAM Excellent from 2016;
- BREEAM Outstanding from 2019 (in addition to national standards for zero carbon).

These requirements may be relaxed where the developer is able to prove that these requirements will be economically unviable, rendering development of the site undeliverable.

3. Proposals for development will be required to submit an Energy and Water Statement in support of planning applications. The statements will be expected to show how the proposed development would:

- i. Minimise water consumption;
- ii. Minimise energy consumption;
- iii. Maximise water efficiency and water recycling
- iv. Maximise the use of recycled materials and sustainably sourced materials; and
- v. Minimise waste and maximise recycling during construction and after completion.

Further details of these requirements will be set out in the forthcoming Design and Standards DPD.

Key Diagrams and Maps

Not Applicable

PMD15 – FLOOD RISK

- 6.74 Due to its proximity to the River Thames, the management of flood risk in Thurrock should be considered at all stages of the planning process in accordance with the NPPF and Planning Practice Guidance. Through the Strategic Flood Risk Assessment and Sequential Test, Thurrock Council have considered flood risk in relation to strategic planning and policy.
- 6.75 The Sequential test for individual development sites will be addressed on a strategic scale during the production of the Site Specific Allocations and Policies DPD. When planning permission is sought for individual developments on sites allocated in development plans that have been informed by the Thurrock SFRA and sequentially tested on that basis, developers need not reapply the Sequential Test, but must apply the sequential approach when locating development within the site. All other individual development sites will also be expected to pass the Sequential Test, with relevant evidence being provided to the Council by the developer.
- 6.76 Following the application of the Sequential Test, Planning Practice Guidance may indicate the need for the Exception Test to be applied. It is likely given the extensive area of Flood Zones 2 and 3 in Thurrock, that the Exception Test will be required for a significant number of applications.
- 6.77 In light of the above, and in accordance with the NPPF, developers are therefore required to submit a site-specific Flood Risk Assessment (FRA) with all planning applications if:
- The development site lies within Flood Zones 2 and 3, as illustrated by the Environment Agency's Flood Zone maps;
 - The development site is 1 hectare or greater in area and in Flood Zone 1;
 - The development site is in an area of Flood Zone 1 where there are known critical drainage problems.
- 6.78 Site-specific FRAs are required to identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime taking climate change into account. Those proposing developments should take the advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. The objectives of a site-specific FRA, as set out in Planning Practice Guidance, are to establish the following:
- Whether a proposed development is likely to be affected by current or future flooding from any source;
 - Whether it will increase flood risk on-site or elsewhere;
 - Whether the measures proposed to deal with these effects and risks are appropriate;

- If necessary provide the evidence to the LPA so that the Sequential Test can be applied; and
- Whether the development will be safe and pass part (c) of the Exception Test if this is appropriate.

6.80 Further advice on producing Flood Risk Assessments is provided in Planning Practice Guidance and also by the Environment Agency in their Flood Risk Standing Advice to Applicants and Agents available by following the links on their website at: www.environment-agency.gov.uk.

PMD15 – FLOOD RISK ASSESSMENT

1. Applications relating to sites not covered by the Thurrock Sequential Test will be required to be supported by a site-specific Sequential Test to demonstrate compliance with the NPPF, and associated Planning Practice Guidance. To reflect the nature of Thurrock's defended floodplain, particular reference should be made to the hazard rating for each site where covered by the Thurrock Strategic Flood Risk Assessment.
2. Only those applications classified under the 'minor development' or 'changes of use' categories will be exempt from both the Sequential and Exception Tests, and 'water compatible' development will be exempt from the Exception Test. All developments will still be expected to meet the requirements for Flood Risk Assessments.
3. Development proposals subject to the Exception Test in Thurrock must show that the following criteria have been met (in addition to FRA requirements outlined in the NPPF and associated Planning Practice Guidance):
 - I. In addressing that part of the Exception Test requiring demonstration that the development provides wider sustainability benefits to the community that outweigh flood risk, reference should be made to the main assessment criteria outlined in the Thurrock Sustainability Appraisal and any opportunities to reduce the overall flood risk posed to the community, including schemes to make space for water;
 - II. The FRA must demonstrate that the development will be 'safe', without increasing flood risk elsewhere, and where possible will reduce flood risk overall. For Thurrock, this will mean addressing the following points in particular:
 - i. Flood hazard must be fully considered and reference should be made in the site-specific FRA to the SFRA, or site-specific modelling. This should be used to inform a sequential approach to planning within the site;
 - ii. Where it is deemed acceptable to reduce flood storage as a result of development, level for level compensation storage must be provided to ensure that there is no increased flood risk elsewhere;
 - iii. Where appropriate, an emergency plan for the development must be submitted that is consistent with the emergency plan for the area. This will include evidence that 'more vulnerable'

<p>development can achieve safe access/egress to a communal refuge point or unaffected area accessible to the emergency services. In highly exceptional cases where access/egress to a place of safe refuge cannot be achieved, these will be considered on their individual merits;</p> <ul style="list-style-type: none">iv. Where appropriate, flood avoidance, flood resistance and flood resilience measures must be incorporated into the design of any development;v. Evidence that surface water management schemes, and other flood defence measures that are required on-site in order to allow a development to take place will be adequately maintained for the lifetime of that development by the site owner;vi. Evidence that the proposed development will not interfere with the potential for future maintenance or improvements to flood defences. <p>4. Developers may be required to provide Developer Contributions towards the improvement of Emergency Planning services and flood defence measures within Thurrock as part of flood management mitigation.</p> <p>5. Developments will be expected to incorporate Sustainable Drainage Systems (SUDS) to reduce the risk of surface water flooding, both to the site in question and to the surrounding area. Where the potential for surface water flooding has been identified, site specific Flood Risk Assessments should ensure that suitable SUDS techniques are incorporated as part of the redevelopment.</p>
Key Diagrams and Maps
Not Applicable

PMD16 – DEVELOPER CONTRIBUTIONS

- 6.86 The statutory provisions for planning obligations are found at Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 (as amended). The NPPF confirms that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations, and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The levy regulations indicate that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- i) necessary to make the development acceptable in planning terms;
 - ii) directly related to the development, and;
 - iii) fairly and reasonably related in scale and kind to the development.

6.87 **DELETED**

PMD16 - DEVELOPER CONTRIBUTIONS

1. Where needs would arise as a result of development, the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and in accordance with the NPPF and any other relevant guidance.
2. Through such obligations, the Council will seek to ensure that development proposals:
 - i. Where appropriate contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed.
 - ii. Meet the reasonable cost of new infrastructure made necessary by the proposal.
 - iii. Mitigate or compensate for the loss of any significant amenity or resource.
 - iv. Provide for the ongoing maintenance of facilities provided as a result of the development.

The wide range of matters that may be covered by obligations include:

Housing	Affordable Housing (including intermediate and key worker housing)
	Mobility Housing
	Lifetime Homes
	Special Needs Housing
Education and Training	Early Years and Childcare
	Primary Schools
	Secondary Schools
	Sixth Form Provision
	Higher Educational Provision
	School Transport
	Adult Learning
	Safer Routes to School
	Vocational training in employment
	Employment of local residents
Transport Infrastructure	Provision of Technical Work
	Network management
	Sustainable Public and Community Transport
	Accessibility and Travel planning
	Pedestrian Infrastructure including Public Rights of Way
	Cycling Infrastructure
	Road Infrastructure
	Parking Infrastructure / enforcement

	Transport Information and Marketing Scheme and Residential Season Ticket Provision
	Maintenance Payments for new and existing infrastructure
Community, Cultural and Social Infrastructure	Library Services
	Community Centres (including Places of Worship)
	Youth Facilities
	Emergency Services – Police Service, Essex Fire and Rescue, Health Care, Ambulance Services
	Public Art
	Recreational and Leisure Facilities including Open Space, Play Equipment and Pitches
Built Environment	Street Scene Improvements
	Preservation and enhancement of the Historic Environment
	Safety and designing out crime
	Sustainable Design and Layout
Environment/ Climate Change	Renewable Energy Additions
	Biodiversity and Landscaping
	Green Infrastructure
	Greengrid
	Carbon Offset Fund
	Flood defense infrastructure
Other Utilities and Communications	District Energy Networks
	Including water and waste water

3. To ensure the robust, sustainable and effective delivery of infrastructure within Thurrock, the Council will seek, where appropriate, different types of contributions from new development. These will be set out in the forthcoming Developer Contributions SPD. The range of contributions that will be utilised in Thurrock include:

- i. **Standard Charges** – to ensure certainty and clarity in the delivery of developer contributions, a formulaic approach with a standard charge will be utilised where appropriate.
- ii. **Maintenance Payments** – where appropriate maintenance contributions will be sought, usually in the form of a one-off payment.
- iii. **Forward or Support Funding** – Specific elements of the development package may be required to be in place at an early stage in the build programme.
- iv. **Pooling of Contributions** – Pooling of contributions will be an appropriate way of collecting together funding from a number of developments in an area to facilitate the provision of infrastructure needed to meet the cumulative impact of development where a single development would not fairly be able to meet the associated costs.

Cross boundary impacts with other Local Planning Authorities will require joint agreement between authorities. Effective and productive joint working with neighbouring authorities will be promoted.

Key Diagrams and Maps

Not Applicable

CHAPTER 7 – MONITORING AND IMPLEMENTATION

Table 17

Core Output/Significant Effect Indicators

HOUSING				
Policy Cross-Reference	CSSP1, CSTP1, CSTP2, CSTP3, CSTP4, CSTP5			
Appropriate SSOs	SSO1, SSO2, SSO4, SSO12, SSO18			
SA Objective(s)	SEA4, SEA5, SEA13			
Ref	Indicator	Source	Indicator Type	Targets
H2 (d)	i) Managed delivery target ii) Maintaining 5 year supply of deliverable housing sites and buffer	DCLG, LDF Core Output Indicators - Updated 2/2008	Core Output, NPPF requirement	In 2009 published AMR target is 5,645 by 2014
H6	Housing Quality – Building for Life Assessments	DCLG, LDF Core Output Indicators - Updated 2/2008	Core Output	Current position is not to set a target, but to monitor. Subject to periodic review
H7	New developments achieving BREEAM very good or excellent or Code for Sustainable Homes Level 4	Thurrock Borough Council TTGDC	Significant Effect	Compliance with national standards: 2013 – Level 4

ENVIRONMENT				
Policy Cross-Reference	CSTP18, CSTP19, CSTP20, CSTP21, CSTP22, CSTP23, CSTP24			
Appropriate SSOs	SSO1, SSO3, SSO6, SSO9, SSO19			
SA Objective(s)	SEA4, SEA7, SEA11, SEA12, SEA14, SEA15			
Ref	Indicator	Source	Indicator Type	Targets
E6 (H6)	Housing quality – Building For Life Assessments	DCLG, LDF Core Output Indicators - Updated 2/2008	Core Output	Current position is not to set a target, but to monitor Subject to periodic review

E7 (H7)	Percentage of new developments achieving BREEAM very good or excellent or Code for Sustainable Homes Levels 3-6	DCLG, LDF Core Output Indicators - Updated 2/2008	Significant Effect	Compliance with national standards: 2013 – Level 4
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Adoption of Thurrock Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework

KEY OUTCOMES

Policy	Change
OSPD1 – Promoting sustainable growth and regeneration in Thurrock	A new policy, closely modelled on the Planning Inspectorate's suggested model wording. Expresses the intent of the Council to take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework
CSSP5 – Sustainable Greengrid	Sets out more comprehensive considerations
CSTP8 – Vitality and Viability of Existing Centres	Reflects the sequential preference for 'main town centre uses' to be located in 'town centres' before 'edge of town centre' locations before 'out of centre' locations
CSTP23 – Thurrock Character and Distinctiveness	Identifies Residential Precincts and the Homesteads ward as key areas where the Council will protect character
CSTP25 – Addressing Climate Change	Recognises the role of green infrastructure as a means to address climate change
CSTP27 – Management and Reduction of Flood Risk	Requires developers to prioritise sustainable drainage systems
CSTP32 – Safeguarding Minerals Resources	Safeguarding of facilities for concrete and coated materials, and those handling, processing and distributing recycled aggregates
PMD1 – Minimising Pollution and impacts on amenity	Includes the considerations of health, safety and the natural environment, and the protection of valued recreational and amenity areas. Guards against the introduction of sensitive land uses in the vicinity of businesses in order to avoid the imposition of restrictions over the activities of the latter
PMD2 – Design and Layout	Introduces requirement that development optimises the potential of sites, and expectation that developers of proposals that would have a wide impact will work with local communities to take account of their views. Changes to reflect the approach of <i>Building for Life 12 (BfL 12)</i> rather than original <i>Building for Life</i> . <i>BfL 12 is the industry standard, endorsed by Government, for the design of new housing developments.</i>
PMD6 – Development in the Green Belt	Introduces parameters for the redevelopment of previously developed sites, and for agricultural workers dwellings
PMD7 – Biodiversity, Geological Conservation and Development	Introduces the achievement of net gains in biodiversity as an objective
PDM12 – Sustainable Buildings	Aligns, so far as possible at this time, the requirements of the policy with emerging national policy. In particular removes the requirement for dwellings to be built to level 6 of the Code for Sustainable Homes from 2016
PMD15 – Flood Risk Assessments	Introduces a requirement that development allowed exceptionally in areas of flood risk should provide wider sustainability benefits

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28 January 2015	ITEM: 19
Council	
Adoption of legislation to allow for improved regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis within Thurrock	
Wards and communities affected: All	Key Decision: Not applicable
Report of: Tony Sprackling, Principal Environmental Health Officer	
Accountable Head of Service: Gavin Dennett, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
This report is Public	

Executive Summary

To enable the Council to regulate the provision of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis in Thurrock, the Council needs to make a resolution to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 and once that resolution is passed and implemented, to then adopt a model bylaw. The model bylaw orders that persons and premises undertaking these activities register with the council, and it enables the council to place conditions on the registrations.

By adopting the legislation and creating a bylaw it will ensure that any person carrying out acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis has to be registered with the local authority. A fee is payable for the registration, and the registration has conditions attached to it, for the purpose of securing the cleanliness of the premises, the cleanliness of persons registered and assisting registered persons, and the cleansing and where appropriate sterilisation of instruments, materials and equipment. Any breach of these conditions could result in formal action.

There are a number of premises in Thurrock which provide these facilities and in the interests of health and safety, such premises should all operate to a similar enforceable standard.

1. Recommendation(s)

- 1.1 That Council agree to adopt Sections 14-17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 120, which deals with the regulation of Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis**
- 1.2 That following the implementation period for the adoption of the resolution in relation to Sections 14-17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by The Local Government Act 2003 Section 120, the Council adopt the model bylaw which can be found in Appendix 2.**

2. Introduction and Background

- 2.1 Skin Piercing activities include: acupuncture, tattooing, ear piercing, electrolysis, cosmetic piercing (piercing of the body including the ear) and semi-permanent skin colouring (including micro-pigmentation, semi-permanent make-up and temporary tattooing).
- 2.2 At the Environmental Health Committee on the 2nd July 1987 and the Policy and Resources Committee on the 8th July 1987 it was agreed that Sections 14-17 inclusive and the model bylaw for the purposes of the registration of premises for acupuncture, tattooing, ear piercing and electrolysis and also the registration of persons undertaking those trades be adopted from the 1st September 1987.
- 2.3 There is, however, no obtainable evidence to suggest that the notification process as laid out in Section 13 of the Local Government (Miscellaneous Provisions) Act 1982 had been followed or that the bylaw was forwarded to the Secretary of State for adoption, therefore the relevant sections and the bylaw cannot be enforced as it has not been fully adopted.
- 2.4 By adopting the sections and creating a bylaw it allows the Council to put conditions on registrations relating to the cleanliness and hygiene of the premises, practitioners and equipment. This is intended to increase health protection and reduce the risk of transmission of blood-borne virus infections such as HIV, hepatitis B and C and other infections.

3. Issues, Options and Analysis of Options

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 requires that persons undertaking skin piercing activities obtain a registration from the local authority, and a person cannot undertake skin piercing activities as listed in the bylaw unless they obtain a registration for skin piercing.

- 3.2 The bylaw is to ensure that the premises are following safe procedures, and relate to the cleanliness of the premises, practitioners and equipment.
- 3.3 The fee is reviewed and set on an annual basis through the fee report which Council agrees.
- 3.4 Premises which are to be used for skin piercing may need to have works undertaken to conform to the conditions such as providing and fitting a wash hand basin to each treatment room with hot and cold running water. The practitioner will need to ensure safe procedures and working methods are in place.
- 3.5 Each premises where skin piercing is to be undertaken will receive a visit from a Thurrock Council Officer to ensure the conditions are being met, and visits will be made to the premises throughout the existence of the registration for the premises, to ensure continued compliance with the bylaw to protect members of the public.
- 3.6 All premises where skin piercing will be undertaken will need to conform to the same standard which will ensure uniformity amongst the premises.

4. Reasons for Recommendation

- 4.1 The adoption of the Sections and the creation of a bylaw will ensure that residents and visitors using premises carrying out skin piercing and related activities are meeting a standard which will help to ensure the persons health and safety.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Discussion with the Director of Public Health who supports this proposal.
- 5.2 This report was presented at Licensing Committee on the 18th December 2014 and it was recommended that the Council agree to adopt Sections 14 – 17 inclusive of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 120, which deals with the regulation of Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The adoption of the bylaw will contribute to meeting the Council's priority of protecting and promoting our clean and green environment and building pride, responsibility and respect.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

Work Associated with this activity will be funded within the existing budget. The fee is reviewed on an annual basis through the fees and charges report.

7.2 Legal

Implications verified by: **David Lawson**
Deputy Head of Legal and Democratic Services

The local authority has an obligation to protect public safety and prevent the transmission of diseases; this activity contributes to the fulfilment of this duty.

7.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

This activity does not impact disproportionately on any group of persons that have protected characteristics.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

n/a

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Minutes of Environmental Health Committee 2nd July 1987
- Minutes of Environmental Health Committee 17th September 1987
- Minutes of Policy and Resources Committee 8th July 1987

Copies of these minutes are available if needed, please contact the author.

9. Appendices to the report

- Appendix 1 - Section 13 – 17 of The Local Government (Miscellaneous Provisions) Act 1982, as amended by The Local Government Act 2003 section 120,
- Appendix 2 - Model Bylaw: Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

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Environmental Health Officer

Public Protection

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Local Government (Miscellaneous Provisions) Act 1982

1982 c. 30 ← [Part VIII](#)

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PART VIII

ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

13 Application of Part VIII.

- (1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.
- (2) A local authority may resolve that the provisions of this Part of this Act which are mentioned in paragraph (a), (b) or (c) of subsection (3) below are to apply to their area; and if a local authority do so resolve, the provisions specified in the resolution shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- (3) The provisions that may be specified in a resolution under subsection (2) above are—
 - (a) sections 14, 16 and 17 below; or
 - (b) sections 15 to 17 below; or
 - (c) sections 14 to 17 below.
- (4) A resolution which provides that section 15 below is to apply to the area of a local authority need not provide that it shall apply to all the descriptions of persons specified in subsection (1) of that section; and if such a resolution does not provide that section 15 below is to apply to persons of all of those descriptions, the reference in subsection (2) above to the coming into force of provisions specified in the resolution shall be construed, in its application to section 15 below, and to section 16 below so far as it has effect for the purposes of section 15 below, as a reference to the coming into force of those sections only in relation to persons of the description or descriptions specified in the resolution.
- (5) If a resolution provides for the coming into force of section 15 below in relation to persons of more than one of the descriptions specified in subsection (1) of that section, it may provide that that section, and section 16 below so far as it has effect for the purposes of that section, shall come into force on different days in relation to persons of each of the descriptions specified in the resolution.
- (6) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (7) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the provisions specified in it in the local authority's area.
- (8) The notice shall state which provisions are to come into force in that area.
- (9) The notice shall also—
 - (a) if the resolution provides for the coming into force of section 14 below, explain that that section applies to persons carrying on the practice of acupuncture; and
 - (b) if it provides for the coming into force of section 15 below, specify the descriptions of persons in relation to whom that section is to come into force.
- (10) Any such notice shall state the general effect, in relation to persons to whom the provisions specified in the resolution will apply, of the coming into force of those provisions.
- (11) In this Part of this Act "local authority" means—
 - (a) the council of a district;
 - (b) the council of a London borough; and
 - (c) the Common Council of the City of London.

Annotations:

Modifications etc. (not altering text)

C1 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

14 Acupuncture.

- (1) A person shall not in any area in which this section is in force carry on the practice of acupuncture unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section; but a person who is registered under this section does not contravene this subsection merely because he sometimes visits people to give them treatment at their request.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
 - (a) particulars as to the premises where the applicant desires to practise; and
 - (b) particulars of any conviction of the applicant under section 16 below,
 but do not include information about individual people to whom the applicant has given treatment.
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purpose of securing—
 - (a) the cleanliness of premises registered under this section and fittings in such premises;
 - (b) the cleanliness of persons so registered and persons assisting persons so registered in their practice;
 - (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.
- (8) Nothing in this section shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

Annotations:**Modifications etc. (not altering text)**

C2 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

15 Tattooing, ear-piercing and electrolysis.

- (1) A person shall not in any area in which this section is in force carry on the business—
 - (a) of tattooing;
 - (b) of ear-piercing; or
 - (c) of electrolysis,
 unless he is registered by the local authority for the area under this section.
- (2) A person shall only carry on a business mentioned in subsection (1) above in any area in which this section is in force in premises registered under this section for the carrying on of that business; but a person who carries on the business of tattooing, ear-piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to pierce their ears or give them electrolysis.
- (3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to carry on his business and shall issue to the applicant a certificate of registration.
- (4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—
 - (a) particulars as to the premises where the applicant desires to carry on his business; and
 - (b) particulars of any conviction of the applicant under section 16 below,
 but do not include information about individual people whom the applicant has tattooed or given electrolysis or whose ears he has pierced.
- (6) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (7) A local authority may make byelaws for the purposes of securing—
 - (a) the cleanliness of premises registered under this section and fittings in such premises;
 - (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered;
 - (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this section.
- (8) Nothing in this section shall extend to the carrying on of a business such as is mentioned in subsection (1) above by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

Annotations:**Modifications etc. (not altering text)**

C3 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

16 Provisions supplementary to ss. 14 and 15.

- (1) Any person who contravenes—
- (a) section 14(1) or (2) above; or
 - (b) section 15(1) or (2) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 3 on the standard scale].
- (2) Any person who contravenes a byelaw made—
- (a) under section 14(7) above; or
 - (b) under section 15(7) above,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 3 on the standard scale].
- (3) If a person registered under section 14 above is found guilty of an offence under subsection (2)(a) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (4) If a person registered under section 15 above is found guilty of an offence under subsection (2)(b) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.
- (5) A court which orders the suspension or cancellation of a registration by virtue of subsection (3) or (4) above may also order the suspension or cancellation of any registration under section 14 or, as the case may be, 15 above of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.
- (6) Subject to subsection (7) below, a court ordering the suspension or cancellation of registration by virtue of subsection (3) or (4) above may suspend the operation of the order until the expiration of the period prescribed by Crown Court Rules for giving notice of appeal to the Crown Court.
- (7) If notice of appeal is given within the period so prescribed, an order under subsection (3) or (4) above shall be suspended until the appeal is finally determined or abandoned.
- (8) Where the registration of any person under section 14 or 15 above is cancelled by order of the court under this section—
- (a) he shall within 7 days deliver up to the local authority the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and thereafter to a daily fine not exceeding £5; and
 - (b) he shall not again be registered by the local authority under section 14 or, as the case may be, 15 above except with the consent of the magistrates' court which convicted him.
- (9) A person registered under this Part of this Act shall keep a copy—
- (a) of any certificate of registration issued to him under this Part of this Act; and
 - (b) of any byelaws under this Part of this Act relating to the practice or business in respect of which he is so registered,
- prominently displayed at the place where he carries on that practice or business.
- (10) A person who contravenes subsection (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F1 level 2 on the standard scale].
- (11) It shall be a defence for a person charged with an offence under subsection (1), (2), (8) or (10) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (12) Nothing in this Part of this Act applies to anything done to an animal.

Annotations:**Amendments (Textual)**

F1 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

Modifications etc. (not altering text)

C4 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

17 Power to enter premises (acupuncture etc.).

- (1) Subject to subsection (2) below, an authorised officer of a local authority may enter any premises in the authority's area if he has reason to suspect that an offence under section 16 above is being committed there.
- (2) The power conferred by this section may be exercised by an authorised officer of a local authority only if he has been granted a warrant by a justice of the peace.
- (3) A justice may grant a warrant under this section only if he is satisfied—
- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
 - (b) that there is reasonable ground for entry under this section.
- (4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.
- (5) A warrant shall continue in force—
- (a) for seven days; or
 - (b) until the power conferred by this section has been exercised in accordance with the warrant,
- whichever period is the shorter.
- (6) Where an authorised officer of a local authority exercises the power conferred by this section, he shall produce his authority if required to do so by the occupier of the premises.
- (7) Any person who without reasonable excuse refuses to permit an authorised officer of a local authority to exercise the power conferred by this section shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding [F2 level 3 on the standard scale].

Annotations: 

Amendments (Textual)

F2 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46

Modifications etc. (not altering text)

C5 Ss. 13-17: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1

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Local Government Act 2003

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PROSPECTIVE

120 Regulation of cosmetic piercing and skin-colouring businesses

- (1) Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (regulation of tattooing, ear-piercing and electrolysis businesses) is amended as follows.
(2) In subsection (1) (requirement for person carrying on business to be registered), for paragraph (b) (ear-piercing) there is substituted—
“(aa) of semi-permanent skin-colouring;
(b) of cosmetic piercing; or”
(and in the side-note for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”).
(3) In subsection (2) (requirement to register premises where business carried on)—
(a) for “ear-piercing” there is substituted “ semi-permanent skin-colouring, cosmetic piercing ”, and
(b) for “pierce their ears” there is substituted “ carry out semi-permanent skin-colouring on them, pierce their bodies ”.
(4) In subsection (5) (local authority may not require particulars about individuals whose ears have been pierced etc.), for “or whose ears he has pierced” there is substituted “ , whose bodies he has pierced or on whom he has carried out semi-permanent skin-colouring ”.
(5) After subsection (8) there is inserted—
“(9) In this section “semi-permanent skin-colouring” means the insertion of semi-permanent colouring into a person’s skin.”
(6) Schedule 6 (which makes provision about transition) has effect.

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MODEL BYLAW

Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Bylaw for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by Thurrock Council in pursuance of sections 14(7) or 15(7) or both of the Act.

Interpretation

1.—(1) In these bylaw, unless the context otherwise requires—

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982;

“client” means any person undergoing treatment;

“hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—

- (a) the lobe or upper flat cartilage of the ear, or
- (b) either side of the nose in the mid-crease area above the nostril;

“operator” means any person giving treatment, including a proprietor;

“premises” means any premises registered under sections 14(2) or 15(2) of the Act;

“proprietor” means any person registered under sections 14(1) or 15(1) of the Act;

“treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

“the treatment area” means any part of premises where treatment is given to clients.

(2) The Interpretation Act 1978 shall apply for the interpretation of these bylaw as it applies for the interpretation of an Act of Parliament.

2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that—

- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
- (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
- (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
- (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle, instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—
 - (i) immediately after use; and

- (ii) at the end of each working day.
 - (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
 - (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2)(a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3)(a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- 3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—
- (a) an operator shall ensure that—
 - (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
 - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
 - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
 - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
 - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
 - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
 - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
 - (b) a proprietor shall provide—
 - (i) adequate facilities and equipment for—
 - (aa) cleansing; and
 - (bb) sterilization, unless only pre-sterilized items are used.
 - (ii) sufficient and safe gas points and electrical socket outlets;
 - (iii) an adequate and constant supply of clean hot and cold water on the premises;
 - (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.
- 4.—(1)** For the purpose of securing the cleanliness of operators, a proprietor—
- (a) shall ensure that an operator—
 - (i) keeps his hands and nails clean and his nails short;
 - (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;

- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing bylaw are hereby confirmed by the Secretary of State for Health
on _____ and shall come into operation on _____

Member of the Senior Civil Service

Department of Health

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYLAW

Proprietors shall take all reasonable steps to ensure compliance with these bylaw by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these bylaw and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these bylaw shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these bylaw the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these bylaw extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these bylaw extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment **applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface **applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.***

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) **apply to tattooing and semi-permanent skin-colouring.***

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client **does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).***

*The provisions of paragraph 4(2) in relation to washing facilities **apply to cosmetic piercing using only a hygienic piercing instrument.***

*The exception whereby the bylaw do not apply to treatment carried out by or under the supervision of a **dentist** applies only to **acupuncture** (see section 14(8) of the Act).*

28 January 2015	ITEM: 20
Council	
Hackney Carriage and Private Hire Vehicle Specification and Licence Condition amendment	
Wards and communities affected: All	Key Decision: Non Key
Report of: Cllr Mike Stone, Chair of Licensing Committee	
Accountable Head of Service: Gavin Dennett, Head of Public Protection	
Accountable Director: David Bull, Director of Planning and Transportation	
This report is: Public	

Executive Summary

Correction of a typographical error to Thurrock Council Hackney Carriage and Private Hire vehicle specifications and Licence Conditions.

1. Recommendation(s)

- 1.1 That Council adopts the vehicle specification and licence conditions for Private Hire and Hackney Carriage Vehicles (appendix A)**

2. Introduction and Background

- 2.1 Local Authorities have the power to set conditions and policy in relation to Hackney Carriage and Private Hire Vehicle Licences.
- 2.2 The current Vehicle Specification and Licence Conditions sets out the type of vehicles that are considered suitable for licensing and the conditions that they must adhere to once the licence has been granted.
- 2.3 This Policy was amended and agreed at Full Council on the 23 October 2013

3. Issues, Options and Analysis of Options

- 3.1 Since publication a typographical error has been discovered Paragraph 2.2 of Hackney Carriage Vehicle Licence – Pre Licensing Standards which currently reads: “Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles

are **side** loading on 1 August 2013 shall replace their vehicle with a vehicle that is **rear** loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.”

- 3.2 This paragraph has been amended to read: “Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are **rear** loading on 1 February 2014 shall replace their vehicle with a vehicle that is **side** loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age. The amended Policy is attached as **Appendix A.**”
- 3.3 Section 11 has also been amended to clarify where animals should be carried in vehicles following a recommendation by the Licensing Committee.

4. Reasons for Recommendation

- 4.1 The error must be amended to allow for wheel chair accessible vehicles to be replaced during their life. The adoption of policy is a full council function.
- 4.2 The Licensing Committee on the 8th July 2014 agreed to the recommendation to adopt the amendments.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 No consultation has been undertaken as this is just an amendment to rectify a typographical error.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This will ensure that this policy remains fit for purpose.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications for this report

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

The adoption of council policy is a Council function.

7.3 Implications verified by: **Rebecca Price**

Community Development Officer

The correction of this typographical error will ensure that Wheelchair Accessible Hackney Carriages can be replaced with similar vehicles ensuring access to wheelchair users.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

- Appendix A – Amended Hackney Carriage and Private Hire Vehicle Specification and Licence Conditions.

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

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HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SPECIFICATION AND LICENCE CONDITIONS

HACKNEY CARRIAGE VEHICLE LICENCE

PRE-LICENSING STANDARDS

HACKNEY CARRIAGE VEHICLE LICENCE

PRE-LICENSING STANDARDS

1. The vehicle must:

- 1.1. Be wheelchair accessible with 8 or less passenger seats. Those Hackney Carriage proprietors whose vehicles were a saloon, estate or multi-passenger vehicle on 1 February 2014 will be permitted to replace their vehicle with a vehicle that is not wheelchair accessible, if the licence is transferred to a new proprietor then any replacement vehicle thereafter must be a wheelchair accessible vehicle.
- 1.2. When first submitted for licensing, must be less than 4 years of age.
- 1.3. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.4. Any vehicle accepted for licensing as a Hackney Carriage Vehicle, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Hackney Carriage Vehicle and to the manufacturers specification have:
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").
 - 1.6.2. Seats (length): The length of the seat from the back to the front edge must be a minimum of 43cm (17")
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the back of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPV's or Minibuses have M2 seats fitted.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).
- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).

- 1.10. Have accommodation for not less than 4 passengers.
- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
 - 1.13.1. In London style vehicles, the area next to the driver shall be deemed to be the luggage space and no provision for seating shall be permitted there.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

2. Wheelchair Accessible Vehicles

- 2.1. Any proprietor who has a Hackney Carriage Vehicle licence for a wheelchair accessible vehicle, must in future, only replace the vehicle with a wheelchair accessible vehicle.
- 2.2. Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing. Those Hackney Carriage proprietors whose vehicles are rear loading on 1 February 2014 shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 10 years of age.
- 2.3. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

3. Minibus and Multi Passenger Vehicles

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person

being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

4. Tinted Windows

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced.

5. Taximeter

- 5.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

6. LPG Vehicles

- 6.1. A hackney carriage proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:
 - 6.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.
 - 6.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
 - 6.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
 - 6.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.
 - 6.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

7. Vehicle Inspections

- 7.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Hackney Carriage Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.
- 7.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 7.2.1. Upon initial application (regardless of the age of the vehicle)
 - 7.2.2. Annually in respect of vehicles up to 5 years old.
 - 7.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 7.2.4. Four monthly in respect of vehicles over 8 years old

8. Production of Documentation

- 8.1. All applicants for a Hackney Carriage Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):
 - 8.1.1. A current MOT test certificate
 - 8.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.
 - 8.1.3. An insurance certificate or cover note, which expressly indicates cover for public hire.
 - 8.1.4. The vehicle registration document showing the applicants name and address.
 - 8.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

HACKNEY CARRIAGE VEHICLE

CONDITIONS OF LICENCE

HACKNEY CARRIAGE VEHICLE LICENCE

CONDITIONS OF LICENCE

1. Pre Licensing Standards

- 1.1. Satisfy the Hackney Carriage Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. The extinguisher must be located in a secure and easily accessible position, in the boot or front cab of the vehicle. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type.

NB: In the event of a vehicle fire, the priority is to GET THE PASSENGERS OUT.

- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:
 - 3.1.1. The vehicle window card licence.
 - 3.1.2. The tariff card supplied by the Council shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling inside the vehicle
 - 3.1.3. "No Smoking" signs shall be displayed on both rear passenger door windows.

4. Exterior Signs

- 4.1. The proprietor shall ensure that:
 - 4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Hackney Carriage shall be displayed in a vertical

position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not be permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.

4.1.2. The Hackney Carriage plate shall not be concealed from public view or defaced in any way.

4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Hackney Carriage vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.

4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.

4.1.6. A roof sign capable of being illuminated and showing to the front and rear the word "TAXI" the light for which should automatically be extinguished when the taxi meter is engaged. London style and other taxis with signs forming an integral part of the roof are acceptable.

5. Trailers and Roof Boxes

5.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to tow a trailer provided that:

5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).

5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.

5.2. A proprietor of a licensed Hackney Carriage vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

6. CCTV

6.1. A proprietor of a licensed Hackney Carriage vehicle will be permitted to install CCTV provided that:

6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

7. Advertising

7.1. A proprietor of a Hackney Carriage shall ensure that the display of advertising materials is restricted to the following:

7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors, which show the Thurrock Council stickers and the windows / glazing of the vehicle.

7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.

7.1.3. All product advertising must be professionally applied and no reflective materials may be used.

7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.

7.1.5. Internal advertising is permitted subject to approval by the Council.

7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

8. Vehicle Inspections

8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

8.1.1. Upon initial application (regardless of the age of the vehicle)

8.1.2. Annually in respect of vehicles up to 5 years old.

8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.

8.1.4. Four monthly in respect of vehicles over 8 years old

- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.
- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

9. General Conditions

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. Whilst a vehicle is licensed as a Hackney Carriage vehicle and at all times, whether plying for hire or not shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.6. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

10. Taximeter

10.1. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by Thurrock Council. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.

10.2. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Council.

10.3. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.

10.4. The operation of the taximeter shall accord with any byelaws made by the Council.

10.5. The taximeter shall be tested for accuracy on initial application and following any changes to the table of fares or as required. Thurrock Council staff may seal meters after each inspection.

11. Animals and the Carriage of Assistance Dogs

11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

11.2. Any animal, with the exception of assistance dogs, belonging or in the custody of a passenger may be conveyed at the driver's discretion; however it shall only be conveyed in the rear of the vehicle.

11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistance dogs, dogs for the disabled, support dogs and canine partners for independence.

11.4. A driver of a licensed vehicle is required to carry the following assistance dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:

- 11.4.1. Guide dogs for the blind
- 11.4.2. Hearing dogs
- 11.4.3. Dogs for the disabled

11.4.4. Support dogs (e.g. epilepsy)

- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in either the front or the rear of the vehicle.

12. Documentation

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.

- 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.

- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.

- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

13. Accidents / Vehicle Damage / Theft

- 13.1. The proprietor of any Hackney Carriage vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.

- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e.

vandalism. Notification must be reported within 72 hours of such damage.

- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

14. Byelaws and Regulations

- 14.1. The proprietor shall ensure that any driver complies with the Council's Byelaws and Conditions.

- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Hackney Carriage Licensing in the Town Police Clauses Act 1847 (as amended), Public Health Acts 1875 and 1936 and the Local Government (Miscellaneous Provisions) Act 1976. These are available at a public library or via the internet.

15. Surrender of Licence

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

16. Appeals

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Hackney Carriage licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:

16.1.1. Appeal against conditions imposed on a Hackney Carriage Proprietor's licence (to the Magistrates Court); and

16.1.2. Appeal against refusal to grant a Hackney Carriage Proprietor's licence (to the Crown Court)

PRIVATE HIRE VEHICLE LICENCE

PRE-LICENSING STANDARDS

PRIVATE HIRE VEHICLE LICENCE

PRE-LICENSING STANDARDS

1. The vehicle must:

- 1.1. When first submitted for licensing, must be less than 4 years of age.
- 1.2. At the time of renewal of the licence be no more than 10 years of age, except for wheelchair accessible vehicles, which must be no more than 15 years of age.
- 1.3. Speciality vehicles, classic vehicles and limousines can be more than 4 years of age at first point of licensing and will have no upper age limit, but must be subject to testing at a frequency according to age. These vehicles will also be exempt from other further requirements which may not be applicable to the vehicle type, at the discretion of the Licensing Department.
- 1.4. Any vehicle accepted for licensing as a Private Hire Vehicle after, may only be replaced by a vehicle that is younger by reference to the dates of first registration.
- 1.5. Be right hand drive, in good mechanical order and body condition and in operational order in every respect.
- 1.6. Be suitable in size and design for use as a Private Hire Vehicle and to the manufacturers specification have:
 - 1.6.1. Rear Seat (width): The width of the rear seats, measured in a straight line widthways on the front edge of the seat must be such as will allow adequate seating accommodation to the extent of a minimum of 42cm (16 ½ ").
 - 1.6.2. Seats (length): The length of the seat from the squab to the front edge must be a minimum of 43cm (17")
 - 1.6.3. Knee Space: The measurement between the rear of the front seats and the squab of the backseat must be a minimum of 66cm (26") with the front seat at its centre point.
 - 1.6.4. An exemption may be granted to the minimum specifications above in special circumstances if agreed by the Licensing Department. (An example where this may be appropriate is where MPV's or Minibuses have M2 seats fitted or on speciality vehicles.)
- 1.7. Have a minimum of 4 doors, each adjacent to and allowing direct access to and from the seats.
- 1.8. Have manufacturers recommended sized tyres (remould tyres are not acceptable).

- 1.9. Have rear seat accommodation for not less than three passengers, unless the safe carriage of a passenger seated in a wheelchair necessitates the removal of any seat(s).
- 1.10. Have accommodation for not less than 4 passengers.
- 1.11. Have appropriate seatbelts to the front and rear seats of the vehicle. The number of seatbelts fitted to the vehicle shall correspond with the number of passengers the vehicle is licensed to carry, plus a belt for the driver.
- 1.12. Have, in addition to the driver, up to 2 passenger seats in the front of the vehicle, provided each seat has a separate lap/diagonal seat belt.
- 1.13. Have adequate luggage facilities, which must be provided separate from the passenger-carrying compartment. All vehicles must be capable of carrying a wheelchair, folded down if appropriate, in a reasonable manner.
- 1.14. Have a parcel shelf or similar fitted, where the vehicle design allows for.

2. Wheelchair Accessible Vehicles

- 2.1. Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).

3. Minibus and Multi Passenger Vehicles

- 3.1. Any seat adjacent to the nearside door of the passenger compartment of a licensed vehicle must be removed, where necessary, to permit a clear and unobstructed entry to and exit from the back row seating compartment.
- 3.2. No person entering or exiting the licensed vehicle should have to remove or dismantle any seat or other obstacle, climb over any person being carried in the vehicle, or have any other person leave their seat to facilitate them entering or exiting the vehicle.

4. Tinted Windows

- 4.1. Tinted windows, including factory fitted tinted windows, which have sufficient tint to obscure the inside of the vehicle from being viewed from the outside will not be permitted without the prior approval of the Licensing authority. Those Hackney Carriage proprietors, whose vehicles have such tinted windows on 1 February 2014, may remain licensed until the vehicle is replaced. The only exceptions to that are likely to be considered are for vehicles with a plate exemption or limousines.

5. Taximeter

5.1. If a taximeter is fitted it:

5.1.1. Shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Taxi Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

6. Vehicle Inspections

6.1. Thurrock Council reserves the right to examine any vehicle before the grant of a Private Hire Vehicle licence in order to ascertain that the vehicle conforms to all current legislation, licensing criteria and licensing conditions. Such examination does not guarantee the grant of a licence.

6.2. The applicant shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:

6.2.1. Upon initial application (regardless of the age of the vehicle)

6.2.2. Annually in respect of vehicles up to 5 years old.

6.2.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.

6.2.4. Four monthly in respect of vehicles over 8 years old

7. Production of Documentation

7.1. All applicants for a Private Hire Vehicle licence shall produce the following documents prior to the issue of a licence and at any time when requested to do so by the Council (documents must be current at the time the licence commences):

7.1.1. A current MOT test certificate

7.1.2. A valid vehicle test sheet issued by Thurrock Council approved testing garage, or other such certificate as may be required from time to time by Thurrock Council.

7.1.3. An insurance certificate or cover note, which expressly indicates cover for private hire and reward.

7.1.4. The vehicle registration document showing the applicants name and address.

7.1.5. New applications and transfer notifications must also include proof of ownership by means of bill of sale or hire purchase agreement.

8. LPG Vehicles

8.1. A Private Hire proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following pre-licensing conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG:

8.1.1. That a certificate of compliance is produced to state that the LPG installation was undertaken by a Petroleum Gas Association (LPGA) approved installer.

8.1.2. That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

8.1.3. If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.

8.1.4. The proprietor of the vehicle must notify DVLA Swansea, of the change in fuel from petrol to both LPG and petrol.

8.1.5. The vehicle is serviced by a person competent in LPG powered vehicles.

PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

1. Pre Licensing Standards

- 1.1. Satisfy the Private Hire Vehicle Licence Pre Licensing Standards adopted by Thurrock Council at all times.

2. Safety Equipment

- 2.1. An efficient and serviceable fire extinguisher marked with the plate number of the vehicle shall be carried at all times. Wheelchair accessible vehicles must carry a fire extinguisher which is at least a 1 litre AFFF extinguisher with a minimum of an 8A to 21B rating. Where a minibus fitted with a passenger lift to meet the construction and use regulations, a second extinguisher must be fitted near the back doors of the same type.

NB: In the even of a vehicle fire, the priority is to GET THE PASSENGERS OUT.

- 2.2. Each vehicle shall carry a first aid kit for the use of the driver and shall contain those items laid down by the Health and Safety (First Aid) Regulations 1981.
- 2.3. The proprietor shall have available in the vehicle sufficient high visibility jackets for the seating capacity of the vehicle, and an emergency triangle to use in the event of a breakdown or accident.

3. Interior Markings

- 3.1. The proprietor shall ensure that the following are clearly displayed inside the vehicle:

3.1.1. The vehicle window card licence.

3.1.2. "No Smoking" signs shall be displayed on both rear passenger door windows.

4. Exterior Signs

- 4.1. The proprietor shall ensure that:

4.1.1. The licence plate issued by Thurrock Council identifying the vehicle as a Private Hire Vehicle shall be displayed in a vertical position and firmly fixed to the outside of the vehicle at the rear using the fixing bracket supplied. Velcro, cable tie and magnetic fastenings are not be permitted. In any case of doubt about a proper method of fixing the plate, the Licensing Department should be consulted.

4.1.2. The Private Hire plate shall not be concealed from public view or defaced in any way.

4.1.3. The licence plate shall remain the property of Thurrock Council at all times and must be returned immediately if the vehicle ceases to be a licensed Private Hire vehicle, any detail of the vehicle is changed or if the vehicle licence is suspended or revoked by the Council.

4.1.4. Door stickers provided by Thurrock Council shall be permanently displayed on each rear door of the vehicle on the upper panel of the door. Magnetic door signs are not permitted. Any variance to the location of the stickers should be agreed with the Licensing Department.

4.1.5. The door stickers shall not be concealed from public view or defaced or altered in any way.

5. Trailers and Roof Boxes

5.1. A proprietor of a licensed Private Hire vehicle will be permitted to tow a trailer provided that:

5.1.1. The trailer complies with all legal requirements (please see appendix for further guidance).

5.1.2. The driver of the vehicle holds the appropriate category on his/her DVLA driving licence, which must be produced to the Council.

5.2. A proprietor of a licensed Private Hire vehicle will not be permitted to carry any form of roof box or luggage on the roof of the vehicle.

6. CCTV

6.1. A proprietor of a licensed Private Hire vehicle will be permitted to install CCTV provided that:

6.1.1. The CCTV complies with all legal requirements (please see appendix for further guidance).

7. Advertising

7.1. A proprietor of a Private Hire vehicle shall ensure that the display of advertising materials is restricted to the following:

7.1.1. Advertising, including product advertising or the trade name, address and telephone number of the circuit may be displayed anywhere on the exterior of the vehicle apart from the rear doors,

which show the Thurrock Council stickers and the windows / glazing of the vehicle.

- 7.1.2. Product advertising is subject to the Council giving authority and retaining the right to request the removal of any particular advertisement that is felt to be unsuitable.
- 7.1.3. All product advertising must be professionally applied and no reflective materials may be used.
- 7.1.4. Wheelchair accessible vehicles may display the disability symbol of a maximum of 10" (245mm) square on the wheelchair access door(s) only.
- 7.1.5. Internal advertising is permitted subject to approval by the Council.
- 7.1.6. All advertising must be approved by the Council. The written approval of Thurrock Council shall be obtained as to the content and layout of any advertisement before it is fitted or displayed.

8. Vehicle Inspections

- 8.1. The proprietor shall submit the vehicle for an MOT and compliance inspection and/or other inspections as the Council may require at one of the Council approved garages as follows:
 - 8.1.1. Upon initial application (regardless of the age of the vehicle)
 - 8.1.2. Annually in respect of vehicles up to 5 years old.
 - 8.1.3. Six monthly in respect of vehicles over 5 years old and up to 8 years old.
 - 8.1.4. Four monthly in respect of vehicles over 8 years old
- 8.2. Vehicles submitted for inspection shall be in such a condition as to be suitable for inspection: free from oil or any other matter and thoroughly cleaned inside and out. Vehicles not meeting these conditions will not be inspected. These vehicles will be treated as having failed to attend the inspection and be suspended immediately until they pass a re-inspection.
- 8.3. The proprietor should submit the vehicle to the Council after any repair made necessary by an accident affecting the safety, performance or appearance of the vehicle or comfort or convenience of passengers.

- 8.4. Proprietors of vehicles which fail to attend any notified inspection, or whose vehicles are refused an inspection due to the condition of the vehicle shall be liable to pay a fee for a re-inspection.
- 8.5. Proprietors of vehicles, which fail to attend for an inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass an inspection.

9. General Conditions

- 9.1. Vehicles must be kept clean, tidy, free from damage, well maintained and in every way fit for public service both inside and out.
- 9.2. Vehicles without alloy wheels should be fitted with all 4 matching hubcaps.
- 9.3. During the period of the licence the proprietor shall be in direct control of the day-to-day running of the vehicle.
- 9.4. The vehicle shall not be used to convey a greater number of passengers than shown on the plate and licence, irrespective of the age of the passenger.
- 9.5. No passenger under the age of 16 shall be permitted to use any side facing seat at any time.
- 9.6. On vehicles with side facing seats, notices must be displayed inside the vehicle in a prominent position advising that persons under the age of 16 must not be seated in a side facing seat.
- 9.7. Whilst a vehicle is licensed as a Private Hire vehicle and at all times, shall not be driven by any person other than a driver properly licensed by Thurrock Council.
- 9.8. If the proprietor permits or employs another person to drive the vehicle, that person must be licensed by Thurrock Council. The proprietor must have a copy of his/her Hackney Carriage / Private Hire driver's licence before he/she commences to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. The copy of the licence will be retained until such a time as the driver ceases to be permitted or employed to drive the vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.
- 9.9. A Private Hire proprietor who makes provisions for the acceptance of bookings for a Private Hire vehicle, by advertising a private telephone number and/or mobile number and accepts pre-booked fares, whether or not on a Private Hire circuit, requires a Private Hire Operators Licence. This does not preclude a proprietor carrying the business cards of a properly licensed operator for whom he/she is working.

10. Taximeter

10.1. Where a Private Hire vehicle is fitted with a taximeter:

10.1.1. The operation of the taximeter shall accord with any Pre Licensing Standards and Conditions made by the Council.

10.1.2. The vehicle shall be fitted with an efficient taximeter that is capable of visibly recording fares by measuring distance and time and calculating fares for all lengths and duration of journeys equivalent to the maximum fare tariff set by the Private Hire Operator. The taximeter shall be calibrated to only allow the use of the aforementioned tariff for the calculation of fares and no others.

NB: Nothing in this condition prevents a driver from charging the customer less than the metered fare.

10.1.3. The taximeter shall be maintained at all times so that the fare displayed can readily be seen by the passenger(s). There shall be recorded on the face of the taximeter in figures, clearly legible and free from ambiguity a fare not exceeding the scale of fares prescribed by the Private Hire Operator.

10.1.4. The taximeter and all the fittings shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seal or other appliance.

11. Animals and the Carriage of Assistance Dogs

11.1. The proprietor shall not allow any driver to convey in a licensed vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle.

11.2. Any animal, with the exception of assistance dogs, belonging or in the custody of a passenger may be conveyed at the driver's discretion; however it shall only be conveyed in the rear of the vehicle.

11.3. The proprietor shall ensure the driver of the vehicle complies with the requirement to carry guide dogs, Hearing dogs, other assistant dogs, dogs for the disabled, support dogs and canine partners for independence.

11.4. A driver of a licensed vehicle is required to carry the following assistant dogs free of charge, unless the driver has a proven medical condition that would preclude such actions:

11.4.1. Guide dogs for the blind

- 11.4.2. Hearing dogs
 - 11.4.3. Dogs for the disabled
 - 11.4.4. Support dogs (e.g. epilepsy)
- 11.5. All assistant dogs can be identified usually by their harness or identification coat. The dog owner should carry an identification card, in the case of those registered as blind, this will include a passport sized photograph and in addition they may also hold an Institute of Environmental Health card confirming no hygiene risk to vehicles or premises.
- 11.6. All assistance dogs should travel at their owner's feet in either the front or the rear of the vehicle.

12. Documentation

- 12.1. A proprietor shall at all times hold a current certificate or cover note of motor insurance and vehicle MOT certificate and ensure copies of the original documents are supplied to the Licensing Department upon first licence and at the time of renewal of the licence and at any other time as may be required. Certificates must run concurrent, without any breaks in date or time and new or replacement copy documentation must be submitted to the Council within 7 days of the expiry of the preceding certificate / cover note.
- 12.1.1. Failure to provide copies of a valid insurance certificate or cover note and or MOT test certificate will lead to immediate suspension for a minimum of 24 hours or until the production of the required documents is made in person to a Licensing Officer, at which time the suspension will be immediately lifted.
- 12.2. A proprietor shall produce vehicle registration documents and any other evidence of proprietorship of the vehicle to the Council at the request of the Licensing Department, within a reasonable period of time or a maximum of 7 days from such a request.
- 12.3. The Council must be notified in writing or by electronic means within 7 days of any change of address. Official documents such as vehicle registration document, insurance certificate and driving licence must be presented to the Licensing Department as soon as reasonably practicable, showing proof of change of address.

13. Accidents / Vehicle Damage / Theft

- 13.1. The proprietor of any Private Hire vehicle shall report to the Licensing Department as soon as reasonably practicable and in any case, within one working day of the occurrence, thereof any accident causing damage to the said vehicle.
- 13.2. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any vehicle body damage i.e.

vandalism. Notification must be reported within 72 hours of such damage.

- 13.3. The proprietor shall report to the Licensing Department in writing, by telephone or by electronic means any theft of vehicle or licence plate. Notification must be reported as soon as practicable and within 72 hours of such theft.

14. Regulations

- 14.1. The proprietor shall ensure that any driver complies with the Council's Pre Licensing Standards and Conditions of Licence.
- 14.2. The proprietor should make themselves familiar with statutory requirements in relation to Private Hire Vehicle Licensing. These are available at a public library or via the internet.

15. Surrender of Licence

- 15.1. If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall surrender the licence and return the licence plate, which remains the property of Thurrock Council.
- 15.2. Thurrock Council may, at any time during the period of the licence, revoke the licence should a breach be detected of any terms and conditions of the licence.

16. Appeals

- 16.1. Statutory rights for appeal against the decisions made by the Licensing Authority in respect of the grant or renewal of a Private Hire vehicle licence are to be found in the Local Government (Miscellaneous Provisions) Act 1976:
 - 16.1.1. Appeal against conditions imposed on a Private Hire Proprietor's licence (to the Magistrates Court); and
 - 16.1.2. Appeal against refusal to grant a Private Hire Proprietor's licence (to the Crown Court)

Appendix A

CCTV Installation in Private Hire and Hackney Carriage Vehicles

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CCTV Installation in Private Hire and Hackney Carriage Vehicles

Introduction

These guidelines set out to ensure that CCTV systems in Thurrock Council licensed Hackney Carriages and Private Hire Vehicles (both referred to in this document as Taxis) are used to prevent and detect crime, reduce the fear of crime and enhance the health and safety of Taxi drivers and passengers.

For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside or outside of the vehicle having the technical capability of capturing and retaining either or both visual images or audio recording from inside or external to the vehicle. In addition to the standard CCTV camera system these may include for example, such devices as events/incident/accident data recording devices.

The purpose of CCTV

The purpose of the CCTV system shall be to provide a safer environment for the benefit of the Taxi driver and passengers by:

1. Deterring and preventing the occurrence of crime;
2. Reducing the fear of crime;
3. Assisting the Police in investigating incidents of crime.
4. Assisting insurance companies in investigating motor vehicle accidents

General Requirements

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this document. Only CCTV systems meeting these requirements can be installed into licensed Taxis.

CCTV systems installed in Taxis will be inspected as part of the annual licensing inspection to ensure they do not pose a risk to the safety of the passengers or the driver and are fitted safely and securely.

The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available via - http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

Automotive Electromagnetic Compatibility Requirements (EMC)

CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.

CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.

Camera Design Requirements

The camera(s) must be fitted safely and securely, should not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

Installation

All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions.

The installed CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.

All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

Viewing screens within the vehicle for the purposes of viewing captured images will not be permitted.

All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.

If more than one camera is being installed their location within the vehicle must be specific for purpose i.e. to provide a safer environment for the benefit of the Taxi or PHV driver and passengers.

All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.

All system components requiring calibration in situ should be easily accessible.

Camera Activation Methods

Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event. A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

Audio Recording

CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-

- Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Image Security

Images captured must remain secure at all times.

The captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.

Where applicable, these provisions shall also apply to audio recordings.

Notification to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed taxi must register with the ICO (Notification) and obtain documented evidence of that registration.

This documentary evidence will be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

Using a third party service provider (data processor)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'.

A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. Documentary evidence of the contractual arrangements may be required to be presented to a Licensing Officer at any time during the term of the vehicle licence.

Use of information recorded using CCTV

The data controller is responsible for complying with all relevant data protection legislation.

The data controller is legally responsible for the use of all images including breaches of legislation.

Any images and audio recording should only be used for the purposes described earlier in these guidelines.

Requests may be made by the Police, Thurrock Council's Licensing Department or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or appropriate bodies, to the "data controller" to view captured images. The data controller is responsible for responding to these requests.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the DPA, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the ICO CCTV Code of Practice.

Signage

All Taxis with CCTV must display appropriate signage. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

Contact Details

The name and the contact telephone number of the Data Controller must be included on the sign.

Signage for external facing CCTV systems

Where a CCTV system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

Note

Reference to 'Data Controller', 'Data Processor', 'Sound Recording' and 'Encryption Software' information made in this guideline complies with the current Information Commissioner's Office (ICO) CCTV Code of Practice 2008.

Appendix B.

Trailers used with Private Hire vehicles or Hackney Carriage Vehicles

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Trailers used with Private Hire vehicles or Hackney Carriage Vehicles

Private Hire vehicles or Hackney Carriage vehicles licensed by the Thurrock Council are permitted to tow trailers providing the following conditions are complied with at all times:-

1. The licensed towing vehicle's insurance must cover the towing of a trailer.
2. Trailers must not be left unattended anywhere on the highway.
3. The speed restrictions applicable to trailers must be observed at all times.
4. A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
5. The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998.
6. The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
7. Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
8. Only those trailers that comply with the following conditions will be permitted to be towed by a licensed vehicle.
 - a. Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
 - b. A licensed vehicle trailer application form must have been completed and the trailer must receive initial approval by a Licensing Officer.
 - c. When initial approval is granted (unless brand new), and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at any of Thurrock Council Approved Garages.

The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test.

- d. A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved.
- e. An additional licence plate will be issued for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
- f. Un-braked trailers shall be less than 750 kilograms gross weight.
- g. Trailers over 750 kilograms gross weight shall be braked acting on at least two road wheels.
- h. The towing vehicle must have a sufficient maximum train weight, this is shown on the VIN plate, Any vehicle that does not display a train weight on the VIN should not be used for towing.
- i. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight, this should be made available when the vehicle is inspected at an Authorised Garage.
- j. The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- k. The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.55 metres.
- l. The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- m. The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- n. The trailer's full frame must be made of galvanised steel with a straight drawbar.
- o. The trailer shall not display any form of sign or advertisement not required or approved by the Licensing Department and Road Traffic legislation.

28 January 2015	ITEM: 21 (i)
Council	
Cabinet Member Report - Environment	
Report of: Councillor Tony Fish, Portfolio Holder for Environment	
This report is public.	

Introduction

The Environment Portfolio is unique in the Council, in that the services it represents are the only Council services that are provided to all residents in the Borough every week. Waste collections are made from every household as an active interaction and more passively the levels of street cleanliness and the state of our parks, open spaces and verges have impact on all residents and visitors to the Borough as they go about their daily business.

The core services covered by the portfolio and delivered by the Environment Directorate, are:

- Waste collection and disposal
- Street Cleansing
- Parks and Open Spaces (including Country Parks)
- Operational aspects of Highway Repair and Maintenance
- Fleet Management and Maintenance

This report has been prepared to provide an overview of those services. Details of each service are provided below with an overview of current performance against key performance indicators and benchmark comparators where possible. Some of the challenges and opportunities for the service are explored.

Service Overview:

Waste Collection and Disposal

The current Waste Collection regime has been run by an in-house team since 2010. The service provides a weekly collection of residual waste, dry recycling and kitchen and garden waste. The disposal of all waste collected is controlled through a suite of 6 contracts. These have been in place since 2010 and cover the various strands of disposal as well as the provision of a civic amenity site.

Over the course of a year the collection teams empty 10 million wheeled bins, disposing of 69,000 tonnes of household waste. A key measure of success for the service is the proportion of collections made on time. In 2013/14 the team achieved on time collection of 97%, and the year to date figure for 2014/15 is 99%. The cost of the collection service

per household currently stands at £1.60 per household per week.

The three bin system supports the Council's objectives relating to recycling and despite a dip in the recycling rate over the past two years, our performance continues in line with the National Average for English authorities with an outturn of 42% in 2013/14. The target for the current year is to achieve a recycling and re-use rate of 45%. A joint project is underway with Housing to encourage residents in multi-occupancy dwellings to actively participate in the recycling collections. Recycling rates are important not only for the environmental benefits, but also from a cost perspective. The cost of disposal for recycling is significantly lower than via landfill.

Improvements to the Household Waste & Recycling Centre (Civic Amenity Site) at Linford have seen a wider range of materials accepted for recycling, a higher proportion of materials handled being recycled, and a reduction in the amount of trade waste illegally entering the site.

Significant changes are planned for the service in 2015 with the re-tendering of some disposal contracts, and plans are being prepared to move to an optional, paid garden waste collection service and an alternate week collection programme. The changes are being implemented to enable the Directorate to operate with the reduced financial envelope available due to Council-wide savings targets.

Street Cleansing

For 2013/14 the standard of street cleanliness in Borough has shown a further year on year improvement with levels of cleanliness significantly better than the national average performance standard. It is important to note that the improvement in cleanliness has been achieved whilst the cost of the service per head has remained amongst the lowest. The 2012/13 APSE (Association for Public Service Excellence) performance indicator standings report indicates that our annual cost of street cleansing per head was £9.88; this is £1.43 lower than the previous and year and £1.10 less than the comparator group average.

Parks and Open Spaces

Parks amenities across the borough have continued to be maintained to a high level, and the quality of play and sports facilities has been enhanced. The department continues to support the highly regarded Thurrock in Bloom event. The Green Flags that are awarded as a testament to the quality of the facilities and management of Coalhouse Fort and Langdon Hills were retained in 2014. £1.2 million has been secured from Heritage Lottery and the Veolia North Thames Trust to further restore the Coalhouse Fort site, with the installation of new toilets and a café planned. A proportion of the income from the café will be ring-fenced to fund future restoration work on site. An Education Officer and Community Development Officer post have been grant funded for a three year period to support the work of the existing ranger team.

The service is responsible for the maintenance of green spaces on Housing land. The Service Level Agreement that has now been in place for 4 years has delivered improved maintenance in housing areas, and the annual SLA charge to Housing was reduced in April 2014 by £130,000 to reflect efficiencies achieved within the service.

Operational Highways Maintenance and Repair

Although not responsible for the strategic aspects of the Highways Network, the Environment portfolio includes the service that carries out the on-street work such as maintaining footpaths, verges and sightlines, repairing potholes and winter gritting, as well as a number of minor capital projects across the borough. The team has also been delivering the infrastructure work for the Coastal Pathway project. The past (2013/14) winter was notable in that it was very mild and our gritting operations were only mobilised on 23 occasions. However, we are still prepared to deal with the harshest winter conditions that may occur, and already this season have carried out 14 gritting runs.

Fleet Management

The creation of the workshop at St Clements Way has been a positive development for the department. Repair and maintenance for the Council's fleet of vehicles is now completed in-house, reducing dependence on expensive external providers. Additionally the service has assumed responsibility for the safety inspections for Taxis and private hire vehicles in the Borough and has recently been approved as a VOSA MoT Centre.

Recent reviews of the fleet have allowed us to reduce some of our equipment levels and lower service overhead costs as a consequence.

Key Challenges for 2015/16:

As with many of the Services delivered by the Council the key challenge faced by the Environment Portfolio is the depth of the savings required to enable the Council to operate within budget constraints.

The reduced operational capacity necessary to deliver the scale of savings required will result in a lower level of service in many areas, and the team is currently refining proposals to minimise this impact wherever possible.

Changes planned include a move to area-based working and reconfiguration of the grounds maintenance and street cleansing teams, which will deliver improvements in both productivity and responsiveness, taking into account the reducing resources available for the service.

Additionally, the relocation of the services currently based at the Curzon Drive depot to improved facilities at the Directorate's Oliver Close/St Clements site will enable management and back-office functions to be restructured, reducing overhead costs and allowing frontline capacity to be prioritised.

The Service continues to seek new avenues for generating income. Trade waste collections from schools have been ongoing for the past year and opportunities relating to arboriculture and grounds maintenance work are being explored.

Key Service Outputs

Service Area	Function	Annual Output	Weekly Cost per Household
Waste Management	No. of domestic bin collections per year	9,968,244	£1.60
	Annual domestic tonnage collected and disposed of	72,390 tonnes	
	% of domestic bins collected on time	98.6%	
Street Cleansing	Annual cleansing miles of highways.	15,672 miles	£0.59
	Number of Litter Bins emptied	587 No.	
	Tonnage of Street Cleansing waste collected	3,136 tonnes	
Greening (incl Parks & Open Spaces, Country Parks, Burial Grounds, Outdoor Sports etc)	No. of Playgrounds maintained	71 No.	£0.94
	Overall grassed areas maintained	518 hectares	
	No. of Urban Parks maintained	72 No.	
Winter Maintenance (2013/14 season)	Tonnage of salt used	673 tonnes of salt used	£0.06
	No. of Gritting runs completed	23 runs	
	Length of Gritting run	266 miles per run	
	Total miles gritted	6,118 miles gritted	

Summary

The Environment Portfolio is operating both effectively and efficiently with no major areas of significant weakness. The strategic and operational management within the Department continues to be strong, demonstrating robust financial management and continuous improvement in the delivery of high quality services across the Borough.

Financial Information:

Summary of Environment Directorate Budget Savings

	Year on Year Savings Changes			
	2014/15	2015/16	2016/17	2017/18
Fleet / General Savings & External Income	37.5	112.5	-	-
Reduction in General Management costs	23.0	116.0	-	-
Consolidate depots onto single site at Oliver Close/St Clements Way	50.0	150.0	-	-
Transfer highways maintenance, gully cleansing, emergency response and winter maintenance services to Planning and Transportation	55.0	165.0	-	-
Review all Grounds Maintenance, Parks, and Street Cleansing operations	172.0	1,506.0	331.0	-
Revisions to waste collection and disposal arrangements (including charging for garden waste)	-	973.0	520.0	-
Fortnightly collection of residual waste and recycling	-	260.0	260.0	-
	337.5	3,282.5	1,111.0	-

Revenue Budget Financial Forecast

ENVIRONMENT DIRECTORATE FINANCIAL STANDARD MONTHLY PERFORMANCE -TRADING ACCOUNT FORMAT									
Trading Division	Trading Account Heading	Trading Cost Type	2014/15 Budget	Budget to Date	Actual Spend to Date	Variance to Date	2014/15 Forecast Spend	2014/15 Forecast Variance	
Direct Costs & Income	Income	External Work & Other Income	1,963.0cr	646.7cr	677.7cr	31.0cr	1,994.5cr	31.4cr	
		Fees & Charges	642.6cr	222.4cr	204.3cr	18.1	624.5cr	55.1	
		Highways Work Income	1,441.1cr	560.9cr	613.2cr	52.3cr	1,493.4cr	52.3cr	
		Housing Work Income	1,227.9cr	561.4cr	603.3cr	41.9cr	1,269.7cr	41.9cr	
		Internal Recharge Income	5,226.7cr	1,757.5cr	1,641.5cr	116.0	5,112.8cr	116.0	
		Income Total		10,501.2cr	3,748.9cr	3,740.0cr	8.9	10,494.9cr	45.6
	Running Costs	Employee Costs	Employee Costs	7,443.8	2,569.1	2,619.7	50.6	7,489.4	38.6
			Internal Management & Supv'n	2,094.4	682.5	661.2	21.3cr	2,073.6	23.1cr
			Operational Premises	1,762.8	610.0	575.0	35.0cr	1,727.8	35.0cr
			Sub Contractor (External)	6,407.9	2,363.0	2,441.1	78.1	6,486.0	48.1
			Sub Contractors (Internal)	490.5	163.5	221.4	57.9	548.4	57.9
			Supplies & Services	1,129.9	349.5	266.3	83.3cr	1,046.8	83.1cr
			Transport Costs	3,984.4	1,268.2	1,195.1	73.1cr	3,913.3	71.1cr
		Running Costs Total		23,313.7	8,005.9	7,979.8	26.1cr	23,285.3	67.8cr
Direct Costs & Income Total			12,812.6	4,257.0	4,239.8	17.2cr	12,790.4	22.2cr	
Fixed Costs & Overheads	Admin Support Costs	Central Admin Support	1,166.5	388.8	388.8	0.0cr	1,166.5	0.0cr	
		Admin Support Costs Total	1,166.5	388.8	388.8	0.0cr	1,166.5	0.0cr	
	Back Office / Overheads	Consultant Fees	135.0	39.4	44.6	5.3	140.3	5.3	
		Depot & Office Expenses	1,109.3	366.9	374.5	7.6	1,116.9	7.6	
		Back Office / Overheads Total	1,244.3	406.2	419.1	12.9	1,257.2	12.9	
	Capital Financing	Lease Payments & Debt Chgs	1,939.0	646.3	652.4	6.1	1,945.0	6.1	
	Capital Financing Total	1,939.0	646.3	652.4	6.1	1,945.0	6.1		
Fixed Costs & Overheads Total			4,349.7	1,441.4	1,460.3	19.0	4,368.7	19.0	
Grand Total			17,162.3	5,698.3	5,700.1	1.7	17,159.0	3.3cr	

ENVIRONMENT DIRECTORATE FINANCIAL STANDARD MONTHLY PERFORMANCE -SERVICE FORMAT

Service	Sub Service	2014/15 Budget	Budget to Date	Actual Spend to Date	Variance to Date	2014/15 Forecast Spend	2014/15 Forecast Variance
Greening Services	Cemeteries, Allots. & Memorials	288.7	113.1	70.8	42.3cr	283.4	5.3cr
	Country Parks	300.7	100.0	99.3	0.7cr	300.0	0.7cr
	Grays Beach	203.7	80.7	109.4	28.6	232.4	28.6
	Greening Services Holding A/cs	25.4	214.4cr	146.9cr	67.4	92.8	67.4
	Horticulture	409.0	135.5	131.3	4.2cr	404.8	4.2cr
	Parks and Open Spaces	1,872.0	635.7	616.9	18.9cr	1,853.1	18.9cr
Greening Services Total		3,099.5	850.7	880.7	30.0	3,166.5	67.0
Street Services	Highways / Emergency Response	459.0	72.4	9.7cr	82.2cr	372.2	86.8cr
	Street Cleansing Services	1,852.6	612.9	580.8	32.1cr	1,820.5	32.1cr
Street Services Total		2,311.6	685.3	571.0	114.2cr	2,192.4	119.2cr
Waste Management	Waste In-House Services	5,419.8	1,835.1	1,875.3	40.2	5,453.0	33.2
	Waste Contracted Services	6,331.5	2,327.3	2,373.1	45.8	6,347.2	15.8
Waste Management Total		11,751.2	4,162.4	4,248.4	86.0	11,800.2	49.0
Grand Total		17,162.3	5,698.3	5,700.1	1.7	17,159.0	3.3cr

28 January 2015	ITEM: 21 (ii)
Council	
Cabinet Member Report - Communities	
Report of: Councillor Richard Speight	
This report is public.	

I am pleased to present my first report to Council as Portfolio Holder for Communities. A role that involves responsibility for a wide range of services including community development, equality and diversity, and welfare reform. All of these services share the community strategy objective for building pride, responsibility and respect to create safer communities.

I am very pleased with all we have achieved over the last year and will highlight the achievements I feel are most notable and of which I am most proud, not least given the expectations for these services to deliver so much on extremely restricted budgets.

My report is divided into three broad headings:

- Community Development
- Equality and Diversity
- Welfare Reform

1. COMMUNITY DEVELOPMENT

The aim of this service is to help ensure that communities in Thurrock are fully able to develop their skills and confidence to improve local life. This may be through taking voluntary action in a neighbourhood, developing a service to respond to local needs or engaging residents in decision-making.

Invariably, much of the team's work depends on a close relationship with the voluntary, community and faith sector as conduits into communities.

Thurrock has a strong CVS and this relationship underpins positive communication between communities and the Council to help ensure the Council considers its impact on communities and organisations in all we do. Our commitment to working with partners, especially the voluntary sector and community sector, has increasing significance and is fundamental to achieving our collective aspirations for the Borough and building resilient communities through these times of increasing demand and decreasing resource.

This year the team have co-ordinated the Council's response to the Public Service Social Value Act 2012 (PSSVA) ensuring that our commissioning activities maximise the community benefit that we can realise. Working with the community and voluntary sector through their development, the Council's first social values framework, and an accompanying Commissioning, Procurement and Grant Funding Strategy with the Voluntary Community and Faith Sector, were each

adopted by Cabinet in November 2014.

The Community Development and Equalities team has previously overseen the delivery of the Voluntary Sector Development Fund which is the management of grants to the voluntary sector. The total value of the fund is £432,600. In July 2013 Thurrock CVS took on the role of administering the fund in recognising their role in being best placed to develop the sector, and to make the best investment decisions in partnership with the Council.

This year's budget discussions have highlighted the need for the Council to maintain its investment into the Voluntary Sector Development Fund in 2015/16, however grant funding in 2016/17 is proposed to be reduced by £75,000 with a further reduction of £25,000 into 2017/18. The Council's decision to delay savings to the voluntary sector reflects our recognition of the important role local organisations play in supporting some of our most vulnerable residents.

The savings proposal to Cabinet in July 2014 also presented an overall reduction of £1.3m in voluntary sector grants and contracts from 2015/16-17/18.

At a special meeting of Corporate Overview and Scrutiny in October 2014 the voluntary sector presented an alternative budget proposal where a number of options were highlighted with the purpose of reducing the scale and impact of Council savings overall. This has led to a reduction in proposals impacting on the sector by £249,000. In addition a number of recommendations were made to enable a stronger working partnership for the future. These are being worked through via the Joint Strategic Forum – a partnership with the voluntary sector.

Strong relationships must underpin our work with communities – if we are to truly encourage people to take action to improve their own lives, they must feel confident that the Council is there to support and recognise this effort. Last year we evaluated our approach to the Compact with Braintree's Compact using the East of England Peer Review. The Compact has continued to frame a number of conversations around how we work with communities over the last year – not least in relation to one of the most exciting initiatives I am pleased to be responsible for - Community Hubs.

The initial success of South Ockendon Community Hub has spurred a partnership between the Council, voluntary sector and communities to implement a roll out programme of Community Hubs.

It is easy to revert to thinking about buildings when we speak of Hubs but I want to use this opportunity to stress the role of Hubs as enablers. At one level, Hubs will enable a better, more co-ordinated expression of the assets in an area and the services and resources available to residents as required. At another level however, Hubs will bring people together as they express what they would like to see in the future. The Hubs therefore hold a great opportunity to spark community led action – and possibly even a blossom in micro enterprise and local delivery of more activity to build thriving communities.

Throughout the development of the Hub programme, as well as through the recruitment of Local Area Co-ordinators in Adult Social Care, Asset Based Community Development (ABCD) has been embraced in Thurrock as a concept to underpin our approach to community development and engagement. I am particularly encouraged to see how ABCD has helped to speak up Thurrock –

recognising our assets and strengths as a foundation for the future.

A key principle of ABCD is to ensure that people are able to help themselves using the assets and informal associations around them first and before traditional service models. Often, not knowing what is available locally is a key barrier – something Hubs will help address. However, community builders within local areas can help to highlight and grow opportunities at a grass roots level, therefore further enabling a more sustainable approach to community service.

There are many partners involved in various strands of community development. These projects are all underpinned by 5 common themes, they are: place based, strength based, relationship driven, citizens in the lead and social justice. The brand of 'Stronger Together' was agreed and adopted to cover all of this activity. In December 2014 the Stronger Together website went live which contains information on all these projects, the website was co-produced with the Council and organisations within the voluntary sector. The web address is www.strongertogether.org.uk.

In November 2014 I was delighted to hear the news that the Department for Communities and Local Government awarded Thurrock a grant of £550k to support the hub programme. This grant will help the Council to take the next step in preparing Hubs, training residents and helping our service providers change the way they work. Furthermore, the grant is demonstration that the success of Hubs is recognised nationally as well as in Thurrock.

The final Community Development success I wish to highlight is the Council's Volunteer Programme. A great deal of effort has been taken to ensure that Thurrock Council has a robust offer available to residents who want to give their time. Over 250 volunteers are currently active in a range of roles across a number of services. Our pride in this role is expressed through hosting a volunteer manager network for staff supporting volunteers, a volunteer network and annual events to celebrate and thank volunteers giving their time to the Council. We are always looking for new ways in which to capture the enthusiasm of residents to volunteer with us. When an appropriate placement is not available, we are lucky to have a thriving Volunteer Centre in Thurrock based at ngage. I would particularly like to welcome our recent partnership working with ngage that has enabled us to secure £15,000 funding to develop a volunteer Timebank for Thurrock. This will enable people to help each other within their community. People offer services to other Timebank members and chose what services they would like to receive in return. Of course if a member does not want to receive any services themselves they can donate their time credits either to the community pot or an organisation/charity that they would like to support. Timebank is used to encourage civic engagement, with credits being offered as an incentive to get involved with activities. Our first mini-timebank has been established at the Chadwell St Mary Hub, not only do the members bank credits for themselves by helping the local community they also donate some of their credits to the Thurrock community pot. Timebanking is a fantastic achievement and I look forward to seeing it thrive through 2015/16 and beyond.

2. EQUALITY AND DIVERSITY

The Community Development and Equalities Team has worked to support our communities and residents through stronger joint working between our community

partners and this has strengthened our ability to tackle social exclusion, and create communities in which everyone can participate. The team have supported the work of the Community Safety Partnership (CSP) through attendance at the Police Independent Advisory Group (IAG) and supported active partner working in relation to hate crimes. I am pleased to say a member of this team has attended the training provided by the Police and is now an independent Hate Crime Ambassador, enabling them to offer support to individuals who may wish to report an incident.

The framework for Equality Impact Analysis (EqIA) has been reviewed this year with a wider Community Equality Impact Assessment launched in September 2014 that, in addition to new policy and strategy development, has been applied to each of our budget savings proposals.

A review of staff forums supported the Council's wider aims to maintain and develop staff engagement, particularly in light of our Shaping the Council programme. Six staff forums were launched in December 2014 with a range of online platforms to ensure flexibility specific to the needs of those wishing to participate. A new governance model has helped to increase the scale and influence of forums and their ability to shape policies, strategies and initiatives affecting our workforce.

The team has delivered a number of events to support the bringing together of communities, these include the very successful and sixth Big Lunch in Grays Town Park that attracted over 1,000 visitors in July 2014. A very successful WW1 commemorative event to mark World War One was held at Tilbury Fort in August with re-enactments and a replica plane from WW1 fly over of which the turnout far exceeded our expectations.

A refurbishment programme was put in place to get all of the war memorials that Thurrock Council are custodians of refurbished in time for Remembrance Day. This was achieved in partnership with Housing and was closely followed by a funding application to secure money to refurbish all other memorials across the borough to a high standard.

In April 2014 Cabinet agreed to establish a Fairness Commission for Thurrock based on a great deal of evidence into levels of inequity in the borough. The priorities for the commission include ensuring fair access to services and opportunities, ensuring equal life chances, building stronger and cohesive communities and involving residents and listening to their views on fairness in Thurrock. I hope that all councillors will promote the work of the emerging Fairness Commission to bring a new focus and influence to the equalities agenda so that Thurrock can truly be a fair place of access to opportunity, enterprise and excellence where all individuals, communities and businesses flourish.

3. WELFARE REFORM

The Welfare Reform Act 2012 introduced significant changes to the welfare benefits system from April 2013. Central government abolished a number of benefits, such as Council Tax Benefit and some aspects of the Social Fund and Community Care grants, and passed the responsibility for this support to Local Authorities.

The Council rose to the challenge and officers worked closely with Southend Borough Council to develop the Council's Essential Living Fund (ELF). This replaced the crisis loans and community care grants which were part of the Social Fund. This is primarily a non cash scheme, with close links developed with TRUP, a re-cycling charity, to provide white goods and re-used furniture to some of the most vulnerable residents within Thurrock. The scheme also provides supermarket vouchers to assist with the purchase of food and provides a facility where fuel can be topped up.

The Council also developed the Local Council Tax Support Scheme (LCTS) as a result of the government abolishing Council Tax Benefit; this meant that a scheme was developed whereby for the first time people of working age would have to make a contribution towards their Council Tax.

A local scheme was developed that offered some protection to families with children, thus disregarding child benefit and child maintenance, offering a further additional income disregard of £25 per week to those who were working but still qualified for LCTS. This has proved to be a well balanced scheme that the Council has elected to continue with the same principles of the scheme for the third year as agreed by Cabinet in December 2014.

Other reforms involved the Council taking action necessary to implement the benefit cap and benefit reductions that affected people receiving Housing Benefit.

The Council has also worked with internal and external stakeholders such as Job Centre Plus, to prepare for the introduction of Universal Credit. The Department for Work and Pensions (DWP) has now announced that Universal Credit will be rolled out nationally from February 2015 and in Thurrock from March 2015. This will initially impact on new single Job Seekers Allowance claimants: it is envisaged that there will be very little or no immediate impact to the Council's Benefits Service. It is also worth noting that the government has made no plans on how pensioner claims will be dealt with under Universal Credit.

Financial Information:

(A Motion agreed by the Council on 23 January 2013 requires the Cabinet Member to cover all finance and budget issues of their portfolio that they consider relevant, including (but not limited to): fiscal management; budget responsibility of the Cabinet member; receipts and actual spend vs. predicted spend; the levels of virements and value for money.)

Community Development and Equalities

The Community Development and Equalities team is within the Strategy team in the Chief Executive's Delivery Unit.

Cost Centre	Original Budget 2014/15	Revised Budget 2014/15	Budget To Date 2014/15	Actuals To Date 2014/15	Variance to date 2014/15	Projected outturn 2014/15	Projected Budget Variance 2014/15
DA500 - Strategy Team	649,060	668,019	313,866	297,642	(16,224)	668,019	0
DA501 - Community Development Projects	33,900	48,900	45,311	43,309	(2,002)	48,900	0
DA502 - Voluntary Grants	432,600	432,600	343,881	343,881	0	432,600	0
Grand Total	1,115,560	1,149,519	703,058	684,831	(18,227)	1,149,519	0

Strategy Team DA500

This code includes salary and non-salary budgets for the Strategy Team including corporate and service planning, performance management, research and intelligence which are outside of this portfolio area as well as community development and equalities within it.

There are four posts supporting Community Development and Equalities. The remaining budget funds one Strategy post and covers all other service costs and recharges.

The current Community Development and Equalities team was established following a restructure which concluded in year, with some budgets being amalgamated as a consequence. Overall the restructure resulted in a saving of £125k with some posts shared with the London Borough of Barking and Dagenham.

Community Development DA501

This code is used to support specific projects undertaken by the team, for example The Big Lunch and World War One Commemorative events. The base budget is supplemented by external funds – for example a grant from Heritage Lottery Fund in spring 2014 to support the WW1 event at Tilbury Fort. There has been an increase in the amount available to support community projects through reviewing and realigning non salary budgets.

Voluntary Grants DA502

The code is used to pay the funding agreements administered via CVS to support voluntary sector development and delivery.

Welfare Reform Finance

The DWP provided Local Authorities with funds for 2013/14 and for 2014/15 specifically to administer and run a welfare assistance scheme (Essential Living Fund). The amount for direct assistance to vulnerable residents was £369k for each year.

28 January 2015	ITEM: 21 (iii)
Council	
Cabinet Member Report - Education	
Report of: Councillor John Kent	
This report is public.	

I am pleased to present my portfolio holder report for education in a year which has seen Thurrock schools achieving their best ever results. Over the last year I have had the pleasure of visiting over two thirds of our schools in Thurrock and aim to get to all of them in the next term. I have been impressed by the quality of leadership and aspirations of our headteachers, staff, governors and children. Many heads have spoken to me about a step change in the aspirations for our children and young people and the shared vision which has been developed. Heads have spoken very positively about the benefits of the Education Commission report and the shared priorities which we have developed through the new partnership bodies – the Thurrock Education Alliance and the Thurrock Excellence Network - set up as a result. In Thurrock we have been working for some time in supporting schools and academies to help each other in line with the national drive towards sector-led improvement. The Cabinet set aside £1 million pounds to be spent over three years to support the actions arising out of the Education Commission and work to improve the recruitment and retention of teaching staff, improving attainment at all levels and raising post 16 results are just some of the areas which are now being addressed.

Thurrock Education Alliance and Thurrock Excellence Network

Excellent progress has been made in developing the strong partnership work between schools, academies and the local authority. Over the last year, schools, colleges, and early years providers have worked closely with the local authority to create a strong and shared vision to reach excellence in every area.

Underpinning the drive for accelerated improvement is the principle that there is a wealth of talent and expertise in Thurrock schools and academies and that this expertise can be used to support others in their improvement. Last summer, the leading academic Professor Bill Lucas - with Thurrock's teaching schools and the school improvement team - kicked off a conference which has resulted in schools and academies putting in place plans to share their expertise in groups of three, sharing areas of expertise and collaborating on areas for development. Professor Lucas applauded the council for supporting schools in developing sector led improvement and reiterated the importance of a shared vision such as that developed in Thurrock.

Thurrock Education Awards

One of the strong recommendations coming out of the Education Commission was

the need to celebrate success and publicise our educational achievements in Thurrock. I was delighted – and I know many of my fellow councillors were too - to attend the inaugural Thurrock Education Awards at High House Production Park, a glittering event which celebrated in the best possible way the achievements of our unsung heroes – the heads, teachers, teaching assistants and governing bodies who work tirelessly to transform our children's lives.

The evening was attended by over 250 people and was supported by local businesses who sponsored the event, gave financial support and proudly presented awards. After the success of this first event we already have even more sponsors confirmed for the 2015 Education awards, as this has already become an eagerly anticipated event.

I was particularly pleased to see an award presented by two members of the youth cabinet, who were delighted to be part of the evening.

Educational attainment and OFSTED outcomes

This year saw Thurrock's best ever results at early years and foundation stage, key stage 1 and key stage 2 and at GCSE. In a year which saw a dip in GCSE results nationally as the exams changed, the number of Thurrock young people that achieved the benchmark 5 grade A*-C including English and Maths increased to 59%. There is considerable support from the local authority, from academy trusts and from the Thurrock Excellence Network to support schools which perform less well than others.

To get on at school children need to attend regularly. So I am particularly pleased to report that attendance at Thurrock schools has improved over the last year and overall absence is now at 4.2% in primary schools, which is just above the national average. In secondary schools there has been a significant improvement in attendance with overall absence dropping by 2.2% down to 4.5%. Although national figures are not yet published the indications are that this is likely to be significantly better than the national average. The Education Welfare service which monitors attendance and intervenes where necessary has been working closely with staff and families at schools and academies to ensure that good attendance is a top priority for all.

In terms of OFSTED outcomes Thurrock is currently in the strongest position it has ever been in. 76% of our primary schools are currently rated as good or outstanding – up from 33% in 2010 – and shows the wealth of work with and between governors, teachers and headteachers which has contributed to this. Thurrock primary schools have been recognised as in the top ten most improved authorities in the country over the last year. This will put primary schools in a strong position to exceed the national average figure in the coming months – currently 81%. In the secondary sector currently 88% of our schools and academies are good or outstanding and puts Thurrock in the strongest position in our region and a strong performance compared with the national position.

Areas of focus over the coming year include supporting the attainment of children who are looked after, who often have disrupted schooling and in common with the national picture underachieve compared with their peers. A "virtual" headteacher

who supports the pupils has been appointed to accelerate their progress and work closely with their schools.

Childcare places for 2 year olds

This year saw a rapid increase in the provision of early years provision and the new requirement to provide childcare for eligible two year olds. The council has worked very hard with a range of providers to create 1024 new places for our eligible two year olds to give them a flying start. I am pleased to report Thurrock has been very successful in ensuring take up of these places and has the second best performance in the east of England in creating places and ensuring families take up those places. 748 two year olds have taken their places up this year so far.

Pupil place planning and School Building

Over the last two years Thurrock has published an annual pupil place plan which sets out the expected increases in demand for places over the coming years and the number of places available. Nationally, we know that there is strong pressure on school places – particularly in primary schools – and we have seen that evidenced in Thurrock. The work at Bonnygate school to complete an additional form of entry throughout the school has now been completed as well as the additional two forms of entry at Graham James school. Little Thurrock school is expanding to three forms of entry and the work has proceeded apace and is shortly set for completion. Planning permission was recently granted for the new 5 form entry free school sponsored by the Harris academy, partly funded by the council through its basic need allocation. I am also pleased that the plans to relocate the Pupil Referral Unit into a new home in Tilbury have been given the go ahead and the pupils will have a brand new building from which to complete their education.

Young people Not in Education, Employment or Training

This year Thurrock has once again done well in ensuring that young people not in education, employment or training are tracked properly and are involved in good planning for their future. Our latest data shows that every young person who is not in education, employment or training has been contacted and puts Thurrock as the only authority in the country that has been able to do this. This means that planning to offer high quality training, education or employment can take place as quickly as possible and has been responsible for the fall in the numbers of young people who are NEET to just 5.4% in November.

SEN

The national Special Educational Needs and Disability reforms were introduced over the last year and Implementation of SEN reforms is strongly underway. Work has taken place to ensure that families are strongly involved in planning for their children and to recognise their importance as the expert in their own child's needs. This year Treetops school was again judged "outstanding" by OFSTED – which makes it three

times in a row and alongside Beacon Hill, another outstanding special school, offers extremely high quality provision for our children and young people with special needs. Support for children with special needs is also offered at many resource bases at our mainstream schools, where the council has partnered with schools and academies to offer some excellent provision. This work in contracting with academies has been recognised in national conferences and is an example of the thriving partnership working in Thurrock.

Arts and Cultural Entitlement – the Trailblazer programme

2014 also saw the launch of the arts and cultural entitlement programme in Thurrock for young people, which launched in September as the Trailblazer programme. 21 schools are involved in the pathfinder programme which was devised here in Thurrock and has created considerable national interest. The council commissioned the Royal Opera House Learning team to organise the programme for the schools. What particularly excites me apart from the obvious cultural benefits is the way the programme has been jointly funded between the council, the Arts council and schools themselves. It is this partnership approach I believe which will support us through tough financial times ahead. Participating schools are currently involved in a rich and diverse programme of activities including visits to leading arts organisations, as well as creating and responding to cultural activities themselves. One of the things which singles Thurrock out is the growing arts and cultural scene locally and I am delighted that this has been taken up so wholeheartedly by our schools. The programme will culminate this year in a series of flagship events at High House production park in July.

Conclusion

There has been a huge amount to celebrate in Thurrock' schools and colleges this year. The whole educational community has worked very hard to develop a shared vision with the council and other partners. The Thurrock Education Alliance has made good headway in agreeing the vision and priorities and the Excellence Network has already put together a comprehensive training brochure, is progressing a recruitment and retention of teaching strategy and is organising support between different schools and academies and between the primary and secondary sector.

The Education Awards evening showed the best of Thurrock. It showcased the many examples of outstanding headteachers, effective governing bodies and inspiring staff members. We haven't got everything right. We know that there is more to do until all schools and academies are good and outstanding. We know that we would like all children to achieve their potential and there is more to do with some groups of pupils, particularly children in the care system who currently underachieve compared with others.

What I am enormously heartened by as I have visited schools and academies is the desire and drive to work together to get the best for our children and young people,

regardless of type of school or institution.

Financial Information:

(A Motion agreed by the Council on 23 January 2013 requires the Cabinet Member to cover all finance and budget issues of their portfolio that they consider relevant, including (but not limited to): fiscal management; budget responsibility of the cabinet member; receipts and actual spend vs. predicted spend; the levels of virements and value for money.)

Note DEPLOYMENT OF DEDICATED SCHOOLS GRANT

The council's expenditure on schools is funded primarily by grant monies provided by The Department for Education, the Dedicated Schools Grant (DSG). An element of DSG is recouped to by the Department to fund academy schools in the council's area. DSG is ring fenced and can only be applied to meet expenditure properly included in The Schools Budget, as defined in the School Finance (England) Regulations 2011. The Schools Budget includes elements for a range of educational services provided on

An authority-wide basis and for the Individual Schools Budget, which is divided into a Budget share for each maintained school.

Details of the deployment of DSG receivable for 2013/14 are as follows

Notes		Central Expenditure £'000	Individual Schools Budget £'000	Total £'000
A	Final DSG for 2013/14 before Academy Recoupment	7,312	118,009	125,321
B	Academy figure recouped for 2013/14	0	64,032	64,032
C	Total DSG after Academy Recoupment for 2013/14	7,312	53,977	61,289
D	Brought Forward from 2012/13	2,714	0	2,714
E	Carry forward agreed to 2014/15 agreed in advance	0	0	0
F	Agreed budgeted distribution in 2013/14	10,026	53,977	64,003
G	In Year Budget Adjustments	(321)	321	0
H	Actual Central Expenditure	6,921	-	6,921
I	Actual ISB deployed to schools	-	54,298	54,298
J	Local authority contribution 2013/14	0	0	0
K	Carry Forward to 2014/15	2,784	0	2,784

Comparatives for 20012/13

Income	11,556	67,649	79,205
Less Expenditure	8,842	67,649	76,491
	2,714	0	2,714

Notes

A: This is the original Final DSG Figure, before recoupment for historic and in-year Academy Conversions.

B: This is the reduction in the Thurrock allocation of DSG for those Schools that are no longer under local Authority Control, and are now funded directly by the DfE.

C: This is the Net DSG figure issued by the DfE in March 2014. For Funding Maintained Schools and Specific Education services to Schools and Academies.

D: The figure brought forward from 2012/13, is unspent Central DSG Contingency.

E: Any amount which the authority decided after consultation with the schools forum to carry forward to 2013/14 rather than distribute in 2012/13.

F: Budgeted distribution of DSG, adjusted for in year Academy conversions, as agreed with the schools forum.

G. in Year movements to ISB.

H: Actual amount of central expenditure items in 2013/14, after in year allocations to ISB.

I: Amount of ISB actually distributed to schools (ISB is regarded for DSG purposes as spent by the authority once it is deployed to schools' budget shares).

J: Any contribution from the local authority in 2013/14 which will have the effect of substituting for DSG in funding the Schools Budget.

K: Carry forward to 2014/15.

QUESTION TIME

Questions from Members to the Leader, Cabinet Members, Chairs of Committees or Members appointed to represent the Council on a Joint Committee in accordance with Chapter 2, Part 2 (Rule 14) of the Council's Constitution.

There are 3 questions to the Leader and a further 7 questions to Cabinet Members, Committee Chairs and Member appointed to represent the Council on a Joint Committee.

QUESTIONS FROM MEMBERS TO THE LEADER

1. From Councillor Halden

"In principle, does the Leader of the Council expect to see the council actively support trusts that hold community assets, such as the Homesteads village hall?"

2. From Councillor Halden

"Can the leader outline the next steps in establishing a joint economic board with Southend, pending a response from government regarding our consultation response?"

3. From Councillor Ray

"Would the Leader agree with me that now discussions are taking place with the authorities at Southend about the possibilities of sharing services, the Conservative propaganda of Thurrock merging with Barking and Dagenham was no more than propaganda without any foundation of truth whatsoever?"

QUESTIONS FROM MEMBERS TO CABINET MEMBERS, COMMITTEE CHAIRS AND MEMBERS APPOINTED TO REPRESENT THE COUNCIL ON A JOINT COMMITTEE

1. From Councillor Hebb to Councillor Gerrish

"Over the past three years, Thurrock Council has used a multi-million pound Local Sustainable Transport Fund (LSTF) on a programme encouraging Thurrock's residents to get out and walk or cycle around Thurrock via door-to-door canvassing activities and leaflets. Can the Portfolio Holder confirm how much has been spent on Rights of Way / footpaths across the borough?"

2. From Councillor Hebb to Councillor Fish

“Residents of Stanford are getting increasingly frustrated about wheelie bins being emptied and left in front of their driveways after collections, and not being put back the way they were found. What can the Portfolio Holder do to resolve this behaviour?”

3. From Councillor S. Little to Councillor Gerrish

“Can the portfolio holder outline how Thurrock Council engages with surrounding local authorities in cross or near border issues such as for instance the A13 widening, land sales and possible planning Applications?”

4. From Councillor Hague to Councillor Gerrish

“What is the Council's policy for the maintenance of road markings on roundabouts and junctions?”

5. From Councillor S. Little to Councillor Gerrish

“With only a third of a mile between the proposed Paramount Park in Kent and Thurrock can the portfolio holder outline any conversations that have taken place to secure a passenger river crossing between Paramount Park, Kent County Council and Thurrock?”

6. From Councillor C. Baker to Councillor Worrall

“With the 750 new homes being built on the old Ford site in South Ockendon how many houses will there be for council tenants and how many will be sold off privately?”

7. From Councillor C. Baker to Councillor Speight

“What infrastructure do we have in place with the new houses being built on the Old Ford Site in South Ockendon. Will there be sufficient school places for the children and will there be enough doctor's surgeries and parking spaces for the extra residents that will shop at Derwent Parade?”

Item 25 - Update on Motions agreed by the Council – 28 January 2015

Date	From	Motion	Status	Accountable Director
22/01/14	Cllr Hebb	<p>Thurrock Council seeks to address the following concerns of residents and businesses in Stanford-le-Hope following their recent experience of significant flooding underneath the railway line in Wharf Road, and formally requests that DP World and Network Rail engage in a process to manage the following issues:</p> <ol style="list-style-type: none"> 1. General accessibility and emergency plans to be looked at to minimise the isolation of residents and businesses, with particular regard to emergency services, school and workplace commutes etc. 2. Free and direct access be re-established to the pumping plant for Thurrock Council to complete any required works as quickly as possible. 	<p>This is a long standing issue that has proved difficult to progress as the result of the intransigence of other parties. Due to the extreme weather conditions experienced over recent weeks, all available resources have been allocated to deal with immediate flooding issues in other locations. We remain committed to resolve this difficulty and meetings are being arranged to discuss and negotiate a satisfactory solution.</p> <p>New controls fitted to the system since the New Year has increased the reliability of the pumping station.</p> <p>Discussions are on-going with Network Rail in regard to the provision of a secure access route to the pumping station and the maintenance necessary for the outfall ditch flowing to Mucking Creek.</p> <p>Costs are currently being obtained for a remote monitoring system that will be installed to the control equipment of this pumping station.</p>	David Bull
22/01/14	Cllr Halden	<p>Thurrock Council objects to any bid for a road/bridge connecting Canvey and East Thurrock, and pledges to use any appropriate resources to challenge this.</p>	<p>Castle Point Council recently consulted on the link road through their Local Plan consultation. This Council formally objected to this proposal. We also asked Thurrock residents to object to the proposal through the Castle Point website.</p> <p>This Council's formal response to the Local Plan consultation (including objection to the link road) was submitted before the end of the extended closing date of 28th March 2014.</p> <p>Currently there are no further issues.</p>	David Bull

Item 25 - Update on Motions agreed by the Council – 28 January 2015

22/01/14	Cllr Gaywood	<p>In recognition of the wonderful support and much needed food provided by Thurrock Foodbank to our families and residents in need, particularly over the Christmas period, this Council resolves to write to the Thurrock Foodbank to thank and congratulate them.</p> <p>Furthermore, Thurrock Council calls upon Government to reconsider its decision to refuse the £22 million European Union funding available to help with the costs of running UK food banks.</p>	The food bank continue their good work in Thurrock.	Barbara Brownlee
26/02/14	Cllr Hipsey	<p>Recently national publicity has demonstrated the Treetops school is among the very best schools in the country for children with special needs, (autism). Therefore, council resolves to congratulate the school on its continued fantastic work with our children and young people.</p>	A letter has been sent to Treetops school to congratulate the staff for their fantastic work with Thurrock's children and young people.	Carmel Littleton
26/03/14	Cllr Hipsey	<p>This elected chamber condemns the acts of indecent exposure where individuals are using the public highway to relieve themselves, which is starting become a regular occurrence seen along major trunk routes within Thurrock's boundary. Council also request the urgent assistance of Essex Police to attempt to clamp down on this ignorant disgusting behaviour.</p>	<p>This has been passed to Essex Police, who have responded as follows:</p> <p>Urinating in public is disgraceful behaviour, all cases that are received by Council staff are reported to the Police for further action. The Police Chief inspector is aware of the councillors concerns and has committed to act accordingly.</p>	Lucy Magill
26/03/14	Cllr Ojetola	<p>The Thurrock Business Awards on Friday 14 March was a unique occasion in Thurrock as numerous businesses were commended for their resilience for surviving the difficulties in the economy.</p> <p>This Council hereby delightfully congratulates all businesses on their achievements whether they won or were finalists.</p>	No update required.	Graham Farrant

Item 25 - Update on Motions agreed by the Council – 28 January 2015

26/03/14	Cllr Anderson	This council would like to put on record its thanks to those Members who are standing down at the 2014 local elections for their service to Thurrock during their time in office.	No update required.	Graham Farrant
23/07/14	Cllr J Kent	<p>This council believes that work should pay and therefore opposes the introduction of schemes which force job seekers into unpaid work or face losing their benefits – schemes known popularly as workfare.</p> <p>This council is concerned that there is no evidence workfare assists job seekers in finding work and in fact working a 30-hour week makes that more difficult; that workfare is replacing paid work; and that workfare stigmatises benefits claimants and locks them further into poverty.</p> <p>This council therefore pledges not to use any workfare placements and also calls for our partners and contractors not to use the schemes.</p>	<p>In accordance with the pledge the council is not using workfare placements.</p> <p>A letter is being sent to partners and contractors to highlight the pledge and seek their co-operation.</p> <p>The Council has given information via the procurement process for all contractors (existing and potential) on the council's position re fair pay. We are committed to ensuring this is done on an ongoing basis that respective contractors will be aware of.</p>	Graham Farrant / Jackie Hinchliffe
23/07/14	Cllr C Kent	This council believes that the changes proposed to Grays Fire Station are detrimental to the safety of the public and firefighters and we call on the Chief Fire Officer to reconsider them in light of new information brought to our attention by the Fire Brigades Union highlighting Thurrock as an area of extremely high risk.	<p>A letter was sent to the Chief Fire Officer and Deputy Chief Fire Officer on 8 July 2014 and a response was received on 22 August 2014.</p> <p>In the absence of the Chief Fire Officer, the Deputy Chief Fire Officer acknowledged that the motion had been considered by Members of the Fire Authority.</p> <p>Furthermore the Deputy Chief Fire Officer recognised the invitation to attend a meeting of Council and confirmed that he was happy to meet with Thurrock Councillors to explore the rationale for the recent decision of Essex Fire Authority and the impact of the Fire and Rescue Service on Thurrock. He invited a group of Councillors that included both Councillors</p>	Graham Farrant / Lucy Magill

Item 25 - Update on Motions agreed by the Council – 28 January 2015

			<p>nominated to Essex Fire Authority, the Leaders of each Political Group, the Leader of the Council and the Mayor of Thurrock to a briefing at Service Headquarters at Kelvedon Park, Witham, in order to discuss this matter further.</p> <p>A copy of the letter from the Deputy Chief Fire Officer that was sent to the Mayor of Thurrock was copied to Councillors Cathy Kent and Tom Kelly in their position of nominated Councillors to the Essex Fire Authority.</p>	
23/07/14	Cllr Hebb	<p>On Thursday 10th July 2014, employees in the public sector took strike action in respect of pay, which caused disruption to the tax-paying public.</p> <p>With a number of local authorities being hit with strike action, and to free up funds to allow Thurrock to negotiate and determine salary increases locally, we call on the Chief Executive, as part of the current budget process, to:</p> <ol style="list-style-type: none"> 1. Ask Senior Officers to volunteer a salary reduction of 5% in annual salaries, which had approval by members back in 2010. 2. Undertake a review of all indirect or direct funding to trade-union representatives in the council – moving to a volunteer-based representative-model (like the private sector). 	The Chief Executive has written to all Members following consultation with the Leadership Group.	Graham Farrant
23/07/14	Cllr Halden	While acknowledging the justifiably protected nature of information in child social care, Council expresses concern in regards to comments made at the last meeting of the corporate parenting committee, in regards to removing financial information and reports from members for their scrutiny. Council reaffirms its commitment to the principles of corporate parenting in terms of making	The contents of the information provided to the Corporate Parenting Committee have been reviewed by the Portfolio Holder for Children's Services, the Shadow Portfolio Holder, the Director of Children's Services and Senior Officers in Democratic services. All agree that there is a need and desire for transparency around financial matters whilst protecting the individual details of children and young people. Reports have been	Carmel Littleton

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		the service budget as transparent and accountable to members as possible via appropriate reports.	prepared with this fine balance in mind. Members will have the opportunity for further discussion in a pre-meeting of the committee.	
10/09/14	Cllr Tolson	Thurrock Council calls upon government to make the display of Food Hygiene Rating Scheme Certificates compulsory in England as it currently is in Wales.	Letter drafted and sent by Cllr Tolson to Jackie Doyle-Price MP and Stephen Metcalfe MP	Graham Farrant / Lucy Magill
10/09/14	Cllr Gerrish	That Thurrock Council pays tribute to Andy Smith and mourns his sad passing. We recognise and give thanks for the many years of hard work and commitment that he gave to the people of Thurrock. The Council asks that the Mayor holds a memorial service in Andy's memory.	Officers are currently exploring options for a memorial service to be held in memory of Councillor Smith.	Graham Farrant / Linda Foster
10/09/14	Cllr Kelly	We call on Thurrock Council to complete the verge hardening projects started in Little Thurrock Rectory, Stifford Clays and Aveley.	Works within the scope of the current pilot have been completed. The pilot is ongoing and the performance of the materials used will be monitored throughout the winter months. The geo-grid material used for the pilot costs £100 per square metre and the Council does not have money within the current year capital programme to extend the pilot. A report is being prepared for Cabinet seeking approval to ask Government for the necessary funding.	David Bull
10/09/14	Cllr Gledhill	We call on government to make Councils, who are housing authorities, subject to the same sanctions as private landlord. This would require changing the law to allow Councils to be prosecuted easier where they fail to bring tenants homes up to an acceptable standard.	A letter has been sent to the Prime Minister to advise of the request made in the Motion and to seek a response to the issue raised. Any response received will be reported to a future meeting of the Council by way of this update report.	Barbara Brownlee
22/10/14	Cllr Halden	The Chamber instructs the constitution working group to carry out a governance review, in order judge the need for the committee, cabinet, mayoral,	It was agreed at the meeting of Council on 22 October 2014 that an item on the Constitution Working Group be brought back to the next meeting of Council (28 January	Graham Farrant / Fiona Taylor

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		or hybrid forms of governance from May 2015 onwards.	2015) and a small budget be allocated to the group to investigate thoroughly the benefits and disadvantages of different forms of governance within similar size authorities, such as Brighton and Hove and East Cheshire.	
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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 1

Submitted by Councillor Pearce

“Along with the residents of Aveley and Uplands this council welcomes the decision by the Secretary of State to reject plans for 500 houses on the former firemans club site in Aveley. Further, this council extends its gratitude to Thurrock's Member of Parliament Jackie Doyle-Price for her role in persuading the Secretary of State to review the application.”

Monitoring Officer Comments:

The Council as Local Planning Authority complied with the duty to refer the application as a departure application to The National Planning Casework Unit (NPCU). The NPCU by letter dated 14 February 2014 confirmed that they were directed by the Secretary of State that he was of the opinion that the application was one that he ought to decide himself because he considered that the proposal concerned conflict with national policies on important matters. The Secretary of State accordingly directed under his powers in section 77 of the Town and Country Planning Act 1990 Act, that the application should be referred to him instead of being dealt with by the Local Planning Authority. To consider all the relevant aspects of the proposed development, the Secretary of State decided to hold a local inquiry.

Section 151 Officer Comments:

There are no direct financial implications arising from this motion.

Is the above motion within the remit of Council to approve?

Yes

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Motions Submitted to Council

In accordance with Chapter 2, Part 2 (Rule 15) of the Council's Constitution

Motion 2

Submitted by Councillor Aker

"Thurrock Council calls on the Cabinet to reject fortnightly bin collections and any move towards this in the future."

Monitoring Officer Comments:

There are no legal implications arising from this Motion.

Section 151 Officer Comments:

The Council has had a target of delivering circa £40m in savings for the coming three years. One of the savings that has been through Cabinet, and is currently going through the Overview and Scrutiny Committee, is a move to fortnightly collection. Should this saving not be achieved, the part year impact in 2015/16 is £0.78m that will have to be found from other services.

Is the above motion within the remit of Council to approve?

Yes

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