

## Council – 30 April 2019

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Minutes of the meeting of **Council** held on **30 April 2019** when there were present:-

Chairman: Cllr D Merrick  
Vice-Chairman: Cllr R R Dray

Cllr J C Burton	Cllr J R F Mason
Cllr C C Cannell	Cllr Mrs J E McPherson
Cllr M R Carter	Cllr R Milne
Cllr T G Cutmore	Cllr Mrs C A Pavelin
Cllr D S Efde	Cllr Mrs C E Roe
Cllr A H Eves	Cllr Mrs L Shaw
Cllr Mrs J R Gooding	Cllr P J Shaw
Cllr J D Griffin	Cllr S P Smith
Cllr B T Hazlewood	Cllr D J Sperring
Cllr N J Hookway	Cllr C M Stanley
Cllr Mrs D Hoy	Cllr M J Steptoe
Cllr M Hoy	Cllr I H Ward
Cllr K H Hudson	Cllr M J Webb
Cllr G J Ioannou	Cllr Mrs C A Weston
Cllr M J Lucas-Gill	Cllr A L Williams
Cllr Mrs J R Lumley	Cllr S A Wilson
Cllr Mrs C M Mason	

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs L A Butcher, N L Cooper, T E Mountain and R A Oatham.

### **OFFICERS PRESENT**

S Scrutton	-	Managing Director
A Hutchings	-	Strategic Director
A Law	-	Assistant Director, Legal and Democratic
M Power	-	Democratic Services Officer

### **75 MINUTES**

The Minutes of the Extraordinary meeting held on 12 February 2019 and the meeting held on 19 February 2019 were agreed as a correct record and signed by the Chairman.

### **76 ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman was presented with a copy of the Gideon's Bible by a representative from the Gideon's Society.

The Chairman took the opportunity to thank Cllrs N L Cooper, J R F Mason and R A Oatham, who would not be standing in the forthcoming District Council

election, for the service they had provided to the Council and the community during their terms of office. The Group Leaders added their best wishes for the future and thanked the Councillors for their expertise and advice over the years.

Cllr J R F Mason replied that he felt deeply moved by the kind comments from fellow Councillors and was honoured that residents had elected him as a District Councillor on so many successive occasions. He added his thanks to Council officers and to his fellow Members, with whom he had worked during his years as a Councillor.

### **77 PRESENTATION FROM THE ROCHFORD DISTRICT YOUTH COUNCIL**

Council received a presentation from representatives of the Rochford District Youth Council on their aim of representing and empowering young people across the District. Their focus for the forthcoming year would be a mental health campaign, which had been recently launched.

Members thanked the Youth Council for their attendance at the meeting and the interesting and informative presentation they had given. It was recognised that the work of the Youth Council had the power to make a real difference to young people in the District and Members of the Council would be happy to provide any assistance to the Youth Council where this would be useful.

In response to a question, the Youth Council stated that as well as focussing on their own personal development young people also needed support from parents and schools.

Youth Council members were not currently in a position to shadow District Councillors, but would welcome the opportunity to explore this option in the future.

The Youth Council was newly formed and its aim now was to expand its membership to include girls and boys.

### **78 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 2 FEBRUARY TO 19 APRIL 2019**

Council received the Minutes of Executive and Committee meetings held between the period 2 February to 19 April 2019.

### **79 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL**

#### **(1) Report of the Review Committee: Review of the Constitution**

Council considered the report of the Review Committee on its review of the Constitution.

The wording on page 9.1.66, paragraph (d) would be amended to read 'Working groups will not meet in public, not have public Agendas and minutes and will not have substitute Members'.

A Member commented that the amendments raised at the last Review Committee had not been incorporated in the draft document. By way of example, the numbering on page 9.1.20, paragraph (f) should be (see paragraph 15.13).

Officers would check all the changes proposed in the report for accuracy and a further report would be made to the next ordinary meeting of Full Council.

### **Resolved**

That a decision on the proposed changes to the Constitution, as detailed in the appendix to the officer report, in addition to any further changes as necessary, be deferred to the next ordinary of Full Council.

### **(2) Report of the Review Committee: Annual Report**

Council considered the report of the Review Committee on its Annual Report. The Chairman of the Review Committee, Cllr J C Burton emphasised that there was a standing invitation to residents and businesses in the District to request areas for review by the Review Committee.

### **Resolved**

That the Annual Report of the Review Committee be received.

### **(3) Report of the Executive: Chief Officer Appointments Committee**

Council considered the report of the Executive relating to the constitution of a Chief Officer Appointments Committee.

The Leader of the Council explained that the report had been made to the Executive, pending confirmation by Full Council, due to the fact that the Chief Appointments Committee had not been constituted at Annual Council in May 2018 and there was now an urgent need to fill the vacancy for a chief officer post.

The Leader of the Green and Rochford District Residents Group stated his belief that the Chief Officer Appointments Committee had not been legally constituted as the Executive did not have the authority to do so. Therefore, any decision made by the Committee when it had met on 29 April could not be legal, as the Committee had not been constituted by Full Council as at that date. He further stated that the pro-rata rules had not been applied when the Committee had been constituted as its membership was based on the pro-rata calculations for the previous municipal year.

In response, the Assistant Director, Legal and Democratic advised that the pro-rata allocations applied to the Committee were correct, based on Group membership, and that the decision of the Chief Officer Appointments Committee on 29 April was legal and within their remit and the recruitment process had been robustly carried out.

Members were reminded that Council was being asked in the report to consider the recommendation from the Executive that a Chief Officer Appointments Committee be constituted, not to consider any decisions made by the Committee when it had met the previous day.

Opposition Group Members further stated that only Group Leaders, and not full Council, had the authority to determine which of its Members would serve on a Committee. Membership of the Committee was as detailed in the report; opposition Group Leaders had not been asked for their nominations but had been sent correspondence stating the membership of the Committee per the decision made by the Executive. In response to a request for clarity, following statements by the three opposition Group leaders that they had not been asked to appoint Members to the Committee, the Managing Director advised that it was his understanding that all Group leaders had been approached to put forward Members to the Committee. In response to a question, the Managing Director advised that the Chief Officer Appointments Committee had last met to determine a chief officer appointment in 2017, which was prior to the District Council elections in May 2018.

A Member felt that, whilst he agreed with the comments of Opposition Group Members, in this instance a common-sense approach needed to be taken and that the decision made by the Chief Officer Appointments Committee would have been the same, irrespective of whether the Committee had met the day before or following the meeting of full Council.

Cllr S A Smith moved a motion, seconded by Cllr T C Cutmore, that the recommendation from the Executive be agreed.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on the motion, as follows:-

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|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For (25)    | Cllrs J C Burton, M R Carter, T G Cutmore, R R Dray, D S Efde, J D Griffin, B T Hazlewood, K H Hudson, G J Ioannou, M J Lucas-Gill, Mrs J R Lumley, Mrs J E McPherson, D Merrick, R Milne, Mrs C A Pavelin, Mrs C E Roe, Mrs L Shaw, P J Shaw, S P Smith, D J Sperring, M J Steptoe, I H Ward, M J Webb, Mrs C A Weston, A L Williams. |
| Against (9) | Cllrs C C Cannell, A H Eves, N J Hookway, Mrs D Hoy, M Hoy, Mrs C M Mason, J R F Mason, C M Stanley and S A Wilson.                                                                                                                                                                                                                    |
| Abstain (1) | Cllr Mrs J R Gooding                                                                                                                                                                                                                                                                                                                   |

The motion was declared carried and it was:-

### Resolved

That a Chief Officer Appointments Committee be constituted for the current municipal year comprising the same membership as the previous municipal year to support the recruitment of the vacant Assistant Director post.

### 80 REPORT ON URGENT DECISIONS

Pursuant to Overview and Scrutiny procedure 15(g), Council received and noted a report on decisions that had been taken as a matter of urgency and not subject to call in.

### 81 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

Council received the following report from the Leader on the work of the Executive:-

“This is the fifth and final Ordinary Council meeting of the 2018/19 Municipal Year and I would like to welcome all Members.

Since the meeting on 19 February, the Executive has met once, during which considerations included:

- The noting of the Projects Programme Management Office Dashboard, which forms part of the assurance work for GOLD, SILVER and BRONZE projects.
- A recommendation to Council that a Chief Officer Appointments Committee be constituted for the current municipal year, comprising the same membership as the previous municipal year, to support the recruitment of the vacant Assistant Director post.
- A resolution that the Council’s Materials Recovery Facilities Contract with Virador be extended for a further eighteen months.

Other matters that my Executive colleagues and I have dealt with include:-

- Approving the timetable of meetings for the 2019/20 Municipal Year.
- Agreeing the implementation of non means testing pertaining to Disabled Facilities Grants for works up to the value of £5,000 and Essex Occupational Therapist in housing referrals.
- Agreement to a revised Corporate Debt and Write-off Policy for Rochford District Council.

- A decision that a formal response to Brentwood Borough Council’s consultation on its Local Plan Pre-Submission Draft (Regulation 19) be submitted.
- Decisions that formal responses to Southend Borough Council’s and Thurrock Borough Council’s consultation on their Local Plan Issues and Options (Regulation 18) be submitted.

As always, I will be happy to take any questions from Members in respect of the work of the Executive and I am sure my Executive colleagues will be happy to contribute where appropriate.”

**82 PAY POLICY STATEMENT**

Council was asked to approve a revision to the proposed Pay Policy Statement for 2019/20.

In response to a question, the Managing Director advised that the Council had paid market supplements to attract and retain staff within the planning service. He confirmed that, although the system was in its early stages, signs indicated that the supplements paid had been helpful in retaining staff, particularly in the Development Management section.

**Resolved**

That the Pay Policy Statement for 2019/20 be adopted.

The meeting closed at 8.55 pm.

Chairman .....

Date .....

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