

Council – 28 July 2015

Minutes of the meeting of **Council** held on **28 July 2015** when there were present:-

Chairman: Cllr Mrs H L A Glynn

Vice-Chairman: Cllr J L Lawmon

Cllr J C Burton	Cllr M Maddocks
Cllr Mrs L A Butcher	Cllr Mrs C M Mason
Cllr M R Carter	Cllr J R F Mason
Cllr T G Cutmore	Cllr Mrs J E McPherson
Cllr R R Dray	Cllr D Merrick
Cllr J H Gibson	Cllr R A Oatham
Cllr K J Gordon	Cllr Mrs C A Pavelin
Cllr J D Griffin	Cllr Mrs C E Roe
Cllr J Hayter	Cllr C G Seagers
Cllr N J Hookway	Cllr Mrs M H Spencer
Cllr Mrs D Hoy	Cllr D J Sperring
Cllr M Hoy	Cllr M J Steptoe
Cllr K H Hudson	Cllr I H Ward
Cllr G J Ioannou	Cllr Mrs C A Weston
Cllr Mrs G A Lucas-Gill	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C I Black, Mrs A V Hale, Mrs J R Lumley, Mrs J A Mockford, S P Smith and M J Webb.

OFFICERS PRESENT

A Dave	-	Chief Executive
N Khan	-	Director
S Scrutton	-	Director
J Bostock	-	Assistant Director, Democratic Services
M Hotten	-	Assistant Director, Environmental Services
A Law	-	Assistant Director, Legal Services
J Raveendran	-	Assistant Director, Resource Services
A Brown	-	Payments and Income Manager
L Spicer	-	Senior Communications Officer
M Power	-	Committee Administrator

157 MINUTES

The Minutes of the Annual Meeting held on 19 May 2015 were approved as a correct record and signed by the Chairman.

158 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman reported on the civic events she had attended since May. Earlier in the month she had celebrated with one of the District's oldest residents on her 101st birthday. She spoke of the success of the River Crouch

celebrations, which had culminated in a 100 mile walk along the river by residents from villages on both sides of the river. Children from schools in Rochford and Maldon had joined the walk, holding aloft silk banners they had designed themselves, which displayed their achievements.

159 PRESENTATION FROM THE FIRE AND RESCUE AND SERVICE

The Council received a presentation from the Essex Fire and Rescue Service on setting the context for change in relation to reshaping services for Essex, Southend and Thurrock for 2020 and beyond.

In response to questions, the following was noted:-

- Smoke alarms are the most effective way of preventing fires in private houses.
- Residential sprinkler systems used by the Fire Service are extremely reliable and are activated by heat, although they are not suitable for houses in multiple occupation. Misting is a new technology, which is not used in Essex, although stand-alone misting systems are provided in the homes of some terminally ill residents who wish to continue to smoke in their homes.
- The option for establishing a 'co-responder' system is used within the Fire Service, although it is not used by the East of England Service. Co-responders are fire fighters who carry a defibrillator to the incidents they attend and are trained to attend to heart attack victims
- The Fire Service will be undertaking extensive public consultation to set out the context for change in reshaping fire services in Essex. It will hold focus groups and public meetings and engage with local newspapers to ensure that the consultation is tailored specifically for different locations across the county.
- Of the false alarms attended, hoax calls amount to around 20 per month across the county. The largest number of false alarms occur where there is an automatic fire alarm on the premises.
- Response times are measured from the time the Fire Service receives the call to the time firefighters arrive at the fire. During the consultation the Fire and Rescue Service will be very clear about the impact of changes on response times.

The Chairman thanked the Fire and Rescue Service representatives for their informative presentation. Members would be provided with documentation to allow responses to the consultation where felt appropriate.

160 MEMBER QUESTIONS ON NOTICE

Pursuant to Council procedure rule 12.2, the following questions had been received from Members:-

(a) From Cllr K J Gordon of the Leader of the Council:-

“As the Community Infrastructure Levy (CIL) came into force in 2010 (it is now 2015) and this Council has not adopted the charge, could you please explain why this is and when it will become part of the Council’s planning policy?”

As this Council has not adopted the charge for the CIL, how much income has been lost that could have been generated for items such as flood alleviation, football and other sport pavilion refurbishments and road infrastructure improvements over and above S106 agreement works?”

The Leader of the Council, Cllr T G Cutmore, responded as follows:-

“A fully adopted development plan is preferred before a CIL can be implemented. The Rochford Core Strategy was formally adopted on 13 December 2011. The focus of the Planning Policy team has been the Allocations Plan, Development Plan and the other Area Action Plans, which have now all been adopted. Due to annual adjustments by the Government to the CIL regulations since 2010, the timetable for preparation has been intentionally delayed.

The first draft of a Viability Report, which is a crucial element of the CIL, was received in February 2015. Amendments to the report are now being discussed, prior to production of the Preliminary Draft Charging Schedule. It will take approximately 15 months from now before a Rochford CIL can be fully implemented.

In the first instance, neither s106 contributions nor CIL contributions should be regarded as income streams for the Council, as any financial contributions from either mechanism are intended for specified improvements to infrastructure to make development acceptable.

CIL money does not need to be used for providing infrastructure on the site it is collected from. Any infrastructure which is directly required as a result of a development will continue to be sought through S106, as will affordable housing provision. S106 obligations remain alongside CIL. The regulations ensure that individual developments are not charged for the same items of infrastructure through both S106 obligations and CIL, so-called ‘double dipping’ is not allowed.

Assuming the Hall Road planning application was liable for CIL, with an assumed £100 CIL tariff in Rochford, and 100% relief on affordable housing, it might have generated approximately £3.12 million as a contribution.

However, a total of £6.41 million has been agreed as part of the current Legal Agreement in respect of S106 infrastructure improvements, a greater amount than would have been the case if CIL was in place when the Hall Road application was determined. These S106 infrastructure improvements include contributions towards highway improvements, public transport, capital projects for the Primary Care Trust, maintenance arrangement for play equipment, provision of 1.1 ha school site and a financial contribution towards the construction of a primary school and towards appropriate secondary school provision.

Based on the above assumptions, it seems that the Council is £3,285,990 better off without the implementation of CIL in this particular scenario.

In addition, if CIL was in place, this would mean that items listed above could then only be “unlocked” through income received from the CIL, and may need to sit on the waiting list for a much longer time depending on priorities for investment in infrastructure elsewhere in the district.

CIL is a vehicle for general infrastructure contributions and will potentially deliver benefits once it is adopted. However, CIL is unlikely to contribute more than 15% of funding for the infrastructure requirements of the district.”

By way of a supplementary question, Cllr K J Gordon requested clarification on the figures provided by Cllr T G Cutmore. Cllr K J Gordon referred to research he had undertaken, which was based on 95 residential units being built each year from 2010 to 2015, as well as the large developments in the District that had been approved during this period, and using a tariff of £125/m². Cllr K J Gordon had calculated that £32,712,000 in CIL payments would have been available to the Council during the period on this basis.

Cllr T G Cutmore advised that a written response would be provided in due course.

(b) From Cllr K J Gordon to the Portfolio Holder for Planning:-

“Cllr Ward you appeared in the evening echo on 10/06/2015 stating that residents should accept the application for the 500 new homes at London Road/Rawreth Lane, despite the fact that, after you had pre-application meetings with the developer, and your officers recommended approval of the application, you voted against the application (this is a matter of public record). This item has now been sent for appeal, with all associated costs and officers time to be taken into account.

Could you please explain your reasons for, firstly voting to refuse the application and also this sudden change of heart? Also, do you have any idea of the costs to the Authority associated with the appeal? I also take it that, as you have now declared for the development, you will not be voting

at the next Development Committee meeting when this item comes before the committee.”

The Portfolio Holder for Planning, Cllr I H Ward, responded as follows:-

“Firstly, taking my reasons for refusal - these were based on my concerns regarding technical aspects of the scheme. I can also confirm my views have not changed, and I await the new application, and the associated explanations regarding how those concerns are being addressed.

Your assertion that I have declared for the development is totally incorrect. I can confirm that I will have an open mind regarding any new application that is put forward, notwithstanding that the principle of housing development has been set by the Council’s adopted development plan. Which brings me back to the Echo comment attributed to me.

In this particular case, the point being made in the article quoted is that the principle of the development has already been established by the adoption of the Core Strategy and the Allocations Plan, which means that, eventually, the houses will be built. I believe the residents need to be made fully aware of this very real fact, as some are unfortunately still being misled into believing the houses can be stopped.

The real concern for me is that we do not sleepwalk into having any development imposed on us by the Secretary of State without the accompanying improvement to infrastructure. I am of the opinion that the majority of our residents would expect us to ensure that the enhancement to infrastructure, as determined and requested by the statutory authorities such as the Highways and Education departments of Essex County Council, will be provided through Section 106 agreements by the developer. This important point pertains to all of the Allocated sites throughout the District.”

By way of a supplementary question, Cllr K J Gordon asked to be advised of the costs to the Authority associated with the planning appeal. Cllr I H Ward indicated that these figures would be available at a future date.

(c) From Cllr M Hoy to the Leader of the Council:-

"Can the Leader of the Council confirm that during the talks he has had with Essex County Council and other Local Authorities within Essex around the possibility of Essex County Council applying for Devolution, whether he, another Councillor or any Officer, has discussed the merger of this Council with any other Essex Local Authority?"

The Leader of the Council, Cllr T G Cutmore, responded as follows:-

“I am aware of suggestions in the local press concerning the aspiration of other leaders to form a larger unitary Council, which would include Rochford.

I can confirm that, in line with the resolution made by this Council, no talks at Member level have taken place at all.

I am also unaware that any talks between officers have taken place at all. I trust that answers the question, accordingly.”

161 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee Meetings held between the period 20 May to 17 July 2015.

162 REPORT OF THE STANDARDS COMMITTEE

Council considered the report of the Standards Committee containing a recommendation in relation to District Council scheduled planning training courses.

On a motion, moved by Cllr K H Hudson and seconded by Cllr Mrs C A Weston, it was:-

Resolved

That the compulsory training sessions for planning be reserved for District Council Members only. A separate planning training session should be made available to one representative from each Parish/Town Council free of charge but chargeable for further delegates. One delegate from Parish and Town Councils would be welcome to attend all other training sessions free of charge, but there will be a charge levied for further delegates. (AD – DS)

163 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“This is the second Council meeting for the 2015/16 municipal year and I would like to welcome all Members.

Since Annual Council on 19 May, the Executive has met on two occasions, during which:-

- Consideration was given to a Review Committee report on the operation of the ICT contract.

- Customer Feedback and Freedom of Information request statistics for 2014/15 were noted.
- A draft specification for the commissioning of advice services in the Rochford District, from April 2016, was approved.
- A presentation from the Assistant Directors was received on the work undertaken in relation to organisational development and consideration of Member Sponsors.
- An update was received on the Medium Term Financial Strategy 2015/16.

Other matters that my colleagues and I on the Executive have been dealing with include:-

- Adoption of an Empty Homes Strategy.
- Agreement for additional charges for adopted planning policy documents to be included in the 2015/16 Fees and Charges Document.
- Agreement for commencement of a Call for Sites exercise, for consideration as part of the new Local Plan (should a need for any additional land be identified).

The Boundary Commission has now confirmed that the Rochford Electoral Changes Order has been laid in Parliament. This now has a 'sitting' period in both the Houses of Commons and Lords before the legislation comes into force.

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."

In response to a Member observation that the Empty Homes Strategy could usefully include a specific target for reducing the number of empty homes in the District, the Leader advised that this would be examined.

164 ANNUAL REPORT 2014/15

Council considered the report of the Assistant Director, Resource Services on the Annual Report 2014/15.

Resolved

- (1) That, subject to any changes resulting from the audit of the accounts, the Annual Report be agreed for publication.

- (2) That the audited Financial Statements for 2014/15 be presented to September's Audit Committee meeting for approval with the External Auditor's report. (AD – RS)

165 CAPITAL PROGRAMME 2015/16

Council considered the report of the Assistant Director - Resource Services on the Capital Programme for 2015/16.

In response to a Member question on the reason for the proposed increase from £300,000 to £385,600 in the 2015/16 budget for the ICT strategy, the Portfolio Holder for People and Technology, Cllr Mrs G A Lucas-Gill, advised that £72,139 of the £85,000 was used to replace end of life back up and storage systems. An additional £9,400 was needed for upgrading the online mapping and planning consultation for the Council's website. Both of these items were ordered in 2014/15 but would be completed in 2015/16, at which time final payment would be due. This gave a total of £81,539 of the £85,000 brought forward. There would be no further requirements on this budget.

In respect of the £2.3 million approved for the purchase of waste vehicles for the recycling contract, a Member asked if officers had considered borrowing the money externally, in light of the possible increase in interest rates later in the year. Members were advised that different scenarios had been explored and it had been concluded that it was cheaper for the Council to borrow this money from internal funds, rather than going to the market. It was requested that information be provided to Members on how the proposed borrowing would be repaid.

Officers confirmed that the decision to purchase waste vehicles enabled the Council to achieve a reduction in annual costs on waste disposal and that the cost reduction would be reflected in General Fund savings. A written response would be provided to Members on the financial benefits of purchasing waste vehicles. A written response would also be provided to Members with detail on what the proposed capital spend of £8,900 for upgrading CCTV at the Windmill, as well as unfinished works carried forward from 2014/15, would cover.

It was noted that the replacement of waterless urinals at the Rayleigh and Rochford offices would not now be going ahead.

The £23,500 identified for land purchase would be retained in the Capital Programme.

Resolved

That the revised Capital Programme for 2015/16, as set out in the report, be agreed, subject to the amendments identified above and to Council agreement on the depot building project. (AD – RS)

166 TREASURY MANAGEMENT ANNUAL REVIEW 2014/15

Council considered the annual report of the Assistant Director - Resource Services on Treasury Management activity for the 2014/15 financial year.

It was noted that all strategic decisions and decisions on medium and long term investments were delegated to the Assistant Director – Resource Services in conjunction with the Portfolio Holder for Finance.

Resolved

That the Treasury Management Annual Review Report for 2014/15 be agreed. (AD – RS)

167 EMPLOYER DISCRETIONARY PENSION POLICY STATEMENT

Council considered the report of the Assistant Director - Resource Services on Rochford District Council's Employer Discretionary Pension Policy Statement, which set out the Council's policy on employer discretions.

Resolved

- (1) That the wording for the 2015 Policy Statement be the same as that agreed for the 2014 Statement.
- (2) That it be re-affirmed that no additional pension contributions or enhancements be paid by Rochford District Council for employees retiring early. (AD – RS)

168 LOCAL DEVELOPMENT FRAMEWORK SUB-COMMITTEE

Resolved

That the terms of reference of the Local Development Framework Sub-Committee be amended from 'To review and report on the contents of Development Plan Documents' to 'To review and report on the contents of emerging Planning Policy Evidence Base Documents, Supplementary Planning Documents and the new Local Plan'. (AD – DS/Director)

169 CHANGES TO THE OFFICER EMPLOYMENT PROCEDURE RULES IN RESPECT OF DISCIPLINARY ACTION

Council considered the report of the Assistant Director - Legal Services on the legislative changes to disciplinary action or dismissal against the Head of Paid Service, Chief Finance Officer and the Monitoring Officer requiring amendment to the officer employment procedure rules within the Constitution.

Resolved

That the Officer Employment Procedure Rules within the Constitution be amended in accordance with the appendix to the report. (AD – DS)

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

170 COUNCIL DEPOT, SOUTH STREET, ROCHFORD

Council considered the exempt report of the Executive on the Council Depot, South Street, Rochford.

Cllr Mrs J E McPherson moved a motion, seconded by T G Cutmore, that Option 1, as outlined in the report, be adopted.

In response to a question, the Assistant Director – Environmental Services advised that the figures in the report were based on the capital projection within the report that had been submitted to Full Council on 16 December 2014.

In response to a Member observation that the costs shown for the purchase of the building under Option 1 were considerably lower than had previously been estimated, Members were advised that previous figures discussed had included a number of other elements and, as such, were not 'like for like'.

The motion was carried by a show of hands and it was:-

Resolved

That authority be delegated to the Assistant Director – Environmental Services to proceed with the procurement and installation of a modular building at the Council Depot, South Street, Rochford in consultation with the Portfolio Holders for Enterprise and Environment. (AD – ES).

(Note: Cllrs K J Gordon and J R F Mason wished it to be recorded that they had voted against the above decision.)

The meeting closed at 9.35 pm.

Chairman

Date

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