

Council – 25 April 2017

Minutes of the meeting of **Council** held on **25 April 2017** when there were present:-

Chairman: Cllr Mrs C A Weston

Cllr C I Black	Cllr E O K Mason
Cllr J C Burton	Cllr J R F Mason
Cllr M R Carter	Cllr D Merrick
Cllr Mrs I Cassar	Cllr R Milne
Cllr N L Cooper	Cllr T E Mountain
Cllr R R Dray	Cllr J E Newport
Cllr D S Efde	Cllr R A Oatham
Cllr A H Eves	Cllr Mrs C E Roe
Cllr J D Griffin	Cllr Mrs L Shaw
Cllr B T Hazlewood	Cllr S P Smith
Cllr N J Hookway	Cllr D J Sperring
Cllr Mrs D Hoy	Cllr C M Stanley
Cllr M Hoy	Cllr M J Steptoe
Cllr Mrs T R Hughes	Cllr I H Ward
Cllr G J Ioannou	Cllr M J Webb
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, T G Cutmore and Mrs J R Gooding.

OFFICERS PRESENT

S Scrutton	-	Managing Director
N Khan	-	Executive Director
R Manning	-	Section 151 Officer
J Bostock	-	Assistant Director, Democratic Services
M Harwood-White	-	Assistant Director, Commercial Services
M Hotten	-	Assistant Director, Environmental Services
A Law	-	Assistant Director, Legal Services
L Moss	-	Assistant Director, Community & Housing Services
M Thomas	-	Assistant Director, Planning and Transformation Services
D Tribe	-	Assistant Director, Customer, Revenues & Benefits Services
M Petley	-	Principal Finance Officer
N Amor	-	HR Business Partner
J Hurrell	-	Housing Options Team Leader
A Badger	-	Housing Options Allocations and Enabling Officer
M Power	-	Democratic Services Officer

ALSO PRESENT

M Kirk	-	HR Adviser (East of England Local Government Association)
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81 MINUTES

The Minutes of the Extraordinary Meeting held on 14 February 2017 and the Meeting held on 21 February 2017 were approved as correct records and signed by the Chairman.

82 DECLARATIONS OF INTEREST

Cllrs G J Ioannou, Mrs J R Lumley and I H Ward each declared a non-pecuniary interest in Agenda item 6, Presentation of Petition Pursuant to Procedure Rule 11, and Agenda item 17, the exempt report of the Review Committee on Sanctuary Housing, by virtue of their membership of the Sanctuary Housing in Rochford Committee. Cllr G J Ioannou and I H Ward withdrew from the Chamber prior to the commencement of both items. Cllr Mrs J R Lumley, after making a statement at the commencement of item 6 by virtue of her role as Portfolio Holder for Community, withdrew from the Chamber prior to consideration of that item and withdrew from the Chamber prior to the commencement of item 17.

83 PRESENTATION OF A PETITION PURSUANT TO PROCEDURE RULE 11

Pursuant to Council Procedure Rule 11 Council considered a petition received from Richard Lambourne concerning the plan to use Frances Cottee Lodge, Rayleigh to provide temporary accommodation for the homeless, and the plan to lift the restriction which currently limits the residency to those aged over 55 in the accompanying Clarence Road flats.

The Portfolio Holder for Community, Cllr Mrs J R Lumley, made a statement in respect of the offer from Sanctuary Housing Association to provide temporary accommodation in Frances Cottee Lodge for the homeless in the District to meet the statutory duty of the Council to house its homeless. The use of Frances Cottee Lodge to house local residents would enable them to stay in the District with local connections and support networks and would reduce the cost to the Council of using bed and breakfast accommodation.

Cllr Mrs J R Lumley withdrew from the Chamber.

Michelle Newton, acting on behalf of the petition organiser, presented the petition.

During the 15 minute debate a Member observed that, while the concerns of the residents who had signed the petition could be understood, there was a growing need for temporary homeless accommodation in Rayleigh to allow homeless families to remain close to family, schools and support networks.

A motion that the Review Committee carries out an investigation into the matter and brings recommendations back to Full Council was moved by Cllr J R F Mason and seconded by Cllr M Hoy.

A Member commented that demand for sheltered housing from the over 55 age group was not high in Rayleigh because it was a high owner-occupier town. The Council did not own the Frances Cottee Lodge building or have nomination rights. Sanctuary Housing had taken the decision to refurbish Frances Cottee Lodge and to use the block as temporary homeless accommodation. There had been no complaints from the residents who had been relocated from Frances Cottee Lodge to alternative accommodation within the District.

Concern was expressed that the lack of communication from Sanctuary Housing had been poor and that Councillors had not been fully briefed throughout the process.

Against the motion, a Member suggested that no further action be taken. The Council had a statutory obligation to find and use appropriate accommodation for its homeless residents and there were substantial savings to be made if Frances Cottee Lodge was used for this purpose. There was a danger that, if homeless residents from the Rochford District were not placed in Frances Cottee Lodge, Sanctuary Housing would allocate the accommodation to the homeless from other Boroughs/Districts. Other locations in the District were also being explored for potential temporary homeless accommodation.

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

For (18): Cllrs C I Black; J C Burton; Mrs I Cassar; N L Cooper; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; T E Mountain; J E Newport; R A Oatham; C M Stanley and S A Wilson.

Against (15): Cllrs M R Carter; R R Dray; J D Griffin; B T Hazlewood; M J Lucas-Gill; D Merrick; R Milne; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; M J Webb; Mrs C A Weston and A L Williams.

The Motion was declared carried and it was:

Resolved

That the Review Committee carries out an investigation into the matter and brings recommendations back to Full Council.

84 MEMBER QUESTIONS ON NOTICE

Pursuant to Council procedure rule 12.2, the following questions had been received from Cllr C I Black of the Portfolio Holder for Planning:

- (1) "As of 10 April 2017, how many planning enforcement cases were outstanding?"

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

“There are 265 cases outstanding as of the 10th April 2017. Of these, 235 cases are currently being investigated and 30 are being monitored following formal action.”

In response to a supplementary question from Cllr C I Black on whether the Portfolio Holder believed the Council had enough financial and staffing resources to reduce planning enforcement cases to a normal level, the Portfolio Holder advised that the Council understood the need for sufficient resources, and regularly monitored the situation.

- (2) “As of 10 April 2017, how many full-time planning officers were directly employed by the Council, and not on sick leave, parental leave or on holiday?”

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

“As of the 10th April there were 3 of 6 Development Management planning officers directly employed by the Council in the office.”

- (3) “How many cases are you aware of for 2017 where a notice of decision indicates the wrong information - i.e. incorrectly states that the application has been passed when the actual decision was to refuse, or vice versa?”

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

“There is only one case where a notice of decision indicated incorrect information.”

85 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee meetings held between the period 7 February to 10 April 2017.

86 REPORTS FROM COMMITTEES TO COUNCIL

(1) Review of the Constitution

Council considered the report of the Review Committee with recommendations on alterations to the Council’s Constitution.

Resolved

- (1) That the proposed alterations to Parts 1 and 2 of the Council’s Constitution and the Officers’ Code of Conduct, as detailed in Appendices A and B of the officer report, be adopted, whilst noting that further amendments may need to be made to these sections

and submitted to Council as the review progresses.

- (2) That the proposed alterations to the Whistleblowing Policy and Procedure in the Constitution be adopted and that this section be removed from the Constitution and replaced by a reference to the Policy, which will be kept up to date by the Council's Human Resources department. (ADLS)

(2) Annual Report

Council considered the report of the Review Committee with a recommendation relating to the Review Committee's annual report on its workings in 2016/17.

Resolved

That the Annual Report, as attached at Appendix 2 of the officer report, be received.

87 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

This is the fifth ordinary Council meeting for the 2016/17 Municipal Year since Annual Council and I would like to welcome all Members.

Since the meeting on 21 February, the Executive has met once, during which:-

- Consideration was given to the Quarter 3 2016/17 Financial Management Report.
- It was agreed that £4,500 be drawn down from the Play Spaces 2017/18 Capital Budget for the purpose of match funding and that authority be delegated to the Assistant Director, Environmental Services, in consultation with the Portfolio Holder for Environment, to approve a grant award of £45,000 from the Cory Environmental Trust and consequent execution of the project.

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

- Adopting a new Model Licence Conditions and Guidance for dog boarding and home dog boarding licensing.
- Agreeing to an increase to the authorised fare tariff for hackney carriages.
- Agreeing the South Essex Strategic Planning Memorandum of Understanding 2017.

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 request for clarification, Council was advised that the South Essex Strategic Planning Memorandum of Understanding set out the parameters and framework within which planning authorities worked together under the duty to cooperate on strategic planning in the cross boundary areas within South Essex.

88 MOTIONS ON NOTICE

Pursuant to Council Procedure Rule 13.1, the following motion had been received from Cllrs J R F Mason; Mrs C M Mason; M Hoy; E O K Mason; Mrs T R Hughes; J E Newport; S A Wilson; A H Eves and C I Black.

‘This Council wishes to, and agrees to, invite the local NHS organisations to undertake presentations at a Full Council or a special additional Full Council on the proposed changes, particularly to A&E provision and Elective Surgery location and capacity, no later than 14 days before the closure of any public consultation arranged by the NHS.

Notwithstanding the above, Full Council agrees to have a full debate at a Full Council or a special additional Full Council on the proposed changes no later than 14 days before the closure of any public consultation arranged by the NHS.’

The motion was moved by Cllr J R F Mason and seconded by Cllr Mrs C M Mason.

It was agreed that the interests of the residents would be served by having a presentation by the NHS and a public debate by Full Council, outcomes from which could be fed back to the NHS.

Resolved

That local NHS organisations be invited to undertake presentations at a Full Council or a special additional Full Council meeting on the proposed changes, particularly to A&E provision and Elective Surgery location and capacity, no later than 14 days before the closure of any public consultation arranged by the NHS and that a full debate be undertaken. Notwithstanding this, that there be a Full Council or a special additional Full Council meeting on the proposed changes no later than 14 days before the closure of any public consultation arranged by the NHS. (ADCS)

89 PAY POLICY STATEMENT 2017/18

Council considered the report of the Managing Director on the Pay Policy Statement for 2017/18.

It was noted that paragraph 3.5 of the report and paragraph 7.1 of the Statement should have referred to 'median average', rather than 'mean average'. Calculations had been based on the median average, as recommended in the Hutton Review.

Resolved

That, subject to the above amendment to paragraph 7.1, the Pay Policy Statement 2017/18 be adopted. (MD)

90 PURPOSE BUILT DOCTORS SURGERIES – SUCCESSFUL NATIONAL BUSINESS RATES APPEALS 2017/18

Council considered the report of the Section 151 Officer on the financial impact for the District Council of successful national Business Rates appeals in relation to purpose built doctors surgeries in 2016/17 and potential future appeals in 2017/18.

It was noted that:

- In 2011 Local Authorities had been given the power to collect business rates and retain 100% of the amount collected.
- The rateable value of the surgeries had been calculated using the rateable value of a similar residential property. This had been challenged because surgeries were purpose built and, therefore, would never be used as residential accommodation.
- There was a general risk to local authorities of NHS buildings, including hospitals and dental surgeries, being designated in the same way as the purpose built doctors' surgeries for business rates calculation purposes. There would be no immediate risk to Rochford District Council in this respect, as Rochford Hospital did not fall within the scope of the types of building being put forward by NHS Trusts for business rates evaluation. Officers were monitoring the situation carefully and would raise as an issue if necessary. The Government would be evaluating the situation for the potential future impact on the finances of Councils.

Resolved

- (1) That the impact of the successful appeals by four purpose-built Doctors Surgeries on the Business Rates collected by Rochford District Council be noted.
- (2) That the potential impact of further successful appeals by seven remaining purpose built Doctors Surgeries within the District be noted. (S1510)

91 EXCLUSION OF THE PRESS AND PUBLIC

Some Members felt that consideration of exempt Item 18 of the Agenda 'Information Communication Technology (ICT) Project Update' should be in public and that the associated report could have been produced so as to facilitate that.

It was noted that a report, or elements of a report, treated as exempt by virtue of the Local Government Act 1972 could, with agreement, be made publically available once the reason/s for exemption are not longer applicable. It was also noted that public minutes should give a flavour of the discussion of an exempt item.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on Item 18 being treated as exempt and considered after exclusion of the press and public, as follows:-

For (18): Cllrs J C Burton; M R Carter; R R Dray; B T Hazlewood; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; D Merrick; R Milne; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; A L Williams.

Against (18): Cllrs C I Black; Mrs I Cassar; N L Cooper; D S Efde; A H Eves; J D Griffin; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; T E Mountain; J E Newport; R A Oatham; C M Stanley; S A Wilson.

Abstain (0):

The Chairman voted for by way of casting vote and it was:

Resolved

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

92 REPORT OF THE REVIEW COMMITTEE ON SANCTUARY HOUSING

Council considered the exempt report of the Review Committee containing a recommendation relating to the terms of an agreement with Sanctuary Housing.

It was moved by Cllr J R F Mason and seconded by Cllr Mrs C M Mason that the terms for a formal agreement between Rochford District Council and Sanctuary Housing pursuant to the Deed of Variation as to the tenure mix of the 363 properties referred to in the Deed be pursued by the Managing

Director, in consultation with the Leader of the Council, and that a formal report be made back to the next Full Council meeting or first appropriate Council meeting.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken as follows:

For (36): Cllrs C I Black; J C Burton; M R Carter; Mrs C I Cassar, N L Cooper; R R Dray; D S Efde; A H Eves; J D Griffin; B T Hazlewood; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; Mrs C M Mason; E O K Mason; J R F Mason; D Merrick; R Milne; T E Mountain; J E Newport; R A Oatham; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; C M Stanley; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; A L Williams and S A Wilson.

Against (0):

Abstain (0):

The Motion was declared carried and it was:

Resolved

That the terms for a formal agreement between Rochford District Council and Sanctuary Housing pursuant to the Deed of Variation as to the tenure mix of the 363 properties referred to in the Deed of Variation, Termination and Collaboration be pursued by the Managing Director, in consultation with the Leader of the Council, and that a formal report be made back to the next Full Council meeting or first appropriate meeting of the Council. (MD)

93 INFORMATION COMMUNICATION TECHNOLOGY (ICT) PROJECT UPDATE

Council considered the exempt report of the Managing Director, which provided an update on the Council's ICT Contract.

There was a discussion in relation to some increases to projected costs and project oversight arrangements. There was also discussion on the possibility of some input from an external expert.

Officers advised on the background to the current position, options that had already been considered and what proposals would bring in place. There was specific discussion on financial implications with advice received from the S151 officer.

Detail on the discussion is set out in the exempt appendix to these minutes.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was

taken on a motion, moved by Cllr S A Wilson and seconded by Cllr M Hoy, that the ICT Project be suspended temporarily to allow an independent review to be undertaken to provide reassurance that the new budget and expectations were realistic, as follows:

For (17): Cllrs C I Black; J C Burton; Mrs I Cassar; N L Cooper; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; T E Mountain; J E Newport; C M Stanley and S A Wilson.

Against (19): Cllrs M R Carter; R R Dray; J D Griffin; B T Hazlewood; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; D Merrick; R Milne; R A Oatham; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston and A L Williams.

Abstain (0):

The motion was declared lost.

On a requisition pursuant to Council Procedure Rule 17.4, a recorded vote was taken on the recommendations set out in the exempt report, as follows:-

For (17): Cllrs R R Dray; J D Griffin; B T Hazlewood; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; D Merrick; R Milne; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; A L Williams.

Against (19): Cllrs C I Black; J C Burton; M R Carter; Mrs I Cassar; N L Cooper; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; T E Mountain; J E Newport; R A Oatham; C M Stanley; S A Wilson.

Abstain (0):

On a requisition pursuant to Council Procedure Rule 17.4, a recorded vote was then taken on a motion, moved by Cllr J R F Mason and seconded by Cllr S A Wilson, as follows:

For (34): Cllrs C I Black; J C Burton; M R Carter; Mrs C I Cassar, N L Cooper; R R Dray; D S Efde; A H Eves; J D Griffin; B T Hazlewood; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; M J Lucas-Gill; Mrs J R Lumley; Mrs C M Mason; E O K Mason; J R F Mason; D Merrick; R Milne; T E Mountain; J E Newport; R A Oatham; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; C M Stanley; M J Steptoe; I H Ward; M J Webb;

Mrs C A Weston; S A Wilson.

Against (2): Cllrs G J Ioannou and A L Williams.

Abstain (0):

The Motion was declared carried and it was:

Resolved

That the ICT project be conducted concurrently with an independent expert review, at a cost of up to £10,000, to provide assurance that the new budget and schedule of estimates are realistic and achievable, with a report back to a Council meeting in May. (MD)

94 LEASE OF A PROPERTY IN ROCHFORD – 22 SOUTH STREET

Council considered the exempt report of the Assistant Director, Community and Housing Services on the lease of a property in Rochford.

The precise finalised net cost if all proposed units within the property were fully occupied and savings that would be generated was confirmed. The appropriateness of the property's location was recognised. There was discussion on the budget and it was noted that an alternative option in relation to the lease had been considered. All relevant permissions had been obtained. Detail on discussion and the associated resolutions is set out in the exempt appendix to these minutes.

It was agreed that, following the meeting, the substantive detail of the lease agreement should be made public and a full communication strategy rolled out to the relevant residents. It was noted that residents had already been made aware of the proposal via the planning application consultation process.

95 REPORT OF THE CHIEF OFFICER APPOINTMENTS COMMITTEE

Council considered the exempt report of the Chief Officer Appointments Committee on arrangements in respect of the Senior Leadership structure.

There was discussion on how a recent change of circumstances may represent an opportunity for financial saving. There was also discussion on the possible merits of some job description adjustments and aspects of organisational capacity.

The Council's Human Resources Adviser responded to various Member questions including on the subjects of strategic capacity and role content.

On a requisition pursuant to Council Procedure Rule 17.4, a recorded vote was taken on a motion moved by Cllr J R F Mason and seconded by Cllr A H Eves as follows:

For (20): Cllrs C I Black; M R Carter; Mrs I Cassar; R R Dray; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; M J Lucas-Gill; Mrs C M Mason; E O K Mason; J R F Mason; D Merrick; R Milne; T E Mountain; J E Newport; C M Stanley and S A Wilson.

Against (13): Cllrs J D Griffin; B T Hazlewood; G J Ioannou; Mrs J R Lumley; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston and A L Williams.

Abstain (0):

The motion was declared carried.

Detail on the discussion and the associated resolution is set out in the exempt appendix to these minutes.

The meeting closed at 11.35 pm.

Chairman

Date

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