

Council – 26 July 2022

Minutes of the meeting of **Council** held on **26 July 2022** when there were present:-

Chairman: Cllr M J Steptoe

Vice-Chairman: Cllr Mrs J E McPherson

Cllr Mrs D L Belton
Cllr Mrs L A Butcher
Cllr M R Carter
Cllr Mrs T L Carter
Cllr R P Constable
Cllr J E Cripps
Cllr D S Efde
Cllr A H Eves
Cllr I A Foster
Cllr Mrs E P Gadsdon
Cllr M Hoy
Cllr R Lambourne
Cllr Mrs C M Mason
Cllr J R F Mason
Cllr R Milne
Cllr G W Myers

Cllr J E Newport
Cllr L J Newport
Cllr Mrs C E Roe
Cllr D W Sharp
Cllr Mrs L Shaw
Cllr D J Sperring
Cllr C M Stanley
Cllr I H Ward
Cllr M J Webb
Cllr M G Wilkinson
Cllr A L Williams
Cllr S A Wilson
Cllr Mrs V A Wilson
Cllr M G Wilkinson
Cllr S E Wootton

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A G Cross, J N Gooding, Mrs J R Gooding, T D Knight, J L Lawmon and Mrs J R Lumley.

OFFICERS PRESENT

A Hutchings	- Strategic Director
S Summers	- Strategic Director
M Harwood-White	- Assistant Director, Assets & Commercial
M Hotten	- Assistant Director, Place & Environment
D Tribe	- Assistant Director, Transformation & Customer
S Worthington	- Principal Democratic & Corporate Services Officer
N Mann	- Corporate Manager, Human Resources, BBC
H Lock	- Democratic Services Officer
H Boyd	- Civic Officer

144 MINUTES OF THE ANNUAL MEETING HELD ON 17 MAY 2022 AND THE EXTRAORDINARY MEETINGS HELD ON 14 JUNE 2022

The Minutes of the meetings held on 17 May 2022 and 14 June 2022 were agreed as a correct record and signed by the Chairman.

145 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman thanked all those who attended the Garden Party and announced that his chosen charities were Trust Links, based in Rochford, and Advancement Through Football, based in Great Wakering.

He also announced upcoming fundraising events, including a forthcoming Riverboat Cruise from Paper Mill Lock to Heybridge Basin that was taking place on 28 August. Other events in the process of being arranged were quiz nights and a tour of Foulness Island, which should be an interesting event.

146 PRESENTATION OF A PETITION PURSUANT TO PROCEDURE RULE 11

The Chairman outlined the procedure in accordance with the Council's Constitution and moved a Motion without Notice to reduce the speaking time for each Member to 2 minutes. This was seconded by the Vice-Chairman and carried on a show of hands.

(22 Members voted for the Motion, 3 against and 3 abstained)

Mr Steve Tellis then presented the petition as follows:

“We the undersigned are opposed to the sale and demolition of Mill Hall Rayleigh and the sale of the Rayleigh Civic Suite including the Council Chamber. We hereby petition Rochford District Council to carry out a full Public Consultation on the sale of the publicly owned buildings and to abide by the results of that Public Consultation.”

The Portfolio Holder for Housing, Assets & Leisure, moved a Motion, seconded by the Leader, Cllr S E Wootton, that no further action be taken.

One Member raised concern about the loss of the Council Chamber and requested a pause on the potential sale of the Civic Suite.

Another Member thanked the Leader for the work done to protect the Mill Arts & Events Centre and proposed that a full socio-economic analysis be carried out into re-opening the Civic Suite and that this be brought back to the next meeting of Council. Another Member added that this should include analysis of financials. A Member expressed the view that the proposals for the Civic Suite should be reconsidered and asked that officers advise on the current state of the Civic Suite building. A Member Mason asked whether the Civic Suite building had been stripped and all furniture removed.

One Member observed that, whilst there was nostalgia around the Civic Suite it was now surplus to requirements. Another Member voiced the opinion that Rochford was more central to the district than Rayleigh and that 2000 people signing the petition was not a good representation when there were over 80000 residents in the District. Another Member did not share this view,

pointing out that Rayleigh had a railway station and bus routes and that the Mill was central to Rayleigh.

One Member expressed the view that the Civic Suite was no longer fit for purpose.

A Member requested that the Monitoring Officer set out the options available under the Council's Constitution.

The Strategic Director advised:-

That the options available under the Constitution in response to petitions were:

- (i) Taking the action requested in the petition
- (ii) Not taking the action requested for reasons put forward in the debate
- (iii) Commissioning further investigation into the matter, or
- (iv) Deciding whether to make recommendations where the matter falls to the Executive to make the final decision.

As this petition was before Council, option (iv) did not apply. The remaining options were (i)-(iii).

She further confirmed that office furniture had been removed from the Civic Suite, but that the Council Chamber was intact.

The Leader thanked Mr Tellis for his presentation of the petition and advised that there was never any intention to sell the Mill. Furthermore, the Council was committed to refurbishing it. However, the Civic Suite was no longer needed. Having looked at the Constitution of the Council he had therefore come to the conclusion that there was no further action to be taken.

The Portfolio Holder for Housing, Assets & Leisure advised that there was no intention to sell the Mill and that it would be re-opened shortly. With regard to the Civic Suite a decision would be made in accordance with due process and a stop-go decision would be made later in the year. He repeated his proposal that no further action be taken.

Mr Tellis emphasised that almost 90% of respondents to the consultation wanted the Civic Suite saved. He noted the Motion and made reference to A Member's proposal for a full socio-economic analysis to be carried out into re-opening the Civic Suite.

On a requisition to Council Procedure Rule 17.4 a recorded vote was taken on the Motion that no further action be taken, as follows:-

For (18) Cllrs Mrs D L Belton, Mrs L A Butcher, M R Carter, R P Constable, D S Efde, I A Foster, Mrs E P Gadsdon, Mrs J E McPherson, R Milne, G W Myers, Mrs C E Roe, Mrs L Shaw, D J Sperring, M J Steptoe, I H Ward, M J Webb, A L Williams, S E Wootton

Against (15) Cllrs Mrs T L Carter, J E Cripps, A H Eves, M Hoy, R Lambourne, Mrs C M Mason, J R F Mason, J E Newport, L J Newport, D W Sharp, Mrs D P Squires-Coleman, C M Stanley, M G Wilkinson, S A Wilson, Mrs V A Wilson

Resolved

That no further action be taken. (ADAC)

147 APPOINTMENT OF DIRECTORS TO THE COUNCIL'S LOCAL AUTHORITY TRADING COMPANIES

Council considered the report of the Joint Chief Executive seeking the appointment of Directors to the Council's Local Authority Trading Companies.

In response to Member questions the Strategic Director advised:-

- that the Articles of Association for the new Joint Venture with Norse required that a Councillor be appointed as a Director;
- that Local Authority Trading Companies (LATCOs) had been created to allow the Council to deliver grounds maintenance contracts, etc. A report was due back to Council in the Autumn which would contain an option to wind up these companies;
- that directorships of the LATCOs are not paid.

Resolved

- (1) to Appoint Marcus Hotten as Director of Green Gateway Trading Ltd
- (2) to appoint Marcus Hotten as Director of Green Gateway Trading (Development) Ltd
- (3) to appoint Cllr David Sperring and Steve Summers as Directors of Rochford Norse Ltd. (JCE)

(30 Members voted for the Recommendations, 0 against, 3 abstained)

148 APPOINTMENT OF JOINT STRATEGIC DIRECTORS

(Note: Steve Summers, Strategic Director, left the meeting for this item.)

Council considered the report of the Joint Chief Executive seeking confirmation of the appointment of Joint Strategic Directors for the Council and Brentwood Borough Council.

In response to a Member question about the lack of an Equality Impact Assessment (EQIA) in the report, the Strategic Director confirmed that one had been completed as part of the restructure process. The report confirms an appointment that has already been made, so there was no relevant decision for the purposes of EQIA. The Strategic Director confirmed that all appointments had been undertaken in accordance with HR policies of both Councils and the Pay Policy Statement approved by Council in June 2022.

In response to a concern raised by a Member that changes to the Constitution were not being considered by the Standards Committee, the Strategic Director advised that changes to the Constitution were a matter for Full Council; hence the report had come to Council to request delegated authority to the Monitoring Officer, in consultation with the Portfolio Holder for Governance, to make changes to the Constitution.

The Strategic Director further confirmed that the wording at the top of page 7.2 in the Report referred to Rochford District Council (RDC).

A Member suggested that it would be helpful for future reports to state whether an EQIA had been considered, even if one was not deemed necessary.

The Strategic Director confirmed that Emily Yule would be employed by RDC.

Resolved

- (1) That the Strategic Directors be appointed for the Council and Brentwood Borough Council, as set out in the Confidential Appendix.

(This was unanimously agreed.)

- (2) That the Monitoring Officer be given delegated authority, in consultation with the Portfolio Holder for Governance, to make any required changes to the Constitution to give effect to the recommendations in this report. (JCE)

(19 Members voted for the motion, 13 against and 1 abstained)

(S Summers, Strategic Director, returned to the meeting at this point.)

149 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

Report of the Executive – Advice Services Contract 2022-24

The Council considered the Report of the Executive on the Advice Services Contract 2022-24. In response to a Member question, the Portfolio Holder for Communities and Health advised that there was a presence in Rayleigh as the Civic Suite front desk was currently being used by Citizens Advice South Essex (CASE).

It was noted that Members would be provided with clarification on the following questions outside the Council meeting:-

- Whether the service offered by CASE was monitored; and
- The lack of tenders from other organisations.

Resolved

That the Council agree the outcome of the Advice Services tender and award the Advice Services Contract 2022-2024 to Citizens Advice South Essex (CASE). (ADPC)

(This was unanimously agreed)

Report of the Executive – Asset Delivery Programme Update

The Council considered the report of the Executive on the Asset Delivery Programme Update from the Portfolio Holder for Housing, Assets & Leisure.

In response to a Member question, the Portfolio Holder for Housing, Assets & Leisure advised that there was a breakdown of finances in section 16.7 of the report.

Resolved

- (1) To agree additions to the 2022/23 capital programme of £6,250 for compliance and essential maintenance works required to re-open the Freight House, to be funded from general balances.

(This was unanimously agreed. Note: Cllr D S Efde wished it to be recorded that he had voted in favour of the decision.)

- (2) To agree additions to the 2022/23 capital programme of £40,000 for compliance and essential maintenance works prior to re-opening the mill Arts & Events Centre. The costs will be funded from the General Fund balances. (ADR)

(32 voted in favour, 0 against and 0 abstained. Note: Cllrs M Hoy and I H Ward wished it to be recorded that they had voted in favour of the decision.)

Report of the Review Committee – Annual Report 2021/22

Council considered the Review Committee Annual Report 2021/22 and thanked the Vice-Chairman and Members of the Committee and officers for their support.

The Leader of the Council congratulated Cllr Wilson on his chairmanship and in response to a question Cllr Wilson confirmed that the report would be published on the Council's website.

Resolved

That the Council receives the Annual report of the Review Committee 2021/22. (ADLD)

Report of the Overview & Scrutiny Committee – Treasury Management Annual Review 2021/22

Council considered the report setting out a summary of the Council's Treasury Management activity for the 2021/22 financial year.

In response to a Member query, officers noted a request for the inclusion of an EQIA in next year's report.

Resolved

That the contents of the Treasury Management Annual Report 2021/22 be noted. (ADR)

Report of the Standards Committee – The New Local Government Association Model Code of Conduct

Council considered the report of the Standards Committee recommending that Council adopts the LGA new Model Code of Conduct with effect from 1 August 2022, together with an additional recommendation, as set out in the report.

There was debate of recommendation 1 with some concern expressed that this was not necessary as Members already uphold the Code of Conduct. Concern was also raised that this might prove too onerous for Group Leaders to enforce.

Following the debate Cllr Mrs J E McPherson proposed an amendment to recommendation 1, seconded by Cllr M G Wilkinson, as follows:-

“That all Members pledge to uphold the New Code of Conduct and Group Leaders pledge that any potential local candidates and campaigners be required to act in accordance with the Nolan Principles.”

In response to a Member question, the Strategic Director advised that by signing the Declaration of Acceptance of Office, Councillors agreed to abide by the Council’s Code of Conduct. The pledge in the recommendation was a statement by the Council to abide by the Code of Conduct.

On a requisition to Council Procedure Rule 17.4 a recorded vote was taken on the amendment to recommendation 1, as follows:-

For (20) Cllrs Mrs D L Belton, Mrs L A Butcher, M R Carter, R P Constable, D S Efde, I A Foster, Mrs E P Gadsdon, Mrs J E McPherson, R Milne, G W Myers, Mrs C E Roe, Mrs L Shaw, D J Sperring, M J Steptoe, I H Ward, M J Webb, M G Wilkinson, A L Williams, S A Wilson, S E Wootton

Against (0)

Abstain (12) Cllrs Mrs T L Carter, J E Cripps, A H Eves, M Hoy, R Lambourne, Mrs C M Mason, J R F Mason, J E Newport, L J Newport, D W Sharp, Mrs D P Squires-Coleman, Mrs V A Wilson

The amendment was carried.

Resolved

(1) To adopt the LGA Model Code of Conduct with effect from 1 August 2022.

(This was unanimously approved.)

(2) That all Members pledge to uphold the New Code of Conduct and Group Leaders pledge that any potential local candidates and campaigners be required to act in accordance with the Nolan Principles. (ADLD)

(20 Members voted in favour, 0 against and 10 abstained)

150 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 2 FEBRUARY 2022 TO 13 JULY 2022

Council received the Minutes of Executive and Committee meetings held

between the period 2 February 2022 to 13 July 2022.

151 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

Council noted the report of the Leader on the work of the Executive.

152 MOTIONS ON NOTICE

Council considered the following Motion on Notice from Cllr Mrs C M Mason and seconded by Cllr M Hoy.

“That this Council implements a highly recommended planning advice note within 6 months that would require all developers applying for new dwellings, whether domestic, commercial or for any other approved use, to demonstrate, as part of any planning application, how the buildings would incorporate on-site renewable energy generation for the benefit of the occupiers, such as photovoltaic panels or another appropriate on-site renewable energy generation method as may be agreed, should photovoltaic panels prove impossible.

The objective of this planning advice note is that all new domestic buildings should be capable of producing at least 1kwph of electricity for the occupier’s benefit. Other buildings should produce an amount appropriate for their intended use.

The only exception to this would be if the sensitivities of the application site or setting dictate that requiring the above would be inappropriate.”

Members expressed support for the Motion, but raised some concerns and comments:

- that the number of solar panels specified may not be sufficient;
- that the NPPF supports the use of renewable energy, but does not mandate solar panels;
- that the proposal would seek to extend the requirements of the Council’s current policies;
- that the Council was working on a new Local Plan that would contain ambitious policies on renewable energy; and
- that the six-month time scale could not be mandated as it wasn’t in the local plan/NPPF.

Note: a Motion moved by Cllr M J Steptoe and seconded by Cllr M G Wilkinson to extend the meeting by 30 minutes was lost on a show of hands.

(14 Members voted in favour, 17 against and 0 abstained).

A vote was taken on the Motion which was carried on a show of hands.
(30 Members voted in favour, 0 against and 0 abstained).

Resolved

That this Council implements a highly recommended planning advice note within 6 months that would require all developers applying for new dwellings, whether domestic, commercial or for any other approved use, to demonstrate, as part of any planning application, how the buildings would incorporate on-site renewable energy generation for the benefit of the occupiers, such as photovoltaic panels or another appropriate on-site renewable energy generation method as may be agreed, should photovoltaic panels prove impossible.

The objective of this planning advice note is that all new domestic buildings should be capable of producing at least 1kwph of electricity for the occupier's benefit. Other buildings should produce an amount appropriate for their intended use.

The only exception to this would be if the sensitivities of the application site or setting dictate that requiring the above would be inappropriate. (DP)

Before ending the meeting the Chairman thanked Angela Hutchings for all her hard work at the Council and wished her well in her new role.

The Leader of the Council, also extended thanks to Angela Hutchings for her hard work and enthusiasm and drew particular attention to her work on the Beagle Project, COVID and the #OneTeam Transformation Project.

The Leader of the Rochford District Residents Group commented that whilst she regretted Angela Hutchings leaving the Council, she nevertheless wished her the best for the future for a happy and successful career.

The meeting closed at 9.57 pm.

Chairman

Date

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