

## Council - 27 June 2002

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Minutes of the meeting of **Council** held on **27 June 2002** when there were present:

Cllr R S Allen (Chairman)

Cllr R A Amner

Mrs L Barber

Cllr C I Black

Cllr Mrs R Brown

Cllr P A Capon

Cllr Mrs T J Capon

Cllr T G Cutmore

Cllr K A Gibbs

Cllr T E Goodwin

Cllr J E Grey

Cllr A J Humphries

Cllr C A Hungate

Cllr Mrs L Hungate

Cllr C C Langlands

Cllr C J Lumley

Cllr Mrs J R Lumley

Cllr Mrs E Marlow

Cllr J R F Mason

Cllr Mrs M D McCarthy

Cllr G A Mockford

Cllr C R Morgan

Cllr R A Oatham

Cllr P K Savill

Cllr C G Seagers

Cllr S P Smith

Cllr Mrs M A Starke

Cllr M G B Starke

Cllr Mrs M S Vince

Cllr Mrs M J Webster

Cllr P F A Webster

Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs R G S Choppen, D F Flack, Mrs H L A Glynn, T Livings, J M Pullen, J Thomass and Mrs M A Weir.

### **OFFICERS PRESENT**

P Warren

R J Honey

S Fowler

J Bostock

Chief Executive

Corporate Director (Law, Planning & Administration)

Head of Administrative and Member Services

Principal Committee Administrator

### **273 FORMER DISTRICT COUNCILLOR N HARRIS**

At the commencement of the meeting, Members stood in silent tribute in memory of former District Councillor N Harris who had died.

### **274 MINUTES**

The Minutes of the meeting held on 14 May 2002 were approved as a correct record and signed by the Chairman.

### 275 ANNOUNCEMENTS FROM CHAIRMAN

The Chairman and Vice-Chairman had attended many events within the community.

The Chairman extended his thanks to the Vice-Chairman for all the assistance given during a busy period.

### 276 PUBLIC QUESTIONS

#### (1) From Mr V H Leach of 53 Westbury, Rochford

The Proper Officer reported that, pursuant to Council Procedure Rule 10.6, the following question of the Leader of the Council had been received from Mr V H Leach:-

"Given the reservations of Liberal Democrats, as publicised by the Conservatives, the strain upon our road infrastructure, the increasing limits of school places available and our crowded Doctors Surgeries, how many new homes, indicatively and in principle, have the Conservatives accepted being built on the Park School site to achieve acquiring Blatches Farm?"

The Leader of the Council, Councillor P F A Webster, responded to the question as follows:-

"I am extremely surprised by Mr. Leach's question on this matter. Reference to the minute of the Extraordinary Council meeting on 4<sup>th</sup> September, 2001, shows that Mr. Leach, or Councillor Leach as he was then, actually voted in favour of the package as negotiated with Essex County Council in relation to both Blatches Farm and the former Park School site. In the circumstances therefore, I find his question extraordinary. He is well aware of how many acres on the former Park School site have been identified for residential development. That is a matter of public record as outlined in the minutes of the 4<sup>th</sup> September meeting.

As Mr. Leach is also aware, the current outline planning application, which has yet to be determined by the Planning Services Committee, allocates land for specific uses but does not contain precise details as to exactly how many houses will be provided. Given his past experience and involvement in this particular issue as a Councillor, Mr. Leach is as well placed as I to guess the number of units that might eventually be provided, given Central Government guidance suggesting appropriate densities of between 30 and 50 dwellings per hectare net (or 12 to 20 dwellings per acre net) in a location such as this.

Prior to the current application being determined, I think it would be extremely unwise to comment further on the relative merits or otherwise of the application or to state any specific housing figure at this stage, as I feel sure that it is likely to be quoted elsewhere out of context.”

By way of supplementary question, Mr V H Leach indicated that he had not been to the Blatches Farm site and asked whether someone would be able to give directions should he choose to do so.

In response to the supplementary question, the Leader of the Council commented that he was sure any Officer of the Council or any of the Members representing the Rochford Ward could provide directions.

The Chairman of the Council indicated that a map identifying the location of the Blatches Farm site could be supplied to Mr Leach with a copy of the record of this Meeting.

### **(2) From Mr V H Leach of 53, Westbury, Rochford**

The Proper Officer reported that, pursuant to Council Procedure Rule 10.6, the following question of the Leader of the Council had been received from Mr V H Leach:-

“What is the cost, at today’s level of parking charges, of giving free parking every afternoon in all Rochford District Car Parks?”

The Leader of the Council, Councillor P F A Webster, responded to the question as follows:-

“As Mr. Leach will be aware, currently parking is free on Saturday afternoons from 1 p.m. That is an initiative which, I believe, was first introduced by the Liberal Democrats in 1998. No doubt as Chairman of Transportation & Environmental Services Committee at the time he will remember the debate. That move, I recall, was aimed at helping to underpin the attractiveness of our town centres in the face of growing retail competition.

The Conservatives are looking at ways in which our town centres can be further strengthened and made yet more attractive through creative car parking management.

From his past experience as a Councillor and Chairman of Transportation & Environmental Services Committee, Mr. Leach will know that when changes are made to parking tariffs, there are changes to the way people use the car parks. With free parking in the afternoon, some motorists would probably migrate from morning to afternoon

parking. This change in the pattern of parking cannot be precisely estimated.

If free parking in the afternoons were granted the starting time of that free parking would have to be determined and longer term changes to the pattern of staff working in the car parks agreed.

The car parking tariff applicable to the remaining charged period would have to be reviewed to ensure that the proposal had no adverse effect on the operation of the car parks.

At the moment any guess at a figure can only be based on the amount of income that would be lost and an estimate of the amount of trade transferring from mornings to afternoons.

On the basis of the following assumptions :-

- Free parking in all car parks from 2 p.m, (other than The Approach car park at Rayleigh Station)
- Saturday free parking remaining at 1 p.m.
- An adjustment to represent the potential loss of trade from morning charges (adjust income lost by +30%)
- No effect on season ticket sales

An approximate guess would be £140,000. However, it must be stressed that an accurate figure cannot be determined, as the potential real transfer of parking patterns is unknown".

### **277 MOTION ON NOTICE FROM COUNCILLORS P F A WEBSTER AND T G CUTMORE**

The Proper Officer reported that, pursuant to Council Procedure Rule 12, the following motion had been received from Councillors P F A Webster and T G Cutmore:-

"Rochford District Council considers that the implementation of the recent White Paper, "Your Region, Your Choice - Revitalising the English Region" published by the Government in May, would not benefit the people of Rochford District for the following reasons:-

1. It proposes the abolition of County and District Councils and their replacement by larger unitary authorities - perhaps in Rochford's case amalgamation with Castle Point and Basildon - and regional assemblies which would be far more remote than Essex County Council.

2. The cost of regional assemblies, approximately £25 million a year, will be borne by Council tax payers.
3. The Government envisages that regional assemblies would have up to 25-35 members. On this basis it is most unlikely that the 75,000 residents of Rochford District would have even one elected member to wholly and only represent them.
4. The proposal for the East of England region includes Essex, Bedfordshire, Cambridgeshire, Hertfordshire, Norfolk and Suffolk - a population of over 5,000,000 with little or no common objectives and interest.

For these reasons we believe Rochford residents would benefit far more if the Government provided greater financial assistance and did not make Rochford District Council increase its Council tax by 10 per cent - as it is for the current year - solely to finance Government Directives".

The motion was moved by Councillor P F A Webster and seconded by Councillor T G Cutmore. In presenting the motion, Councillor Webster wished to emphasise that it was not about the desirability or undesirability of Regional Government throughout England as it would be inappropriate for this Council to reach a conclusion on that. The motion was about the affect of proposals on residents of the Rochford District. The only way of opposing the motion would be to prove that the factors set out in parts 1-4 were incorrect.

An amendment that the following wording be included was moved by Councillor C I Black and seconded by Councillor R A Oatham:-

"If the Government insists on regional policy for the whole of England, it would be logical to make Essex a region in itself".

In favour of the amendment, reference was made to the possible attraction of changing the situation whereby a County Authority currently based in Chelmsford makes decisions on the needs and wants of residents living in the Rochford District. Against the amendment, reference was made to the likelihood that a Regional Government structure could mean that there was no or very limited appointee Members from within the District.

The amendment was lost on a show of hands.

During discussion of the substantive motion, a Member observed that an advantage of Regional Government could be the replacement of quangos with a body that is directly accountable to the electorate. The inclusion of the District within one democratically accountable unitary

authority may also bring benefit to communities currently served by different tiers.

In favour of the motion, reference was made to the remoteness which could be a feature of any regional structure. The Rochford District would be able to provide beneficial/accountable services to the community if Central Government provided greater financial assistance. Reference was also made to the likely cumbersome/bureaucratic nature and remoteness of any form of Regional Government.

Compared with other parts of the United Kingdom, the East of England currently comprised the lowest number of unitary authorities (12%). It could be anticipated that a regional structure would lead to increases in taxation.

On a requisition pursuant to Council Procedure Rule 16.4, a recorded vote was taken on the motion as follows:-

For(30) Councillors R S Allen, R A Amner, Mrs L Barber, C I Black, Mrs R Brown, P A Capon, Mrs T J Capon, T G Cutmore, K A Gibbs, T E Goodwin, J E Grey, A J Humphries, C A Hungate, Mrs L Hungate, C C Langlands, C J Lumley, Mrs J R Lumley, Mrs E Marlow, J R F Mason, Mrs M D McCarthy, G A Mockford, R A Oatham, P K Savill, C G Seagers, S P Smith, Mrs M A Starke, M G B Starke, Mrs M J Webster, P F A Webster, Mrs B J Wilkins

Against(2) Councillors C R Morgan and Mrs M S Vince

Abstentions (0)

### **Resolved**

That the motion be agreed. (CE)

## **278 CORPORATE PLAN/BEST VALUE PERFORMANCE PLAN**

Council considered the report of the Chief Executive on the Corporate Plan/Best Value Performance Plan. Both Plans had been amalgamated into a single document entitled "Rochford District Council – A Review of our Performance in 2001/02 and Future Work Programme 2002/03". Members would receive a half yearly progress review in the Autumn Cycle and quarterly updates via the Quarterly Monitoring Reports.

The Chief Executive indicated that the Authority was in the top performing quartile for a number of services. There were, however, some service areas where improvement could be made.

Responding to Member questions, the Chief Executive advised that:-

- The document would be available on the Council's website.
- At this stage it was not possible to pre-judge whether savings would emanate from the review of key services being undertaken over this and next year.
- The Council had some commendable Performance Indicators.
- Comprehensive Performance Assessment would be the next challenge. Associated with this was the need to develop the concept of the Council as a learning organisation.
- Some of the Best Value Review outcomes to date had concluded an identified need for additional resources. However, others had helped deliver significant savings, such as those achieved via the new Leisure Contract.
- It could be observed that financial costs associated with Audit and Inspection were increasing to a rate where it could be questioned whether they provided significant added value to outweigh the costs now incurred.
- During its earlier budget review, the Council had identified that Government initiatives were costing the Authority approximately £½ Million per annum.
- Where the term "not applicable" was used against targets, this was generally because different performance measurements were now in place.

Council agreed a motion moved by Councillor P F A Webster and seconded by Councillor T G Cutmore relating to the setting of a document charge and document distribution.

During a page by page review of the document, Members agreed the following amendments: -

Reverse of front page - replace "the District Council is required" with "the Government requires the District Council".

Page 2.7 - ensure reference is to Mrs E Marlow.

Page 2.10 – revise the details of the Hawkwell Parish Clerk.

Page 5.8 - include reference to football as well as basketball in connection with the facility at Hullbridge Recreation Ground.

Page 10.1 – insert a footnote "solely and only to meet the cost of implementing Government directives" in connection with the 10% Council Tax increase for 2002/03. (Note: Pursuant to Council Procedure Rule 16.5, Councillor C R Morgan wished it to be recorded that he had voted against this amendment)

### **Resolved**

- (1) That, subject to the above amendments, the Corporate Plan/Best Value Performance Plan Document be approved.
- (2) That authority be delegated to the Chief Executive to consider and include any amendments to the Document proposed by the Council's External Auditor.
- (3) That, with the exception of District Councillors, District Council Officers and the External Auditors, a charge of £2.00 be made to persons/organisations requesting copies of the Document. (CE)

### **279 CONSULTATION PAPER - LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS**

Council considered the report of the Corporate Director (Law Planning and Administration) on the Department of Trade, Local Government and the Regions Consultation Paper "Conduct of Councillors - Local Investigation and Determination of Misconduct Allegations". Responses to the Paper were sought by the 1 July 2002.

In addressing the report, the Corporate Director highlighted the following specific concerns relating to proposals within the Paper:-

- The various approaches proposed for dealing with complaints, all of which involved the Monitoring Officer, could lead to confusion. Either, all complaints should be direct to the Standards Board and investigation carried out by the Ethical Standards Officer or, preferably, all complaints should be considered and investigated locally first. Unsubstantiated allegations could then be weeded out and genuine complaints referred directly to the Standards Committee for decision.
- A report on every matter considered by the Standards Committee could be submitted to the Standards Board. The Board should then be in a better position to ensure consistency of decision making

across all authorities through guidance, direction and, if necessary, intervention.

- The proposed procedure may lead to different levels of sanction in different authorities for similar breaches of the Code
- No resources were being provided to Monitoring Officers to assist in carrying out additional workloads.
- Given the nature of the roles, there should be provision for the Ethical Standards Officer to assist the Monitoring Officer.

During debate, a Member referred to a concern expressed by the County Council's Standards Committee that the Standards Board mechanism for dealing with complaints did not include provision for legal advice to be available for persons under investigation. Council endorsed this concern.

**Resolved**

That the comments set out in the report, together with those above, be forwarded as this Council's response to the Consultation Paper.  
(CD(LPA))

The meeting closed at 8.45pm.

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_