

Council – 20 July 2021

Minutes of the meeting of **Council** held on **20 July 2021** when there were present:-

Chairman: Cllr Mrs J R Gooding
Vice-Chairman: Cllr M J Steptoe

Cllr Mrs L A Butcher	Cllr G W Myers
Cllr C C Cannell	Cllr J W Newport
Cllr R P Constable	Cllr L J Newport
Cllr R R Dray	Cllr Mrs C A Pavelin
Cllr D S Efde	Cllr Mrs C E Roe
Cllr A H Eves	Cllr Mrs L Shaw
Cllr I A Foster	Cllr P J Shaw
Cllr Mrs E P Gadsdon	Cllr D S Sperring
Cllr J N Gooding	Cllr C M Stanley
Cllr Mrs J R Gooding	Cllr M J Steptoe
Cllr B T Hazlewood	Cllr I H Ward
Cllr M Hoy	Cllr Mrs C A Weston
Cllr Ms T D Knight	Cllr M G Wilkinson
Cllr J L Lawmon	Cllr A L Williams
Cllr Mrs J E McPherson	Cllr S A Wilson
Cllr D Merrick	Cllr S E Wootton
Cllr R Milne	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs M R Carter, Mrs T L Carter, Mrs J R Lumley, Mrs C M Mason, S P Smith and M J Webb.

OFFICERS PRESENT

A Hutchings	- Acting Managing Director
M Harwood-White	- Assistant Director, Assets and Commercial
M Hotten	- Assistant Director, Place and Environment
A Law	- Assistant Director, Legal and Democratic
N Lucas	- Assistant Director, Resources
L Moss	- Assistant Director, People and Communities
D Goodman	- Team Leader, Strategic Planning and Economic Regeneration
S Worthington	- Principal Democratic and Corporate Services Officer
L Morris	- Democratic Services Officer
W Szyszka	- Democratic Services Officer

108 MINUTES

The Minutes of the meeting held on 18 May 2021 were agreed as a correct record and signed by the Chairman.

A Councillor queried if the numbers of Members voting on Appointments to Outside Bodies had been added, which was confirmed by officers.

109 DECLARATIONS OF INTEREST

Cllrs Mrs C E Roe, R R Dray, D J Sperring, Mrs C A Pavelin, R Milne, I H Ward, C C Cannell, J E Newport and C M Stanley declared a non-pecuniary interest in Item 12 of the Agenda relating to the CCTV Working Group by virtue of membership of Rayleigh Town Council.

Cllrs A L Williams, D S Efde, J N Gooding and Mrs J E McPherson declared a non-pecuniary interest in Item 12 of the Agenda relating to the CCTV Working Group by virtue of membership of Rochford Parish Council.

Cllr B T Hazlewood declared a non-pecuniary interest in Item 12 of the Agenda relating to the CCTV Working Group by virtue of being a Member of Hockley Parish Council.

Cllr Mrs J R Gooding moved a Motion without Notice to change the order of the agenda, suggesting that Item 13 be taken before any other business. This was seconded by Cllr M J Steptoe.

Resolved

That Item 13 be taken before any other business.

(25 Members voted for the Motion, 1 Member voted against and 5 abstained)

110 JOINT STRATEGIC PARTNERSHIP

The Council considered the report of the Acting Managing Director, outlining details of a proposal for the sharing of a Chief Executive between Brentwood Borough Council and Rochford District Council for an initial 6-month period starting from 1 August 2021.

A Councillor queried if the current Acting Managing Director would return to the role of Strategic Director for Rochford with the Strategic Director for Brentwood being responsible solely for Brentwood. Officers advised that the Strategic Director roles would be shared between organisations to provide resilience and clarified that there was no recommendation to this effect as this would fall under the Scheme of Delegations whereby the Head of Paid Service had control over this position.

A Councillor expressed disappointment that this had not been considered by the Chief Officer Appointments Committee. Concern was also expressed that RDC and BBC have different governance systems. The Leader advised that the Chief Officer Appointments Committee would not be the correct Committee at this stage of the process and confirmed that Rochford District Council would retain a Cabinet governance structure.

Referring to Recommendation 5 of the report, a Councillor raised concern about the Monitoring Officer making required changes to the Constitution. Officers advised that any changes would be factual changes and this would be for Council to delegate to the Monitoring Officer to implement.

A Councillor queried what the advantages of a Joint Strategic Partnership would be other than salary savings. The Leader advised that the market was extremely competitive resulting in difficulties to acquire a high calibre candidate for the position.

Following a Councillor query regarding the availability of Jonathan Stephenson for Rochford District Council issues, the Leader advised that this would depend upon the organisation of Jonathan Stephenson, but reassured Members that he, as Leader, would always be available. The Councillor also queried what the effects would be on Rochford District Council should Jonathan Stephenson fall out of favour with Brentwood Borough Council as his direct employer, and was advised that these were interim arrangements that would be reviewed the coming six months.

The Leader of the Council paid tribute to Angela Hutchings, for her hard work and support during her time as Acting Managing Director, particularly during the pandemic.

Cllr S E Wootton moved a Motion, proposing the recommendations included on page 13.5 of the report, which was seconded by Cllr Mrs C E Roe.

Resolved

- (1) That Jonathan Stephenson be appointed as Joint Chief Executive/Managing Director for both authorities and designated as Head of Paid Service for Rochford District Council with effect from 1 August 2021, subject to legal agreement and resolution by Brentwood Borough Council on 28 July 2021.
- (2) That the Acting Managing Director and the Assistant Director (Legal & Democratic), in consultation with the Leader of the Council, engages with Brentwood Borough Council and enters into an agreement under Section 113 of the Local Government Act 1972 to establish a Joint Chief Executive and Head of Paid Service for Brentwood Borough Council and Rochford District Council for an initial period of 6 months from 1 August 2021.
- (3) That the Interim Joint Chief Executive (JS) and the two Strategic Directors, in consultation with the Leader and Deputy Leaders of each Council to undertake the creation of a feasibility study to explore further shared and partnership opportunities with Brentwood Borough Council. A further report with proposals will be brought back to Council for consideration by the end of 2021.
- (4) That a maximum of £20,000 be allocated from general reserves to fund 50% of the costs required to undertake the feasibility study and provide additional programme resources. (Brentwood Borough Council intends, subject to its Council agreement, to also commit £20,000 of resources to undertake this work).

- (5) That the Monitoring Officer be given delegated authority to make any required changes to the Constitution.
- (6) That the designated Head of Paid Service is the proper officer under s270(3) of the Local Government Act 1972. (AMD)

(25 Members voted for the Motions, 0 voted against and 8 abstained)

111 ANNOUNCEMENTS FROM CHAIRMAN, LEADER AND HEAD OF PAID SERVICE

The Chairman updated Members on her recent Civic and charity engagements:-

'Members, you will be glad to know that I have been busy since the start of my Chairmanship role.

First, with a visit to East Essex Hackspace, my chosen charity, based at Clements Hall Pavilion in Hawkwell. The Committee members at Hackspace were pleased to hear that I have pledged my support by fundraising for Hackspace this municipal year. In addition, the Chairman for Remap, which is an associated charity, invited me to be an advocate, highlighting the fantastic work they do when using Hackspace facilities, making bespoke apparatus or equipment for people with disabilities.

I have visited a few charities and voluntary organisations, including Junior Park Run, Corinthians Football Association for an awards ceremony and a charity event for the Vulcan at Southend Airport, which is reliant on volunteers and fundraising. The Armed Forces Service held at St. Mary's Church in Prittlewell was well attended, along with the Mayor of Southend Council and Councillors with various Armed Services present.

More recently, I was delighted to be invited to the NHS' 73rd birthday and thanksgiving service, a joint ceremony with Southend Borough Council. I considered it an honour to raise the NHS flag with the opportunity to express my gratitude and recognition of our NHS heroes.

My fundraising continues with the Chairman's forthcoming Garden Party being held on 5th August at The Lawn, Rochford. I welcome and value everyone's support.

I will continue to update Members at each meeting. Thank you.'

112 MEMBER QUESTIONS ON NOTICE

The following Question on Notice was asked by Cllr M G Wilkinson to the Portfolio Holder for Governance:

'Could the Portfolio Holder for Governance please give this Council reassurance that she has put procedures in place to ensure that the number of votes cast in any Council meeting corresponds with the number of Members present at the meeting and explain to this Council what those procedures are. We have seen examples recently where the numbers have not been correct yet the Chairman has moved the meeting on without the discrepancy being dealt with.

In addition – can she also give the Members reassurance that she has also put a procedure in place to give clarity to Members when voting at Annual Council for Outside Bodies where there is more than one position. The last Annual Council saw a great deal of confusion where Members did not know how many votes they could cast and the Monitoring Officer's explanation at the time sadly did not assist. Members need clarity moving forward so that we all know how many times we can vote on a particular subject.'

The following response was received by Cllr Mrs C E Roe, Deputy Leader:

'The rules governing meetings of local authorities are partly found in legislation, partly in standing orders and also under common law. There are already procedures in place and these have been clarified and explained previously on numerous occasions.

The Local Government Act 1972 sets out that matters are decided by a majority of Members present and voting. In an ordinary vote, the numbers do not necessarily always equate to the number of Members entitled to vote. This is because a Member may vote for a motion, against a motion, they may abstain or they may choose not to vote at all. If a Member chooses not to vote, then that is their prerogative. The officers will only count votes for, against or abstain. The situation is different for a recorded vote because each Member's name is called and they are required to state their vote as for, against or abstain.

In a recent training session, the same question was posed to the trainer who was an external trainer from the Association of Democratic Services and the advice they gave supported the Monitoring Officer's advice that the number of votes may not always equate to the number of Members present unless it is a recorded vote.

In relation to voting on appointments, Rule 17.6 of the Constitution applies where there is one position which only one person can fill but there are several nominees. The Constitution is silent where there are multiple positions and multiple nominees. It has been by convention that the Council deals with such nominations by voting for each nominee and the nominees with the most votes fill the positions. Members vote for each nominee as the name is called out and those with the highest number of votes will be selected onto the outside bodies as is the case with many other authorities. Each nominee is taken as a separate vote; therefore, Members can vote each time for each nominee. This

is permissible in law and it reflects the custom and practice of this Council for many years.

Having conducted my own review, it appears that 27 Members out of 39 are very clear and content on the procedure.'

113 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 10 FEBRUARY 2021 TO 6 JULY 2021

Council received the Minutes of Executive and Committee meetings held between the period 10 February 2021 to 6 July 2021 and these Minutes were noted.

114 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

Report of the Review Committee – Annual Report

Council received the report of the Review Committee on the Annual Report as approved by the Review Committee at its meeting on 13 April 2021 with recommended alterations made.

In response to a Councillor querying if the section of the report dedicated to Emergency Planning only looked at RDC, officers advised that this question had been noted and would be answered outside of the meeting, as the recommendation was only to receive the report.

Resolved

That Council receives the Annual Report, as appended. (ADLD)

Report of the Review Committee – Treasury Management Annual Review 2020/21

Council received the report of the Review Committee on the Treasury Management Annual Review 2020/21. The Chairman of the Review Committee pointed out that there had been discussion at the meeting around varying rates of interest that had been addressed by the Assistant Director, Resources. There had also been some discussion around the contract with Link Asset, which would be reviewed in the coming year.

Resolved

That the contents of the Treasury Management Annual Review be noted. (ADR)

Report of the Planning Policy Committee – New Local Plan: Spatial Options (Regulation 18) Consultation Paper

Council received the report of the Planning Policy Committee on the New Local Plan (Regulation 18) Consultation Paper.

The Chairman of the Planning Policy Committee, Cllr D J Sperring, advised that concerns had been raised about residents receiving notification of the consultation paper which he had taken on board and moved a Motion to add a recommendation that £45,000 be allocated from earmarked reserves to cover the cost of sending out a consultation leaflet to all households within the district on the Spatial Options Consultation Paper, and as necessary, consultation leaflets for potentially up to two further significant Local Plan Consultation Papers. This Motion was seconded by Cllr I H Ward.

A Councillor raised concerns regarding Essex County Highways commissioning work on the highways structure for the South of Essex, discussing the possibility of creating additional infrastructure, which may change the outcome of the Consultation Paper. A second Councillor also raised concerns that the Council was planning to commission an infrastructure plan as detailed under 8.3.2, and therefore was asking residents to make a decision on plans that were not yet clear. The Chairman of the Planning Policy Committee advised that this Consultation Paper was on the work done thus far, and any changes would be included in future discussions.

A Councillor raised a concern that if RDC was to go ahead with the consultation, would an additional £45,000 need to be spent on following consultations. The Chairman of the Planning Policy Committee advised that the suggested £45,000 had been allocated for three consultations, therefore the remainder of the allowance would not need to be used if no further consultations took place.

A Councillor queried if the Chairman of the Planning Policy Committee was aware of any communications from Essex County Council that would affect this decision and was advised that as he was not a Member of Essex County Council, he would not be made aware of any communications from ECC but emphasised that any changes made would be dealt with in future discussions.

A Councillor queried when the 6-week consultation period would start if Council agreed to the recommendations and was advised by officers that the consultation would start the following week.

Resolved

That a fourth recommendation be added to state that £45,000 be allocated from earmarked reserves to cover the cost of sending out a consultation leaflet to all households within the district on the Spatial Options Consultation Paper, and as necessary, consultation leaflets for potentially up to two further significant Local Plan Consultation Papers.

(29 Members voted for the Motion, 0 voted against and 3 abstained)

Resolved

- (1) That the Spatial Options Consultation Document, set out at Appendix 1(A), be consulted on for a period of six weeks.

(26 Members voted for the Motion, 5 voted against and 1 abstained)

(Councillors M Hoy and A H Eves requested that it be recorded that they voted against the Motion)

- (2) That this consultation is carried out in accordance with the consultation strategy, set out at Appendix 1(C).

(25 Members voted for the Motion, 0 voted against and 8 abstained)

- (3) That authority be delegated to the Assistant Director, Place & Environment, in consultation with the Portfolio Holder for Strategic Planning, to make minor textual and cosmetic changes to the consultation document to ensure it is factually accurate and accessible at the time of consultation.

(25 Members voted for the Motion, 0 voted against and 7 abstained)

- (4) That £45,000 be allocated from earmarked reserves to cover the cost of sending out a consultation leaflet to all households within the district on the Spatial Options Consultation Paper, and as necessary, consultation leaflets for potentially up to two further significant Local Plan Consultation Papers.

(31 Councillors voted for the Motion, 1 voted against and 1 abstained)
(ADPE)

Report of the Planning Policy Committee – Statement of Community Involvement: 2021 Review

Council received the report of the Planning Policy Committee detailing the Statement of Community Involvement: 2021 Review that was presented to the Committee on 23 June 2021.

Resolved

That the Statement of Community Involvement: 2021 Review, at Appendix 2(A), be consulted on for a period of six weeks.

(32 Members voted for the Motion, 0 voted against and 1 abstained) (ADPE)

Report of the Planning Policy Committee – Local Development Scheme: 2021-2023

Council received the report of the Planning Policy Committee detailing the Local Development Scheme: 2021-2023 that was presented to the Committee on 23 June 2021.

Resolved

That the Local Development Scheme 2021-23, set out at Appendix 3(A), be adopted and published on the Council's website. (ADPE)

(27 Members voted for the Motion, 0 voted against and 6 abstained)

115 REPORT ON URGENT DECISIONS

Council received and noted the report on Urgent Decisions.

116 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

Council received the following report from the Leader on the work of the Executive, who stated that in future, this report would be circulated along with the agenda:-

'Members, the meeting has already received the Minutes of meetings of the Executive since our last Full Council meeting on 23 February. I am happy to provide an update, for information purposes, on business dealt with by the Executive since then.

At its meeting on 3 March, the Executive:

- Noted the update on the Asset Delivery Programme (ADP) and the Connect Programme.
- Put in place a procedure for allocating the Voluntary Sector Grants fund for the financial year 2021/22 and agreed that this process should remain clear and transparent whilst aligning outcomes with those identified in the Rochford District Council Business Plan relating to partnership working and links to the joint Rochford & Castle Point Health & Wellbeing Strategy.
- Agreed that the Rayleigh, Rochford & District Association for Voluntary Services would receive top sliced funding from the same pot, based on outcomes aligned with the Essex County Council performance framework and the Health & Wellbeing Strategy Action Plan.
- Agreed to publicly market the leasehold opportunity of the Council owned asset known as the former Crown Hill Public Convenience for commercial use. Authority was delegated to the Assistant Director, Assets & Commercial, in consultation with the Portfolio Holder for Commercial, Business, Local Economy & Leisure, to review the expressions of interest resulting from the marketing exercise and finalise the terms of the lease with the success applicant.

At its meeting on 14 April, the Executive:

- Agreed the approach outlined in the 'Parks for Nature' Initiative report to adapt and improve parks and green spaces and contribute to the Council commitment to make Rochford District Council carbon neutral by 2030.
- Agreed that the Council enters into a Framework Agreement with Essex County Council and agrees to support the distribution of specific business grants to Rochford businesses. Authority was delegated to the Assistant Director, Place & Environment, in consultation with the Portfolio Holder for Commercial, Business, Local Economy & Leisure, to agree minor additions or amendments to these agreements in the interests of facilitating a quick and effective grant programme for local businesses.

At its meeting on 10 June, the Executive:

- Noted the provisional outturn position against the 2020/21 revenue and capital budgets and that the Council's 2020/21 Statement of Accounts were still being prepared and would be subject to audit by external auditors EY.
- Agreed the transfer to the Business Rate Smoothing reserves of £3,071,159
- Noted the details breakdown of each Portfolio's provisional outturn position and in-year reserve movements.
- Noted the projected earmarked reserves closing balance at 31 March 2021.
- Agreed £1,422,909 of revenue carry forwards, comprised of £1,184,120 of grant budgets and £238,789 of general budgets.
- Noted the COVID-19 grants position, including ring-fenced amounts to be rolled forward into 2021/22.
- Agreed £496,183 of capital project carry forwards for those schemes deemed outstanding at the end of 2020/21 for completion.
- Agreed the quarter 1 2020/21 revenue budget and capital position.

Portfolio Holder decisions have been taken that have:

- Agreed the timetable of meetings for the 2021/22 Municipal Year
- Agreed the recommendations made by the Advisory Group to allocate the Voluntary Sector Grants fund for the financial year 2021/22 to local voluntary organisations and that the Rayleigh, Rochford and District Association of Voluntary Services would receive top sliced funding from the same fund, based on performance as the community connector and expert.

- Approved the Cemetery Regulation and Memorial Regulations
- Agreed that free off-street parking be provided for up to 30 NHS volunteers deployed at the COVID-19 Vaccination Centres across the Rochford District, whilst undertaking their specific voluntary duties required by the NHS staff.
- Agreed that the response to the Government Consultation on Changes to National Planning Policy Framework and Model Design Code be submitted to the Government within the prescribed consultation window.
- Approved the Food Safety and Health & Safety Service Plans for 2021/22.

In response to a query from a Councillor questioning if 30 spaces were enough to accommodate those working at vaccination centres, the Portfolio Holder advised that the parking spaces were only for volunteers who were not paid to work in vaccination centres and that RDC had consulted with local surgeries and found that at the present time, 30 was enough to accommodate. The Councillor also queried if NHS workers could still park for free in RDC car parks as states on the website, and was advised that the website was outdated but had now been corrected.

Responding to a query regarding how many expressions of interest had been made on the former Crown Hill Public Conveniences, the Leader advised that this query would be responded to outside of the meeting once the information was to hand. Another Councillor queried why it had taken so long for the Crown Hill site to get to this stage and was advised by the Leader that a full written answer would be given outside of the meeting, but that there had not been a lot of interest in the site.

117 CCTV WORKING GROUP

Council considered the report of the Assistant Director, People & Communities, updating Members on the work of the CCTV Working Group.

A Member raised concern regarding paragraph 6.1 and queried why parish implications had been included, as this had not been included in working group discussions, and therefore felt that the report was inaccurate in this area.

Cllr M G Wilkinson moved a Motion, seconded by Cllr J L Lawmon, to amend Recommendation 2 of the report to state 'to endorse the use of the Community Safety Fund to provide for capital funding in support of CCTV and other community safety initiatives. Each community safety application will need to be assessed against a set of criteria by all three Ward Members for the Ward in which the initiative is located, together with the Portfolio Holder for Community before funding is allocated.'

The Portfolio Holder for Community commented on the amendment to the Motion to advise that Rayleigh Town Council had not yet received the report; it would therefore be unfair to put an amendment forward that may put Town or

Parish Councillors at odds with each other, as one approval or rejection would affect the other.

Members against the Motion felt that the report discussed the provision of finance for the scheme and did not go into details on the operational details, therefore felt the Motion should not be amended as it was not relevant to this report.

Members in favour of the Motion raised concern that the report had been brought forward prematurely and that £100,000 had been allocated to the Community Safety Fund but no detail had been included on operational discussions and allocation of these funds. A Member also raised concern that this was limited to certain Town and Parish Councils, but not others. In response to this concern, the Portfolio Holder for Community advised that all parishes would be able to claim up to £2,500 in match funding.

The Motion was voted upon and lost.

(10 Members voted for the Motion, 21 voted against and 2 abstained)

A Member queried paragraph 2.7 and asked if Rayleigh Town Council and Rochford Parish Council did not take part, would this mean that other parishes would be unable to take part and was advised by the Portfolio Holder for Community that regardless of Rochford Parish Council or Rayleigh Town Council taking part, the money would be available to all other parishes if they chose to make an application.

In response to a Member questioning if any remaining funds would revert back to the RDC General Fund or back into the Community Safety Fund, officers advised that this would revert back to the RDC General Fund.

Resolved

- (1) To note the work undertaken by the CCTV Working Group
- (2) To endorse the use of the Community Safety Fund to provide for capital funding in support of CCTV and other community safety initiatives.
(ADPC)

The meeting closed at 9.55 pm.

Chairman

Date

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