

## **Council – 17 April 2012**

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Minutes of the meeting of **Council** held on **17 April 2012** when there were present:-

Chairman: Cllr S P Smith  
Vice-Chairman: Cllr Mrs J A Mockford

Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr Mrs J E McPherson
Cllr M R Carter	Cllr D Merrick
Cllr T G Cutmore	Cllr T E Mountain
Cllr Mrs H L A Glynn	Cllr R A Oatham
Cllr K J Gordon	Cllr R D Pointer
Cllr J E Grey	Cllr A C Priest
Cllr Mrs A V Hale	Cllr Mrs C E Roe
Cllr Mrs D Hoy	Cllr C G Seagers
Cllr M Hoy	Cllr M J Steptoe
Cllr K H Hudson	Cllr I H Ward
Cllr Mrs G A Lucas-Gill	Cllr Mrs M J Webster
Cllr C J Lumley	Cllr P F A Webster
Cllr Mrs J R Lumley	Cllr Mrs C A Weston
Cllr Mrs C M Mason	Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs P A Capon, Mrs T J Capon, T E Goodwin, M Maddocks and J Thomass.

### **OFFICERS PRESENT**

P Warren	-	Chief Executive
A Bugeja	-	Head of Legal, Estates and Member Services
Y Woodward	-	Head of Finance
S Scrutton	-	Head of Planning and Transportation
J Bostock	-	Member Services Manager

### **82 MINUTES**

The Minutes of the meeting held on 28 February 2012 were approved as a correct record and signed by the Chairman.

### **83 DECLARATIONS OF INTEREST**

Cllr R D Pointer declared a personal interest in the item on the Playing Pitch Strategy Supplementary Planning document by virtue of being the Chairman of a local voluntary disability football group.

### **84 ANNOUNCEMENTS FROM THE CHAIRMAN**

Tributes were paid to former District Councillors J M Dickson and C R Morgan, who had recently passed away.

The Chairman extended thanks to Members and officers for all their support over the Municipal Year. In terms of events, highlights had included the Civic Reception and the Civic Dinner. One of the Chairman's objectives during his term of office had been to involve young people wherever possible in celebration of their abilities and achievements. The Chairman had learnt much about the District that would be shared with others in future years. To date, approximately £6,500 had been raised for the Chairman's Charities, final details about which would be announced shortly.

### **85 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS**

Council received the minutes of Executive and Committee meetings held between the period 18 February and 5 April 2012.

The Leader confirmed that, finances permitting, the possibilities for a Chapel of Ease/shelter at the Hall Road Cemetery, Rochford would be considered in a year's time (Minute 71 of the meeting of the Executive held on 4 April 2012 refers).

### **86 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL**

#### **(1) Corporate Plan 2012-17**

Council considered the report of the Executive containing a recommendation relating to approval of the Corporate Plan. It was noted that the organisation chart attached at Appendix 1 of the plan identified functions and was not hierarchical.

#### **Resolved**

That the revised Corporate Plan for 2012-17 be adopted. (CE)

#### **(2) Review Committee Annual Report**

The Chairman of the Review Committee, Cllr Mrs J R Lumley, presented the Review Committee's Annual Report.

#### **Resolved**

That the Review Committee's Annual Report be received. (HLEMS)

#### **(3) The Localism Act 2011 – The New Standards Regime**

Council considered the report of the Standards Committee containing recommendations relating to implementation of the new Standards regime.

### Resolved

- (1) That a Standards Committee comprising eight elected Members of the District Council, appointed proportionally, and three Parish Council co-opted non-voting Members be established to commence with effect from 1 July 2012. The Committee to deal with standards issues and associated case work and to continue the current Committee's involvement with Member training.
- (2) That Mr M Drage and Mrs L Walker be appointed as Independent Members of the Standards Committee for the 2012/13 Municipal Year up to 1 July 2012.
- (3) That authority be delegated to the Monitoring Officer, after consultation with the Chairman of the Standards Committee and the Leader of the Council, to amend the Code of Conduct to take account of the provisions of any forthcoming primary or subordinate legislation enacted and the publication of regulations relating to registration and disclosure.
- (4) That, subject to (3) above and inclusion of the word 'or' at the end of paragraph 4(a)(i), the Code of Conduct, as appended to the report of the Head of Legal, Estates and Member Services, be adopted to be effective from 1 July 2012 or such other date as may be appointed by the Secretary of State for the provisions of section 27 Localism Act 2011 to come into force.
- (5) That the current Member undertaking on acceptance of office regarding compliance with the Code of Conduct remains unchanged.
- (6) That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct.
- (7) That authority be delegated to the Monitoring Officer, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. The Monitoring Officer to seek resolution of complaints without formal investigation wherever practicable, and to have discretion to refer decisions on an investigation to the Standards Committee where the Monitoring Officer feels that it would be inappropriate to take the decision, and to report annually to the Standards Committee on the discharge of this function.
- (8) That, where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person, and reporting the findings to the Standards Committee for information.

- (9) That, where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where such local resolution is not appropriate, or not possible, the Monitoring Officer is to report the investigation findings to a Hearings Panel (Sub-Committee) of the Standards Committee for local hearing.
- (10) That authority be delegated to Hearing Panels (Sub-Committees of the Standards Committee) to take decisions in respect of a Member who is found on hearing to have failed to comply with the Code of Conduct, such decisions to include:-
- Reporting findings to the Council [*or to the Parish Council*] for information;
  - Recommending to the Member's Group Leader (or in the case of un-grouped Members, recommending to Council) that he/she be removed from any or all Committees or Sub-Committees.
  - Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [*or recommending that the Parish Council*] arrange training for the Member;
  - Removing [*or recommending to the Parish Council that the Member be removed*] from all outside appointments to which he/she has been appointed or nominated by the Authority [*or by the Parish Council*];
  - Withdrawing [*or recommending to the Parish Council that it withdraws*] facilities provided to the Member by the Council, such as a website and/or email and Internet access; or
  - Excluding [*or recommending that the Parish Council exclude*] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- (11) That the Monitoring Officer, in consultation with the Chairman of the Standards Committee and the Leader of the Council, be authorised to set the initial allowances and expenses for the Independent Persons and that this function be subsequently delegated to the Standards Committee. In terms of appointment:-
- (a) The Monitoring Officer to advertise vacancies for the appointment of three Independent Persons.

- (b) A Panel, comprising three Members of the Standards Committee, be set up to short-list and interview candidates and to make recommendations to Council for appointment.
- (12) That the Monitoring Officer prepare and maintain a new Register of Members Interests to comply with the requirements of the Act and the Council's Code of Conduct and ensure that it is available for inspection as required by the Act. The Monitoring Officer to also:-
- (a) Ensure that all Members are informed of their duty to register interests.
- (b) Prepare and maintain new Registers of Members' Interests for each Parish Council to comply with the Act and any Code of Conduct adopted by each Parish Council, and ensure that it is available for inspection as required by the Act.
- (c) Inform Parish Clerks on the new registration arrangements.
- (13) That the Constitution be amended to include a requirement that a Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has a Disclosable Pecuniary Interest, except where he/she is permitted to remain as a result of the grant of a dispensation.
- (14) That, in terms of the granting of dispensations:-
- (a) Authority be delegated to the Monitoring Officer to grant dispensations with an appeal to the Standards Committee in the following circumstances:-
- That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would 'impede the transaction of the business'.
  - That, without a dispensation, no member of the Cabinet would be able to participate in the matter.
- (b) Authority be delegated to the Standards Committee, after consultation with an Independent Person, to grant dispensations in the following circumstances:-
- That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
  - That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.

- That the Authority considers that it is otherwise appropriate to grant a dispensation.
- (15) That appropriate adjustments be made to the Council's Constitution to reflect the above decisions and that the Monitoring Officer submit revised rules of procedure for the investigation and determination of complaints ('arrangements') to the meeting of the Standards Committee scheduled for 12 June 2012 for final endorsement.  
(HLEMS)

### **87 REPORT ON URGENT DECISIONS**

Pursuant to Overview and Scrutiny procedure rule 15(f), Council noted a report on decisions that had been taken as a matter of urgency and not subject to call-in/referral.

### **88 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE**

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

"This is my last Leader's report to Full Council in this municipal year. I would firstly like to thank all Members and officers for their contributions to the Council throughout the year. Despite the financial circumstances we find ourselves in, as I have said before, I think the way we handle our budget process is a real credit to the Authority and all Members and has undoubtedly served us well.

I, like a number of other Members here tonight, will be seeking re-election in May. Some Members I know will be standing down from the Council. Whatever you are doing, I wish you well.

I am pleased to report that we have just been notified that we have been shortlisted in the Local Authority Team of the Year category for the National Recycling Awards 2012. I believe there are eight authorities shortlisted, so it will be interesting to see how we do when the winners are announced in early July.

Since my last report to Council in February, as the minutes show, the Executive has met once in March and once in April. At the March meeting we considered an updated version of the Corporate Plan, which is on tonight's agenda.

We also took the decision to provide more resources to speed up the production of the three Town Centre Action Plans. We agreed the schedule of charges in respect of pre-application planning advice, which came into operation from 1 April, and also agreed the car parking tariffs in respect of Hockley Woods and Freight House.

We received an update on the interim grounds maintenance contract arrangements and authorised the way forward. We also agreed the contract in respect of the Audio Visual works to the Council Chamber and Committee Room 4, with the works scheduled to take place before the meeting of Annual Council next month.

Our Executive meeting the week before last demonstrated the wide range of work the Council is involved in, from reviewing the Ageing Persons Strategy Action Plan and commenting on a recent consultation from Government on aspects of the Localism Act, through to looking at the feasibility of providing a Chapel of Ease at the Hall Road cemetery, all very different and illustrative of the varied work we do on behalf of the communities we serve.

Since the last Council meeting my colleagues on the Executive have considered such matters as the South Essex Parking Partnership, the Inter-Authority Agreement on Waste with Essex County Council and a revised Compact Agreement for Castle Point and Rochford.

As always, I will be happy to take any questions from Members in respect of the work of the Executive. I am sure my Executive colleagues will be happy to contribute where appropriate.”

Responding to questions from the Leader of the Liberal Democrat Group on a recent urgent Portfolio Holder decision relating to consultation on the future use of the St Mary the Virgin Church building, Foulness, the Chief Executive advised that information could be provided on the consultation timeframe and any views submitted by Ward Members, who would also have had an opportunity to comment direct to the Church of England. The situation with regard to the safeguarding of the church organ would be looked into.

It was noted that the District Council would be alerted to any future specific plans for the building as part of building regulation and planning requirements. It was understood that the Parish Council had also been consulted by the Church of England.

### **89 LOCAL DEVELOPMENT FRAMEWORK – PLAYING PITCH STRATEGY SUPPLEMENTARY PLANNING DOCUMENT ADOPTION**

Council considered the report of the Head of Planning and Transportation on the adoption of the Playing Pitch Strategy 2011 – 2026 as a supplementary planning document (SPD) that formed part of the Local Development Framework and superseded the previous SPD3 – Playing Pitch Strategy (2007).

It was noted that the words ‘from page 2’ at the end of the first paragraph on page 80 of the Strategy should be replaced with ‘on the following page’.

Responding to questions on playing pitch provision, officers advised that:-

- The overriding principal and starting point for all pitches is that they are protected.
- The strategy document reflected the position as at the date of the meeting. Any changes required by virtue of Football Association adjustments to the size of pitches as they relate to age groups would need to be picked up as appropriate. The Member Advisory Group established in relation to the new grounds maintenance contract could give consideration to this aspect.

**Resolved**

That, subject to the words 'from page 2' at the end of the first paragraph on page 80 of the Strategy being replaced with 'on the following page', the Playing Pitch Strategy 2011-2026 be adopted. (HPS)

Prior to the close of the meeting the Chairman extended thanks to those Members who were retiring at the end of the current Municipal Year for all their contributions. Best wishes were extended to Members who would be returning or who were seeking to return for a new term of office in the next Municipal Year.

The meeting closed at 8.17 pm.

Chairman .....

Date .....

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