

Council – 20 October 2020

Minutes of the meeting of **Council** held on **20 October 2020** when there were present:-

Chairman: Cllr R R Dray
Vice-Chairman: Cllr Mrs C A Weston

Cllr Mrs D L Belton	Cllr Mrs J E McPherson
Cllr Mrs L A Butcher	Cllr D Merrick
Cllr C C Cannell	Cllr R Milne
Cllr M R Carter	Cllr Mrs C A Pavelin
Cllr Mrs T L Carter	Cllr Mrs C E Roe
Cllr D S Efde	Cllr Mrs L Shaw
Cllr A H Eves	Cllr S P Smith
Cllr Mrs J R Gooding	Cllr D J Sperring
Cllr B T Hazlewood	Cllr C M Stanley
Cllr N J Hookway	Cllr M J Steptoe
Cllr Mrs D Hoy	Cllr I H Ward
Cllr M Hoy	Cllr M J Webb
Cllr K H Hudson	Cllr M G Wilkinson
Cllr G J Ioannou	Cllr A L Williams
Cllr M J Lucas-Gill	Cllr S A Wilson
Cllr Mrs J R Lumley	Cllr S E Wootton
Cllr Mrs C M Mason	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs P J Shaw, J E Newport and J C Burton

OFFICERS PRESENT

S Scrutton	- Managing Director
A Hutchings	- Strategic Director
N Lucas	- Assistant Director, Resources
M Hotten	- Assistant Director, Place & Environment
L Moss	- Assistant Director, People & Communities
D Tribe	- Assistant Director, Transformation Services
A Law	- Assistant Director, Legal & Democratic
S Worthington	- Principal Democratic & Corporate Services Officer
L Morris	- Democratic Services Officer

Prior to the commencement of the meeting, a minute's silence was observed for Councillor Mrs D Hoy, who had recently passed away. The Chairman observed that Cllr Mrs D Hoy had represented the residents of Hullbridge for 8 years. The Vice-Chairman expressed her sadness at the passing of Cllr Mrs D Hoy, along with several other Members who remembered Cllr Mrs D Hoy as a kind, passionate and caring woman who did her utmost for the residents of her district. Cllr Michael Hoy expressed his thanks to all Members for their kind words and support and read Cllr

Mrs D Hoy's final letter to the residents of Hullbridge, which encouraged them all to be kind to one another.

165 MINUTES

The Minutes of the meeting held on 14 July 2020 and of the Extraordinary Council Meeting held on 8 September 2020 were agreed as a correct record and would be signed by the Chairman in due course.

166 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

The Chairman advised that he had presented one of his chosen charities for the previous year, RNLI, with a cheque totalling £4950.74, and would soon be presenting a cheque of the same sum to his second charity. The Chairman thanked all Members for their efforts and support in raising money over the previous year.

The Leader of the Council made a statement regarding Essex County Council's request to be moved into the 'high' tier of COVID-19 restrictions, which had come into effect on Saturday, 17 October 2020. The Leader advised that all borough and district authorities - with the exception of Southend-on-Sea and Thurrock - had been consulted on Friday, 9 October prior to the decision being made, and had received support from all involved. The Leader advised that the compelling message via a presentation was that while infection rates vary across the county and are low in comparison to other parts of the country, it was felt that, unchecked, the spread of the virus was on a similar growth trajectory. Therefore, it was preferable to take proactive measures while infection rates were still low in order to reduce the impact of the virus within Essex. The Leader expressed his disappointment that Southend Borough Council had chosen not to adopt this strategy. The Leader appreciated that many would have concerns about the economic impact that the decision may have but advised that the tier status would be reviewed every 2 weeks.

167 MINUTES OF THE EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 1 JULY 2020 TO 6 OCTOBER 2020

The Minutes were noted.

168 REPORT OF THE REVIEW COMMITTEE: ANNUAL REPORT

The Council considered the Report of the Review Committee, introduced by the Vice-Chairman of the Review Committee.

The Vice-Chairman of the Review Committee advised that plans were already in place to review and improve the report in the future.

RESOLVED

That the Annual Report be received by Council.

169 REPORT OF THE EXECUTIVE: QUARTER 1 2020/21 FINANCIAL MANAGEMENT & PERFORMANCE REPORT

Council considered the Report of the Executive, introduced by the Portfolio Holder for Finance.

The Portfolio Holder for Finance advised that the report contained information from April, May and June which was at the height of the COVID-19 pandemic, and reflected the start of financial challenges that were faced during the year. The Portfolio Holder highlighted the impact of COVID-19 related factors, particularly the loss of income in car parking.

RESOLVED

That £2.67 million of the planned 2020/21 capital programme be re-profiled into future years, as set out in appendix 3 to the report.

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

(Note: Cllrs M Hoy, Mrs C M Mason and C M Stanley asked that it be noted that they had abstained from voting on the above decision.)

170 REPORT OF THE STANDARDS COMMITTEE: REPORT OF THE STANDARDS COMMITTEE WORKING GROUP

The Council considered the report of the Standards Committee, introduced by the Chairman of the Standards Working Group.

The Vice-Chairman moved a Motion to amend the wording of Recommendation 1 to change 'the majority of group leaders' to 'the Chairman of the Standards Committee and Chairman of the Standards Working Group'. This was seconded by the Leader of the Council.

In response to a Member requesting clarification on the reason for amending the approval process, the Vice-Chairman explained that she felt that just two Members should be responsible for approving the use of the £1,500 budget. A Member expressed concern that taking the decision away from the majority of Group Leaders effectively made this a political decision, a view which was supported by other Members. The Chairman emphasised that any Member would be able to put forward a request for funding for training, regardless of what political party they belonged to. The Chairman of the Standards Committee Working Group also explained that in the past it had taken some time for training to be approved; this proposal would streamline procedures, resulting in a swifter process. A Member argued that the reason for the delay in approving training was due to communication and administrative issues with officers.

In response to Members querying the wording of the original recommendation, it was explained that the wording in the covering report to Council was that agreed by the Standards Committee, which had voted on and subsequently agreed amended wording to the recommendation set out in the original report to the Standards Committee. The original report was appended to the covering report to Council.

The Leader requested that the Chairman of the Standards Committee and the Chairman of the Standards Committee Working Group advise all Group Leaders when they have approved a training course.

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

- For (23) Cllrs Mrs D L Belton; Mrs L A Butcher; M R Carter; R R Dray; D S Efde; Mrs J R Gooding; K H Hudson; M J Lucas-Gill; Mrs J R Lumley; Mrs J E McPherson; D Merrick; R Milne; Mrs C A Pavelin, 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; S E Wootton
- Against (11) Cllrs C C Cannell; Mrs T L Carter; A H Eves; B T Hazlewood; N J Hookway; M Hoy; G J Ioannou; Mrs C M Mason; C M Stanley; M G Wilkinson; S A Wilson

The Motion was passed.

The Vice-Chairman moved a Motion to amend the wording of Recommendation 2 relating to making training mandatory. This was seconded by Cllr M J Steptoe.

The Monitoring Officer was asked for clarity around whether training had to be mandatory; the Member was advised that in order to take part in a premises licensing or taxi licensing appeal, training would be necessary and strongly advised, although not mandatory. The Monitoring Officer advised that the decision as to whether the training should be made mandatory was one for Members to make.

In response to a Member querying if he would be able to sit on the Committee as a Licensed Taxi Driver and participate in hearings, officers advised that the Member would be able to participate in premises licensing hearings; his participation in taxi licensing hearings would be determined on a case by case basis.

A Member asked whether there had been any instances of hearings not being able to take place due to there not being sufficient qualified Members to participate. Officers advised that on one particular occasion, a Member had had to be called in last minute and had had to rearrange their personal commitments in order to facilitate this meeting going ahead.

The Chairman of the Licensing & Appeals Committee stated that she felt that it was necessary for all Members on the Committee to attend training as those Members that participate in Licensing & Appeals hearings were drawn from the Licensing & Appeals Committee; she therefore did not want to limit the available numbers. This view was endorsed by other Members who felt that the pool of Members needed to be as large as possible and that training was essential as often these hearings affected residents' livelihoods.

The Leader questioned why Members would be resistant to undertaking training for a Committee that they were sitting on and why they would not want full understanding of the subject matter, a view that was shared by the Chairman of the Standards Committee Working Group.

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

For (30) Cllrs Mrs D L Belton; Mrs L A Butcher; C C Cannell; M R Carter; Mrs T L Carter; R R Dray; D S Efde; A H Eves; Mrs J R Gooding; B T Hazlewood; K H Hudson; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; Mrs J E McPherson; D Merrick; R Milne; Mrs C A Pavelin, 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; M G Wilkinson; A L Williams; S A Wilson; S E Wootton

Abstain (3) Cllr N J Hookway; Mrs C M Mason; C M Stanley

The Motion was passed.

Resolved

- (1) That the arrangements for funding attendance for individual Members of the Council at external training or conferences be confirmed, with the addition of the requirement for the Member to provide feedback (either written or verbal) within three months of attending to the rest of the Council, as follows:-

That an amount of up to £1,500 be identified each year out of the Member training budget for individual Members to be able to request attendance at external conferences/training courses, the allocation of such training to be subject to the agreement of the Chairman of the Standards Committee and the Chairman of the Standards Committee Working Group. The reason for refusal or acceptance would be on the basis of the benefit to this Council and financial considerations.

(25 voted for the Motion, 2 voted against and 6 abstained)

- (2) That Licensing and Appeals Committee training be mandatory. One course to be offered for licensing training (daytime and evening). One course to be offered for taxi appeals training (daytime and evening). Members of the Licensing & Appeals Committee must attend Licensing &

Appeals training each municipal year by the end of September.

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

For (28) Cllrs Mrs D L Belton; Mrs L A Butcher; C C Cannell; M R Carter; R R Dray; D S Efde; A H Eves; Mrs J R Gooding; B T Hazlewood; K H Hudson; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; Mrs J E McPherson; D Merrick; R Milne; Mrs C A Pavelin, 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; M G Wilkinson; A L Williams; S E Wootton

Against (0)

Abstain (5) Cllrs Mrs T L Carter; N J Hookway; Mrs C M Mason; C M Stanley; S A Wilson

- (3) That suggested guidelines for the organisation of premises licensing hearings and taxi licensing hearings be as attached to this report.

(30 voted for the Motion, 1 voted against and 2 abstained)

171 REPORT OF THE PLANNING POLICY COMMITTEE: ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS) SUPPLEMENTARY PLANNING DOCUMENT (SPD) 2020

The Council considered the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) 2020, introduced by the Chairman of the Planning Policy Committee.

Cllr M J Steptoe declared a non-pecuniary interest in this item as a Committee Member of the Coastal Committee and Environmental Agency Committee on behalf of Essex County Council.

Cllrs A J Williams, Mrs C E Roe, I H Ward and Mrs J R Lumley each declared a non-pecuniary interest as a Committee Member of the Essex Flood Forum.

Cllr B T Hazlewood declared a non-pecuniary interest as a Member of the Crouch Harbour Advisory Committee.

Cllr Mrs J R Gooding declared a non-pecuniary interest as the Council's representative on the Bradwell Local Community Liaison Council.

Resolved

- (1) That the Essex Coast RAMS Supplementary Planning Document (SPD) set out at Appendix B be adopted.
- (2) That the 'You Said We Did' Report and Adoption Statement, set out at Appendix A and C respectively, be published on the Council's website.

The Motion was unanimously agreed.

172 REPORT OF THE PLANNING POLICY COMMITTEE: ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS) PARTNERSHIP AGREEMENT 2020-2023

The Council considered the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Partnership Agreement 2020-2020, introduced by the Chairman of the Planning Policy Committee.

Resolved

- (1) That the Council enters into the Partnership Agreement set out in Appendix 2 at Appendix A.
- (2) That authority be delegated to the Assistant Director, Place and Environment to discharge the Council's responsibilities under the Partnership Agreement, in consultation with the Portfolio Holder for Planning.
- (3) That it be agreed that the annual costs of around £3,500 be met from the existing Local Development Framework reserve. (ADPE)

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

173 REPORT OF THE REVIEW COMMITTEE: REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

The Council considered the Report of the Review Committee, introduced by the Vice-Chairman of the Review Committee.

Resolved

That the amendments to the Council's RIPA policy, set out in section 6 of Appendix 1, be approved.

The Motion was unanimously agreed.

174 REPORT OF THE INVESTMENT BOARD: MAXIMISING THE POTENTIAL OF CHERRY ORCHARD JUBILEE COUNTRY PARK

The Council considered the Report of the Investment Board: Maximising the Potential of Cherry Orchard Jubilee Country Park, introduced by the Chairman of the Investment Board.

Resolved

- (1) That the Cherry Orchard Jubilee Country Park master plan be approved.
- (2) That the Member Working Group seeks to explore and identify opportunities that can be delivered against the actions set out within the master plan.

The Motion was unanimously agreed.

175 REPORT OF THE INVESTMENT BOARD: THE COUNCIL'S LOCAL AUTHORITY TRADING COMPANIES

The Council considered the Report of the Investment Board: The Council's Local Authority Trading Companies, introduced by the Chairman of the Investment Board.

The Chairman of the Investment Board advised that there had been a question during the Investment Board meeting around potentially having two directors; officers were currently looking into this and would report back in due course.

Resolved

- (1) That the accounts of the LATCOs for the financial year 2019/2020, set out in exempt Appendix B, be approved.

The Motion was unanimously agreed.

176 REPORT ON URGENT DECISIONS

The urgent decisions that had been taken were noted.

177 REPORT FROM THE LEADER ON THE WORK OF THE EXECUTIVE

The Leader of the Council provided Members with a verbal update on the work of the Executive since the last Council meeting.

The Leader addressed the meeting: 'I am pleased to provide an update on the work of the Executive. Members, the meeting has already received the Minutes of the meetings of the Executive since our last Full Council meeting on 14th July. I am happy to provide an update for information purposes on the business dealt with by the Executive since then.

At its meeting on 2nd September, the Executive agreed the Quarter 1 2020/21 Revenue Budget and Capital Position, approved a drawdown of £20,000 from the Council's earmarked reserves towards an appraisal of the options for delivery of the Council's grounds maintenance and street cleansing services, including the potential delivery of a joint contract by GGT.

It approved the award of a new materials recovery facilities contract to Viridor on 4th November and at its meeting on 7th October the Executive agreed to the

Council's participation in a South Essex 'No Use Empty' scheme, subject to a joint bid for getting building fund financing from the South East Local Enterprise Partnership being successful. It agreed the investment of up to £17,000 in match funding towards loans to develop suitable empty properties identified within the Rochford District area.

Moving onto Portfolio Holder Decisions which have been taken, it agreed upon the closure of the ICT Migration project, agreed the allocation of voluntary sector grants for this financial year, responded to government planning consultations on changes to the current planning system and designated care leavers as a group of Council Tax payers defined by a common set of circumstances for the purposes of the Discretionary Reduction in Council Tax Liability Policy for the current financial year.

That completes my report.'

The report from the Leader was noted.

178 UPDATE ON THE ASSOCIATION OF SOUTH ESSEX LOCAL AUTHORITIES (ASELA) AND LOCAL GOVERNMENT REORGANISATION

The Council considered the Report of the Managing Director providing an update on the Association of South Essex Local Authorities (ASELA) and Local Government Reorganisation, introduced by the Leader of the Council.

The Leader advised that the communication issues with ASELA that he was originally concerned about had improved and were being worked on. The Leader confirmed that he would provide update reports to Members at least twice per year on the progress of ASELA and would address issues that undermined Members' confidence.

A Member queried when the Council had agreed to the sum of £60,000 in annual subscription fees being paid to ASELA and was advised that Rochford District Council had been paying subscription fees to ASELA for the past three years.

A Member queried if the local plans for the District would come above the local plans for South Essex, to which the Leader advised that the District's local plan would always take priority over any ASELA plans or visions.

A Member queried if Rochford District Council had been involved with South Essex and Homes England working on a joint delivery programme, and if so, could the Council be updated on the proposals as soon as possible. The Managing Director advised that this was not relating to future allocations, therefore, it was a question of having a discussion with Homes England to see what investment could be brought from government to unlock the sites across South Essex, including in Rochford.

In response to a Member concern about the outstanding governance issues in respect of ASELA, the Leader advised that ASELA was not a decision-making

body; he shared such concerns and assured Members that this was being tackled.

The Leader highlighted that this was the first detailed report on ASELA since his appointment as Leader and advised that he wanted a very open and transparent position. He advised that it had not all been smooth sailing - there were still issues to be overcome - and that he wanted to be much clearer on the financial accountability, communication and governance of ASELA. The Leader stated this was a work in progress, but advised Members that he did not want to lose sight of the fact that this was a collaboration between six authorities and Rochford District Council had to recognise that the economic potential of South Essex had been historically undersold. The Leader concluded by emphasising that this was a significant opportunity for South Essex.

Resolved

- (1) To note and support progress on the ASELA growth and recovery plans, as set out in the Prospectus July 2020.
- (2) To note and support the preparation of an evidence base to feed into deliberations on local government reorganisation following the publication of the Devolution and Local Recovery White Paper.

179 ALLOCATION OF SEATS ON COMMITTEES

The Council considered the report of the Assistant Director, Legal & Democratic inviting Council to agree the allocation of seats to Committees following a change in political composition.

Resolved

- (1) That Committees be constituted as set out in Appendix 1 to this report.
- (2) That Members be appointed to serve on Committees for the remainder of the 2020/21 Municipal Year, as set out in the Addendum to this report.

The Motion was unanimously agreed.

180 COUNCIL REPRESENTATION ON THE BRADWELL B COMMUNITY FORUM

The Council considered the report of the Assistant Director, Legal & Democratic asking Council to appoint representatives to the Bradwell B Community Forum.

Resolved

- (1) To appoint one Member and one Substitute Member to the Bradwell B Community Forum as set out in the Addendum to this report.

The Motion was unanimously agreed.

Prior to the end of the meeting, the Chairman highlighted that this would be the Managing Director's final Council meeting prior to his retirement. The Chairman advised that the Managing Director had joined the Council in 1985 as a Planning Assistant and had since undertaken a variety of roles, prior to being appointed as Managing Director in 2016. The Chairman thanked the Managing Director for his many years of service to the Council and to the District of Rochford.

Other Members thanked the Managing Director for his hard work, enthusiasm and knowledge over the years at Rochford District Council, emphasised that he would be sorely missed and extended good wishes to him for the future.

The Managing Director thanked all of the Members for their kind comments and stated that it had been a great privilege to serve the Rochford District for many years and thanked Members and officers for all of their support over the years.

The meeting closed at 10.34 pm

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.