

Council – 17 July 2012

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

Chairman: Cllr Mrs J A Mockford
Vice-Chairman: Cllr Mrs B J Wilkins

Cllr Mrs P Aves	Cllr M Maddocks
Cllr C I Black	Cllr Mrs C M Mason
Cllr P A Capon	Cllr J R F Mason
Cllr T G Cutmore	Cllr Mrs J E McPherson
Cllr Mrs H L A Glynn	Cllr T E Mountain
Cllr K J Gordon	Cllr R A Oatham
Cllr J D Griffin	Cllr Mrs C E Roe
Cllr Mrs A V Hale	Cllr C G Seagers
Cllr B T Hazlewood	Cllr S P Smith
Cllr Mrs D Hoy	Cllr D J Sperring
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 C A Weston

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs T J Capon, M R Carter, J E Grey, Mrs J R Lumley and D Merrick.

OFFICERS PRESENT

P Warren	–	Chief Executive
A Bugeja	–	Head of Legal, Estates and Member Services
Y Woodward	–	Head of Finance
J Bostock	–	Member Services Manager

150 MINUTES

The Minutes of the Annual Meeting held on 22 May 2012 were approved as a correct record and signed by the Chairman.

151 DECLARATIONS OF INTEREST

Cllr C I Black declared a non pecuniary interest in the item on the Capital Programme 2012/13 by virtue of being a Rochford Cemetery plot holder.

152 ANNOUNCEMENTS FROM THE CHAIRMAN

At this point in the meeting Members were delighted to have sight of an Olympic Torch brought to the meeting by torch bearer Ben Jones, a Rochford District Youth Council Member.

The Chairman had recently attended a variety of events including the Queen's Diamond Jubilee River Pageant, the lighting of the Jubilee Beacon in Rayleigh, the Essex County Council Chairman's Garden Party and the Olympic Torch Relay in Rayleigh.

153 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

Questions by the Public

Pursuant to Council Procedure 10, the following question of the Portfolio Holder for Planning and Transportation had been received from Mr B Guyett, Chairman of Hockley Residents Association, 2 Tonbridge Road, Hockley, Essex SS5 5HL:-

"Contract 2944, 'Consultancy – Pre-submission drafts of the Hockley, Rayleigh & Rochford Area Action Plans (AAP's)' details the Council's requirements for the next stage of the three area action plans. It creates a two tier process which heavily discriminates against residents in Hockley.

Page 10 states (inter alia):

'In summary, consultants will be expected to produce a plan which will deliver

- Redevelopment of Eldon Way/Foundry Industrial Estate for a variety of uses more appropriate for a town centre location, including residential, commercial, employment and leisure.
- A public space within a defined centre'.

Thus there are clearly pre-defined, major deliverables – deliverables which are contrary to the clearly expressed views in the previous two consultations. The council is obviously ignoring these consultations and this is confirmed by the absence of any analysis of the last consultation despite the volume of responses.

The deliverables for Rochford & Rayleigh are much more open and less prescribed. They are also smaller in scope and impact.

Furthermore, no time has been allowed for consultation in Hockley, whereas it has in the other towns, although all three area plans are, of course, starting from the same point of time and the Hockley proposals are likely to have a greater impact.

It should also be remembered that you [Cllr Hudson] have admitted at public meetings that the first set of proposals were sub-standard, so Hockley has already had less effective consultation opportunity.

All three Asps are at exactly the same stage but Hockley is being treated very differently. Can you please explain why the Council has opted for this two tier consultation approach that discriminates against Hockley by explaining:-

- 1) how and when the Council secretly reached a decision on prescribing a solution in Hockley but not Rochford or Rayleigh?
- 2) why Hockley will not be consulted on these imposed major changes? Is it just to prevent public discussion in Hockley of an imposed, unpopular policy?"

The Portfolio Holder for Planning and Transportation, Cllr K H Hudson, responded as follows:-

"I'm grateful for the question received from Mr. Guyett regarding the preparation of the Hockley Area Action Plan (HAAP) and the concerns expressed about the arrangements for finalising and publishing the pre-submission version of the plan. I should make it very clear that the Council is not ignoring any of the well conceived and carefully considered consultation responses, but will be taking these all into account in reaching conclusions about the most appropriate development options for the HAAP. The consultation exercises that have been carried out are intended to inform the plan-making process, and should not be confused as a referendum to determine the preferred options. I am clear that the Council is not pre-judging the final proposals that will emerge in the pre-submission plan, but I should point out that Policy RTC6 of the Council's adopted Core Strategy states as follows:-

The Council will produce an Area Action Plan for Hockley town centre which delivers the following:-

- A safe and high quality environment for residents
- Enhanced retail offer for Hockley
- Redevelopment of Eldon Way/Foundry for a variety of uses more appropriate for a town centre location, including residential, commercial, employment and leisure
- A public space within a defined centre
- Improved connectivity between retail focus and train station
- Redevelopment of industrial uses for retail, leisure and residential development

- Green landscaping along Main Road, Spa road and Southend Road to
- enhance the visual amenity

The Council will work with landowners and its partners to deliver the Area Action Plan.

Therefore, the wording on page 10 of the contract aligns perfectly with ambitions set out in the adopted Core Strategy policy.

Similarly, Core Strategy Policies RTC4 and RTC5 set out the requirements for the town centre plans for Rayleigh and Rochford.

I can't accept the suggestion that Hockley has received sub-standard treatment as suggested in the question; rather the contrary is the case in my view. It was identified that the initial documentation and presentation was of a poor standard and therefore a further study was instigated. Subsequently the provision of a first class set of documents and plans were produced so as to make it perfectly clear to our Residents and Stakeholders, the options and suggestions arrived at by our newly appointed consultants. The initial consultation exercise raised awareness of the Council's intentions and this can only be considered as a positive benefit, coupled with the second consultation which followed.

I remain convinced of the need to continue to engage with all residents and stakeholders who have an interest in the plan and can confirm that a further stakeholder consultation will be carried out prior to finalising the contents of the pre-application plan for Hockley. Details of the arrangements will be published soon."

By way of supplementary question Mr Guyett referred to asking the Portfolio Holder in May if highways would be included in the terms of reference for the Action Plan and to this being refused on the basis that the Portfolio Holder would not predetermine and take in the wishes of residents. Mr Guyett inferred that by implication this meant that the Council must have already entered into a deal with a third party.

The Portfolio Holder responded that part of the remit of the Area Action Plan was to consider roads and junctions throughout Hockley.

Questions by Members

Pursuant to Council Procedure Rule 12.2, questions had been received from Cllr C I Black as follows:-

(a) Of the Leader of the Council:-

"Policy CLT5 of our Core Strategy begins:-

‘New public open space will be required to accompany additional residential development, having regard to local current and projected future need. Standard Charges may be applied to developments as necessary. In particular the Council will seek the incorporation of a significant amount of public open space to accompany new, and be integrated with existing, residential development in the west of Rayleigh.....’

The creation of Sweyne Park was one of the major successes of the District Council in the last 30 years, and the future of the park has been safeguarded by placing it in the ownership of the National Playing Field Association. (Now known as ‘Fields In Trust’)

Does the Council plan to protect new open spaces created under CLT5 in the same way as with Sweyne Park, and transfer the ownership of them as quickly as possible to Fields In Trust, whilst continuing to manage them ourselves?”

The Leader, Cllr T G Cutmore, responded as follows:-

“I agree with the general presumption outlined in the question and at this point in time cannot see any reason to change a policy which, as Cllr Black states, has been successfully applied over a number of years. However, there may be other opportunities available at the time to look at other organisational trust arrangements and /or work with the Parishes/Town Council/local residents on such arrangements which guarantee that public open spaces remain as such in perpetuity.”

By way of supplementary question Cllr C I Black asked if any discussion had taken place with Fields In Trust in relation to new spaces created under CLT5 to move them away from ownership by developers.

The Leader confirmed that he saw no reason for any new public open spaces created to remain with developers, as indicated in the response to the original question.

(b) Of the Portfolio Holder for Planning and Transportation:-

“It is very likely that the planned development in West Rayleigh will result in the need to either enlarge St Nicholas School (which has been specifically designed for future expansion) or to build a completely new primary school.

How do we ensure that this new facility is available when the new houses are first occupied?”

The Portfolio Holder, Cllr K H Hudson, responded as follows:-

“The Core Strategy appendix H1 sets out details of new infrastructure and services to accompany residential development. Following consultation with

the schools service, it was confirmed the proposed housing development in West Rayleigh would generate the requirement for a new primary school.

The schools service will be closely involved in the provision of facilities for new school places and, in particular, the phased provision of those to relate to the construction of the new homes. It is understood that the aim is to ensure that school places are available as homes are occupied rather than seeing all new places being immediately available when it may be some years before those places are required.

In order to provide as full an answer as possible to Cllr Black's question the schools service has been contacted and they have responded as follows "it would not be possible to open it [a new school] prior to the housing development being occupied. There are the practical issues of servicing and access to the [agreed school] site and then the need to consider when there would be critical mass to make a new school viable."

By way of supplementary question Cllr C I Black asked if the Portfolio Holder recognised the need to be alert to potential problems that could arise with this subject.

The Portfolio Holder confirmed the need to always be alert.

154 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee Meetings held between the period 23 May and 6 July 2012.

155 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

(1) Whistleblowing Policy

Council considered the report of the Executive containing a recommendation on the adoption of a revised Whistleblowing Policy.

It was noted that the revised policy would be communicated to officers through a number of channels, including staff briefings, the intranet and the induction process.

Resolved

That the revised Whistleblowing Policy be adopted. (CE)

156 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.

157 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“Last week the Chief Executive and I did our annual round of staff talks, where we reflected on the past year and focussed on what's in store for us in 2012/13. It was certainly a useful exercise for me to remember how much we actually do as a relatively small authority and how we do find solutions to the problems that we face. It was also a reminder of the rapidly changing landscape in which we find ourselves, from the way we are funded as a Council to the way we will manage the council tax and benefits system.

Each change in itself represents a major challenge, but taken together the cumulative impact of all the changes means we will continue to face some interesting times ahead. I think it is a credit to Members, management and staff however that, whatever seems to come our way we manage to get through it and deliver what we need to deliver to our public.

Since our last meeting in mid May we have had the hearing in Cardiff in respect of the legal challenge to our Core strategy. That took place at the end of May but, as yet, no judgement has been forthcoming. We were warned that it could be 6 to 8 weeks and so it must now be imminent. Hopefully, the judgement will be a positive one, so that we can continue to make progress and finalise the allocations plan.

Earlier this month the Council was at a recycling event in London, having again been shortlisted for a recycling award. Unfortunately, we didn't win on the night. However, I don't think we should be too despondent, as early feedback suggests we will be amongst the top recycling authorities again this year having submitted our recycling figures for 2011/12. This year we are averaging over 71%. We shouldn't lose sight too, of the fact that it is the level and quality of the service we provide, and the public's response to that, rather than the possibility of some award that is the key driver for us.

On 3 July our Environmental Health Officers secured the emergency closure of the Cottage Bakery in Hockley because of concerns over food hygiene, and our legal team subsequently obtained a court order. The owners have since addressed these concerns and the premises have reopened.

Friday 6 July saw the Olympic torch in Rayleigh. Even the weather brightened up prior to the Olympic procession reaching the town. Rumour has it that some 30,000 turned out for the event, which is amazing. There was a real buzz around the town. I have never seen so many people hanging out of windows and standing on rooftops in Rayleigh. If you haven't seen the photos on our website of the event, I can only recommend that you do so.

Yesterday saw the publication of the first tranche of Census Data. The population of the District as at March 2011 is estimated at 83,300. This is in line with previous estimated projections. Early comparative data shows that

the District has a higher proportion in the 40 to 84 year old age brackets than the Essex average and much lower percentages in the 20 to 34 year old age brackets in particular. The census information will clearly have an impact on Government decision making over time and will need to be taken into account in our own decision making processes.

I must at this point offer congratulations to last year's Chairman, Cllr Simon Smith, who is getting married next weekend to Pat. I am sure all Members will join me in wishing Simon well. I certainly hope the weather improves for the day!! What it does mean is that Simon will not be available to chair next week's Development Committee, as he will be on his honeymoon. The current Vice-Chairman of that Committee, Cllr David Merrick, has also advised me that he wishes to stand down as Vice-Chairman, and so I thought it would be useful to advise Members tonight that I am nominating Cllr Phil Capon as Vice-Chairman of the Development Committee in time for Phil to assume the chairmanship of next week's Committee in Simon's absence. Cllr Hudson will act as temporary Vice-Chairman of that Committee on the night.

Since the start of this municipal year in May, the Executive has met on two occasions, once last month and again last week. At the June meeting, we looked at our performance statistics and customer feedback. We also considered reports on the Hockley Woods Car Park improvements, the Play Spaces and Open Spaces Refurbishment Programmes, a Pet Memorial Area at Cherry Orchard Jubilee Country Park and, under private and confidential matters, a progress update on the new Grounds Maintenance Contract, a Business Rates write-off and the Chief Executive's appraisal.

Last week's Executive looked at our Medium Term Financial Strategy, consultation around localising Council Tax Support and our bid to Government for funding for the weekly collection of residential waste from flatted accommodation in the District. We also agreed to the deferral of the public consultation exercise with regard to an Air Quality Management Area in Rayleigh to allow joint action with Castle Point Borough Council and considered the Council's Whistle Blowing Policy, which is on tonight's agenda.

Since the last Council, my colleagues on the Executive have considered reports in relation to such matters as the Discretionary Rate Relief Policy, our response to the consultation on responsible dog ownerships and our quarterly performance.

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

Council endorsed the observation of the Leader of the Liberal Democrat Group that District Council staff should be thanked for their contributions to the success of the Olympic torch relay event in Rayleigh on 6 July.

On a motion, moved by Cllr T G Cutmore and seconded by Cllr K H Hudson it was:-

Resolved

That Cllr P A Capon be appointed as Vice-chairman of the Development Committee for the remainder of the Municipal Year.

158 ANNUAL REPORT 2011/12

Council considered the report of the Head of Finance on the draft Annual Report 2011/12.

Resolved

- (1) That the draft Annual Report 2011/12 be agreed for publication.
- (2) That the audited Financial Statements for 2011/12 be presented to the meeting of the Audit Committee scheduled for September for approval with the external auditor's report. (HF)

159 CAPITAL PROGRAMME 2012/13

Council considered the report of the Head of Finance on the Capital Programme for 2012/13 following closure of the accounts for 2011/12 and the Executive Meeting on 20 June 2012.

A Member observed that care would be required in the finalisation of memorial arrangements for the Pet Memorial area proposed for the Country Park.

Resolved

- (1) That the amendment to the Capital Allocations for Hockley Woods and Cherry Orchard Jubilee Country Park in order to fund the scheme of improvements for Hockley Woods car park, as recommended by the Executive, be agreed.
- (2) That £25,000 of the Cherry Orchard Jubilee Country Park capital provision be used for the construction of a Pet Memorial Area in the Park.
- (3) That the revised Capital Programme for 2012/13, as detailed in the report, be agreed

160 TREASURY MANAGEMENT ANNUAL REVIEW REPORT 2011/12

Council considered the Annual Report of the Head of Finance on Treasury Management for the 2011/12 Financial Year.

Responding to questions the Head of Finance confirmed that the Council's treasury management advisers could be asked about the extent to which they had taken a view on current issues in relation to the London Interbank offered Rate (Libor).

Resolved

That the contents of the Annual Report be noted. (HF)

161 THE NEW STANDARDS REGIME

Council considered the report of the Head of Legal, Estates and Member Services on the final decisions required to put in place the new Standards Regime.

Responding to questions the Head of Service advised that the regulations had required vacancies for the role of Independent Persons to be advertised and that the only applications received had been from the Independent Members of the former Standards Committee. There had been no limitation in the original regulations on the term of office to be served by Independent Persons, hence the four year recommendation. More recently, regulations had been published that placed a twelve month limit on the term of office where local authorities were appointing to the role after 24 July.

With regard to the size of the new Standards Committee, a motion that this comprise nine Members (six Conservative Group, one Liberal Democrat Group, one Green Party and one Rochford District Residents Group), moved by Cllr C I Black and seconded by Cllr R A Oatham, was lost on a show of hands.

Resolved

- (1) That the appointment of three Parish Councillors, to be nominated by the Rochford Hundred Association of Local Councils, to the new Standards Committee for a four year term commencing in the 2012/13 municipal year be endorsed.
- (2) That the following eight District Council Members be appointed to serve on the new Standards Committee for the remainder of the 2012/13 municipal year:-
 - Cllr C I Black
 - Cllr Mrs H L A Glynn
 - Cllr Mrs G A Lucas-Gill
 - Cllr Mrs C M Mason
 - Cllr D Merrick
 - Cllr T E Mountain
 - Cllr I H Ward
 - Cllr Mrs M J Webster
- (3) That Cllr Mrs M J Webster be appointed Chairman and Cllr D Merrick Vice-Chairman of the new Standards Committee for the remainder of the 2012/13 municipal year.

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- (4) That Mr D J Cottis, Mr M G Drage, Mr S Shadbolt and Mrs L Walker be appointed as Independent Persons for a four year term commencing in the 2012/13 municipal year.
- (5) That the Code of Conduct for Members, as amended to take account of recent regulations and incorporated in Part 5 of the Council's Constitution, be formally adopted. (HLEMS)

The meeting closed at 8.40pm.

Chairman

Date

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