



**Rochford District  
Council**

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**1997**

**January - December**

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**Rochford District  
Council**

# **ROCHFORD DISTRICT COUNCIL MINUTES**

**1997**

**December**

ROCHFORD DISTRICT COUNCIL

Minutes of the Finance & General Purposes Committee

At a Meeting held on 2nd December 1997 Present: Councillors D E Barnes, (Chairman), C I Black, D.F. Flack, Mrs. J M. Giles, M J. Handford, N. Harris, Mrs J Helson, Mrs M Hunnable, V H Leach, Mrs S J Lemon, C.R Morgan, Mrs. P.M.V Pearse, T.A Powell, Mrs. W.M. Stevenson, R.E Vingoe, D A Weir and Mrs M A Weir.

Apologies: Councillor G. Fox

Substitutes: Councillor J.M. Dickson

Visiting: Councillor Mrs H.L.A. Glynn.

522 MINUTES

Resolved that the Minutes of the Meeting of 14th October 1997 be approved as a correct record and signed by the Chairman, subject to the inclusion of Councillor Mrs M S. Vince as substitute.

523 MEMBERS' INTERESTS

The interests recorded in the Minutes to be received and considered were taken as read.

Councillor D E. Barnes declared a non-pecuniary interest in all items relating to Rayleigh Town Council by virtue of his role as Town Councillor.

Councillor Mrs. J Helson declared a non-pecuniary interest in the items on Rochford Health for All 2000 Action Team and Treasury Management

Councillors Mrs M. Hunnable and C.R. Morgan each declared a non-pecuniary interest in Youth Service related items by virtue of their Youth Service Management representative role

Councillors C R Morgan and Mrs W.M. Stevenson each declared a non-pecuniary interest in the item on the proposed transfer of Hullbridge Car Park by virtue of their role as Parish Councillors.

Councillor Mrs H.L.A. Glynn declared a non-pecuniary interest in the items on the new Polling Station for Hawkwell East Ward and the Rochford and District Chamber of Trade and Commerce by virtue of her representative roles.

524 OUTSTANDING ISSUES

(a) Finance & General Purposes Committee - Meeting of 8th July 1997.

(b) Council Meeting of 22nd July 1997

The Committee was satisfied that all necessary action had been taken. Minutes 326/97, 334/97 and 357/97 were carried forward

525. RECOMMENDATIONS OF PARENT COMPANIES

The Committee considered the recommendations of the Parent Committees.

Committee

Date

COMMUNITY SERVICES

11th November 1997



**Minute 488 - Health Authority Joint Planning Funding.**

**Resolved** that the South Essex Health Authority be advised that this Authority rejects the request for funding and considers that the costs should be defrayed to the County Council and the Health Authority as service providers (26609) (HFS,HHHCC)

**Minute 489 - Public Conveniences.**

**Resolved** (1) that CIRCA Leisure report to the next Meeting of the Community Services Committee regarding the Mill Hall public conveniences

(2) that Officers report on the possibility of a mobile contactable cleaning/maintenance operative being used to improve the current service provided (HLCS)

**Minute 490 - Tylney Avenue Play Space.**

**Resolved** (1) that the implementation of Option 1 be agreed as outlined in the report, subject to necessary finance being made available and subject to consultation with the Parish Council.

(2) that sufficient funds be made available for the year 1998/99 by inclusion in the draft budget.

(3) that, in the interim, Officers be authorised to discuss with the Parish Council the potential of taking on the management of the play space subject to the scheme being implemented. (HLCS)

**Minute 493 - Unfit House**

**Resolved** (1) that the Ward Councillors be appointed to hear representations from the owner

(2) that a further report be made to the next Meeting of the Community Services Committee (11724) (HHHCC)

**TRANSPORTATION AND ENVIRONMENTAL SERVICES**

20th November 1997

**Minute 506 - Minutes of the Transportation Sub-Committee**

**Minute 51 - Hackney Carriage and Private Hire Vehicle Licensing**

**Resolved** (1) that the Corporate Director (Finance) be authorised to proceed with the transition along the lines indicated in the report

(2) that the sum of £800 be set aside from the Safer Communities budget for a drink drive campaign for Christmas. (CD(F))

**Minute 511 - Southend Airport: Development proposals**

**Resolved** (1) that an additional £3,000 be allocated to pay for an extension of the current consultancy service being used to process the Planning Application associated with the airport, to be financed from the planning fee income

(2) that a figure of up to £15,000 be set aside for further consultant work in association with the airport proposals, to be funded from planning fee income and released in line with further detailed reports submitted on specific issues related to the airport development.

(3) that the funding proposals set out in the report be approved. (CD(S))



526. MINUTES OF SUB-COMMITTEES/WORKING GROUPS

The Committee considered the appended Minutes and recommendations contained therein

| Meeting  | Date               |
|--|--------------------|
| (i) CORPORATE RESOURCES SUB-COMMITTEE                                    | 15th October 1997  |
| (ii) CORPORATE RESOURCES SUB-COMMITTEE                                   | 16th October 1997  |
| (iii) CORPORATE RESOURCES SUB-COMMITTEE                                  | 22nd October 1997  |
| (iv) STRUCTURAL & PROCEDURAL REVIEW<br>WORKING GROUP (Adjourned Meeting) | 29th October 1997  |
| (v) STRUCTURAL & PROCEDURAL REVIEW<br>WORKING GROUP (Reconvened Meeting) | 12th November 1997 |
| (vi) CORPORATE RESOURCES SUB-COMMITTEE                                   | 13th November 1997 |
| (vii) MILL HALL WORKING PARTY  | 17th November 1997 |

**Minute 17 - Proposed Tender List for Architectural Consultants**

On reaching Minute 17 the Chief Executive confirmed that all companies on the proposed tender list had been subject to the formal process of European assessment and it would not be possible to consider other companies without respecting this process

Resolved that the following companies be included in the tender list for the provision of architectural services:-

|    |                             |                   |
|----|-----------------------------|-------------------|
| 1. | S & P Ltd                   | London            |
| 2. | The Charter Partnership     | Ipswich           |
| 3. | Wm. Saunders Partnership    | Nottingham        |
| 4. | Burke Richards Ltd          | Kent and Plymouth |
| 5. | Nigel Grayshon & Partners   | Oxford            |
| 6. | Gibson Hamilton Partnership | Loughborough      |
| 7. | Stephen Limbrick Associates | Gloucester        |
| 8. | Abbey Hanson Rowe           | London (CD(S))    |

**Minute 19 - Discussions with CIRCA Leisure**

Resolved that negotiations to extend the existing leisure contract be discontinued and preparations be made to re-tender the contract at the appropriate time (CD(F))

|  |                    |
|--|--------------------|
| (viii) CORPORATE RESOURCES SUB-COMMITTEE | 25th November 1997 |
|--|--------------------|

**Minute 110 - Data Matching**

Resolved that Rochford District Council does not participate in the District Audit Service Data Matching Exercise. (CD(F))

**Minute 111 - Policy in respect of waiver of Public Entertainment Licence Fees**

Resolved (1) that applications from school halls, church halls, chapel halls, village halls, parish or community halls or other similar buildings be exempt from public entertainment fees

(2) that, in view of the small number involved, all other applications for fee waiver be considered on their merits on the basis that a decision making time frame of at least three months is available to the Council. (HHHCC)



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**Minute 112 - NNDR Consultation Exercise**

Resolved (1) that a joint Meeting be convened between Members of the Corporate Resources Sub-Committee and up to three representatives from each of the Local Chambers of Commerce.

(2) that, in the interim and based on current information available, the following subjects be identified as those which, ideally, the Council would like to include in the budget development process:-

| Subject  | Estimated Cost  |
|--|-----------------|
| Publicity material promoting Towns   | £1,000          |
| Replacing existing bollards and waste bins with black and gold bearing Rochford livery.                          | To be clarified |
| Repaint existing railings in Main Road and Spa Road, Hockley in black and gold to match bollards and waste bins. | Minimal         |

(3) that once costs have been identified, they be included for consideration in the draft budget 1998/99.

**Minute 113 - Grants to Outside Bodies**

Resolved (1) that the application from Rayleigh Ladies Circle for the sum of £40 00 towards the cost of hiring Mill Hall for a fashion show to raise funds for the Lady McAdden Breast Unit be approved.

(2) that the sum of £400.00 be allocated from the Council's small projects budget to assist Rochford Parish Council with the Rochford Town Clock Appeal Fund (CD(F))

**527. STANDING ORDER 18 ITEMS**

The Committee received and noted action which had been taken under Standing Order 18 in respect of the following:-

- (i) Application for Street Trading Consent Fee Waiver - Hockley Christmas Lights
- (ii) Rayleigh Christmas Lights.

**528. CAPITAL PROGRAMME 1998/99**

The Committee considered the report of the Corporate Director (Finance) outlining the key points associated with the Government's proposed Capital Receipts Release and the factors which should be taken into account with regard to the allocation of resources between the General Fund and the Housing Revenue Account


Resolved (1) that capital resources be allocated between housing and other services as follows:-

Basic Credit Approval pro-rata to Annual Capital Guidelines.

Supplementary Credit Approval in accordance with approval.

Capital Receipts in accordance with priority needs as and when they are determined.

(2) that the SCA for 1997/98 be allocated to Sheltered Housing Security works and the window replacement programme (CD(F))

 1188

The Committee considered the report of the Corporate Director (Finance) providing a brief description of the ways in which the Council currently uses the Internet and developing ideas for the future in terms of access by Council staff, a Website and the dissemination and distribution of information

In response to Member questions, the Corporate Director (Finance) and Head of Information Technology Services confirmed that further preparatory work was required and that Parish Councils would not be expected to consider financial implications at this stage. It is unlikely that proposals would have any adverse impact on the Council's year 2000 IT Strategy and there was no reason why the proposed Website could not include information on other public assistance organisations within the District.

During debate Members recognised the importance of effective planning and of highlighting the benefits to the public (particularly given likely public perception about costs)

**Resolved** (1) that the Head of Information Technology Services lead a project to develop a strategy for the implementation of a Council Website, reporting project results to the Committee Meeting scheduled for 31st March 1998.

(2) that, subject to request from the individuals concerned, up to ten Fax machines be purchased, one for each of the Group Leaders, Committee Chairmen, and the Chairman of the Council in line with the proposal detailed in the Corporate Director's report, subject to savings being identified in addition to those already reported to Council (CD(F))

#### PROPOSAL TO IMPLEMENT VIDEO CONFERENCING

*The Committee considered the report of the Corporate Director (Finance) detailing a proposal to implement video conferencing at the Civic Suite, Rayleigh, Council Offices, Rochford and local Councils with the capacity to participate in a scheme*

In response to Member questions, the Head of Information Technology Services advised that proposals would be developed with the need for confidentiality of conversation in mind. The Chief Executive confirmed that a key criterion set out by the Audit Commission was accessibility to Local Government services and that video conferencing could be seen as an important approach to developing Officer accessibility. Detailed working arrangements could be developed in tandem with the Council's process review programme.

**Resolved** (1) that the Parish Councils be invited to consider whether they would wish to participate in arrangements on the financial basis described above and a further report be submitted indicating the the likely take-up and viability of the scheme.

(2) that provision be considered along with other priorities for the 1998/99 Draft Revenue Estimates as set out in the above report.

(3) that a detailed specification for the supply and installation of video conferencing systems including the Parish requirements and two systems for the Council as described above be drawn up and put out to competitive tender, as and when the 1998/99 Budget has been finalised.

(4) that a further report be brought to this Committee on each participating Parish and the Council before formal approval to the scheme is given (CD(F))

#### 57 SOUTH STREET, ROCHFORD

The Committee considered the report of the Chief Executive on the possibility of entering into detailed discussions with Rochford Parish Council and the County Youth Service with a view to establishing a drop in youth facility at 57 South Street, Rochford

In responding to Member questions, the Chief Executive confirmed that other possibilities would be considered, gave an indication of the possible financial arrangements and confirmed that, in developing firm proposals, consideration would be given to the condition of the buildings fabric.

**Resolved** (1) that Officers proceed with detailed discussions with the Rochford Parish Council and the County Youth Service on the basis outlined in the Chief Executive's report, a detailed report to be submitted to the Community Safety Sub-Committee and the Community Services Committee prior to consideration of the funding of any proposal by this Committee.

(2) that provision be made in the 1998/99 draft Budget when financial information is available. (CE)

532 **NEW POLLING STATION FOR HAWKWEEL EAST WARD**

The Committee considered the joint report of the Chief Executive and Corporate Director (Law & Administration) detailing proposals for the creation of a new Polling Station for the Hawkwell East Ward

During debate Members recognised that the proposed Station location was the most satisfactory solution.

It was noted that the listing in the report detailing the Hawkwell Baptist Church Division (RXX) should have included Braxted Close, Banyard Way, Durham Road, Hainault Avenue, Wendham Close and Westbury.

**Resolved** that a new Polling District be created in the Hawkwell East Ward on the basis outlined in the joint report. (CE/ERO,CD(LA))

533 **LOCAL LAND CHARGE SEARCHES - INCOME REVIEW AND FEE SETTING**

The Committee considered the report of the Corporate Director (Law & Administration) comparing Rochford's Land Charge Search Fees with other Essex Authorities, confirming the charges which Essex County Council will make with effect from 1st April 1998 for Highway enquiries and suggesting proposals for improving the processing of searches within the Council

Members recognised that the existing service utilised a relatively archaic system which could benefit from review and.-

**Resolved** (1) that with effect from 1st January 1998:-

- (i) the standard search fee, including the statutory charge for the Certificate of Search, be £80 00
- (ii) the fee for Part II Enquiries be £7.00, and the County charge for highway questions be absorbed within that.
- (iii) the fees for searchers own Enquiries be £14 00.

(2) that the increased income be earmarked for immediate development of a Land and Planning Registry with detailed costing and operational reports being submitted to the relevant Committees (CD(LA))

534 **MEMBERS' ALLOWANCES 1998/99**

The Committee considered the report of the Corporate Director (Finance) on the question of whether or not an inflation based increase should be made in respect of Members' allowances and minor allowance issues raised by Members during the year

The Committee endorsed the view of a Member that it would be appropriate for an allowance to be payable to Members representing the Council at external meetings (excluding those in respect of Outside Bodies). The Corporate Director (Finance)

confirmed that it would be possible for reports to indicate when attendance at an external meeting would qualify for attendance allowance.

Resolved that with effect from 1st April 1998:-

- (i) Members, Chairman's and Vice-Chairman's allowances be increased in accordance with the proposals set out in the report of the Corporate Director (Finance)
- (ii) Members Attendance Allowance be payable only in respect of duly constituted Committees, Sub-Committees, Panels and Working Parties of the Council
- (iii) Claims for attending Meetings be payable only for the full duration of the Meeting, or a minimum of one hour attendance, whichever is the lower.
- (iv) Claims for attending two Meetings in one evening be only payable where the first Meeting commences prior to 7.30 p.m. and there has been a minimum attendance of one hour or for the full duration of the Meeting, whichever is the lower
- (v) Members attending external Meetings (with the exclusion of outside bodies) as the nominated representative of the Council be entitled to claim attendance allowance on the same basis as for duly constituted Council Meetings.

535 **NNDR - DISCRETIONARY RATE RELIEF**

**NOTE:** Councillors Mrs. M. Hunnable and C.R Morgan each declared a non-pecuniary interest in this item by virtue of their representative roles on the CAB

The Committee considered the report of the Corporate Director (Finance) detailing three applications received under the Discretionary Rate Relief provisions of Sections 47/48 of the Local Government Finance Act 1998.

Members noted that information was now available which indicated that the application from the Marie Curie Charity Shop did not fit the Council's criteria with regard to the sale of donated goods only. The Committee felt that, given the impact which discretionary relief could have on the local economy, it would be appropriate to undertake a review of policy.

**Resolved** (1) that the application for Discretionary Rate Relief received from the Marie Curie Charity Shop be refused on the basis that it does not fulfil the Council's criteria with regard to the sale of donated goods only

(2) that the applications for Discretionary Rate Relief received from the Alpine Animal Rescue Charity Shop, 52 Ashington Road, Rochford and the Rayleigh Citizens Advice Bureau, Civic Suite, Rayleigh be approved

(3) that a review of 20% Discretionary Relief be undertaken by 31st March 1998 with a view to any change in policy taking effect in the financial year 1999/2000. (CD(F))

536 **ROCHFORD HEALTH FOR ALL 2000 ACTION TEAM**

The Committee considered the report of the Chief Executive on a request which had been received from the Rochford Health for All 2000 Action Team for use of the Civic Suite, Rayleigh on Saturday 7th February 1998 for a men's health day

**Resolved** (1) that authority be given for use of the Civic Suite, Rayleigh by the Rochford Health for All 2000 Action Team on 7th February 1998

(2) that the charge (estimated at £100) to cover the costs of making the Civic Suite and car park available for the event be waived (CE)





## PARISH AND TOWN COUNCIL USE OF COUNCIL BUILDINGS FOR MEETINGS

**NOTE** It was recognised that, whilst there was no specific requirement to declare an interest, a number of Members present were both District and Parish Councillors

The Committee considered the report of the Corporate Director (Law & Administration) on the feasibility of a District wide policy for Parish and Town Council use of accommodation at the Civic Suite and other District Council owned buildings for meetings (having regard to the requirements of the Local Government Act 1972).

For the purposes of clarification, the Corporate Director (Law & Administration) confirmed that Rawreth Parish Council did not own the Parish Rooms

**Resolved**(1) that there be no District wide policy on use of the Civic Suite and other District Council owned buildings by local Councils, but that requests for assistance with accommodation from such Councils be dealt with sympathetically and on the merits of each case.

(2) that, subject to any response from the Department of the Environment, the Corporate Director (Law & Administration) enters into formal discussion with the Rayleigh Town Council with regard to hire charges for the use of the Council Chamber and Committee Rooms (CD(LA))

## 538 PROPOSED TRANSFER OF HULLBRIDGE CAR PARK TO HULLBRIDGE PARISH COUNCIL

The Committee considered the report of the Corporate Director (Law & Administration) detailing proposals for the disposal of the District Council's interest in Pooles Lane Car Park, Hullbridge to the Hullbridge Parish Council.

In response to a Member question the Corporate Director advised that the Council's Off Street Parking Places Order would continue to apply should a lease be approved

**Resolved** that the Head of Legal Services offers Hullbridge Parish Council a 125 year full repairing lease of Pooles Lane Car Park, excluding the toilet block therein, at a peppercorn rent and completes the same on these and such other terms and conditions as he thinks fit. (905) (CD(L&A))

## 539 SINCLAIRS' VETTED DIRECTORY

The Committee considered the report of the Corporate Director (Finance) on a new business directory "Sinclairs' Vetted Directory" produced by Exor Management Services Limited and containing lists of firms local to an area which wish to be considered for Council contracts.

Members felt particularly concerned that contractors may be tempted to invest in the Directory in the belief that it had Council backing and-

**Resolved** that the Council does not avail itself of the service provided by Sinclairs Vetted Directory (CD(F))

## 540 PROPOSAL FOR AN EASTERN REGION LOCAL AUTHORITY CONFERENCE AND ESSEX ADVANTAGE UPDATE.

The Committee considered the report of the Head of Environmental Policy and Initiatives which outlined the proposals relating to the setting up of the Eastern Region Local Authority Conference and provided detail of the latest developments in respect of the creation of Essex Advantage and suggested the establishment of a South East Essex economic development grouping

In response to Member questions the Chief Executive indicated that the Conference had the potential to have a significant input into the economic development of Essex and Rochford and that benefits would far outweigh contribution levels. He confirmed that, should the Conference be joined, he would be mindful of the need for a fair approach

from all Member bodies in terms of financial contribution towards accommodation and other overhead costs. He would also work towards ensuring that the Conference perceived economic development in its broadest sense (so that the terms of reference included aspects such as environmental implications). The Committee endorsed the view of a Member that attendance at the Conference should attract attendance allowance.

During debate a Member referred to the work of the County Council's Head of Enterprise and current consultation with the Chief Executive. It was hoped that a Seminar relating to economic development would be set up in the New Year.

Resolved (1) that the Council joins the proposed Eastern Region Local Government Conference once arrangements have been finalised.

(2) that the Council supports representational arrangements for the Conference based on option 2, the SCEALA model.

(3) that representatives on the Executive Committee be supported on the basis of Option 1 as detailed in the report of the Chief Executive

(4) that the Council gives it support to the Conference to act as a Regional Local Government Association

(5) that the Council agrees to join Essex Advantage and to commit to investing the sum of £3,500 per annum over the next three years in the partnership and accordingly make provision in the Revenue Budget for those three years.

(6) that approaches be made to Southend on Sea Borough Council and Castle Point Borough Council to discuss the possibilities of setting up a South East Essex Economic Grouping.

(7) that attendance at Conference meetings attract attendance allowance and that the Council's existing nominees (Councillors D E. Barnes, Mrs J. Helson and C R Morgan) be retained. (CE)(ATPI) (TPSurf)

541 **TREASURY MANAGEMENT**

The Committee considered the report of the Corporate Director (Finance) detailing a proposed new approved Lending List for the Authority

Resolved that the revised approved Lending List, as detailed in the report of the Corporate Director, be approved. (CD(F))

542 **ROCHFORD AND DISTRICT CHAMBER OF TRADE AND COMMERCE - MEMBERSHIP INVITATION**

The Committee considered the report of the Corporate Director (Finance) on a membership invitation received from the Rochford and District Chamber of Trade and Commerce

During debate Members endorsed the view that, on balance, the benefits of membership would be outweighed by the fact that, on occasions, organisational policies may conflict.

Resolved that the Council decline the invitation to become a member of the Rochford and District Chamber of Trade and Commerce (CD(F))

543 **AUTHORISATION OF PROSECUTING AND CIVILIAN FINE ENFORCEMENT OFFICERS**

The Committee considered the report of the Corporate Director (Finance) detailing proposals for revising the list of authorisation of prosecuting and civilian fine enforcement officers



Resolved (1) that the following officers be authorised in accordance with the provisions of Section 223 of the Local Government Act 1972 to conduct proceedings on behalf of the Council -

Roger Crofts - Corporate Director (Finance)  
Steven John Clarkson - Head of Revenue Services  
Michael David Worship - Principal Collection Officer  
Paul Leslie Skelton - Principal Technical Officer  
Francis George Spence - Recovery Officer  
Jonathan Desmond - Technical Supervisor  
Mark Ian Hosking - Technical Assistant  
Pamela Shepherd - Collection Supervisor  
Vikki Jones - Recovery Officer

(2) that the following officers be authorised to act on behalf of the Council in accordance with the Magistrates' Court (Civilian Fine Enforcement Officers)(No 2) Rules 1990 -

Steven John Clarkson - Head of Revenue Services  
Michael David Worship - Principal Collection Officer  
Pamela Shepherd - Collection Supervisor  
Francis George Spence - Recovery Officer  
Vikki Jones - Recovery Officer  
Jonathan Desmond - Technical Supervisor. (CD(F))

544 **ASSOCIATION OF ESSEX COUNCILS - SUBSCRIPTION**

The Committee considered the report of the Corporate Director (Finance) on the advantages of the Council subscribing to the Association of Essex Councils

Resolved (1) that payment of the annual subscription to the Association of Essex Councils be approved (CD(F))

(2) that the subscription be financed from savings already achieved in the current year's budget and that provision be made in the revenue budget for future years. (CD(F))

545 **STANDARD SPENDING ASSESSMENT**

NOTE: Pursuant to Standing Order 26.2 the Chairman admitted this item as urgent.

The Council had now received details of the Standard Spending Assessment allocation for the forthcoming year. The Chairman made the following statement on behalf of the Liberal Democrat Group.-

"We are saddened at the savage reduction in the Council's Standard Spending Assessment allocation. We have had a reduction of £241,000 on this year's figure, a reduction of 4%

The Council will only be allowed to increase expenditure by £39,000. This is only 0.6% of our current budget whereas inflation is running at around 3%. However, because of the reduction in Government funding, the Council Tax Bill for Rochford will increase by over £13,000 for a Band D property if we spend at the capping level.

With such a disappointing settlement it is essential that the Council makes representation to the Secretary of State in order to ensure that the Government is fully aware of the problems facing Authorities such as Rochford."

During debate the Corporate Director (Finance) confirmed that he was currently undertaking a detailed review of the information received from the Government and would contact all Councillors with further information once this had been completed. All Members were extremely concerned at the nature of the allocation given the efficiency and good performance of the Authority. It was particularly worrying that Rochford appeared to have attracted the worst settlement within the County. In

recognising the importance of a cross-party approach to this issue the Committee also felt that the local M P 's should be included in representations to the Government

**RECOMMENDED** That Full Council appoint a cross-party group of representatives to make representation to the Secretary of State with regard to this disappointing Standard Spending Assessment figure and that the local Members of Parliament be asked to join this representation. (CD(F))

546. **EXCLUSION OF THE PUBLIC**

**Resolved** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of Exempt Information as defined in Paragraphs 1,5 and 9 respectively of Part 1 of Schedule 12A of the Act.

547. **NATIONAL NON-DOMESTIC RATING - HARDSHIP RELIEF**

The Committee considered the confidential report of the Corporate Director (Finance) detailing two applications for hardship relief.

**Resolved** that both applications for hardship relief be granted in accordance with the suggestions detailed in the report of the Corporate Director (Finance) (CD(F))

548. **LAND AT BLATCHES FARM, EASTWOOD**

The Committee considered the confidential report of the Corporate Director (Law & Administration) detailing current consultation with the County Council regarding land at Blatches Farm, Eastwood

**Resolved** that Essex County Council be advised that this Council wishes to continue dialogue on how the unsold part of Blatches Farm, Eastwood, can be retained in public ownership as a Country Park (9929) (CD(LAS))

549. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING - STAFFING IMPLICATIONS**

The Committee considered the confidential report of the Corporate Director (Finance) detailing proposals for staffing adjustments aimed at satisfying the recent Council decision to recover the management and operation of Hackney Carriage and Private Hire Vehicle Licensing from Southend-on-Sea Borough Council

**Resolved** (1) that a post of Hackney Carriage Officer on Grade Scale SO1-2 with designated casual user car allowance be established

(2) that a post of Enforcement/Administrative Officer on Grade Scale 3-4 (pro-rata to hours worked), also with designated casual user car allowance, be established.

(3) that the existing Recovery and Enforcement Supervisor be assimilated into the post of Hackney Carriage Officer with effect from 1st January 1998. (CD(F))

550. **REVENUE DIVISION STAFFING**

The Committee considered the confidential report of the Corporate Director (Finance) detailing proposals for revision to the staffing of the Revenue Division.

**Resolved** (1) that Benefit Assistants be re-designated Benefit Assessors with immediate effect

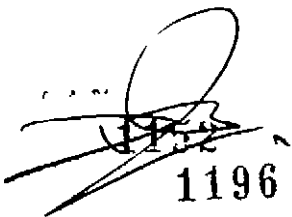
(2) that the gradings set out in Appendix 7 of the report of the Corporate Director be approved with effect from 1st December 1997. (CD(F))



551. COUNCIL TAX COLLECTION TEAM - STAFFING

The Committee considered the confidential report of the Corporate Director (Finance) detailing proposals for revision to staffing within the Council Tax Collection Team

**Resolved** that Post F39, Recovery and Enforcement Supervisor, be re-designated Recovery and Enforcement Officer and re-graded to Scale 5-6 with effect from 1st January 1998, and that the holder of Post F 41 be assimilated into this position (CD(F))

  
1196



Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On

**2ND DECEMBER 1997**

Report of

**CHIEF EXECUTIVE**

Title

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author

R A Lovell

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**At a Meeting held on 15th October 1997. Present Councillors**  
D E Barnes (Chairman), S Cumberland, G Fox, Mrs H L A Glynn, Mrs E M Hart,  
Mrs J Helson, Mrs S J Lemon, C R Morgan, T A Powell and Mrs M A Weir

**Apologies Councillors Mrs J M Giles, and D A Weir**

**Substitute Councillor V C Howlett**

**Visiting Councillor Mrs P M V Pearse**

102 **PRESENTATIONS BY THE HEADS OF ENVIRONMENTAL POLICY AND  
INITIATIVES AND LEISURE AND CLIENT SERVICES**

The Sub-Committee received presentations from the Head of Environmental Policy & Initiatives and the Head of Leisure and Client Services outlining the issues which they considered would have the greatest impact on their ability to achieve the Council's organisational objectives and specific priorities for the service areas within their responsibility

During discussion the Sub-Committee provided each Officer with additional guidance on those areas which they wished to see given particular emphasis during the next year. The Sub-Committee also provided the Chief Executive and the Corporate Director (Services) with further points to discuss with each of the Officers in refining their personal targets

crsub/dec2a



Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On

**2ND DECEMBER 1997**

Report of

**CHIEF EXECUTIVE**

Title

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author

R A Lovell

---

**At a Meeting held on 16th October 1997. Present Councillors**  
D E Barnes (Chairman), S Cumberland, G Fox, Mrs H L A Glynn, Mrs E M Hart,  
Mrs S J Lemon, C R Morgan, T A Powell and Mrs M A Weir

**Apologies** Councillors Mrs J M Giles, Mrs J Helson and D A Weir

**Substitutes** Councillor Mrs M Hunnable and V C Howlett

**Visiting** Councillor Mrs P M V Pearse

103 **PRESENTATIONS BY THE HEADS OF MEMBER SERVICES AND  
ADMINISTRATIVE SERVICES**

The Sub-Committee received presentations from the Head of Member Services and the Head of Administrative Services outlining the issues which they considered would have the greatest impact on their ability to achieve the Council's organisational objectives and specific priorities for the service areas within their responsibility

During discussion the Sub-Committee provided each Officer with additional guidance on those areas which they wished to see given particular emphasis during the next year. The Sub-Committee also provided the Chief Executive and the Corporate Director (Law and Administration) with further points to discuss with each of the Officers in refining their personal targets

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Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On

**2ND DECEMBER 1997**

Report of

**CHIEF EXECUTIVE**

Title

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author.

R A Lovell

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**At a Meeting held on 22nd October 1997. Present. Councillors**  
D.E. Barnes (Chairman), G. Fox, Mrs. J.M. Giles Mrs H L A Glynn, Mrs S.J. Lemon,  
T A Powell and Mrs M.A Weir

**Apologies** Councillors S Cumberland, Mrs J Helson and D A Weir.

**Substitute** Councillor V C Howlett.

**Visiting** Councillors V.D. Hutchings and Mrs P M.V Pearse

104 **PRESENTATIONS BY THE HEADS OF FINANCIAL SERVICES AND AUDIT SERVICES**

The Sub-Committee received presentations from the Head of Financial Services and the Head of Audit Services outlining the issues which they considered would have the greatest impact on their ability to achieve the Council's organisational objectives and specific priorities for the service areas within their responsibility

During discussion the Sub-Committee provided each Officer with additional guidance on those areas which they wished to see given particular emphasis during the next year. The Sub-Committee also provided the Chief Executive and the Corporate Director (Finance) with further points to discuss with each of the Officers in refining their personal targets

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Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On

**2ND DECEMBER 1997**

Report of

**CORPORATE DIRECTOR (LAW & ADMINISTRATION)**

Title

**MINUTES OF THE STRUCTURAL AND PROCEDURAL REVIEW  
WORKING GROUP**

Author

J Bostock

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At a Meeting held on 29th October 1997. Present: Councillors Mrs J. Helson (Chairman), D E Barnes, V D Hutchings, V H Leach, Mrs S J Lemon, C R Morgan, R.A Pearson and Mrs M A Weir

The Chief Executive and Corporate Director (Finance)

Visiting: Councillor Mrs P.M V Pearse

## 17 MINUTES

The Minutes of the Meeting held on 8th October 1997 were agreed as a correct record subject to the inclusion of apologies from Councillor C R Morgan.

## 18 NOLAN COMMITTEE ON STANDARDS IN PUBLIC LIFE: STANDARDS OF CONDUCT IN LOCAL GOVERNMENT/MISUSE OF PUBLIC OFFICE

The Working Group considered the report of the Chief Executive detailing the recommendations of the Nolan Committee and drawing particular attention to those issues dealt with by clusters of the Nolan Committee recommendations

During debate the Working Party made specific comment on the various areas as follows.-

### **Establishment of a Standards Committee**

Whilst accepting that a standard mechanism needed to exist, Members were opposed to the establishment of a Committee to consider Councillor disciplinary matters for report to open meetings of the Council. Local variations to a model code of conduct could mean that different rulings would be made by different Councils, rather than uniformly acceptable standards across the country. Equally, the existence of majority/minority political groupings could mean that the process would be liable to political pressure which would not properly be addressed by a subsequent independent tribunal. Councillors would be exposed to a public disciplinary regime not applied to other areas of life and 'the damage would be done' regardless of any reversible tribunal

As an alternative to Nolan proposals the Working Group considered that the National code of Conduct could be more prescriptive and definitive, moving away from the rather vague, subjective and highly judgemental responsibility on the individual Councillor to determine what

is or isn't an interest allied to an 'all or nothing' validation procedure essentially tested in the Courts. It was suggested instead that the powers and role of an independent third party with a lower profile than the Courts, the Ombudsman, should be reviewed to increase his remit in this area. This would avoid the divisive effect of Councillors sitting in judgement on Councillors, an arrangement likely to have a damaging effect on the execution of mainstream Council business.

#### **Written Statement of Protocol between Members and Officers**

The Working Group was strongly in favour of a written statement of protocol between Officers and Members and felt that the Chief Executive should proceed with such a statement as soon as possible.

In noting that examples of protocol introduced by other Authorities had been available Members agreed that it would be useful to consider the inclusion of planning matters in any document developed by the Rochford District. The Chief Executive referred to the inclusion of the planning process as the first area of the District's process review and that further detail on the development of protocol could be considered at the next Meeting of the Working Group.

#### **Misuse of Public Office**

There was general agreement that the proposal to abolish surcharge was to be welcomed in that it was unique to Local Government, applied an unequal penalty (dependent on the means of the surcharged person) and was procedurally flawed. The Working Group reserved its view on the proposed alternative in the absence of any detailed advice on how it might work. Details need to be the subject of wider debate to ensure a genuinely fairer system was substituted for current arrangements.

#### **Review of Planning Arrangements**

Members welcomed the proposals for a thorough review of involvement in planning matters and planning obligations. Whilst Rochford was likely to initiate a local view on this matter, a clear national and uniform code of conduct was required to avoid local variations to what is and what is not acceptable.

#### **Pecuniary Interests**

Members felt that the obligations on spouses and family members were onerous and again ill defined. Whilst there are matters which clearly have a straightforward potential benefit, others are much more marginal and should not need to be in the public domain.

The Working Group endorsed the suggestion that the comments made thus far should be forwarded to the Department of the Environment on the basis that they are "subject to the formal approval of Full Council" and:-

**RECOMMENDED** That the above comments on the recommendations of the Nolan Committee on standards in public life relating to standards of conduct in Local Government and misuse of public office be endorsed as this Council's comments.

#### **19 EXCLUSION OF THE PUBLIC**

**Resolved** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following item of business on the grounds that it involves the likely disclosure of Exempt Information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

#### **20 HOUSING OPERATIONAL UNIT - STRUCTURAL REPORT**

The Working Group considered the confidential joint report of the Director of Housing (Operations), Head of Housing, Health and Community Care and Head of Financial Services

detailing the key requirements involved in the process of creating a new Housing Operational Unit

*During debate, the Head of Financial Services confirmed that the figure identified in respect of financial impact on the General Fund was the worse case scenario. It was noted that Full Council would need to make final decisions with regard to the terms of reference and the delegation relationship between the Parent Committee and the Housing Sub-Committee*

With regard to tenant involvement, Members referred to the importance of ensuring that all the Council's tenants had an opportunity of involvement, although elements of the Sub-Committee's work would involve sensitive issues where it would not be appropriate for tenant representation to be involved. The Director of Housing (Operations) advised that forthcoming Government papers will be emphasising the need to involve tenant representatives in the democratic process. A Member referred to the possibility that the various co-optees currently attending the Community Services Committee may find that appointment to a Sub-Committee would be more appropriate.

Whilst accepting the broad thrust of the report, Members felt that it would be of value to have more detail on the proposed structure of the Housing Operations Unit in terms of draft job descriptions and proposed post responsibilities. Reference was made to the importance of maintaining uniformity and consistency where possible. Clarification with regard to the provision of secretarial support and the current situation with regard to term contracts would be useful.

**Resolved** that the meeting be adjourned and reconvened on 12th November 1997 to enable further detailed consideration in respect of those areas requiring further clarification.

minssprwg rpt/pandsandgroups





Rochford District Council  
To the meeting of

FINANCE & GENERAL PURPOSES

On

2ND DECEMBER 1997

Report of

CORPORATE DIRECTOR (LAW & ADMINISTRATION)

Title

MINUTES OF THE STRUCTURAL AND PROCEDURAL REVIEW  
WORKING GROUP (MEETING ADJOURNED FROM  
29TH OCTOBER 1997)

Author:

J Bostock

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At a reconvened meeting held on 12th November 1997. Present: Councillors Mrs J Helson (Chairman), D E Barnes, V D Hutchings, V.H Leach, Mrs S J Lemon and C R Morgan

The Chief Executive, the Corporate Director (Finance), and the Corporate Director (Law & Administration)

21. **NOLAN COMMITTEE ON STANDARDS IN PUBLIC LIFE: MEMBER/OFFICER PROTOCOL/PLANNING MATTERS.**

The Working Group gave further consideration to aspects of the Nolan Committee recommendations. Since the adjourned Meeting the Chief Executive had been able to furnish Members with details of the Member/Officer relations protocol relative to Birmingham City Council and discussion pages from the full report of the Nolan Committee on planning matters.

**Member/Officer Protocol**

Members recognised that, whilst there was rarely a problem at Rochford, a protocol document could provide both a safety valve and clarification of working parameters. Members concurred with the Chief Executive that it would be appropriate for a local document to provide guidance for addressing situations when questions from Members to Officers could precipitate heavy workloads and where there is a need for Senior Officers to clarify a confidential matter with a Member. With regard to the former, a Member suggested that it may be useful for Officers to consider providing copies of file notes relating to Member questions to the Member concerned. With regard to the latter, it was felt that proposals should provide for consultation with the Member's Group Leader and that consideration should be given to the possibility of providing Member support for independent Members in similar circumstances.

**RECOMMENDED** That Officers give detailed consideration to establishing a Member/Officer protocol document suited to the Rochford District (CE)

**Planning Matters**

In debating the value of establishing a planning code for the Rochford District, the Group recognised that a balance perhaps needed to be struck between being over detailed and practicable.

A handwritten signature in black ink, appearing to be 'J Bostock', written over a horizontal line.

Members concurred with the Chief Executive that it would be appropriate to align development of a code for Rochford with the outcome of the forthcoming process review of the Planning Service. In this regard the Group recognised the importance of all Members responding to the Planning Service Consultation Document recently distributed by the Corporate Director (Services)

**RECOMMENDED** That a code of planning procedure be developed for the Rochford District in tandem with the outcome of the forthcoming process review of the Planning Service (CE,CD(S))

22 **EXCLUSION OF THE PUBLIC**

Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following item of business on the grounds that it involves the likely disclosure of Exempt Information as defined in Paragraph 1 respectively of Part 1 of Schedule 12A of the Act

23 **HOUSING OPERATIONAL UNIT**

The Working Group gave further consideration to aspects of the proposals for a Housing Operational Unit. Since the adjourned Meeting Officers had produced a further Addendum report providing more detail on the proposed structure

In responding to Member questions the Director of Housing (Operations) confirmed that proposals would closely fit current service requirements. The Corporate Director (Finance) provided a breakdown of the impact of proposals in terms of the Housing Revenue Account and the General Fund. The Group recognised that, in terms of developing the Authority's Corporate Plan, it would be appropriate to be cognisant of the role requirements associated with professional/technical and clerical/administrative posts

It was noted that any adjustments to staff gradings initiated by Senior Officers had to be on a self financing basis. In endorsing minor post variations being suggested by the Head of Health, Housing and Community Care, Members agreed that consideration of any additional resource requirements ought to be in line with the budget development process


The Group felt that it could be opportune to undertake an overview of all service areas within the Authority. This process could again be tied in with the budget process

**RECOMMENDED** (1) That the proposals for establishing a housing operational unit including the structural changes detailed in the confidential Addendum report of the Director of Housing (Operations) and the Head of Housing, Health & Community Care be endorsed and implemented (DH(O), HHHCC)

(2) That the Head of Housing, Health & Community Care introduce proposed minor post variations where they are within terms of reference and that consideration of any additional resource requirements be undertaken in line with the budget development process (HHHCC)

(3) That the Structural & Procedural Review Working Group undertake a review of all the Authority's service areas with a view to establishing whether further proposals need to be filtered through the budget process (CE)

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# Committee Report

4



Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On.

**2ND DECEMBER 1997**

Report of

**CHIEF EXECUTIVE**

Title

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author

R A Lovell

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At a Meeting held on 13th November 1997 Present Councillors  
D E Barnes (Chairman), Mrs J M Giles Mrs H L A Glynn, Mrs E M Hart,  
Mrs. J Helson, Mrs S J Lemon, C R Morgan, T A. Powell and Mrs M A Weir

Apologies Councillors C.R. Fox and D.A Weir

Visiting Councillor Mrs P M V Pearse

## 105. MEMBERS' INTERESTS

Councillor Mrs. H L A Glynn declared a non-pecuniary interest by virtue of work currently being undertaken by the Planning Services division in respect of construction work at her property

## 106 MINUTES

The Minutes of the Meetings of 15th, 16th and 22nd October 1997 were approved as a correct record

## 107. PRESENTATIONS BY THE HEADS OF PLANNING SERVICES AND LEGAL SERVICES

The Sub-Committee received presentations from the Head of Planning Services and the Head of Legal Services outlining the issues which they considered would have the greatest impact on their ability to achieve the Council's organisational objectives and specific priorities for the service areas within their responsibility

During discussion the Sub-Committee provided each Officer with additional guidance on those areas which they wished to see given particular emphasis during the next year The Sub-Committee also provided the Chief Executive, the Corporate Director (Services) and the Corporate Director (Law & Administration) with further points to discuss with each of the Officers in refining their personal targets

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Rochford District Council  
To the meeting of

**FINANCE & GENERAL PURPOSES**

On

**2ND DECEMBER 1997**

Report of

**CHIEF EXECUTIVE**

Title

**MINUTES OF THE MILL HALL COMPLEX WORKING PARTY**

Author

**R A Lovell**

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At a Meeting held on 17th November 1997 Present District Councillors Mrs S J Lemon (in Chair for Meeting), P A Beckers, D M Ford, Mrs J M Giles, Mrs M Hunnable, C R Morgan, R A Pearson and R E Vingoe

Rayleigh Town Council Co-Opted Members Councillors D E Barnes, M J Handford, Mrs J Helson, Miss B G J Lovett, C Lumley, Mrs J Lumley and Mrs P M V Pearse

Non-Members Attending. Town Cllr S Jarvis

The Chief Executive thanked the Town Council for re-arranging their Meeting to permit the Working Party to take place, given the importance of the business to be considered within the current Committee Cycle.

13 **MINUTES OF THE MEETING OF 15TH JULY 1997**

The Minutes of the Meeting held on 15th July 1997 were agreed as a correct record

14 **PROGRESS OF DIG**

The Working Party received the report of the Corporate Director (Services) on dig progress and noted that, as at 17th November 1997, nothing of any significance had been found in any of the trial holes. It was reported that excavations were expected to be completed by 21st November with restitution works to bring the car park back into full use as soon as possible thereafter. The results of the dig were expected to be formally available four weeks after completion of the works.

15 **CURRENT MATTERS RELATED TO LOTTERY FUNDING**

The Working Party received the report of the Corporate Director (Services) on current matters related to Lottery funding and noted the effect of the "Sixth Good Cause" and the revenue funding programme on the availability of Lottery funding for capital projects such as the Mill Hall Complex. The Working Party stressed the importance that the English Sports Council's Facility Planning Model considered all aspects of the proposal including the proximity of facilities in adjacent Districts and transportation arrangements. The Working Party endorsed the action taken in running the Mill Hall Complex proposal against the Facilities Planning Model at an early stage given that this action was now a necessary part of any submission for Lottery funding.

16 PREPARATION OF BRIEF

The Working Party received the report of the Corporate Director (Services) explaining the action being taken to prepare the brief for the project and to assess the potential running costs arising therefrom. It was noted that, in addition to information provided by the Council's current leisure contractor, information was being sought from a range of leisure providers for a range of facility types

17 PROPOSED TENDER LIST FOR ARCHITECTURAL CONSULTANTS

The Working Party considered the report of the Corporate Director (Services) regarding the proposed tender list for architectural consultants

The Chief Executive advised on the importance of extensive and detailed experience of all companies invited to tender for the architectural consultancy for the project and, in response to a Member enquiry, the Head of Leisure & Client Services confirmed that all companies included on the tender list had previously designed and managed similar projects. It was explained that the Practice which had carried out feasibility work on behalf of the Town Council was not included on the list for this reason

**RECOMMENDED** That the following companies be included on the tender list for the provision of architectural services -

|   |                             |                   |
|---|-----------------------------|-------------------|
| 1 | S & P Ltd                   | London            |
| 2 | The Charter Partnership     | Ipswich           |
| 3 | Wm Saunders Partnership     | Nottingham        |
| 4 | Burke Richards Ltd          | Kent and Plymouth |
| 5 | Nigel Grayshon & Partners   | Oxford            |
| 6 | Gibson Hamilton Partnership | Loughborough      |
| 7 | Stephen Limbrick Associates | Gloucester        |
| 8 | Abbey Hanson Rowe           | London (CD(S))    |

18 EXCLUSION OF THE PUBLIC

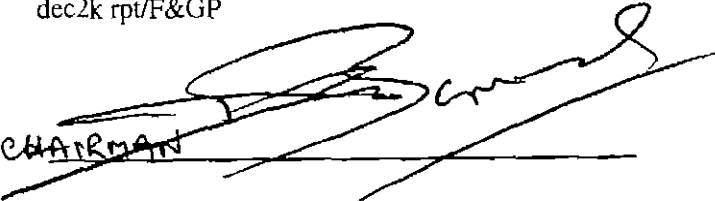
Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following item of business on the grounds that it involves the likely disclosure of Exempt Information as defined in Paragraph 9 of Part 1 of Schedule 12A of the Act

19 DISCUSSIONS WITH CIRCA LEISURE

The Working Party received the report of the Corporate Director (Finance) on discussions with the Council's existing leisure contractor on the potential benefits which could be considered in return for an extension to the contract which could be recommended to the Council's external auditor as "best value". It was noted that while a considerable capital injection into the Council's leisure facilities had been proposed, the absence of information regarding the detailed operational finances of the contract had made it impossible for the Council's Corporate Management Board to make any recommendations regarding the relative value for money offered by the proposed extension to the contract. Accordingly it was

**RECOMMENDED** That negotiations to extend the existing leisure contract be discontinued and preparations be made to re-tender the contract at the appropriate time (CD(F))

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CHAIRMAN

DATE 27<sup>th</sup> January 1998



# ROCHFORD DISTRICT COUNCIL

## Minutes of the Council

At a Meeting held on 9th December 1997. Present: Councillors P.J. Stanton (Chairman), D.E. Barnes, P.A. Beckers C.I. Black, S. Cumberland, J.M. Dickson, D.F. Flack, D.M. Ford, G. Fox, E.L. Francis, Mrs. J.M. Giles, Mrs. H.L.A. Glynn, Mrs. J. Hall, M.J. Handford, N. Harris, Mrs. J. Helson, V.C. Howlett, Mrs. M. Hunnab, V.D. Hutchings, V.H. Leach, Mrs. S.J. Lemon, Mrs. P.M.V. Pearse, R.A. Pearson, T.A. Powell, Mrs. W.M. Stevenson, D.J. Sutton, S.R. Tellis, Mrs. M.S. Vince, R.E. Vingoe, D.A. Weir and Mrs. M.A. Weir.

Apologies: Councillors G.C. Angus, Mrs. E.M. Hart, A. Hosking, Mrs. A.R. Hutchings and C.R. Morgan

### 552 MINUTES

Resolved that the Minutes of the Meeting of 21st October 1997 and Extraordinary Meeting of 5th November 1997 be approved as a correct record and signed by the Chairman, subject to inclusion of the words 'in 1997/98 only' after 'installation' in Resolution 2 of Minute 476

### 553 MEMBERS' INTERESTS

The interests recorded in the Minutes to be received and considered by Council were taken as read.

Councillor D.F. Flack declared a non-pecuniary interest in the item on South Essex Health Authority (Minute 559).

### 554 CHAIRMAN'S ANNOUNCEMENTS

1. The Chairman reported on the success of the recent Heycroft School enactment of a Full Council Meeting.
2. The Chairman extended his best wishes for a Happy Christmas to all
3. In referring to prizes associated with the Chairman's Charity raffle, the Chairman was pleased to announce that Den-Air had offered a flight and the landlord of the Carpenters Arms London Road, Rawreth would provide lunch. The Chairman would be pleased to receive further prize offers.

### 555 COMMITTEE MINUTES

Resolved (1) that the Minutes of Committees be received and the recommendations contained therein adopted.

(2) that the Common Seal of the Council be affixed to any documents necessary to give effect to decisions taken or approved by the Council in these Minutes

| Committee                                  | Date               | Minute Nos. |
|--|--------------------|-------------|
| PLANNING SERVICES                          | 30th October 1997  | 468-474     |
| COMMUNITY SERVICES                         | 11th November 1997 | 477-493     |
| AUDIT SERVICES                             | 18th November 1997 | 494-499     |
| TRANSPORTATION &<br>ENVIRONMENTAL SERVICES | 20th November 1997 | 500-513     |
| PLANNING SERVICES                          | 27th November 1997 | 415-521     |
| FINANCE & GENERAL PURPOSES                 | 2nd December 1997  | 522-551     |

## Minute 544 - Standard Spending Assessment

Resolved that six Members (two Liberal Democrat, two Labour, one Hockley Ratepayer and one Conservative - nominations to be submitted to the Chief Executive) be appointed to make representation to the Secretary of State with regard to this disappointing Standard Spending Assessment figure and that the local Members of Parliament be asked to join this representation (CD(F))

## 556 QUESTIONS UNDER STANDING ORDER 7.2

This Chief Executive reported that the following questions had been submitted under Standing Order 7.2 by Councillor D F Flack for an answer by the relevant Chairperson:-

"(i) Have Essex County Council conducted a comparative census of through traffic in the Rayleigh Town Centre? If so, what are the figures for the experimental period compared with the same period last year?

(ii) Have the Officers of Rochford District Council conducted a comparative survey of the usage of Websters Way Car Park over the period of the traffic experiment? If so -

What are the figures for - (a) The total numbers of vehicles using the car park for the experimental period and the same period last year.

(b) The total income from Websters Way car park during the experimental period and for the same period last year?"

In responding to the questions Councillor V H. Leach, Chairman of the Transportation and Environmental Services Committee, confirmed that he was now in receipt of statistical information which would enable Members to identify comparative census figures relating to car park ticket sales and income. Whilst it was possible to provide a verbal indication of the figures as they related to the questions the Chairman felt that it would be most appropriate to ensure that copies of all the information was supplied to all Members in the forthcoming Member despatch, followed by a more detailed Officer analysis. Council endorsed this approach

## 557 OPPOSITION PRIORITY BUSINESS

The Chief Executive reported on Opposition Priority Business received from Councillor C.R Morgan on behalf of the Labour Group and relating to the decision of the Secretary of State not to call in the Planning Application submitted by Anglian Water Services Limited in respect of the Bio Treatment Plant at Rochford Sewage Treatment Works, Stambridge Road, Essex and the subsequent issuing by the County Council of the Planning Permission related to the proposal

On behalf of the Labour Group Councillor D.M. Ford proposed a motion to enable the Council to address its concerns. During debate Members referred to the need to feel satisfied that all known issues have been fully addressed

Council was particularly concerned to note information recently received by the Head of Housing, Health and Community Care indicating that the Environment Agency was reviewing the previous advice that a Waste Management Licence would be required. The concern of a Member that the responsibility for licensing had recently been removed from the County Council and passed to a 'quango' body (The Environment Agency) was endorsed. The Agency appeared to be a watchdog lacking in appropriate re-course

It was agreed that, given the potential national significance of the proposed product, it would be of value to approach a wide range of agencies (including Universities, the Ministry of Agriculture Fisheries and Food and the Director of Public Health) with a view to obtaining as much independent advice on this product as possible.

**Resolved** (1) that the Anglian Water Services Ltd be requested to release its findings in respect of the study into B10 Treatment for independent investigation by this Authority, the outcome to be reported to the Finance & General Purposes Committee in the New Year, together with any cost implications.

(2) that, should a Waste Management Licence be required, the Environment Agency be requested to delay issue until the results of the Councils' independent investigations are available

(3) that should the outcome of resolutions (1) or (2) above be considered inadequate, it be accepted that Standing Order 18 procedure may have to be applied to enable allocation of such resources as may be required to provide an adequate study.

(4) that Officers pursue the involvement of a wide range of agencies to obtain as much information as possible about this product to put pressure on the Environment Agency to produce an adequate response to concerns as a matter of urgency. (CE)

558 **MINUTES OF THE MEETING OF THE STRUCTURAL AND PROCEDURAL REVIEW WORKING GROUP HELD ON 3RD DECEMBER 1997**

Council considered the appended Minutes and Recommendations contained therein.

**Minute 25 - Draft Standing Orders**

**Resolved** (1) that the further revised Standing Orders appended to these Minutes be adopted by the Council in place of the existing Part I Standing Orders.

(2) that an in-house course on the new procedures be arranged for Members and Officers

(3) that a report on the preparation of Minutes be considered by a future Meeting of the Working Group with a view to establishing a protocol (CD(L&A))

559 **SOUTH ESSEX HEALTH AUTHORITY - PROPOSED EXPENDITURE CUTS IN 1998/99 CONTRACTING ROUND**

**Note:** Pursuant to Standing Order 26 2, the Chairman admitted this item as urgent

Council referred to the South Essex Health Authority's proposed expenditure cuts in the 1998/99 contracting round. The level and range of proposals would impact on many areas and services provided for Rochford residents and a lengthy and complex consultation process was proposed by the Health Authority, including a public meeting in Rayleigh on 9th January 1998


During debate Members endorsed action proposed by the Chairman of the Community Services Committee relating to officer consultation with the Health Authority and the extension of an invitation to the Chief Executive of the Health Authority to attend the Community Services Committee on 6th January 1998

Particular reference was made to the clear short termism of the proposed cuts and concern was expressed at the type of service which would be affected. Proposals appeared particularly severe when considered against, for example, the likely costs of the information newspaper produced by the Health Authority and the level of cuts being managed by local authorities

**Resolved** (1) that Officers meet with counterparts from the South Essex Health Authority to develop a clearer understanding of the totality of the budget and the context of the proposed cuts.

(2) that, given the level of concern over the proposed cuts.-

- (i) The Chief Executive of the South Essex Health Authority be asked to attend the Meeting of the Community Services Committee scheduled for 6th January 1998.
- (ii) Sir Teddy Taylor MP and Dr. Michael Clark MP be invited to the Meeting of Full Council scheduled for 27th January 1998 to finalise a response for the Rochford District locally and within the national allocation of resources (CE)

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# Committee Report

12(i)



Rochford District Council  
To the meeting of

COUNCIL

On

9TH DECEMBER 1997

Report of

CORPORATE DIRECTOR (LAW & ADMINISTRATION)

Title

MINUTES OF THE STRUCTURAL & PROCEDURAL REVIEW  
WORKING GROUP

Author

R J Honey

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At a Meeting held on 3rd December 1997. Present. Councillors Mrs J. Helson (Chairman), D E Barnes, V D. Hutchings, V.H Leach, C R Morgan and R A. Pearson

The Chief Executive and Corporate Director (Law & Administration)

Visiting Councillors D F Flack and Mrs P M V. Pearse

Apologies Councillors Mrs S J Lemon and Mrs M A. Weir

## 24 MINUTES

The Minutes of the adjourned Meeting of 29th October 1997 and reconvened Meeting of 12th November 1997 were agreed as a correct record.

## 25. DRAFT STANDING ORDERS

The Working Group reconsidered the Draft Standing Orders referred back by the Parent Committee for further review to achieve a final form document generally acceptable to all Members. Particular attention focused on Standing Orders 8 (Opposition Priority Business), 9 (Notices of Motion), 10 (Members' Questions), 12 (Allocation of Time), 13 (Termination of Meeting), 19 (Urgent Business) and 27 (Attendance) in the original draft

Having debated points of contention at length, the Working Group were unanimous in proposing the further revised Standing Orders which are appended to these Minutes

During discussion, Members agreed that both Officers and Members would benefit from a course or workshop on the new procedures arising out of the Structural and Procedural Review. Members also welcomed a proposal from the Chief Executive for the Working Group to review the preparation of Minutes, establishing a protocol to ensure a uniform approach to the recording of all meetings

**RECOMMENDED** (1) That the further revised Standing Orders appended to these Minutes be adopted by the Council in place of the existing Part I Standing Orders.

(2) That an in-house course on the new procedures be arranged for Members and Officers.

(3) That a report on the preparation of Minutes be considered by a future Meeting of the Working Group with a view to establishing a protocol (CD(L&A))

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## ROCHFORD DISTRICT COUNCIL

## STANDING ORDERS

## PART 1: PRELIMINARY

## STANDING ORDER 1· DEFINITIONS

1 (1) *In these standing orders, unless the context otherwise demands, the following terms have the meaning assigned to them:*

'authority' - Rochford District Council acting by any means which it may lawfully adopt;

'chief officer' - a statutory or a non-statutory chief officer, as defined in section 2 of the 1989 Act;

'committee' - a committee of the authority;

'council' - Rochford District Council acting by the council,

'employee' - an employee of the authority or the holder of a paid office under the authority other than the Chairman, Vice-Chairman and any local officer of dignity appointed by the authority under powers conferred by a Royal Charter,

'head of the authority's paid service' - the person designated as such under section 4 of the 1989 Act,

"head of service" - any person other than a chief officer designated as such by his/her job description,

'leader of a political group' - the leader of a political group as defined in the Local Government (Committees etc.) Regulations 1989,

'leader of the council' - if there is a majority group among the members of the council, the leader of that group; otherwise, such person as the council shall so designate by resolution;

'majority group' - a political group to which belong either.

- (i) more than half of the members of the council; or
- (ii) exactly half of the number of members of the council, including the Chairman of the Council;

'meeting' - a meeting of the council, a committee or a subcommittee, as the case may be;

'member' - in relation to the council, a member of the council, in relation to any committee or subcommittee a person appointed as a member of that committee or subcommittee, whether or not entitled to vote;

'minority group' - a political group which,

- (i) where there is a majority group among the members of the council, is not that majority group;
- (ii) in any other case, is designated as such by a resolution of the council;

'monitoring officer' - the person designated under section 5 of the 1989 Act (designation and reports of monitoring officer) or, if that person is unable to act owing to absence or illness, the person nominated as his/her deputy under subsection (7) of that section;

'number of members' - in relation to the council, the number of persons who may act at the time in question as members of the council, and in relation to a committee or subcommittee, the number of persons who may act at the time in question as voting members of that body,

'person presiding' - the person entitled, or appointed, to preside at any meeting;

'political group' - a political group as defined in the Local Government (Committees and Political Groups Regulations 1990);

'proper officer' - the person designated as such by the authority;

'subcommittee' - a subcommittee of a committee;

'the 1972 Act' - the Local Government Act 1972;

'the 1989 Act' - the Local Government and Housing Act 1989;

'the whole number of members' - in relation to the council, the total number of persons who may become members of the council, disregarding any person who is a member of the council only by virtue of section 3(3) or section 5(2) of the 1972 Act (Chairman and Vice-Chairman to remain members until replaced),

'without comment' - in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the motion.

(2) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular

(3) Any reference in any standing order to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that standing order bearing that number.

## STANDING ORDER 2 STANDING ORDERS

*Local Government Act 1972, ss 16(1), 106, Sch 12, para 43*  
*Local Government and Housing Act 1989, s 16(1)*



2 (1) No arrangements shall be made whereby a committee, subcommittee or officer may exercise any power of the authority to vary, revoke or add to these standing orders

(2) Except where it is in accordance with a recommendation of a committee, any motion to amend, revoke or add to these standing orders, when moved and seconded, shall stand adjourned without further discussion to the next ordinary meeting of the council, and shall stand referred to such committee as the council shall direct for report to that meeting.

(3) This standing order and standing orders 19(1), 24(2) (3) and (4), 25,26,27, 28, and 30 are not capable of being suspended

(4) Any of standing orders 4, 7(3), 8, 9(1), 13(5)(6) and (7), 16 and 18(4) and (5) may be suspended by the council, but only if:

- (a) notice of the intention to move such suspension has been included in the agenda for the meeting; and
- (b) before the motion is put to the vote, every political group to which members of the council belong has declared that they are content.

(5) Any of the other standing orders may be suspended by the council provided that either

- (a) notice of intention to move such suspension has been included in the agenda for the meeting, or
- (b) at least one half of the number of members of the council are present.

(6) A suspension under paragraphs (4) or (5) shall have the effect that the standing order suspended is not in force during the period of suspension. A suspension under paragraph (4) shall last for the period specified in the resolution to suspend the standing order, which shall not extend beyond the next annual meeting of the council, if no period is specified the suspension shall last only for the meeting at which it is adopted. A suspension under paragraph (5) shall last only for the meeting at which it is adopted.

(7) A printed copy of these standing orders and of relevant extracts from enactments regulating the proceedings and business of the authority shall be given to each member upon delivery to the proper officer of his/her declaration of acceptance of office under section 83 of the 1972 Act, or as soon as possible thereafter.

(8) The ruling of the person presiding at any meeting as to the construction or application of any of these standing orders shall not be challenged at that meeting.

## PART II. MEETINGS OF THE COUNCIL

### STANDING ORDER 3 ORDINARY MEETINGS OF THE COUNCIL

*Local Government Act 1972, Sch 12, paras 1, 2, 4*

3 (1) The annual meeting of the council shall be held in every year on a day to be determined by the Council not earlier than the eighth day nor later than the twenty-first day immediately following the day of retirement of Councillors in those years where ordinary elections of

Councillors to the council are held and on a day to be fixed by the Council in the months of March, April or May in those year when there are no elections

(2) Other ordinary meetings of the council for the transaction of general business shall be held from time to time at regular intervals on days to be determined by the Council.

(3) Seats within the body of the Council Chamber will be allocated in blocks in order of precedence based upon the size of political groups in descending order.

#### STANDING ORDER 4: EXTRAORDINARY MEETINGS OF THE COUNCIL

*Local Government Act 1972, Sch 12, para 3*

4 (1) The Chairman of the Council may at any time call an extraordinary meeting of the council.

(2) If the office of Chairman is vacant, or if the Chairman is unable to act for any reason, the Vice-Chairman of the Council may at any time call an extraordinary meeting of the council

(3) If the offices of Chairman and Vice-Chairman are both vacant, or if both the Chairman and the Vice Chairman are unable to act for any reason, the leader of the council (if any), may at any time call an extraordinary meeting.

(4) The appropriate number of members of the council may call an extraordinary meeting of the council if a requisition for such a meeting signed by the appropriate number of members of the council has been presented to the Chairman of the Council, and either he/she has refused to call a meeting or, without him/her so refusing, no extraordinary meeting has been called within seven days of the presentation of the requisition

(5) The appropriate number of members of the council is

- (a) in any circumstances, the number of members who then form a quorum of the council; or
- (b) in relation to any item of business where any political group have required that the provisions of standing order 8 (opposition priority business) should be applied to an item of business, and the question on that item of business has not been put to the vote, or has been put to the vote as a result of a resolution under standing order 21(13) (closure motions), at least five.

(6) Any requisition under paragraph (4) may be presented to the Chairman by being left for him/her with the proper officer

(7) Where any person or persons decides to call an extraordinary meeting of the council, he/she shall signify to the proper officer that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The proper officer shall thereupon ensure that the notice and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent.

(8) Any extraordinary meeting of the council which may be called shall be held in the Council Chamber or such other place as the Chairman of the Council may appoint.

(9) No extraordinary meeting shall be called unless it is proposed to transact at the meeting business which, in accordance with the relevant enactments and these standing orders, may be transacted at that meeting.

(10) Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing of minutes) of that Schedule

#### STANDING ORDER 5: PERSON PRESIDING AT MEETINGS OF THE COUNCIL

*Local Government Act 1972, Sch 12, para 5*

5 (1) Any power of the Chairman of the Council in relation to the conduct of a meeting of the council may be exercised by the person presiding at the meeting.

(2) If it is necessary to choose a member of the council to preside in the absence of the Chairman and Vice-Chairman, the proper officer shall call on a member of the council to move that a member of the council to be named by that member shall take the chair.

(3) If discussion arises on that motion, the proper officer shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting.

(4) The motion, and any amendments, shall be put to the meeting in accordance with standing order 24(5) (voting on appointments).

#### STANDING ORDER 6: QUORUM OF MEETINGS OF THE COUNCIL

*Local Government Act 1972, Sch 12, para 6*

6 (1) If, during any meeting of the council, the person presiding, after causing the number of members present to be counted, declares that there is not a quorum present, the meeting shall stand adjourned for fifteen minutes.

(2) If, after fifteen minutes, the person presiding, after again causing the number of members present to be counted, declares that there is still no quorum present, the meeting shall end

(3) Notwithstanding any provision in these standing orders that notices of questions or motions shall lapse, the consideration of all business which is on the agenda of a meeting brought to an end under the previous paragraph and which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the council, whether ordinary or extraordinary.

#### STANDING ORDER 7: ORDER OF BUSINESS AT MEETINGS OF THE COUNCIL

*Local Government Act 1972 5 100B(4), Sch 12, para 4(2)*

7 (1) Subject to standing order 8 or unless the council otherwise orders in accordance with paragraph (3), the order of business at every meeting of the council shall be:

- (a) in the absence of the Chairman and Vice-Chairman, to choose a member of the council to preside;
- (b) at the annual meeting, and at any other meeting which is the first after the office of Chairman shall have become vacant, to elect a Chairman;
- (c) at the annual meeting, and at any other meeting which is the first after the office of Vice-Chairman shall have become vacant, to appoint a Vice-Chairman,
- (d) except where the minutes of all earlier meetings of the council have already been signed as a correct record or, in accordance with standing order 19, any unsigned minutes are to stand over until the next suitable meeting, to approve as a correct record the minutes of the last meeting of the council, and of any earlier meeting of which the minutes have not been so approved, and for the person presiding to sign them;
- (e) to receive communications from the person presiding;
- (f) where the meeting has been called by members under Standing order 4(4), to consider the business specified in the summons;
- (g) where a meeting has been summoned to consider:
  - (i) a change of the name of the area of the authority under section 74 of the 1972 Act.
  - (ii) a change in the name of the authority under section 144 of the 1989 Act,
  - (iii) the promotion or opposition of a bill under section 239 of the 1972 Act,
  - (iv) the presentation of a petition to The Queen praying for the grant of a charter under section 245 of the 1972 Act, or
  - (v) the grant of the title of honorary alderman or the admission of an honorary freeman under section 249 of the 1972 Act,
  - (vi) a report from the chief financial officer under section 114 of the Local Government Finance Act 1988,
  - (vii) a report of the monitoring officer under section 5 of the 1989 Act

to consider the business for which the meeting has been summoned,

- (h) to receive petitions and deputations under Standing order 11;
- (i) the asking and answering of questions under Standing order 10,
- (j) to consider items of business, if any, which were on the agenda of the last meeting of the council and which were not disposed of or did not lapse;
- (k) to receive and consider reports, minutes and recommendations of committees in the order prescribed under paragraph (2);
- (l) to consider motions of which notice has been submitted by members of the council in accordance with standing order 9 in the order in which they are recorded as having been received,
- (m) to consider other business, if any, specified in the summons for the meeting.

(2) The items of business under item (1) in the last paragraph shall be considered in the order in which they are listed in the agenda for the meeting, and that order shall be in accordance with arrangements determined from time to time by the council

(3) The order of business in paragraph (1) may be varied by:

- (a) direction of the person presiding, made with the unanimous consent of the members present, but not so as to alter the order of items (a) to (g); or

(b) a resolution of the council, but not so as to alter the order of items (a) to (g), or to override the provisions of standing order 8.

(4) If the person presiding decides that an item of business not included in the agenda for the meeting sent with the summons for the meeting may be taken for reasons of urgency, that item shall, subject to any direction or resolution under paragraph (3), be taken at the end of the other items of business with an explanation of the reason for urgency recorded in the Minute

(5) If, not sooner than 90 minutes from the commencement of the meeting, the person presiding is of the opinion that the business of the meeting may not be completed within a reasonable time, he/she may require the meeting to determine which items of outstanding business can be disposed of without debate. The person presiding will then put, without discussion, all questions necessary to dispose of the items so determined before proceeding to the next business.

#### STANDING ORDER 8. OPPOSITION PRIORITY BUSINESS

8 (1) This standing order applies where there is a majority group among the members of the council

(2) A minority group may require, by a notice in writing given to the proper officer not later than the latest time for the receipt of notices of motion for that meeting, that any one item of business to be placed on the agenda for any meeting of the council by any minority group shall be treated as opposition priority business.

(3) If an item of business is to be treated as opposition priority business, and if, after a period of two hours from the commencement of the meeting, consideration of that item has not begun, that item shall be taken next after the conclusion of the business then under discussion

#### STANDING ORDER 9: NOTICES OF MOTIONS

9 (1) Any member of the council may give notice of not more than two motions for consideration at any meeting of the council, and may in addition give notice of a motion under paragraph (11) (*motion that there should be no automatic referral of the substantive motion to committee*)

(2) Notice of every motion to be moved at a meeting of the council other than a motion which, under standing order 20, may be moved without notice shall be given in writing, signed by the member or the members of the council giving notice. The notice shall state for which meeting of the council the notice is given

(3) Unless the person presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, notice of every motion of which notice is required shall be delivered to the proper officer at least seven clear days before the day of the meeting for which the notice is given.

(4) The proper officer shall not accept any notice of motion which, by reason of any enactment or any provision in these standing orders other than paragraph (8) below, could not be considered at the meeting for which it is given

(5) The proper officer shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every member of the council.

(6) Every motion shall be relevant to some matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them

(7) A motion shall only be moved by the member who gave notice of the motion, or by a member authorised by such a member.

(8) Where notice of a motion has been given for any meeting, and that motion is neither moved (for whatever reason) nor deemed to have been referred to a committee, the notice shall lapse, and the motion shall not be moved without further notice

(9) Subject to paragraph 10 below, where a notice of motion has been given for any meeting, and that motion is within the terms of reference of any committee of the authority, the motion shall be deemed to have been referred by that meeting to the next meeting of the committee or committees within whose terms of reference it falls. If any question arises as to the committee to which the motion is to be referred, it shall be determined by the Chairman of the Council.

(10) Where a motion has been referred, or is deemed to have been referred, to a meeting of a committee, that committee shall consider it at its next meeting and shall either report upon the motion to the next meeting of the council, or include its views upon the motion in its next report to the council.

(11) Notwithstanding paragraph (8), a motion may be considered without first being referred to a committee if the council so resolve on a motion, of which notice under paragraph (1) above is required, but which shall be moved, seconded, and put without comment

## STANDING ORDER 10: QUESTIONS

*Local Government Act 1985 s 41*  
*Local Government and Housing Act 1989, s 68(5)*

### 10 (1) MEMBERS QUESTIONS

(1) If a member of the council wishes to ask a question at a meeting of the council of:

- (a) the Chairman of the Council,
- (b) the leader of the council (if any),
- (c) the person appointed or chosen to preside in any committee,
- (d) a member of the council appointed by the authority to any joint authority or joint board of which the authority is a constituent authority,
- (e) a member of the council who is, as a result of action taken by or on behalf of the authority, a member or director of any company

he/she shall give notice in writing to the proper officer of the question at least seven days before the meeting at which the question is to be asked

(ii) A list of the questions of which notice has been given shall be circulated to members of the council at, or before, the meeting at which they are to be asked

(iii) If the person presiding at a meeting of the council considers that, by reason of special circumstances, it is desirable that a question shall be asked at a meeting of the council although due notice of the question has not been given, and if he/she is satisfied that as much notice as is possible has been given to the person of whom it is to be asked, he/she may permit the question to be asked.

(iv) Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer it. If the person presiding permits, the member asking a question may ask one relevant supplementary question which shall be put and answered without discussion

(v) An answer to a question may be given by the person to whom it is addressed or by a person on his/her behalf, and may take the form of

- (a) an oral answer,
- (b) a reference to information contained in some publication,
- (c) a written answer, which shall be circulated to members of the council at the latest with the summons for the next meeting of the council

(vi) No question shall be asked more than 20 minutes after the council has entered on the item of business under which questions are to be asked

(vii) If notice of a question has been given, and that question is not for any reason asked orally, and unless the member who gave notice of it withdraws the question or the member to whom it is addressed refuses to answer, the question shall be given a written answer within 7 days of the meeting.

(viii) If a member wishes to ask a question of an officer or other person who is, as a result of action taken by or on behalf of the authority a member or director of a company, he/she shall give notice of the question in the same way as for a question to a person mentioned in paragraph (i) Unless the member giving notice withdraws it or the person to whom it is addressed refuses to answer, the question shall be given a written answer in the same way as under paragraph (vii).

(ix) Every question shall be relevant to some matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them

## 10(2) PUBLIC QUESTIONS

A person resident in the District or any local organisation based in the District may ask any question in relation to the business of the council subject to the following provisions -

(i) notice in writing being given to the Chief Executive not more than 14 days and not less than 7 days prior to the Meeting of the Council or Committee for which it is intended

- (ii) the question to be listed with other questions in order of receipt and included as early as is practicable on the Agenda for the relevant meeting
- (iii) the questioner to attend the meeting to put the question and if not present when the item is called the question to be deleted from the list
- (iv) the question to be put to the Chairman
- (v) the Chairman at his or her discretion to disallow any question which is scurrilous, vexatious, improper, irrelevant or otherwise objectionable
- (vi) no question requiring the disclosure of "exempt information" as defined under Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended) to be allowed
- (vii) the answer to the question to be given without further discussion
- (viii) the answer to take the form of a direct oral reply given at the meeting and confirmed in writing except that if further information is required to provide a proper response a written answer may be given to the questioner within 14 days of the Meeting and circulated to all Members of the council
- (ix) the number of question asked by any one questioner to be limited to two at any one meeting
- (x) the time for questions from members of the public to be restricted to 15 minutes at any one meeting unless extended at the Chairman's discretion for a further five minutes At the expiration of that period of time any questions which remain to be dealt with to be answered in writing and reported to the next ordinary meeting of the Council or relevant Committee
- (xi) no question form members of the public shall be received at Annual Council or any Extraordinary or Special Meetings of the Council or a Committee or at any Committee called to consider Planning Applications.

#### STANDING ORDER 11. PRESENTATION OF PETITIONS AND HEARING OF DEPUTATIONS AT FULL COUNCIL

11 (1) At a meeting of the council any member of the council or a local government elector for the area of the authority may present a petition which is relevant to some matter in relation to which the authority has functions, or which affects the area of the authority, or part of it, or the inhabitants of that area, or some of them

(2) Where the person proposing to present the petition is not a member of the council, he/she shall give notice of his/her intention to do so to the proper officer at least seven days before the meeting at which the petition is to be presented and shall show the petition to the proper officer. The notice of intention to present a petition shall not be accepted unless the proper officer has satisfied himself/herself that the petition is proper to be presented.

(3) The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number



and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.

(4) Any person likely to be affected by a matter in relation to which the authority has functions, or which affects the area of the authority, or some of it, or the inhabitants of that area, or some of them, may ask that a deputation should be received by a meeting of the council. Such a request shall be made to the proper officer at least seven days before the meeting to which it relates. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.

(5) On being called by the person presiding, the person or persons speaking for the deputation may make, during a period not exceeding five minutes, such remarks as he/she or they think fit, provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person. The person or persons speaking for the deputation shall be heard in silence.

(6) The members of the council may, during a further period not exceeding five minutes for each deputation, ask questions of the members of the deputation. Such questions shall be asked and answered without discussion.

(7) Petitions shall be presented, and deputations received in the order in which notice of them is received by the proper officer, without making any distinction between petitions and deputations

### PART III. COMMITTEES AND SUBCOMMITTEES

*Local Government Act 1972, ss 101(1), (2), (5), 102(1), (4)*

#### STANDING ORDER 12 APPOINTMENT OF COMMITTEES AND SUBCOMMITTEES

12 (1) Subject to the provisions of the 1972 Act, and other relevant enactments, at its annual meeting the council:

- (a) shall resolve which committees shall be appointed, what shall be the terms of reference of each of those committees, and of how many voting members each committee shall consist,
- (b) may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee;
- (c) if it resolves to make appointments under subparagraph (b), shall specify what number of appointments are to be made and what functions in relation to the committee each person so appointed may exercise, and
- (d) may resolve what limitations shall be placed on the powers of any such committee to arrange for the discharge by a subcommittee of any functions which it may discharge

(2) The council may at any time amend resolutions under the previous paragraph

(3) Every committee set up under this standing order, and every subcommittee set up by such a committee, shall continue to discharge the functions committed to them until the council or committee, as the case may be, resolve otherwise.

(4) Subject to section 102(5) of the 1982 Act (councillor not re-elected to cease to be a member of a committee) and paragraph (7), every person appointed as a voting member of such a committee or subcommittee and every person appointed to exercise other functions in relation to a committee shall continue as such until the appointment is terminated by the authority.

(5) Whenever

- (a) the council is required to review the allocation of seats on committees between political groups, or
- (b) the council resolves to carry out such a review, or
- (c) a committee is required to review the allocation of seats on a subcommittee between political groups, or
- (d) a committee resolves to carry out such a review,

the proper officer shall submit a report to the council or committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.

(6) In the light of such a report, the council or committee, as the case may be, shall determine the allocation of seats to political groups.

(7) Whenever an appointment of a voting member of a committee or subcommittee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly.

(8) Subject to any resolutions by the council under this standing order, every committee may appoint subcommittees for such purposes as it thinks fit, and may make arrangements for a subcommittee to discharge any of the functions of the authority which the committee may discharge.

(9) The Chairman and Vice-Chairman of the Council, and the leader of the council (if any), may attend and speak and move and second motions (but may not vote) at a meeting of a committee or subcommittee of which they are not voting members

(10) The person appointed to preside at the meeting of a committee, and his/her deputy, may attend and speak and move or second motions at a meeting of any subcommittee appointed by that committee, but may not vote unless appointed as a voting member.

(11) A member of the council who is not otherwise entitled to attend and speak at a committee or subcommittee shall be entitled to do so (but not to vote) at a meeting of the committee or subcommittee:

- (a) during the consideration of any motion of which notice has been given which he/she has moved or seconded at a meeting of the council and which has been referred to that committee or subcommittee; or
- (b) with the agreement of the person presiding at the meeting of the committee or subcommittee

(12)(a) Subject to paragraph 12(b) attendance at Subcommittees shall be limited to the members thereof except insofar as the proceedings are open to the public or where, if in

confidential session, the member is a member of the Parent Committee or a non-member's attendance has been agreed by the Chairman of the Subcommittee in connection with the non-member's need to know the business to be discussed in his role as elected representative. This agreement for attendance of non-members shall be taken as a formality. In the exceptional event of non-agreement, the Chairman of the Subcommittee shall be required to give specific reasons which will be recorded in the Minutes. A non-member cannot take part in the deliberation of the Subcommittee or vote thereat but shall have the right to speak if a member of the Parent Committee, or otherwise if the Chairman of the Subcommittee has granted permission to the Meeting.

(b) Subcommittees acting in a statutory or quasi-judicial capacity shall, when in confidential session, be open only to Members thereof.

(13)(a) Substitute Members may be nominated for each Committee by each political group represented on the committee and shall comprise a number no greater than the number equal to the number of ordinary Members nominated for a political group to that Committee

(b) A Member may arrange for a properly appointed substitute Member to attend a Meeting of a Committee or Subcommittee on his/her behalf subject to notice being given to the Chairman prior to the commencement of the Meeting.

(c) A substitute Member attending a Meeting of a Committee, or Subcommittee, has the same powers and responsibilities as a full Member of the Committee or Subcommittee

(c) A Member or substitute Member first in attendance at a Meeting of a Committee or Subcommittee cannot be substituted or replaced during the course of that Meeting.

### STANDING ORDER 13: MEETINGS OF COMMITTEES AND SUBCOMMITTEES

13 (1) The council may fix the date, time and place of ordinary meetings of committees and subcommittees.

(2) If the council does not fix the date, time, or place of an ordinary meeting of a subcommittee, then the committee which appointed it may do so

(3) If the date, time, or place of an ordinary meeting of a committee or subcommittee has not been fixed by the council or the appointing committee (as the case may be), then that committee or subcommittee shall fix those details of the meeting which have not otherwise been fixed provided that

- (a) *for the first ordinary meeting of any committee or subcommittee, the Chairman of the Council or, if a person has been appointed to preside in a committee, that person may fix any details which have not otherwise been fixed*
- (b) *for any other meeting of a committee or subcommittee, the Chairman of the Council or the person appointed to preside in that committee or subcommittee, after consultation (so far as practicable) with such persons as appear to him/her to be representative of the political groups to which have been allocated seats on the committee or subcommittee, may cancel or change any of the details of place, date or time already fixed for a meeting of the committee or subcommittee, other than one called under paragraph (5)*

(4) The person appointed to preside at meetings of a committee or subcommittee, his/her deputy, or the Chairman of the Council may call a special meeting of the committee or subcommittee at any time

(5) If

- (a) a requisition for a special meeting of a committee or subcommittee, signed by at least two, or one-quarter of the total number, of the voting members of a committee or subcommittee, whichever is greater, has been presented to the person appointed to preside at their meetings, and
- (b) either he/she has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition,

then any two, or one-quarter of the number, of the members of the committee or subcommittee, whichever is greater, may forthwith call a special meeting of the committee or subcommittee.

(6) If any person decides to call a special meeting of a committee or subcommittee, he/she shall forthwith give notice that he/she has done so to the proper officer, specifying the business proposed to be transacted, the proper officer shall forthwith give notice to all members of the committee or subcommittee and all persons entitled to receive their papers.

(7) Any requisition under paragraph (5) may be presented by being left with the proper officer.

#### STANDING ORDER 14; PERSONS PRESIDING IN COMMITTEES AND SUBCOMMITTEES

14 (1) The council may appoint, from among the voting members, a person to preside at the meetings of a committee or subcommittee, and a person to preside in the absence of the first person.

(2) If any appointment possible under the previous paragraph is not made, a committee may appoint, from among the voting members, a person to preside at the meetings of any subcommittee appointed by it, or a person to preside in the absence of the first person, as the case may be

(3) If any appointment possible under the previous two paragraphs is not made, the committee or subcommittee at its first meeting after the annual meeting of the council shall from among their voting members, appoint a person to preside at their meetings, and may, in the same way, appoint a person to preside in the absence of the first person.

(4) If the persons appointed under the previous paragraphs of this standing order are absent, a meeting of a committee or subcommittee shall appoint, from among the voting members present, a person to preside at that meeting

(5) If it is necessary for the committee or subcommittee to appoint a person to preside, the proper officer shall call on a member of the committee or subcommittee to move that a voting member of the committee or subcommittee shall take the chair.

(6) If discussion arises, the proper officer shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting.

(7) The motion, and any amendments, shall be put to the meeting in accordance with standing order 24(5) (voting on appointments).

#### STANDING ORDER 15 QUORUM OF COMMITTEES AND SUBCOMMITTEES

15 (1) No business shall be transacted at any meeting of a committee or subcommittee unless at least one-quarter of the whole number of voting members of the committee or subcommittee, as the case may be, are present:

provided that in no case shall any business be transacted unless at least two voting members are present.

(2) The provisions of standing order 6 shall apply to a meeting of a committee or subcommittee at which a quorum is not present as they would apply if it were a meeting of the council

#### STANDING ORDER 16 ORDER OF BUSINESS IN COMMITTEES AND SUBCOMMITTEES

16 (1) At least three clear days before every meeting of a committee or subcommittee, or as soon as the meeting is called, whichever is later, the proper officer shall send to every voting member and to every other person entitled to receive the papers of the committee or subcommittee a copy of the agenda for the meeting.

(2) The agenda shall include

- (a) all items of business which have been, or are deemed to have been, referred to the committee or subcommittee by the council or by another committee or subcommittee, as the case may be,
- (b) all reports submitted to the committee or subcommittee by the head of the paid service or any chief officer or head of service;
- (c) any item of business directed to be included by the person appointed to preside at the meetings of the committee or subcommittee, and
- (d) any other item of business of which the requisite notice has been given to the proper officer by a member of the committee or subcommittee (whether voting or not).

provided that no member (other than the person appointed to preside at meetings of the committee or subcommittee) may give notice of more than one item of business for any one meeting.

(3) The requisite notice is five clear days' notice in writing before the date fixed for the meeting of the committee or subcommittee

(4) Subject to any directions given by the person appointed to preside at the meetings of the committee or subcommittee, the items of business shall be arranged in such order as the proper officer thinks will best ensure the effective despatch of business

#### STANDING ORDER 17: URGENT BUSINESS

17 (1) Unless the council has by resolution made other arrangements for that purpose, every committee shall be deemed to have made arrangements for the discharge, in urgent circumstances, of the functions of the authority which the committee may discharge by the appointment of an "urgency subcommittee" comprising the Chairman and Vice-chairman of the committee or named reserves

(2) Before acting under such arrangements any such subcommittee shall

(a) record the urgent circumstances which make it necessary for action to be taken before a meeting of the committee can be arranged;

(b) in respect of decisions under the terms of reference of committees other than the Finance and General Purposes Committee consult, so far as is practicable, the Chairman of that committee

(3) Where action is taken under any such arrangement, a report of that action, including a note of the circumstances which made it necessary, shall be laid before the next meeting of the committee

#### STANDING ORDER 18. REFERENCE-UP OF DECISIONS

18 (1) This standing order applies where arrangements have been made for the discharge of a function of the authority by a committee or subcommittee, and operation of such arrangements is referred to in it as 'the use of delegated powers'

(2) Where a question on the use of delegated powers has been put to the vote at any meeting of a committee or subcommittee, and not fewer than one-fifth of the voting members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this standing order should be applied, the committee or subcommittee shall submit a report on the use of the delegated powers for consideration by the council or the committee which appointed the subcommittee, as the case may be, at their next meeting

(3) Where, on the consideration by a committee of a report of a subcommittee under the preceding paragraph, not fewer than one-fifth of the voting members of the committee present at the meeting ask that the provisions of this standing order should be applied, the committee shall submit a report on the decision to the council at its next meeting

(4) Subject to paragraph (5), where a question on the use of delegated powers is put to the vote at a meeting of a committee or subcommittee and not fewer than two-fifths of the voting members present at the meeting, immediately after the question has been put to the vote, ask that the provisions of this standing order should be applied, the decision shall be of no effect, but shall be treated as a recommendation to the council or the committee which appointed the subcommittee, as the case may be

- (5) Paragraph (4) shall not apply to any question which arises on an item of business
- (a) where the committee or subcommittee has, under an obligation arising the nature of the business to be transacted, heard representations from persons other than members of the council and those appointed by authority to discharge a function in connection with the committee subcommittee. or
  - (b) which concerns the appointment, discipline or dismissal of a member of the authority's staff.
- (6) Delegated decisions of a Subcommittee or Committee other than the Planning Services Committee or when acting in a quasi-judicial capacity shall be deemed to have been resolved three working days after the date of the Meeting, unless three Members of the Council have signed and submitted a requisition in writing to the proper officer requiring the relevant Minute to be referred to the Full Council for decision. If such a requisition is received the minute will be included for debate at the next Full Council Meeting.

#### PART IV: CONDUCT OF MEETINGS

##### STANDING ORDER 19: MINUTES

*Local Government Act 1972, Sch 12, paras 41(1), (3), (4), 44(2)*

19 (1) Minutes of every meeting of the council, of any committee or of any subcommittee shall be submitted to, and signed at, that meeting or at the next following meeting of the body concerned:

provided that, in the case of the minutes of a meeting of the council, if the next following meeting of the council has been summoned to consider one of the matters mentioned in items (i) to (v) of subparagraph (g) of paragraph (1) of standing order 7 (business to be transacted at specially summoned meetings of the council), the minutes shall be signed instead at the next suitable meeting of the council, which shall be the ordinary meeting which next follows the meeting at which such business is to be transacted.

(2) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record of that meeting, or of a specified former meeting, as the case may be

(3) No discussion shall take place upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised, then as soon as it is disposed of, the person presiding shall sign the minutes.

##### STANDING ORDER 20 MOTIONS AND AMENDMENTS

20 (1) The following motions may be moved without notice at any meeting at which they would be in order

- (a) to elect a Chairman of the Council, to appoint a Vice-Chairman of the Council, or to appoint a person to preside at the meeting at which the motion is made;
- (b) motions relating to the accuracy of the minutes,

- (c) motions under standing order 7(3) (change in order of business),
- (d) motions extending the time limit for speeches;
- (e) 'that the council (or committee or subcommittee) proceed to the next business';
- (f) 'that the question be now put';
- (g) 'that the debate be now adjourned';
- (h) 'that the council (or committee or subcommittee) do now adjourn',
- (i) motions under standing order 2(5)(b) (suspension of standing orders without notice),
- (j) motions in accordance with section 100A(2) or (4) of the 1972 Act to exclude the public from a meeting where there is likely otherwise to be disclosure of exempt or confidential information;
- (k) motions giving consent of the council, committee or subcommittee where it is required under these standing orders;
- (l) motions to refer a petition which has been presented to the council to a committee for consideration,
- (m) motions to refer any matter raised by a delegation under standing order 11(4) to a committee for consideration;
- (n) where a matter has been remitted to a committee or subcommittee, a motion to appoint a special committee or subcommittee to consider the matter,
- (o) motions under standing order 23 (prevention of disorderly conduct) 'that a named member be not further heard, or do leave the meeting;'

(2) On consideration of a report or a recommendation from a committee, subcommittee or officer, the adoption of the report or recommendation and any resolutions consequential upon that adoption may be moved without notice.

(3) An amendment to a motion may be moved without notice, but shall be relevant to the motion. No amendment shall be moved to an amendment.

(4) An amendment shall be either to refer the matter to a committee, a subcommittee or an officer for consideration (or reconsideration), to leave out words, or to insert or to add other words, but such omission, insertion or addition of words shall not have the effect of simply negating the motion before the meeting.

- (5) With the consent of the meeting, signified without discussion, a member may
- (a) alter a motion of which he/she has given notice or
  - (b) with the further consent of the seconder, alter a motion which has been moved and seconded,

if (in either case) the alteration is one which could be made as an amendment thereto.

(6) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of a motion or an amendment may withdraw it. No member shall speak to such a motion or amendment after the mover has asked consent for its withdrawal, unless such consent has been refused.

(7) At a meeting of the council, no motion or amendment shall be moved to rescind any resolution of the council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period:

provided that such a motion may be moved if



- (a) it is recommended by a committee or subcommittee, or
  - (b) notice of such motion has been given by as many members as would constitute a quorum of the council.
- (8) Where the consent of the council, committee or subcommittee is required for anything, that consent may be given either.
- (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
  - (b) if objection is raised, or if the person presiding so chooses by a motion moved, seconded and put to the meeting.

#### STANDING ORDER 21. RULES OF DEBATE (GENERAL)

21 (1) The rules of debate in this standing order shall apply to all meetings of the council, of any committee and of any subcommittee

##### **Motions and amendments**

(2) A motion or amendment shall not be discussed unless it has been proposed and seconded

provided that, in a committee or subcommittee which consists of five or fewer members, an amendment shall not require to be seconded.

(3) When seconding a motion or amendment, a member may reserve his speech until a later period of the debate by declaring his/her intention to do so.

(4) When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.

(5) Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of

provided that the person presiding may permit two or more amendments to be discussed (but not voted upon) together if he/she thinks that this will facilitate the proper conduct of business.

(6) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved

##### **Speeches**

(7) If two or more members offer to speak, the person presiding shall call on one to speak

(8) When speaking, a member shall address the person presiding.

(9) A member shall direct his/her speech to the question under discussion, or to a personal explanation or a point of order under the provisions of the next paragraph.

(10) A member may claim to speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or a specified standing order, and the way in which the member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.

(11) The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be open to discussion except on a motion of which due notice has been given

### **Ancillary motions**

(12) When a motion is under debate, no other motion shall be moved except the following

- (a) to amend the motion;
- (b) a closure motion under the next paragraph;
- (c) a motion under standing order 23 (prevention of disorder);
- (d) a motion under section 100A(2) or (4) of the 1972 Act (exclusion of the public).

(13) The following closure motions shall be permitted during discussion of another motion ('the original motion'). They shall be moved, seconded and put without discussion. If the motion is moved and seconded, then the person presiding shall proceed as follows:

- (a) 'that the meeting proceed to the next business'  
the person presiding shall permit the mover of the original motion to reply, and shall then put to the vote the motion to proceed to the next business, if that motion is carried, the original motion shall lapse,
- (b) 'that the question be now put'  
if the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed, he/she may refuse to accept the motion; if he/she accepts the motion, he/she shall put to the vote forthwith the motion that the question be now put; if this is carried, he/she shall permit the mover of the original motion (at meetings of the council) any right of reply to which he/she is entitled under standing order 22(5) and (at meetings of committees or subcommittees) a right to reply for not more than three minutes, and shall then put that motion to the vote,
- (c) 'that the debate be now adjourned'; and
- (d) 'that the meeting do now adjourn'  
if the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may refuse to accept either of these motions, and instead put the motion that the question be now put, if he/she is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he/she shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion, the original motion or remaining business shall then stand over as

uncompleted business until the next meeting of the council, committee or subcommittee, as the case may be

## STANDING ORDER 22. RULES OF DEBATE (COUNCIL MEETINGS)

22 (1) A member shall stand when speaking unless disabled from doing so.

(2) While a member is speaking, the other members shall remain seated, unless rising to a point of order or in personal explanation

(3) Wherever the person presiding rises during a debate, a member then standing shall resume his/her seat, and the council shall be silent.

(4) Except with the consent of the council, signified without comment, the mover of a motion shall not speak for more than 5 minutes and no other speaker shall speak for more than 5 minutes. For the purposes of this paragraph a person who moves an amendment is not moving a motion, and the length of time allotted to the mover of a motion does not include any item permitted under a right of reply

(5) A member who has spoken on any motion shall not speak again while it is the subject of debate, except;

- (a) to speak once on an amendment moved by another member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment to which he/she spoke was carried;
- (d) in exercise of a right of reply under paragraph (6) or under standing order 21(13);
- (e) on a point of order or by way of personal explanation under standing order 21(9)

(6) The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right to reply to the debate on that amendment.

## STANDING ORDER 23 PREVENTION OF DISORDERLY CONDUCT

23 (1) If the person presiding is of the opinion that a member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the council, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:

- (a) he/she may move that the member named be not further heard, this motion shall not require to be seconded, but shall be put and decided without comment, if it is carried, the member named shall not speak further at that meeting,

- (b) he/she may move that the member named shall leave the meeting; this motion shall not require to be seconded, but shall be put and decided without comment; if it is carried, the member named shall forthwith leave the meeting;
- (c) he/she may adjourn the meeting for fifteen minutes or such period as shall seem expedient to him/her.

(2) If a member of the public interrupts proceedings at any meeting, the person presiding shall warn him/her. If he/she continues the interruption, the person presiding shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the person presiding shall order him/her to be removed. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

(3) In the event of general disturbance in any part of the room where any meeting is being held which is open to the public, the person presiding shall order that part to be cleared and may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

(4) The powers conferred by this standing order are in addition to any other powers which the person presiding may lawfully exercise.

#### STANDING ORDER 24: VOTING

*Local Government Act 1972, Sch 12, para 44*

24 (1) Except where a requisition is made under the next paragraph, the method of voting at meetings of the council, committees and subcommittees shall be by show of hands

(2) If a requisition is made by the specified number of members, before a vote is taken on any question, the voting on that question shall be recorded so as to show whether each member present gave his/her vote for or against that question or abstained from voting.

(3) The specified number of members is

- (a) one-fifth of the members entitled to vote at the meeting; or
- (b) where the council is divided into political groups, in the case of a meeting of the council, the number of members of the second largest political group, or, in the case of a meeting of a committee or subcommittee, the number of seats on that body allocated to the second largest political group among the members of the council,

whichever is the less

(4) Except where a recorded vote has been taken, any member who is present when the vote was taken may require that his/her vote or abstention shall be recorded in the minutes by notifying forthwith the proper officer of his/her wish

(5) Where a vote is required on a motion to appoint or elect a member of the council to a position to be filled by the authority, and there are two or more members nominated for that position, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of

votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

## PART V: APPOINTMENT AND DISCIPLINE OF STAFF

*Local Government Act 1972, s112*

*Local Government and Housing Act 1989, s8(1), (2)*

### STANDING ORDER 25· APPOINTMENT OF STAFF (GENERAL)

25 (1) This standing order does not apply to appointments under section 9 of the 1989 Act (assistants to political groups) and subparagraphs (b), (c) and (d) of paragraph (3) do not apply to employees appointed solely to provide secretarial, clerical or similar support services to members as a whole or to a specified member or a specified group of members.

(2) Subject to paragraph (1), no appointment to any paid office or employment under the authority shall be made in any way other than in accordance with such procedures as comply with the requirements of the next paragraph and may from time to time be approved by the council upon consideration of a report from the head of the authority's paid service under section 4(3)(d) of the 1989 Act.

(3) Subject to paragraph (4), those procedures shall include provision whereby

- (a) arrangements shall be made under section 101 of the 1972 Act that every step towards any appointment of employees of the authority shall be taken by a committee, a subcommittee or an officer,
- (b) no power to recommend any step towards the selection of candidates for interview, or for appointment, is to be exercised by any individual other than such officer, or by any body other than such committee, subcommittee or panel constituted in accordance with standing order 28(3), as may be identified by, or under the procedures,
- (c) subject to such exceptions as may be prescribed in the procedures, all cases where the authority proposes to consider appointing an employee shall be publicly advertised;
- (d) where a post is so advertised, a description of the duties of the post ('the job description') and of the qualities to be sought in the person to be appointed to it ('the personnel specification') shall be drawn up and shall be included in the advertisement or given to all those who apply for the post;
- (e) disclosure is required of such relationships as may be specified in the procedures between candidates for appointment and members of the authority, other persons appointed as members of any committee or subcommittee, persons appointed to discharge any functions in relation to a committee or subcommittee, or such senior officers of the authority as may be so identified

(4) Where a report of the head of the authority's paid service concerns the procedures for the appointment of employees of the authority who are to work exclusively under the direction of a committee or subcommittee appointed jointly with another local authority, the head of the paid service shall ensure that, before the report is considered by the council, that committee or

subcommittee has an opportunity to consider the draft of such parts of the report as concern such appointments, and that the report incorporates its views thereon.

(5) Canvassing of any member of the council, person appointed to discharge any function in relation to a committee or subcommittee or officer of the authority shall disqualify the candidate concerned in such canvassing for that appointment. The purport of this paragraph shall be included in any form of application issued in relation to any proposed appointment.

(6) A member of the council shall not solicit for any person any appointment under the council but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the authority

#### STANDING ORDER 26: CHIEF OFFICER AND HEAD OF SERVICE APPOINTMENTS

26 (1) Where the authority proposes to appoint a chief officer or head of service, and it is not proposed that the appointment be made exclusively from among their existing officers, it shall-

(a) draw up a statement specifying-

- (i) the duties of the officer concerned, and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it, and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

(2)(i) Where a post has been advertised as provided in paragraph (1)(b), the authority shall-

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list

(ii) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with paragraph (1)(b).

(3) Every appointment for a chief officer or head of service shall be made by the authority

#### STANDING ORDER 27 DISCIPLINARY ACTION

27 (1) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing orders) Regulations 1992) in respect of the head of the authority's paid service, except action described in paragraph (2), may be taken by an authority, or by a committee, subcommittee, relevant joint committee or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 3 of those Regulations.

(2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be

on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect

## STANDING ORDER 28 APPOINTMENTS MADE BY MEMBERS

28 (1) This standing order applies where the procedures under standing orders 25, 26 and 27 provide, in accordance with a requirement of those standing orders.

- (a) for any step towards the making of an appointment to be taken by a committee or a subcommittee, or
- (b) for any power to make recommendations to any individual or body with power to take such a step to be exercisable by a committee, a subcommittee or a panel containing members and officers of the authority.

(2) There shall be constituted for each appointment within paragraph (1)(a) a committee or a subcommittee and for each appointment within paragraph (1)(b) a committee, a subcommittee or a panel which meets the requirements of paragraph (3) The same committee or subcommittee may be appointed for both purposes, and the same committee, subcommittee or panel may be appointed to deal with more than one appointment.

(3) A panel meets the requirements of this paragraph if

- (a) it consists solely of members of the council, officers of the authority and not more than one other person nominated by an appropriate professional body
- (b) the seats on the panel to be occupied by members of the council are allocated to the political groups (if any) into which the council is divided in accordance with sections 13 to 15 of the 1989 Act; and
- (c) it conducts its business in the way that a committee of the authority is required to conduct its business.

(4) Unless the procedures adopted by the council under standing orders 25, 26 and 27 require such a step to be taken by an officer, the committee or subcommittee constituted under paragraph (2) shall be responsible for determining the job description and the personnel specification (as defined in that standing order) and the content of any advertisement for the appointment, for selecting the candidates for interview, and for making the appointment. That committee or subcommittee or a panel constituted in accordance with that paragraph shall be responsible for interviewing the candidates.

(5) In respect of each proposed appointment to which this standing order applies, the monitoring officer shall sign a report stating whether to the best of his/her knowledge and belief the proposed appointment can be made:

- (a) without contravening any provision made by or under Part I of the 1989 Act; and
- (b) without any matter being taken into account which could not properly be taken into account,

and, if in his/her opinion it cannot be so made, his/her reasons for so thinking.

(6) Until either:

- (a) the monitoring officer has signed a report stating that the proposed appointment can be made in accordance with subparagraphs (a) and (b) of the previous paragraph, or
- (b) the council has considered the report under the previous paragraph and have nevertheless decided to make the appointment,

(as the case may be), no offer of appointment shall be made which is not conditional upon the happening of one or other of those events.

(7) For the purposes of this standing order, an appropriate professional body is the Local Authority Conditions of Service Advisory Board or an association of professional people which represents a profession relevant to the post in question

## STANDING ORDER 29: ASSISTANTS FOR POLITICAL GROUPS

*Local Government and Housing Act 1989, s9*

29 (1) This standing order shall apply when the authority resolves to exercise its powers under section 9 of the 1989 Act to make appointments to posts the duties of which are to provide assistance to members of a political group in the discharge of any of their functions as members of the authority.

(2) No such appointment shall be made until the authority has allocated such a post to each political group which qualifies for such a post under that section

(3) No such appointment shall be made in respect of any political group which does not qualify for such a post under that section.

(4) Not more than one such post shall be allocated to any political group

(5) Unless the political group to which the post is allocated indicates that it is content that the terms and conditions of any such post shall be less favourable than they would otherwise be, the terms and conditions of appointment to all such posts (including the terms required to be included by subsections (3) and (4) of that section, and the hours to be worked and the scale of remuneration to be paid) shall be the same for all such posts

(6) Whenever any such post has been established and is vacant, the proper officer shall, in accordance with the wishes of the political group to which it is allocated

- (a) cause one or more advertisements giving details of the post to be placed in such newspapers or periodicals as shall be designated by that group provided that not more than three such advertisements shall be placed without the consent of the authority,
- (b) make arrangements for meetings of such members of that group as that group may decide for the purpose of choosing a shortlist from, and interviewing, the candidates; and
- (c) appoint such person as that group shall indicate on the terms and conditions approved by the authority.

## STANDING ORDER 30. DISMISSAL AND DISCIPLINARY ACTION



30 (1) In this standing order, 'disciplinary action' means any action related to misconduct by, or the lack of capability of, an employee of the authority where it is intended that such action should be recorded, or would according to the usual practice of the authority be recorded, on the personal file of the employee, and includes dismissal for any reason other than redundancy. It does not include failure to renew a contract by which an employee was a member of the paid staff of the authority for a fixed term.

(2) In this standing order, the 'appeals panel' means the group of members of the authority appointed to consider appeals by employees against disciplinary action taken against them.

(3) No disciplinary action shall be taken except in a manner which is fair to the employee concerned, and which is in accordance with procedures approved by the council from time to time upon consideration of a report by the head of the authority's paid service under section 4(3)(d) of the 1989 Act. Those procedures shall include provision in accordance with paragraphs (4) to (15).

(4) Except in relation to employees to which paragraph (9) applies, no disciplinary action shall be initiated or taken by any person or body of persons other than the head of the authority's paid service or the chief officer of the department in which the employee works or such other officer as the head of the authority's paid service or that chief officer may authorise for that purpose.

(5) Where an appeal against disciplinary action taken under paragraph (4) is made to the appeals panel, a report shall be submitted to that panel setting out the facts which led to the disciplinary action against which the appeal is made, the disciplinary action taken, the reasons for that action, and the recommendations on the appeal of the person preparing the report. The report shall be prepared, in accordance with the procedures approved by the council, by the head of the authority's paid service, the chief officer of the department in which the employee works or such other chief officer as the head of the authority's paid service shall designate.

(6) A copy of the report under the last paragraph shall be given to the employee concerned.

(7) The members of the appeals panel shall be supplied, at the authority's expense, with a copy of any representations in writing submitted by the person making the appeal. The appeals panel shall be advised by the head of the authority's paid service (if he did not prepare the report under paragraph (5) above) or by a chief officer other than one who prepared the report under paragraph (5) above.

(8) The appeals panel shall not make any decision on the appeal which would result in the employee concerned suffering a disciplinary penalty more severe than that recommended in the report under paragraph (5) above.

(9) Where the council, a committee or a subcommittee ('the disciplinary committee', a term which includes the council itself when acting in accordance with this standing order) resolves that disciplinary action shall be initiated against an employee to which this paragraph applies, no disciplinary action (other than suspension for a period of not more than two months on full pay pending investigation of the complaint) shall be taken except after consideration by the disciplinary committee of a report from an independent person.

(10) For the purposes of the preceding paragraph, an independent person is any person agreed for the purposes of that paragraph by the authority and the employee concerned, or (failing

such agreement) a person nominated by the President for the time being of the Institute of Arbitrators.

(11) Where an independent person has been appointed in relation to disciplinary action proposed or contemplated against an employee to whom paragraph (9) applies, the independent person shall prepare a report. This report may be prepared, at his/her discretion, either before the disciplinary committee hears any evidence (other than that given to it before the appointment of the independent person) or after the disciplinary committee has heard (in the presence of the independent person) the evidence relating to the proposed or contemplated disciplinary action but before it reaches any conclusion. In addition, in his/her discretion, the independent person shall have power at any stage at which he/she considers appropriate:

- (a) to direct that no further steps shall be taken in respect of the disciplinary action proposed or contemplated;
- (b) to direct that any suspension shall end, and the employee shall be reinstated,
- (c) to direct that the disciplinary committee shall take no step in respect of the proposed or contemplated disciplinary action except when he/she is present,
- (d) to inspect any relevant documents in the possession, or under the control, of the authority, and to consider any other documents which any person is prepared to show to him/her,
- (e) to ask questions of any employee of the authority and of any other person who is prepared to give evidence, and to require that witnesses shall be called, whether at a meeting of the disciplinary committee or otherwise.

(12) The report of the independent person shall state his/her views on

- (a) whether the evidence before him/her (in the light of explanations, if any, offered by the employee) appears capable of sustaining the complaints made against the employee, or any of them (and, if so, which and how far);
- (b) what, on the assumption that the authority accepts the evidence which the independent person considers appears to be capable of sustaining the complaints, would be the most severe disciplinary action that might reasonably be taken.

A copy of the report shall be given to the employee.

(13) The authority shall not take any disciplinary action more severe than that which in the independent person's view is the most severe that might reasonably be taken.

(14) The independent person may make one or more interim reports recommending continued suspension of the employee on such terms as he/she thinks fit, and if he/she does so, the authority may then take that action.

(15) Paragraph (9) applies in relation to the head of the authority's paid service, or any other employee whose conditions of employment include a provision that disciplinary action against him/her is a matter for the council, a committee or a subcommittee

#### STANDING ORDER 31. NO DIRECTIONS TO BE GIVEN TO PERSONS MAKING APPOINTMENTS OR TAKING DISCIPLINARY ACTION

31 (1) Neither the council, nor any committee or subcommittee, nor any other person shall directly or indirectly:

- (a) give directions to any person taking any step in relation to an appointment to a post in the paid service of the authority as to the identity of the person to be appointed,
- (b) give directions about the taking of any disciplinary action in relation to a person in the paid service of the authority; or
- (c) otherwise interfere with the making of such an appointment, or the taking of disciplinary action,

provided that

- (i) any body or any person who is empowered to take any step in relation to an appointment, or to take disciplinary action may give such directions as may be necessary to give effect to a decision which it has, or he/she has, taken in exercise of that power, and
  - (ii) the council, or any committee or subcommittee of the council, may call for a review of the conduct or capability of any employee.
- (2) No member shall have authority to give an instruction or direction to an employee in any circumstance other than when passing on an instruction of the council.

## PART VI DECLARATION OF INTERESTS

### STANDING ORDER 32 INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

*Local Government Act 1972, ss94-97*  
*Local Government Act 1972, s 105*  
*Local Government and Housing Act 1989 s 18*

32 (1) Where any member has given a general notice of a pecuniary interest of his/hers or of his/her spouse, and is thereby relieved of the statutory duty to declare that interest at a meeting at which a contract or other matter affecting that interest is to be considered, he/she shall nevertheless orally remind the meeting of that interest. Any such reminder shall be recorded in the minutes of the meeting

(2) Where any member has declared a pecuniary interest in a contract, grant, proposed contract or other matter, whether by giving a general notice or by making an oral declaration at a meeting, he/she shall withdraw from the room in which the meeting is being held while the matter is under consideration unless

- (a) the disability to discuss, or vote upon any matter arising from, the contract or other matter has been removed by the Secretary of State under section 97 of the 1972 Act, or
- (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a committee or subcommittee (in the case of a meeting of the council) or of a subcommittee (in the case of a meeting of a committee), and is in either case not itself the subject of debate.

(3) Any person, other than an officer of the authority, who is appointed to do anything in connection with a committee or subcommittee which enables him/her to speak at meetings of that committee or subcommittee shall make the same disclosures of pecuniary interests, and

shall withdraw from the room in which the meeting is being held on the same occasions, as he/she would have to do if he/she were a member of that committee or subcommittee.

### STANDING ORDER 33: INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

*Local Government Act 1972, s 117(1)*

33 (1) In addition to his/her duty under section 117 of the 1972 Act if it comes to the knowledge of any officer of the authority that he/she has a disclosable pecuniary interest in any Contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the council or any committee or subcommittee, and which (in either case) is not:

- (a) the contract of employment (if any) under which he/she serves the authority; or
- (b) the tenancy of a dwelling provided by the authority,

he/she shall as soon as practicable give notice in writing to the proper officer of the fact that he/she is interested therein.

(2) For the purposes of this standing order, a disclosable pecuniary interest is an interest that, if the officer were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he/she were present, he/she would have to disclose under section 94 of the 1972 Act.

(3) The proper officer shall record in a book to be kept for the purpose particulars of any notice of a pecuniary interest given by an officer of the authority under section 117 of the 1972 Act or paragraph (1). The book shall, during the ordinary office hours of the authority, be open for inspection by any member of the council

(4) Where an officer submits a report to a meeting on a matter in which he/she has declared an interest under section 117 of the 1972 Act or paragraph (1), he/she shall state that such declaration has been made, and give brief details of it, in a separate paragraph at the commencement of the report.

(5) Where any officer advises orally a meeting of the council, a committee or a subcommittee on a contract, grant, proposed contract or other matter and has declared a pecuniary interest in that matter, whether under the requirements of section 117 of the 1972 Act, or of paragraph (1), he/she shall remind the meeting orally of that interest

### PART VII MISCELLANEOUS

#### STANDING ORDER 34 SEAL OF THE COUNCIL

34 (1) The common seal of the council shall be kept in a safe place in the custody of the proper officer.

- (2) The common seal of the council shall be affixed to a document only on the authority of
- (a) a resolution of the council;

- (b) a resolution of a committee or subcommittee which the council has empowered to authorise the use of the seal;
- (c) a decision by the council, or by a duly authorised committee, subcommittee or officer, to do anything where a document under the common seal is necessary to complete the action

(3) The affixing of the common seal shall be attested by the proper officer or by a deputy authorised by the council. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

## STANDING ORDER 35 ATTESTATION OF DOCUMENTS

*Local Government Act 1972, 8234*

35 In addition to any other person who may be authorised by resolution of the council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the head of the authority's paid service, the Corporate Director (Law & Administration) or any chief officer of the council concerned with the matter to which the document relates or any officer authorised in writing by such chief officer.

## STANDING ORDER 36 PAPERS AND ADVICE

36 (1) A copy of every paper which is circulated to members for consideration at a meeting of a committee or subcommittee shall be sent to the chief officers of the council who are concerned in the work of that committee or subcommittee.

(2) Any question as to which chief officers are concerned with the work of any committee or subcommittee shall be determined by the head of the council's paid service

(3) Before it concludes its consideration of any question, every committee and subcommittee shall, at his/her request, afford a chief officer who is entitled to receive papers under this standing order (or another officer nominated by him/her) an opportunity to advise on that question, either in writing or orally

(4) Where the council considers a matter which has not previously been the subject of consideration by a committee or subcommittee and of a report by that body to the council, the person presiding at the meeting at which the matter is considered shall ensure that the question is not put to the vote before any chief officer (including the head of the authority's paid service) whose responsibilities relate to the matter under consideration and who asks for such an opportunity has had an opportunity to advise the council on the matter

## STANDING ORDER 37 ACCESS TO DOCUMENTS, INFORMATION AND LAND

*Local Government Act 1972, s 100F(1), (2)*

37 (1) In addition to the rights of members of the council under section 100F of the 1972 Act, but subject to paragraph (2) below, the following persons shall be entitled on application to the proper officer to inspect any documents or have access to other information of the following descriptions

- (a) any member of the council or other member (whether voting or not) of any committee or subcommittee:
  - (i) any document in the possession, or under the control of the authority which relates to any matter in relation to which a committee or subcommittee of which he/she is a member may discharge a function of the authority or advise the body which appointed it;
  - (ii) any other recorded information, not in the form of a document, in the possession, or under the control, of the authority which is necessary for the proper discharge of his/her functions as a member of such a committee or subcommittee;
- (b) any member of the council:

any other document or other recorded information in the possession, or under the control, of the authority access to which is necessary for the proper discharge of his/her functions as a member of the council,

provided that

- (i) no person shall be entitled to inspect any document or have access to any information relating to a matter in which he/she has a pecuniary interest,
- (ii) any person may be refused the right to inspect a document within paragraph (a)(i) which it is not necessary for him/her to inspect for the purposes of the proper discharge of his/her functions as a member of the committee or subcommittee in question, if there is good reason why such inspection should be refused;
- (iii) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the authority.

(2) in the case of any document other than a document to which the rights under section 100F of the 1972 act apply, and in any case of information which is not in the form of a document, if the proper officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the council or as a member of a committee or subcommittee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he/she may refuse the person concerned access to the document or information in question.

(3) Where a person inspects a document under the rights conferred by section 100F of the 1972 Act or this standing order, and the authority may lawfully make a copy of that document, he/she shall be entitled, on request, to be given a copy of that document:

provided that

- (a) a reasonable charge shall be made for the copy unless the proper officer otherwise directs;
- (b) a copy may be refused if the proper officer considers that it is impracticable to make a copy.

(4) If a member of the council or other member (whether voting or non-voting) of a committee or subcommittee wishes to have access to land or buildings in the occupation of the council to which the public do not have access and to which members of the council do not regularly have access, he/she shall apply to the proper officer. Unless the proper officer considers that there is good reason why such access should not be given, he/she shall give permission, but may attach conditions to that permission, including in particular a condition that the member shall be accompanied by a specified officer of the authority.

(5) If any member of the council or any other member of a committee or subcommittee is dissatisfied with any determination of a proper officer under section 100F of the 1972 Act or under this standing order, he/she may refer the question to the Finance & General Purposes Committee, which shall, after considering any representations that that person or the proper officer may wish to make, determine whether or not to uphold the proper officer's determination.

(6) No member of the council and no other member (whether voting or non-voting) of a committee or subcommittee shall have any claim by virtue of his/her position:

- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the council do not regularly have access except with the permission of the chief officer responsible for the service of the council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority,
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

(7) The proper officer for the purposes of section 100F(2) of the 1972 Act and for the purposes of this standing order is the chief officer responsible for the service of the authority to which the document or information in question relates, or for the purpose of which the authority occupies the land or building in question.

(8) For the purposes of this standing order a person has a pecuniary interest in a matter if, on the assumptions that he/she were a member of the council, and that the matter were to be considered by the council, he/she would have to declare the interest under section 94 of the 1972 Act.

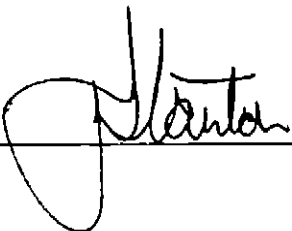
(9) Where any information is given to any person (including a member of the council or any other member of a committee or subcommittee) by the authority or by one of its employees in the course of transacting any business of the authority, and it is made clear (in whatever way) that the information is given in confidence, that person is not entitled to make that information public without the consent of the authority.

#### STANDING ORDER 38: DELEGATION TO OFFICERS

38 (1) Subject to standing order 37, a member of the council may inspect any document relating to the discharge by an officer of a function of the authority under arrangements made

under section 101 of the 1972 Act where those arrangements are made for an unspecified period or a specified period of more than six months

(2) Except where standing order 17 (urgent business) applies, whenever an officer discharges a function of the authority under arrangements under section 101 of the 1972 Act which are made for a specified period of not more than six months, he/she shall report as soon as practicable to the appropriate committee of the council what action has been taken under those arrangements.

CHAIRMAN  DATE 21 Jan 98



ROCHFORD DISTRICT COUNCIL

Minutes of the Planning Services Committee

At a Meeting held on 18th December 1997. Present. Councillors Mrs J M Giles (Chairman), R S Allen, G C. Angus, B R Ayling, D.E Barnes, P A Beckers, C I Black, M C Brown, J M. Dickson, D.F Flack, D.M Ford, Mrs E.L. Francis, Mrs H.L.A. Glynn, Mrs. J. Helson, V.C. Howlett, Mrs. M Hunnable, Mrs A.R. Hutchings, V.D Hutchings, V H. Leach, Mrs S.J. Lemon, C.R. Morgan, Mrs P.M V. Pearse, R A Pearson, P.J Stanton, D.J Sutton, S.R Tellis, Mrs M S Vince, D A Weir and Mrs M A. Weir.

Apologies Councillors ~~C I Black~~, S. Cumberland, G Fox, Mrs J Hall, Mrs E M Hart, A Hosking, Mrs W M Stevenson and R E Vingoe

560 MINUTES

Resolved that the Minutes of the Meeting of 27th November 1997 be approved as a correct record and signed by the Chairman

561 MEMBERS' INTERESTS

Councillor Mrs A R Hutchings declared an interest in the item 'Breach of Planning Control at 30 Main Road, Hockley' by virtue of being the Chairperson of Hockley Traders Association

Members' Interests relating to the Schedule of Development Applications and Recommendations (Minute 567) were received as follows -

Schedule Item 4 - Councillor D.J. Sutton declared a non-pecuniary interest by virtue of being Chairman of Great Wakering Parish Council

Schedule Items 6 and 7 - Councillor P J Stanton declared a non-pecuniary interest by virtue of knowledge of the applicant

562. OUTSTANDING ISSUES - MEETINGS OF 24TH APRIL, 15TH MAY, 31ST JULY, 4TH SEPTEMBER AND 2ND OCTOBER 1997.

Members were satisfied that all necessary action had been taken, Minutes 587/96 (Para D2), 195/97 (Paras 9, 10 and 13), 279/97 (Para 7), 367/97 (Paras 2, 3 and 4) and 422/97 (Paras D2 and 6) (CD(L&A)) were carried forward

563. CONSULTATION FROM CASTLE POINT BOROUGH COUNCIL - FOUR LIT AND NON-LIT ROOF AND WALL LOGO SIGNS AND NON-LIT FREESTANDING INFORMATION SIGNS - McDONALDS RESTAURANT, JUNCTION RAT LANE/CLAYDONS LANE, RAYLEIGH.

The Corporate Director (Services) reported on a consultation from Castle Point Borough Council which proposed several roof and wall-mounted signs together with other freestanding signs including directional and menu signs relating to a McDonalds drive-through restaurant at the above site.

Resolved that Castle Point Borough Council be informed that this Council has no objection to the proposal (CD(S))

564 BREACH OF PLANNING CONTROL AT 30 MAIN ROAD, HOCKLEY

The Corporate Director (Services) reported on the unauthorised installation of a roller shutter to the front of a shop at the above site. Members noted the planning history to the site and that although planning permission had been granted which sought to regularise the situation, to date there had been no evidence or written indication by the owners of the property to implement the permission. Members considered that the harm

gls

arising from the retention of the security grill upon the character of the street scene and consequently the amenity of the surrounding residential premises was unacceptable, particularly given the fully supporting appeal decision referred to in the report

**Resolved** that the Corporate Director (Law & Administration) be authorised to take all necessary action including the issue and service of Notices and action in the Courts to secure the remedying of the breach of planning control now reported (CD(L&A))

565 **BREACH OF PLANNING CONTROL AT DOLLYMANS FARM, DOUBLEGATE LANE, RAWRETH**

The Corporate Director (Services) reported on the unauthorised change of use of a building and the stationing of two prefabricated buildings upon the above site without the benefit of planning permission. Members noted the site layout, that planning permission for the retention of the use of the building for metal fabrication and for the siting of two prefabricated buildings for use as office/store room/mess rooms had been refused in 1995, which had subsequently been upheld on appeal, and that more recently a letter had been received from the business operator. Notwithstanding this Members considered it appropriate to take formal action to remedy the breach of planning control

**Resolved** that the Corporate Director (Law & Administration) be authorised to take all necessary action including the issue and service of Notices and action in the Courts to secure the remedying of the breach of planning control now reported (CD(L&A))

566. **BREACH OF PLANNING CONTROL AT 4 HILLVIEW ROAD, RAYLEIGH**

The Corporate Director (Services) reported on the grant of planning permission to retain a verandah to the rear of an existing semi-detached bungalow including construction of a 2 metre high obscure screen at the above site. Members noted that Condition 1 attached to the planning permission required the 2 metre high obscure screen to be installed within twelve weeks of the permission being granted, that the timescale had passed without compliance and given the application was retrospective, and the loss of privacy had occurred for most of 1997, it was appropriate to pursue formal action to remedy this breach of condition

**Resolved** that the Corporate Director (Law & Administration) be authorised to take all necessary action including the issue and service of Notices and action in the Courts to secure the remedying of the breach of planning control now reported. (CD(L&A))

567. **SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS**

The Corporate Director (Services) submitted a Schedule of Development Applications and a List of Planning Applications and Building Regulation Applications decided under delegation

**Para R1 - F/0536/97/ROC: 65 Harewood Avenue, Rochford**

**Proposal:** Formation of vehicular access and erect garage

Application refused for the following reason

The proposal if permitted on this prominent corner site would result in a garage building in a position forward of the established pattern of development thereby detracting from the appearance and character of the area.

**Para 2 - CC/0682/97/ROC: Glebe Infant and Junior School, Creswick Avenue, Rayleigh**

**Proposal.** Remove existing chainlink fence, steel gates and brick piers. Erect 1.8 metre high powder-coated steel palisade fence with double pedestrian entrance gates

**Resolved** that Essex County Council be advised that Rochford District Council has no objection to the development subject to the condition set out in the Schedule

**Para 3 - CM/0641/97/ROC: Barling Landfill Site, Church Road, Barling Magna**

**Proposal:** Variation of Condition 3 of Planning Permission ROC/634/90 (for the opening of the Landfill Site on Saturday afternoons, post Public Holidays - One day in 1997, seven days in 1998 maximum)

Officers explained there appeared to be a countywide strategy to ease the burden of disposing of household waste by appointed contractors on Saturday afternoons following Bank Holidays. A series of such applications were being presented, including this one, to Essex County Council's Development Control Sub-Committee the following morning.

Whilst some Members recognised the need to catch up there was disappointment that original controls needed to be released. Similarly concern was expressed at the lack of enforcement of the designated lorry route beyond the haul road.

**Resolved** that Essex County Council be advised that this Authority objects to the application which encourages more extensive traffic movements to the site particularly as the vehicles do not use the designated traffic route through the surrounding area to the haul road (CD(S))

**Para 4 - CU/0421/97/ROC: Land Adjacent Existing Burial Ground, New Road, Great Wakering**

**Proposal:** To change use of agricultural land to Cemetery (extension to existing burial ground)

**Resolved** that this application be approved subject to Conditions set out in the Schedule.

**Para 5 - DP/0611/97/ROC: 161 London Road, Rayleigh**

**Proposal:** Formation of vehicular access

Officers reported the further response of the County Surveyor as per Para 5 10, in agreeing the recommendation the Committee requested a report be made to the Finance & General Purposes Committee in relation to the Council's position as landowner and its responsibility under the Compulsory Purchase Order on this and adjoining properties.

**Resolved** (1) that the application be approved subject to the Conditions as set out in the Schedule

(2) that a report be made to the Finance & General Purposes Committee in relation to the Council's position as landowner and its responsibilities under the Compulsory Purchase Order on this and adjoining properties (CD(L&A))

**NOTE:** Pursuant to Standing Order 24.4 Councillors D E Barnes, Mrs J Helson, V H Leach and D J Sutton wished it recorded that they voted to defer this item.

**Para 6 - F/0599/97/ROC. 6 - 8a South Street, Rochford**

**Proposal:** Part demolition of existing building (no 8) erect two 2-bed dwellings. Use existing building (no 6) as single dwelling.

Consideration of this application was deferred for a Members' site visit.

**Resolved** that arrangements be made for a Members' site visit (CD(L&A))

**Para 7 - LB/0681/97/ROC: 6 - 8a South Street, Rochford**

**Proposal:** Part demolition of existing building (no 8) erect two bed dwellings.

Consideration of this application was deferred for a Members' site visit.

**Resolved** that arrangements be made for a Members' site visit. (CD(L&A)).

568 **MEMBER'S ITEM OF BUSINESS**

The following question was submitted by Councillors Mrs M S Vince and D M Ford as a Member's Item of business -

"We would like the Corporate Director (Services) to confirm that the offer of a specialist structural survey of the historical buildings at 50 - 54 West Street, Rochford by Essex County Council has been arranged".

In response, Officers reported the receipt of a written offer from Essex County Council to commission and fund a structural survey of 50 -54 West Street, Rochford Members welcomed the offer and requested that all Members receive a written summary of the report once available.

569 **CASTLE POINT BOROUGH COUNCIL CONSULTATION - THAMES ESTUARY PLASTICS LIMITED, THAMES HOUSE, ARTERIAL ROAD, RAYLEIGH**

The Chairman admitted this item on the grounds of urgency

The Corporate Director (Services) reported on a proposal which involved the infilling of the present arched vehicular access at ground floor level which penetrated through the main three-storey office block at the above site

**Resolved** that Castle Point Borough Council be informed that this Council has no objection to the proposals but requests that the infilling of the front elevation of the building be appropriate in design and materials. (CD(S))

Chairman

J. M. Giles.

Date

15-1-98

**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY**

**PLANNING SERVICES COMMITTEE 18TH DECEMBER 1997**

All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities.

Each planning application included in this Schedule and any attached list of applications which have been determined under powers delegated to the Corporate Director (Services) is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant building regulations and approved documents, the Building Act, 1984, together with all relevant British Standards.

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.

*B*

PLANNING SERVICES COMMITTEE 18TH DECEMBER 1997

REFERRED ITEM

- R.1 F/0536/97/ROC ALEX BUSHELL PAGE 1  
FORMATION OF VEHICULAR ACCESS ERECT GARAGE  
65 HAREWOOD AVENUE ROCHFORD

SCHEDULE ITEMS

2. CC/0682/97/ROC STEVEN GOUGH PAGE 3  
REMOVE EXISTING CHAIN-LINK FENCE, STEEL GATES AND  
BRICK PIERS. ERECT 1.8M HIGH POWDER COATED STEEL  
PALISADE FENCE WITH DOUBLE PEDESTRIAN ENTRANCE  
GATES  
GLEBE INFANT & JUNIOR SCHOOL CRESWICK AVENUE  
RAYLEIGH
3. CM/0641/97/ROC MARTYN WILLIAMS PAGE 5  
VARIATION OF CONDITION 3 OF PLANNING PERMISSION  
ROC/634/90 (FOR THE OPENING OF THE LANDFILL SITE ON  
SATURDAY AFTERNOONS POST PUBLIC HOLIDAYS - ONE DAY  
IN 1997, SEVEN DAYS IN 1998 MAXIMUM)  
BARLING LANDFILL SITE CHURCH ROAD BARLING MAGNA
4. CU/0421/97/ROC JOHN WHITTAM PAGE 7  
CHANGE USE OF AGRICULTURAL LAND TO CEMETERY  
(EXTENSION TO EXISTING BURIAL GROUND)  
LAND ADJ EXISTING BURIAL GROUND NEW ROAD GREAT  
WAKERING
5. DP/0611/97/ROC ALEX BUSHELL PAGE 11  
FORMATION OF VEHICULAR ACCESS.  
161 LONDON ROAD RAYLEIGH
6. F/0599/97/ROC ALEX BUSHELL PAGE 14  
PART DEMOLITION OF EXISTING BUILDING (NO 8) ERECT  
TWO 2-BED DWELLINGS USE EXISTING BUILDING (NO 6)  
AS SINGLE DWELLING  
6-8A SOUTH STREET ROCHFORD
7. LB/0681/97/ROC ALEX BUSHELL PAGE 20  
PART DEMOLITION OF EXISTING BUILDING (NO 8) ERECT  
TWO 2-BED DWELLINGS  
6-8A SOUTH STREET ROCHFORD

*J*

PLANNING SERVICES COMMITTEE

18TH DECEMBER 1997

SCHEDULE OF DEVELOPMENT APPLICATIONS, WITH DIRECTOR'S  
RECOMMENDATIONS, FOR DETERMINATION AT THIS COMMITTEE

R.1

Referred by Councillor Mrs H L A Glynn

Applicant B Fisher

F/0536/97/ROC  
PARISH OF HAWKWELL

Zoning. Residential

65 HAREWOOD AVENUE ROCHFORD

FORMATION OF VEHICULAR ACCESS. ERECT GARAGE

- 1.1 **Hawkwell Parish Council** objects to the application on grounds of road safety, they consider that the access to highway is too close to the junction Harewood Avenue

NOTES

- 1.2 This application would normally be a delegated item but is included on the Weekly List due to concerns expressed by a Local Ward Member
- 1.3 This application follows refusal of planning permission reference F/0310/97/ROC for a garage with the same siting but with a contrived access arrangement. The previous proposal was considered unacceptable because it would necessitate an awkward reverse manoeuvre onto the road that may present a danger to highway users. This revised submission follows pre-application discussions with the County Surveyor and the applicant now includes an area for vehicle turning within the site thereby overcoming previous concerns.
- 1.4 **Essex County Council (County Surveyor)** raises no objection on grounds of highway safety subject to the imposition of conditions relating to surfacing and gates

APPROVE:

01 TIME LIMITS - FULL SC4

02 MATERIALS TO MATCH SC15

03 NON STANDARD CONDITION

Where the surface finish of the private drive shown on the approved drawing date stamped 12 September 1997 is to remain in unbound materials, the first six metres of the driveway as measured from the boundary of the public highway shall be treated with a surface dressing, prior to use by vehicular traffic in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the surface finish of the private drive shall be retained in the approved form.

04 NON STANDARD CONDITION

The access shall not be used by vehicular traffic until such time as the hardstand and garage have been laid out and completed in all respects (including any requirements specified by Condition 3 above) and made available for the parking and manoeuvring of vehicles. Thereafter the garage and hardstand shall be used solely for the parking and manoeuvring of vehicles and used for no other purposes that would impede these purposes

05 PD RESTRICTED - GATES SC62

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F/0536/97/ROO



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2.

CC/0682/97/ROC RAYLEIGH TOWN COUNCIL AREA

GLEBE INFANT & JUNIOR SCHOOL CRESWICK AVENUE RAYLEIGH

REMOVE EXISTING CHAIN-LINK FENCE, STEEL GATES AND BRICK PIERS. ERECT 1.8M HIGH POWDER COATED STEEL PALISADE FENCE WITH DOUBLE PEDESTRIAN ENTRANCE GATES.

Applicant ESSEX COUNTY COUNCIL PLANNING DEPARTMENT

Zoning Existing Primary School

Planning Application Details

- 2.1 This application is made by Essex County Council and proposes the erection of a steel palisade fence and pedestrian gates, on the Talbot Avenue frontage of Rayleigh Glebe Infant & Junior School.
- 2.2 The determining Authority for this application is Essex County Council, the role of Rochford District Council in this instance is that of consultee

Planning History

- 2.3 Numerous planning permissions have been granted for developments at this site since the 1980's. Most recently, Essex County Council granted planning permission for a single storey classroom extension, (ref - CC/0643/93/ROC).

Consultations & Representations

- 2.4 Local residents and the Rayleigh Town Council have been notified, any responses will be reported directly to the Planning Services Committee Meeting.
- 2.5 Rayleigh Town Council's direct response to Essex County Council raised no comments

Material Planning Considerations

- 2.6 The palisade fence and pedestrian gates proposed by this application will replace an existing chain-link fence, gates and piers, at the Talbot Avenue Pedestrian entrance to the School which has a road frontage of some 15m. The proposed fence is a similar design to that approved at Sweyne Park School and is considered to be acceptable in planning terms. The colour finish proposed in this instance is dark green

Recommendation

- 2.7 The Corporate Director (Services) recommends that Essex County Council be advised that Rochford District Council have no objections to the development proposed by this application, subject to the following conditions

01 TIME LIMITS FULL - STD SC4

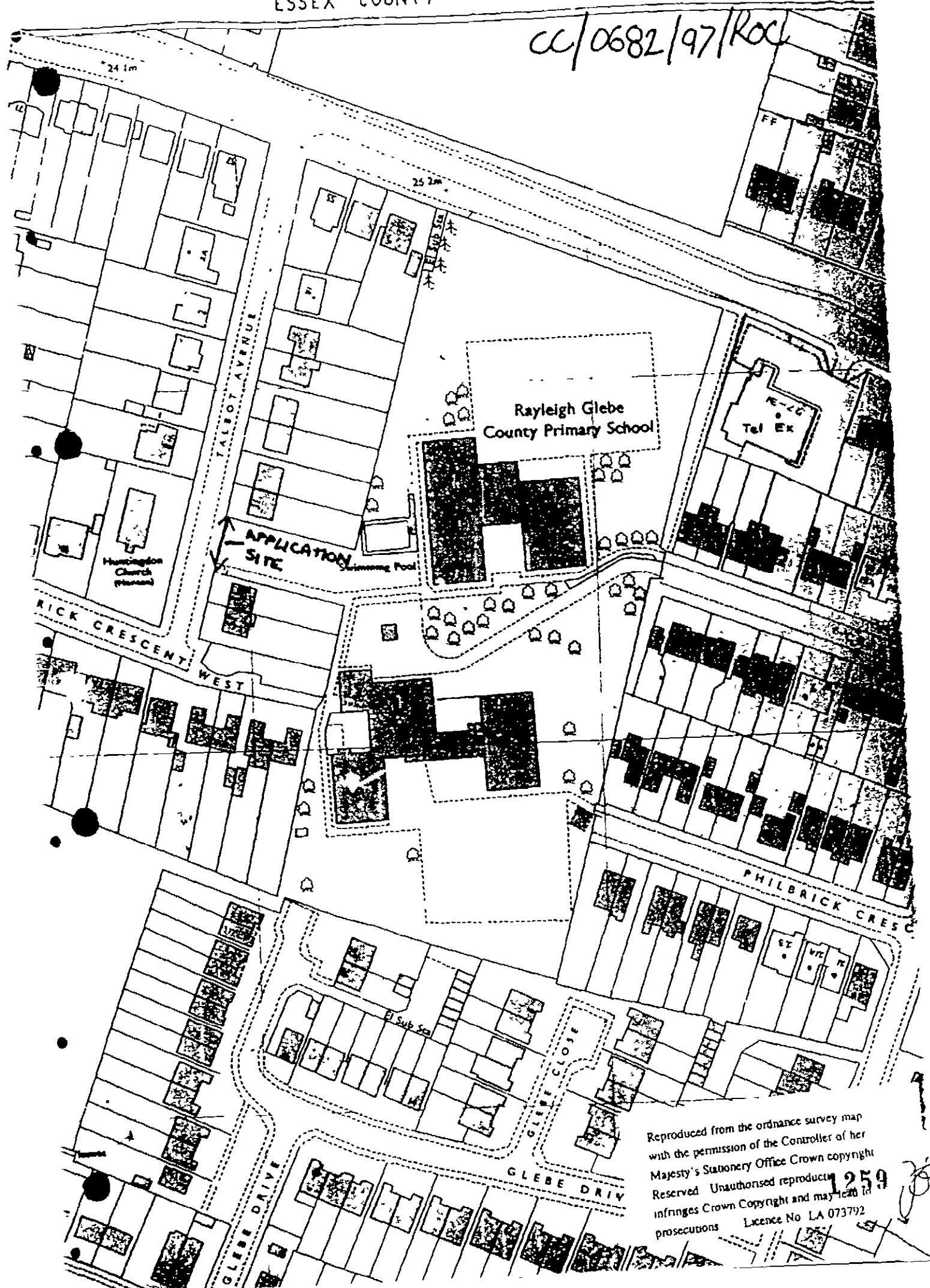
02 NON STANDARD CONDITION

No works requisite for the implementation of any part of the development hereby permitted shall commence, except as in accordance with precise details (including samples) of the proposed colour and finish of the palisade fence and pedestrian gates to be erected, which shall previously have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be retained and maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, of the Town & Country Planning (General Permitted Development) Order 1995

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*gk*

CC/0682/97/Roc



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3.

CM/0641/97/ROC PARISH OF BARLING MAGNA

BARLING LANDFILL SITE CHURCH ROAD BARLING MAGNA

VARIATION OF CONDITION 3 OF PLANNING PERMISSION ROC/634/90  
(FOR THE OPENING OF THE LANDFILL SITE ON SATURDAY AFTERNOONS  
POST PUBLIC HOLIDAYS - ONE DAY IN 1997, SEVEN DAYS IN 1998  
MAXIMUM)

Applicant CORY ENVIRONMENTAL LTD AGGREGATES

Zoning. Metropolitan Green Belt, Landscape Improvement Area, Special Landscape Area,  
Roach Valley Nature Conservation Zone, Coastal Protection Belt

Planning Application Details

- 3 1 This is a consultation application from Essex County Council and seeks the Local Planning Authority's views on the proposed alteration to the opening hours on those Saturdays following public holidays as detailed above.
- 3.2 This long established site which involves both mineral extraction and waste disposal lies to the north and east of Barling village and is served by a private Haul Road that bypasses the village centre

Relevant Planning History

- 3 3 CM/0634/90 - The winning and working of sand and gravel and restoration to agriculture by Landfill - Approved subject to a legal agreement and various conditions which relate to, amongst other things, the construction of the Haul Road, the hours of operation (07.00 -18 00 hours Monday to Friday, 07 00 - 12.30 hours Saturdays with no working on Sundays or Bank Holidays) and the maximum number of vehicle movements to and from the site
- 3 4 [360 (180 in and 180 out) on any single working day and 180 (90 in and 90 out) on Saturdays].

Consultations and Representations

- 3 5 Great Wakering Parish Council object due to the additional traffic that they consider will be generated by the extra hours
- 3 6 Rochford Parish Council raise no objections
- 3.7 No response has been received from the Barling and Sutton Parish Councils
- 3 8 The Rochford Hundred Amenities Society will support any comments from the Barling Parish Council.
- 3 9 Essex County Council (Surveyor) has no objections
- 3 10 The Environment Agency's views will be reported verbally to the meeting
- 3 11 The Property Services Manager (Engineers) has no observation to make.
- 3 12 No individual letters of representation have been received in response to neighbour notification letters
- 3 13 Any other outstanding responses will be reported verbally to members

### Summary of Material Considerations

- 3 14 The main consideration in this case is whether the extension of the permitted vehicle movements, to include the afternoon (4pm) for one Saturday in 1997 and seven in 1998, will be likely to have any significant adverse effect upon the surrounding environment. This raises three key issues relating to this proposal
- i) Does the use of the haul road cause any continuing problems
  - ii) How then will spreading the same number of permitted movements (90 in/90 out) over the whole day assist in clearing backlogs arising from no collections on preceding public holidays?
  - iii) How will this variation specifically assist the contractors in their collection activities
- 3 15 The County Council have confirmed that there are no persistent problems with the use of the Haul Road following the initial period of its use
- 3 16 Presently there is spare capacity for the permitted number of movements on a Saturday morning, the County Council have advised that the total of 180 is rarely reached. By spreading those movements over the afternoon up to 4pm it will allow the vehicles to catch up on those collections from district councils normally made during a full day. Without that time extension it would not be physically possible for all of the backlog arising from a preceding 'lost' full working day to be collected, delivered and disposed of on site during the shorter time period permitted on a Saturday
- 3 17 Finally, this variation will assist the appointed contractors on these occasions to also have empty lorries for when their normal collection/disposal work resumes on the following Monday

### Conclusions

- 3 18 Given that this proposal relates to only 8 days in total up to the end of 1998 for an extra 3.5 hours on each of those days and is designed to specifically assist with the collection of household waste, no objections are raised as no significant adverse effects are anticipated to arise from this modestly additional activity

### Recommendation

- 3 19 That the Essex County Council be informed that this Authority raises no objections to this proposal provided.
- the specified number of vehicle movements for their extended Saturday openings do not exceed the current maximum of 180 (i.e. 90 in and 90 out)
  - that it is only to permit authorised contractors to dispose of household refuse,
  - that no other type of vehicles are permitted to dispose of any other kind of waste,
  - that no extraction of minerals from the site shall take place,
  - that no previously extracted minerals are exported from the site at those times, and
  - that only the haul road shall be used for those extra afternoon refuse vehicle movements





CU/0421/97/ROC PARISH OF GREAT WAKERINGLAND ADJ EXISTING BURIAL GROUND NEW ROAD GREAT WAKERING

CHANGE USE OF AGRICULTURAL LAND TO CEMETERY (EXTENSION TO EXISTING BURIAL GROUND)

Applicant GREAT WAKERING PARISH COUNCIL

Zoning: Metropolitan Green Belt, Roach Valley Nature Conservation Zone,  
Coastal Protection Belt

Application Details

- 4 1 Great Wakering Parish Council are seeking planning permission to use a rectangular shaped strip of land adjacent to the existing burial ground which abuts the graveyard to St Nicholas Church as an extension to the burial ground. The proposal is intended to provide for the expansion of the existing burial ground for future burial arrangements within the parish when the existing one is full.
- 4 2 The land is at present used for agricultural purposes and is located together with the existing burial ground within the Metropolitan Green Belt.
- 4 3 The original submitted scheme included a new vehicular access via New Road and on-site car parking facilities together with an access road and vehicular turning head to serve the existing and proposed burial areas. The foregoing have been deleted from the application which is now solely for the use as a burial ground and there will be a pedestrian link within the overall grounds back to the Church.
- 4 4 The Parish Council have confirmed that the access to the Church for funerals has always been by way of the entrance on High Street/New Road. They do not envisage there being any additional burial traffic and there is on average 12 attended burials a year.
- 4 5 Landscaping and planting is proposed including new boundary hedging.

Planning History

- 4 6 There is no planning history directly related to this site or application.

Consultations and Representations

- 4 7 The County Surveyor had no objection to the original scheme and has no objection to the revised application.
- 4 8 The County Archaeologist comments that the site is in an area of archaeological potential lying beside the mediaeval church of St Nicholas. Great Wakering is the site of an important Anglo Saxon Minster which are considered to be one of the most important classes of high status monuments for the mid Anglo Saxon period (seventh to ninth century) and the Minster church was normally surrounded by domestic, industrial, agricultural and other structures.
- 4 9 Although the present church is chronologically later the site may have formed the locus of activity during the Anglo Saxon period and given the paucity of existing evidence any intervention within this area merits an archaeological investigation. He therefore recommends an archaeological evaluation consistent with DOE Planning Policy Guidance Note 16 Archaeology and Planning. He therefore recommends that appropriate planning conditions are attached to any decision notice issued.



- 4 10 The terms of these conditions has been the subject of discussion with both the County Archaeologist and the applicants, both are satisfied with the final wording
- 4 11 The County Archaeologist also advises that the applicants should write to English Heritage for financial assistance to enable them to meet the specified conditions (see below). It identifies an alternative source of funding via Cory Environmental, Barling Marsh Quarry, may be through the "Landfill Tax Credit Scheme" and the applicant has already pursued this lead
- 4 12 The County Planner comments that the cemetery associated with St Nicholas Church is in two parts one is the land immediately surrounding the church, which contains the oldest graves, and the other is a more recent rectangular strip to the east. The whole cemetery is well maintained the only discordant element being the lack of a hedge on the newer section, where it abuts a private garden at its northern extremity The proposed extension takes the form of another slightly longer section taken from the neighbouring field He has no objection to the proposal subject to appropriate conditions being attached to the decision notice including one to ensure that the new boundary hedge shall contain only native mixed species and trees (the existing extension to the cemetery is bounded by Beech which given the rural location is considered too suburban) and unplanted sections at the northern end of the existing cemetery being filled with hedging These matters are covered via planning condition and informative.
- 4 13 The County Planner (Specialist Minerals Advice) states that by virtue of his powers delegated by the Development Control Sub Committee, it is recommended that the decision be left to the discretion of the Rochford Council in its capacity as Local Planning Authority He also confirms for information purposes that it would be impractical to extract brickearth in isolation from such a confined area prior to development but this would not prevent the remainder of the field parcel to the east from being worked for brickearth.
- 4 14 The Head of Housing Health and Community Care raises no objections to the revised proposal
- 4 15 English Heritage have no significant comments to make
- 4 16 The Environment Agency advise that no burials shall take place within 10 metres of any ditch or water course or in saturated ground or within 50 metres of any well or borehole This will be conveyed to the applicant by way of an informative attached to the decision notice.
- 4 17 Anglian Water have no comments to make on this planning application
- 4 18 The Diocese of Chelmsford have no comments to make on the proposal
- 4 19 15 letters of objection including a petition containing 18 signatures were submitted by local residents in connection with the original scheme The grounds of objection are summarised below
- i) Access, car parking, congestion, vehicular access off a narrow busy road leading to Foulness which is also a bus route and other HGV 's and farm machinery which suffers from flash floods and would be detrimental to highway safety Suggest access is via Wakering Common when the tip closes Fear of potential introduction of traffic restrictions as a consequence of the proposal
  - ii) Detrimental to visual amenity and the landscaping proposed is considered to be inadequate and suggest thick landscaping and planting to alleviate matters.
  - iii) Sight of burial ground produces feelings of fear and phobia.
  - iv) Effect on property values



- v) Contrary to Metropolitan Green Belt principle and detrimental effect on the appearance and character of the rural countryside.
  - vi) The car park will lead to noise nuisance and general disturbance especially if used in association with weddings and general church use. Also the likelihood of youths congregating in this open area exacerbating an existing problem within the church cemetery and burial ground. If parking and the footway are provided it is requested that a high brick wall is erected to the adjoining property boundary and the pathway located as far from the property as possible.
  - vii) The turning and parking facilities within the site is thought to be motivated by the introduction of yellow lines and a mini roundabout at the front entrance of the church which has made it difficult for the traditional custom of entering the church by the front doors.
  - vii) The description of the development is questioned for not including reference to a car park and public footpath. Also more time should have been allowed for residents to respond as neighbour letters were dispatched at the peak of summer holiday period.
  - viii) No need for parking, public footway and turning within the site and has not been a problem in the past. The number of funerals per year (about 20) do not justify the cost of providing the foregoing. This element is considered a wasteful use of valuable burial ground.
  - ix) The proposal is considered to be inappropriate located so close to a residential area.
  - x) Security problems and question whether the gate to the pedestrian access will be kept locked at appropriate times. Also whether any elaborate form of security is proposed eg CCTV.
- 4.20 Notwithstanding the above two residents have no objection to the principle of extending the burial ground.

#### Planning Considerations

- 4.21 The principle planning considerations relate to Metropolitan Green Belt policy and residential amenity.

#### **I) GREEN BELT POLICY**

- 4.22 The site falls within the Metropolitan Green Belt as designated in the Rochford District Local Plan First Review. The proposal complies with both Policy GB1 and Essex Structure Plan Policy S9 being an appropriate use in the Green Belt and Government advice in the form of Planning Policy Guidance note 2 "Green Belts" in that the use is open in character. It will also have a soft landscaped edge formed with hedging of native species.

#### **II) RESIDENTIAL AMENITY**

- 4.23 The principal issues raised by residents in relation to the location of the access and parking arrangements have been addressed via negotiation by deletion of the vehicular access, and associated vehicle movements and car parking from the revised proposal. Some of the remaining issues are covered via planning condition and above under the policy considerations.
- 4.24 There is an existing cemetery and burial ground and the extension is to accommodate long term local needs rather than generate an increase in burials per se and will enable the parish Council to make adequate long term provision.

Recommendation

4.25 The Corporate Director (Services) recommends that this application should be approved subject to the following conditions

01 TIME LIMITS FULL - STD SC4

02 ARCHAEOLOGICAL WORKS SC96

03 NON STANDARD CONDITION

No development shall take place within any part of the site unless the agreement of the Local planning Authority has been obtained following the carrying out of an archaeological field evaluation in accordance with condition 2 above, to ensure either that there are no nationally important archaeological remains within that part of the site, or that any such remains are adequately safeguarded by the taking of specified measures. In the latter case, development within that part of the site shall only take place in accordance with such specified measures.

04 NON STANDARD CONDITION

A scheme of hedge landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and be carried out on site during the next planting season following commencement of the development to the Local Planning Authority's satisfaction. Any hedging which dies, is removed or becomes seriously damaged or diseased within 5 years of planting shall be replaced by the applicants or their successors in title. The landscaping scheme shall indicate the location, species, size of hedging to be planted and the location which shall include the boundaries marked A - E, E - B, B - C on plan number 1324/1 A.

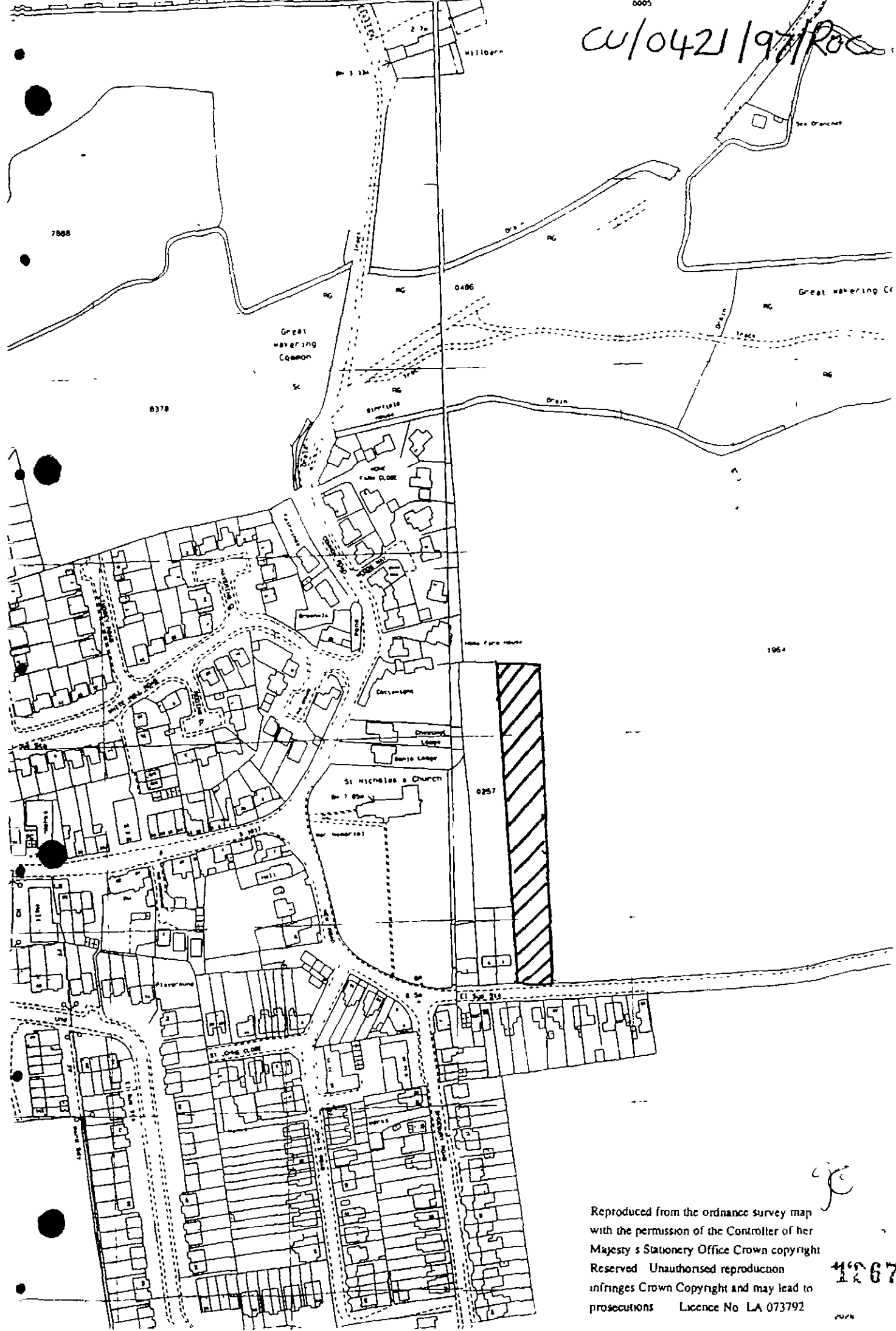
05 HEDGEROW TO BE RETAINED SC55

ADD Furthermore the specified hedge shall be thickened up in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement in conjunction with the landscaping scheme referred to at condition 04 and thereafter carried out and maintained as agreed.

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*JS*

CU/0421/97/Roc



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DP/0611/97/ROC RAYLEIGH TOWN COUNCIL AREA

161 LONDON ROAD RAYLEIGH

FORMATION OF VEHICULAR ACCESS

Applicant ROCHFORD DISTRICT COUNCIL

Zoning Residential

Planning Application Details

- 5 1 This is an application submitted by Rochford District Council for an access to London Road and relates to a two metre deep strip of land within Council ownership. The access is intended to serve a proposed vehicle hardstand within the curtilage of 161 London Road. The latter property is situated midway between Louis Drive East and Hatfield Road on the south side of London Road.
- 5 2 The curtilage of 161 is currently separated from the public highway by a hedge and surface water ditch that both traverse the application site. The proposed vehicular access will require the partial removal of the hedgerow and the ditch will be piped.

Planning History and Application Background

- 5 3 The site was initially acquired by the Council by way of a Compulsory Purchase Order (CPO) in 1990 to facilitate junction improvements to London Road/Hatfield Road in lieu of the residential development at the Grange Village. Essex County Council specified the precise amount of land required in order to facilitate the junction improvements and the land was purchased accordingly.
- 5 4 The owner of 161 London Road and adjacent land owners at No's 157, 159 and 163 London Road were granted a compensatory package as part of the CPO procedure that included, inter alia, the provision of a vehicular access from London Road to No's 157, 159 and 161 London Road.
- 5 5 Essex County Council Highways advised by letter in March 1989 that no objection would be raised in principle to the formation of the vehicular accesses to 161 London Road and two other dwellings on the proviso that access is constructed to standard dimensions, no gates are to be erected on the site frontage; a parallel band visibility splay be provided along the site frontage, measuring 2.4m from the back edge of the highway; and that a vehicular hardstand measuring 5m x 2.5m be provided within the curtilage of each dwelling. The advice was given on the basis that the access point to the rear of the dwellings was substandard in width and could not reasonably be used by vehicular traffic.
- 5 6 It was intended that the junction improvement works and works required as the CPO compensatory package would be financed by the developer as part of the requirements of the Section 106 Legal Agreement concluded concurrently with the grant of planning permission for residential development at the Grange Village.
- 5 7 Members will be aware that the junction improvements at Hatfield Road/Victoria Avenue/London Road have now been completed in their entirety. Unfortunately, the full amount of land purchased by the Council has not been fully utilised and is not required for the junction improvements now carried out. It therefore falls to Rochford Council to provide the access to the dwelling across land that it now owns on the basis that it was the Council that instituted the CPO proceedings. The owner of 161 London Road is currently pursuing a grievance with the Council through the Local Government Ombudsman.

### Consultations and Representations

- 5 8 **Rayleigh Town Council** make the observation that the proposal provides for the construction of a vehicular access in close proximity to a junction on a major traffic distributor where adequate site lines are critical. They take the view that the lack of visibility at this point would be therefore be detrimental to road safety and consider that the application should be refused on highway grounds.
- 5 9 **Essex County Council (County Surveyor)** objects to the proposal on grounds of highway safety, specifically that "there is insufficient space within the curtilage of 161 London Road to allow vehicles to enter and exit the site in forward gear. The lack of turning facilities may well lead to vehicles reversing onto London Road (A129) at a point close to its junction with Victoria Avenue and Hatfield Road thereby creating conditions of danger and obstruction to other road users to the detriment of general highway safety". He then goes on to state "Furthermore, there is an accessway at the rear from which access may be obtained."
- 5 10 *[However, since receiving this advice Officers have written to the County Surveyor requesting written clarification as to the change in circumstances. The response will be reported verbally at the Committee.]*
- 5 11 The owner of 161 London Road was notified of the application as a neighbouring occupier and has submitted representation stressing the background to the proposal and stating that there is sufficient space within his curtilage to turn a vehicle (a four point-turn being required) and that the Council should finance the works within his garden. He also reaffirms the County Surveyor's view in 1989 that the rear access is too narrow to enable vehicular access and further, that substantial demolition of structure and boundary feature work would be involved.

### Summary of Planning Considerations

- 5 12 The principle planning considerations material to the determination of this application can be summarised as comprising.
- highway safety; and
  - visual amenity

### HIGHWAY SAFETY

- 5 13 The issue of highway safety is of paramount importance to an application for a vehicular access to a classified road, particularly London Road with its heavy vehicle movements during peak hours.
- 5 14 The County Surveyor has been aware of the proposal to provide the vehicular access and has advised, in writing, in 1989 that such an access was acceptable in principle subject to very specific conditions that did not include a requirement for a turning head. At that time additional land was in the process of being acquired by Rochford Council in order to facilitate the County Council's specification for a junction improvement.
- 5 15 Since that time, a different junction has been constructed and the County Surveyor now raises objection to the proposed access. Given that inconsistency of advice received in the two instances and there has been no material change in policy circumstances since 1989, it would not be unreasonable to adhere to the original advice.
- 5 16 The application site comprises the 2m deep strip of land within the Council's ownership and the conditions recommended in 1989 relate, in part, to land outside of the Council's control. It is therefore appropriate to impose negative (Grampian) conditions covering those matters specified requiring that the works within the curtilage of 161 London Road be constructed concurrently with the commencement of any development associated with the formation of the access.



VISUAL AMENITY

- 5 17 The proposed access will require the partial removal of a hedge that does not provide significant amenity or screening value. There will also be an area of hardstand within the open frontage

Recommendation

- 5 18 The Corporate Director (Services) recommends that this application be approved following further consultation with the County Surveyor, subject to the following conditions.

01 TIME LIMITS - FULL SC4

02 NON STANDARD CONDITION

Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or reenacting that Order, with or without modification) no gates or other means of providing closure to the access hereby permitted shall be hung or otherwise installed within the site outlined in red on the approved plan date stamped 24 October 1997

03 NON STANDARD CONDITION

Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or reenacting that Order, with or without modification) no gate, fence, wall or other means of enclosure shall obstruct or impede visibility within a 2.4m wide parallel band along the entire site frontage, measured from the back edge of the carriageway, above a height of 600mm above the finished surface of the approved vehicular access.

04 NON STANDARD CONDITION

Under no circumstances shall the access hereby permitted be used by vehicular traffic until a vehicular hardstanding measuring 5m x 2.5m has been provided within the front curtilage of 161 London Road, Rayleigh, in accordance with details (including surfacing materials) that shall have first been submitted to and approved in writing by the Local Planning Authority

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F/0599/97/ROC PARISH OF ROCHFORD6-8A SOUTH STREET ROCHFORD

PART DEMOLITION OF EXISTING BUILDING (NO 8) ERECT TWO 2-BED DWELLINGS USE EXISTING BUILDING (NO 6) AS SINGLE DWELLING

Applicant COLINA U K

Zoning. Secondary Shopping, Conservation Area

Planning Application Details

- 6 1 The application site is situated to the rear of the shop unit currently occupied as The Rochford Antiques Centre. There is a covered vehicle/pedestrian access point with a wrought iron gate and first floor accommodation above. This building is Grade II listed for its group value within South Street. To the rear of the listed frontage is No 6 South Street (a two storey pitched roof house) and a number of modern additions (part two storey) grouped around a paved courtyard. There is an expanse of surfaced area between the buildings and the public car park to the rear. The boundary of the car park has a brick wall and wrought iron gate that was recently granted planning permission (see relevant planning history below)
- 6 2 The application proposes the demolition of three linked modern outbuildings, currently used for commercial/retail purposes, the erection of two 2-bed houses with mansard roofs and dormer windows; and the change of use of an existing building (No 6 South Street) for use as a single dwelling. No.6 is currently vacant but was previously used as an office. The applicants are also proposing to provide a total of 205m<sup>2</sup> of communal amenity space within the application site
- 6 3 The site is bounded to the south by the rear car park/service area for the cafe and retail units on South Street and a car repairs business and the Conservative Club to the north (fronting Back Lane). To the west of the site is the Council's public car park. A licence has been granted by the Council for pedestrian access onto the car park. No vehicular access is permitted from the rear
- 6.4 The site is situated within the Rochford Town Centre Conservation Area and the Secondary Shopping Zone as designated in the Rochford District Local Plan First Review.

Relevant Planning History

- 6 5 Planning permission was granted on 20 November 1987 as reference ROC/705/87 to demolish an existing extension and to erect a new single storey extension to No 8 South Street. The accompanying Listed Building Consent is referenced ROC/2014/87/LB
- 6 6 More recently planning permission was granted on 10 January 1996 for the change of use of No.8 South Street to a coffee shop (class A3) as reference CU/0589/95/ROC, subject to conditions including a use restriction preventing takeaway services. This permission remains extant but has yet to be implemented
- 6 7 Part of the section of the site currently under consideration was the subject of three related applications that can be summarised as follows
- F/0056/96/ROC - refusal of retrospective planning permission dated 16 May 1996 for the retention of a marquee. The application was refused on grounds that the size, materials, colour and temporary construction of the marquee was harmful to the character and appearance of the Conservation Area and the setting of the Grade II listed building within the application site

- **F/0057/96/ROC** - refusal of retrospective planning permission dated 16 May 1997 for the retention of access to public car park, erection of brick piers, wrought iron gateway/arch and concrete base for the marquee. The reason for refusal referred primarily to the appearance of the concrete base and its effect on the character and appearance of the Conservation Area and setting of the Listed Building.
  - **CA/0058/96/ROC** - a grant of conservation area consent dated 3 April 1996 for the demolition of part of the rear boundary wall (facilitating access to public car park).
- 6 8 The two refusals of planning permission (F/0056/96/ROC and F/0057/96/ROC) were the subject of a combined appeal to the Planning Inspectorate. The Inspectorate upheld the decision to refuse planning permission for the marquee and supported the Council's view in respect of the concrete base. As a result the application was split and planning permission was granted for the retention of the brick piers, gates and arch only. The applicant has now removed the marquee and is intending to remove the concrete base once the application the subject of this report has been determined.
- 6 9 An application was submitted for the change of use of No 6 South Street to residential dwelling on 4 April 1997 as reference **CU/0163/97/ROC** and subsequently withdrawn in favour of this application which deals with the overall proposals for the site.

#### Consultations and Representations

- 6 10 **Rochford Parish Council** object to the proposal on grounds of overdevelopment, no designated area for the parking of vehicles within the site, and the proposal is contrary to Conservation area planning.
- 6 11 **Essex County Council (County Surveyor)** raises no objections in terms of highway safety. He accepts that there be no provision for the parking of vehicles within the site given the town centre location and regeneration.
- 6 12 **Essex County Council (Historic Buildings Advisor)** considers that the proposed buildings would fit in well with the townscape in this section of Rochford and requests that conditions are imposed requiring the applicant to submit details of windows, materials and the archway proposed.
- 6 13 **Essex County Council (County Archaeologist)** raises no objection to the development subject to the imposition of a condition requiring the prior approval of a programme of archaeological work in accordance with a written scheme of investigation.
- 6 14 The Council's **Head of Housing, Health and Community Care** reports that there is potential for nuisance by way of odours, noise, etc affecting the occupiers of the proposed dwellings from existing commercial activities in the vicinity. He goes on to state that whilst any prospective purchaser/occupier would be expected to have regard to the nature of the surrounding area, Members should note they would be entitled to the same protection against statutory nuisance as any other resident of the District. In effect this means that if any future occupier of the dwellings is affected by a statutory nuisance, the Council may have to take action under the provisions of the Environmental Protection Act 1990.
- 6 15 The Council's **Head of Legal Services** draw attention to the existence of the licence granting pedestrian access to the site from Back Lane car park but stress that they would not support a vehicular access.
- 6 16 **Anglian Water** raise no objections to the development proposed.
- 6 17 The **Environment Agency** raise no objections.
- 6 18 The **Rochford Hundred Amenities Society** support the views of the Parish Council.

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- 6 19 The Rochford and District Chamber of Trade raise no objections but request that the finish of the buildings accord with that of surrounding properties
- 6 20 A business situated within the application site refers to the tenancy arrangement with the applicant and states that it is commercially essential that they be located within the site as no other premises exist nearby. They accordingly object to the development proposed on the basis that it will require the demolition of the unit currently occupied
- 6.21 A neighbouring business objects on grounds that the site is in a commercial area and any complaints from the future occupants on the grounds of noise, smell etc may affect the viability of the business.

#### Summary of Planning Considerations

- 6 22 The principle considerations material to the determination of this application can be summarised as follows
- Local Plan Policy,
  - character and appearance,
  - extent of development;
  - compliance with standards,
  - neighbour amenity, and
  - highway safety

#### LOCAL PLAN POLICY

- 6.23 The site is situated within the Secondary Shopping Zone as designated in the Rochford District Local Plan First Review, wherein Policy SAT3 applies. This policy refers specifically to ground floor frontage and requires that at least 50% be retail (Class A1). The frontage calculation for the Secondary Shopping Zone in South Street is based only on those units fronting the main road and the loss of the units rear of 6-8A South Street will not adversely affect policy considerations
- 6 24 Of particular relevance to this application is Policy SAT16 that seeks to maintain and encourage the residential use of upper floors within the shopping/commercial areas. It states that otherwise applicable standards, for example car parking and amenity space, may be relaxed. Furthermore, the County Council document "Standards for Car Parking in Essex" recognises that the need to conserve the character and appearance of Conservation Areas is incompatible with rigid application of some standards. It refers to the Essex Structure Plan which requires new development or conversions to be sympathetic to the character of the area and that in exceptional cases, normal planning standards may be relaxed. Car parking standards are one such standard that may be relaxed
- 6 25 Whilst this proposal primarily relates to the construction of new buildings and not the use of upper floors, it does not compromise the shopping frontage policies and the intention of Policy SAT16 is to encourage vitality outside of business hours, which is historically appropriate in towns such as Rochford
- 6 26 No 6 South Street has been used as a dwelling in the past, and although vacant at the present time, was last used as an office. No objection in principle is raised to the change of use now proposed

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## CHARACTER AND APPEARANCE

- 6 27 The site is situated within the town centre Conservation Area and within the setting of the listed buildings fronting South Street. Policy UC3 of the Local Plan applies to applications for new buildings in Conservation Areas and requires that the Local Planning Authority will have regard to specified design policies. Those that are relevant to this application comprise the following: the design and siting of new buildings shall enhance the townscape character and form part of the larger composition of the area in which it is situated, the mass of the buildings shall be in scale and harmony with adjoining buildings, architectural detailing shall be used to reinforce the character of the conservation area; and external materials shall be appropriate to and sympathetic with the character of the area.
- 6 28 The applicants agent submitted various schemes for the redevelopment of this site for informal guidance prior to the formal submission of this application and has complied with the suggestions of Officers and specialist design staff from Essex County Council. The resulting buildings reflect aspects of the historic vernacular and are appropriate to the surrounding townscape in terms of their scale, design and detailing and as such will enhance the character and appearance of the Conservation Area and the setting of the listed buildings in South Street.
- 6 29 Policy UC5 of the Local Plan requires that demolition of buildings within the Conservation Area will only be permitted if a detailed scheme for the redevelopment of the site has been granted planning permission and Policy UC7 states that alterations to listed buildings will only be permitted if they do not adversely affect important architectural or historic features which contribute to its character.
- 6 30 Whilst the outbuildings to be demolished are attached to a listed building they are later, largely unsympathetic additions that do not contribute to the architectural or historic character of the listed buildings or their setting. Given that the site has a dual frontage with a public zone at the front and rear, the redevelopment now proposed will offer a positive effect to character when viewed from the rear.
- 6 31 There is a Sycamore tree within the neighbouring site that is protected by virtue of the Conservation Area designation. The proposed buildings will be close to the boundary at this point and the tree may be affected, however, it does not offer sufficient amenity value to justify preservation in its own right. An informative will be included on the decision notice advising on the protected status and steps required to secure removal/pruning.

## EXTENT OF DEVELOPMENT

- 6 32 The character of South Street and this section of Rochford Town centre is, in the main, two and three storey domestic scale buildings laid out in tight groupings in linear plots fronting the main streets. The site comprising 6-8 South Street has an covered entrance that forms part of the Listed Building and provides access to the existing buildings at the rear. The proposed buildings have been designed and sited so as to respect this character, and create an informal sense of enclosure behind the main frontage. The footprint and scale of the buildings proposed are similar to those being demolished, in that the existing structures are part single storey/part two storey. The proposed building closest to the public car park will be sited more centrally within the plot thereby improving separation from the boundaries of the site and creating an attractive aspect to the Back Lane car park in a similar way to other nearby premises.

## COMPLIANCE WITH STANDARDS

- 6 33 Notwithstanding the provisions of SAT16, the standards that would apply to the three residential units on the site relate to 1m separation, amenity space provision and off street car parking.



- 6 34 The site dimension enable the amenity standards to be achieved (50m<sup>2</sup> per two bed dwelling and 100m<sup>2</sup> for No 6 South Street) and it will be laid out for communal use. In terms of isolation from the site boundary, the proposal is an improvement on the current situation. No parking spaces are provided, however, the site is situated immediately adjacent to the Back Lane Public car park and the Council would object to any vehicular access from the rear of the site.

#### NEIGHBOUR AMENITY

- 6 35 The buildings proposed on the site have been purpose designed with most windows looking inward and to the rear thereby minimising the opportunity for overlooking to the sides of the site. In any event there are not any conventional residential properties nearby to be effected.
- 6 36 It is inevitable that there will be an effect on the future residents from commercial uses surrounding the site, however, the situation is not sufficient to justify refusal on that basis alone and any future purchaser/occupant should anticipate different environmental conditions in a town centre location.

#### HIGHWAY SAFETY

- 6 37 As already mentioned no off street car parking is provided within the site associated with the development proposed. The existing access point off South Street is currently used for servicing the shop units and would be retained for that purpose. The existing retail/commercial units proposed for demolition have never enjoyed any rear service access and the Council would object to any access off the public car park. The existing uses are more likely to generate vehicle movements than the residential use proposed and there is adequate public car parking in close proximity to the site. It is important to stress that the County Surveyor raises no objections to the development proposed.

#### OTHER CONCERNS EXPRESS IN REPRESENTATIONS

- 6 38 The existing uses on the site will cease if this development goes ahead. This is a matter between the applicant as landlord and his tenants and does not form part of the material planning considerations in this case. It should be born in mind that the applicant could cease to let his premises irrespective of any planning permission for redevelopment of the site.

#### CONCLUSIONS

- 6 39 The scheme proposed for this site complies with the Policy intentions for the town centre and the design and scale respect and enhance the historic townscape. Policy SAT16 suggests that car parking standards may be relaxed in circumstance where residential uses will enhance the vitality of town centres, and the County Surveyor supports this stance. It is accordingly considered that the merits of this case justify a grant of planning permission.

#### Recommendation

- 6 40 That the Corporate Director (Services) be authorised to determine this application on receipt of additional plans showing the south elevation, subject to the following conditions.

01 TIME LIMITS FULL SC4

02 MATERIALS TO BE USED SC14

03 NON STANDARD CONDITION

No development shall commence before details showing the precise form of the windows and the archway (at a scale of between 1:1 and 1:20) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

04 PD RESTRICTED - EXTENSIONS SC17

05 PD RESTRICTED - OUTBUILDINGS SC18

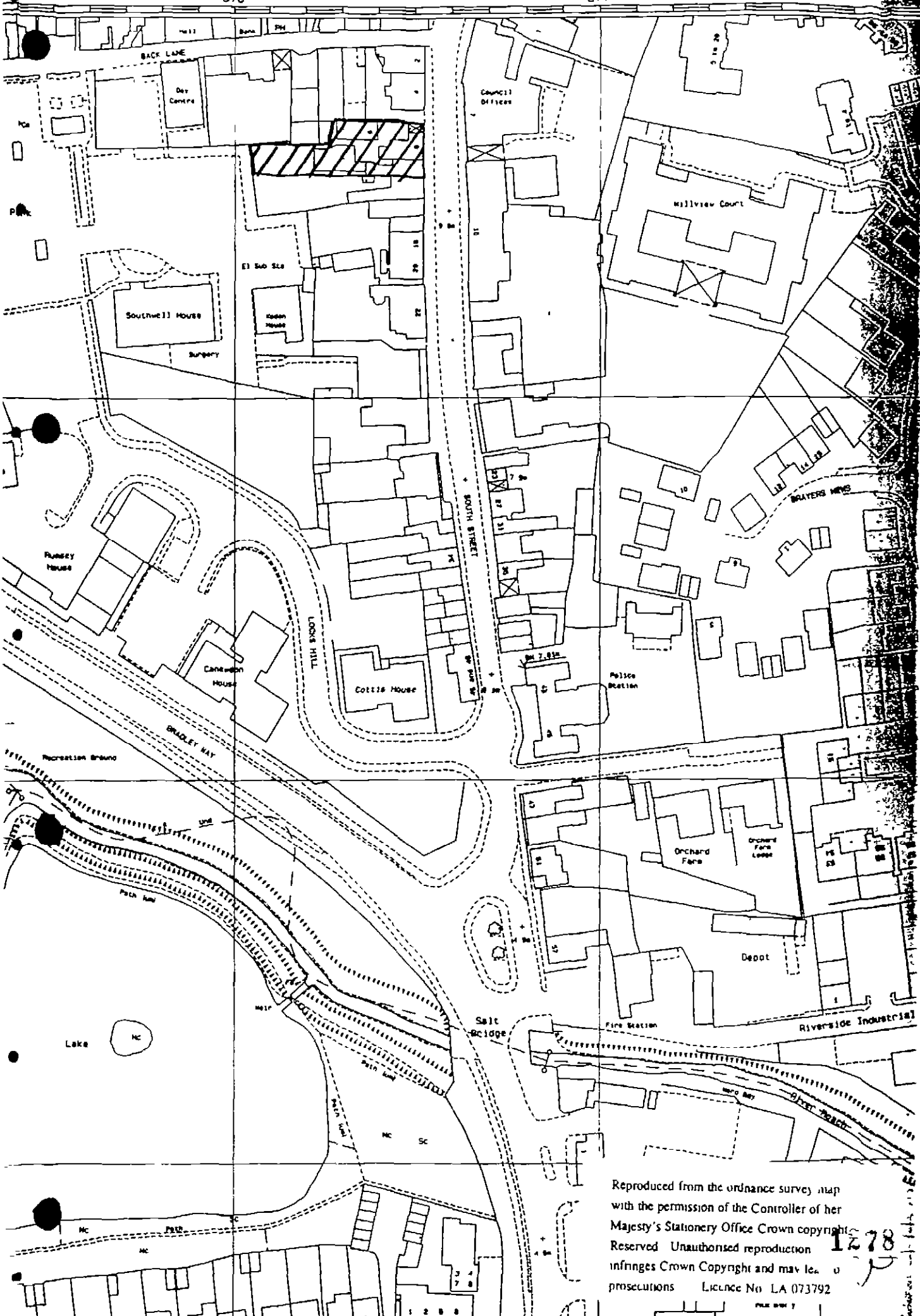
06 PD RESTRICTED - WINDOWS SC22

07 LANDSCAPE DESIGN - DETAILS SC59

08 ARCHAEOLOGICAL WORKS SC96

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*CP*



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LB/0681/97/ROC PARISH OF ROCHFORD6-8A SOUTH STREET ROCHFORD

PART DEMOLITION OF EXISTING BUILDING (NO 8) ERECT TWO 2-BED DWELLINGS

Applicant COLINA U K

Zoning Secondary Shopping, Conservation Area

Listed Building Consent application Details

- 7 1 This application is to be considered concurrently with planning application reference F/0599/97/ROC and relates to the elements of the proposal that require Listed Building Consent. The buildings to be demolished are attached to No 8 South Street that is Grade II Listed. The redevelopment proposals comprising the two detached 2-bed dwellings are also included.
- 7 2 (See above report for F/0599/97/ROC for the site description)

Relevant Planning History

- 7 3 (See above report for F/0599/97/ROC)

Consultations and Representations

- 7 4 *[At the time of writing the report the consultation period for this application has yet to expire. Any further comments received will be reported verbally at the Committee.]*
- 7 5 Essex County Council (County Archaeologist) raises no objection to the development subject to the imposition of a condition requiring the prior approval of a programme of archaeological work in accordance with a written scheme of investigation.
- 7 6 The Rochford Hundred Amenities Society express concern about parking problems if the two properties are built.

Summary of Planning Considerations

- 7 7 The considerations material to the application for Listed Building Consent are encompassed in the report for F/0599/97/ROC above.

Recommendation

- 7 8 That the Corporate Director (Services) be authorised to determine this application on receipt of additional plans showing the south elevation, subject to the following conditions

01 TIME LIMITS - LB SC4A

02 MATERIALS TO BE USED SC14

03 NON STANDARD CONDITION

No development shall commence before details showing the precise form of the windows and the archway (at a scale of between 1:1 and 1:20) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.



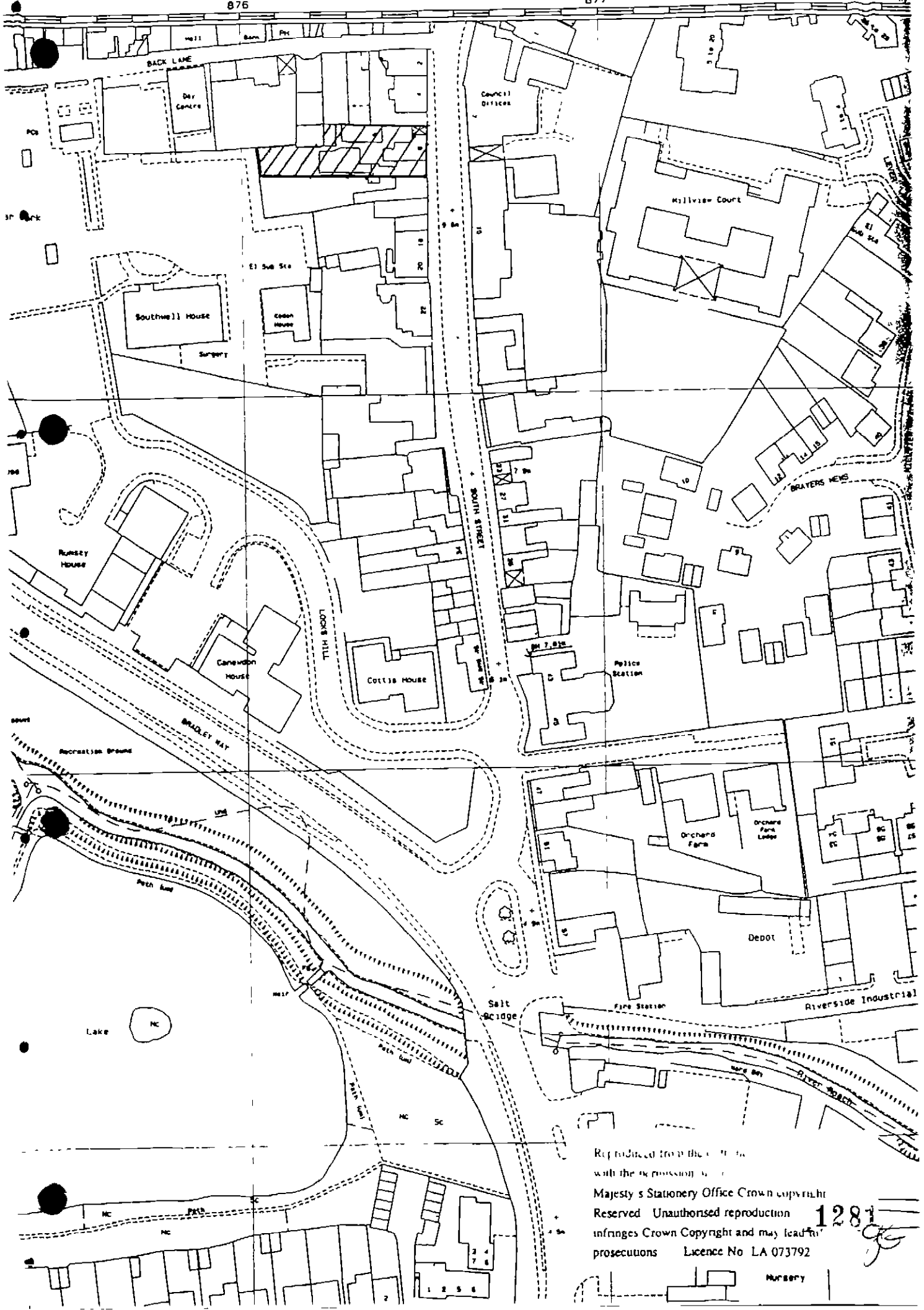
04 ARCHAEOLOGICAL WORKS SC96

05 DEMOLITION - REDEVELOPMENT SC95

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*Handwritten mark, possibly initials or a signature.*

LB/0681/97/KOC



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NURSERY

DELEGATED PLANNING DECISIONS - 18TH DECEMBER 1997

I have decided the following applications in accordance with the policy of delegation:

AD/0499/97/ROC APPROVE

LAND FRONTING 180 HOCKLEY ROAD RAYLEIGH  
INSTALL BUS SHELTER WITH TWO ILLUMINATED ADVERTISEMENT DISPLAY  
PANELS  
ADSHEL PLC

AD/0514/97/ROC APPROVE

141 FERRY ROAD HULLBRIDGE  
DISPLAY NON-ILLUMINATED FASCIA ADVERTISEMENT  
MISSLEBROOK & WESTON LTD

AD/0543/97/ROC APPROVE

GLENCROFT WHITE HART LANE HAWKWELL  
ERECT 3 X 5M (16FT 5IN) HIGH FLAG POLES  
REGIS GROUP PLC

AD/0544/97/ROC APPROVE

GLENCROFT WHITE HART LANE HAWKWELL  
ERECT SIGN BOARD 2.1M (6FT 11IN) WIDE BY 3 26M (10FT 8IN) HIGH  
AND ONE 5M (16FT 5IN) HIGH FLAG POLE  
REGIS GROUP PLC

CC/0542/97/ROC NO OBJECTION

EDWARD FRANCIS INFANTS SCHOOL UPLANDS PARK ROAD RAYLEIGH  
CONTINUE USE OF ONE RELOCATABLE CLASSROOM  
ESSEX COUNTY COUNCIL

DPD/0574/97/ROC REFUSE

TYTHE BARN FARM POYNTERS LANE GREAT WAKERING  
DETERMINATION TO SEEK WHETHER PRIOR APPROVAL OF SITING &  
APPEARANCE IS REQUIRED TO ERECT 15M HIGH LATTICE  
TELECOMMUNICATIONS TOWER, INSTALL 6 SECTOR ANTENNAE, 3 MICROWAVE  
DISHES (600MM DIAMETER), EQUIPMENT CABIN & COMPOUND  
IONICA PLC

DPD/0610/97/ROC REFUSE

STEWARDS YARD WAKERING ROAD GREAT WAKERING  
DETERMINATION TO SEEK WHETHER PRIOR APPROVAL OF SITING AND  
APPEARANCE IS REQUIRED TO ERECT 15M HIGH LATTICE  
TELECOMMUNICATIONS TOWER, INSTALL 3 DUAL POLAR ANTENNAE AND TWO  
600MM MICROWAVE DISHES, EQUIPMENT CABIN & COMPOUND  
ORANGE PCS

F/0420/97/ROC APPROVE

215 LITTLE WAKERING ROAD LITTLE WAKERING  
FRONT AND REAR DORMER WINDOW EXTENSIONS  
MR J REDFEARN

F/0436/97/ROC APPROVE  
47A VICTORIA ROAD RAYLEIGH  
FIRST FLOOR EXTENSION TO REAR  
PHILIP RICHARD WRIGHT

F/0447/97/ROC APPROVE  
3 EDWARD CLOSE ASHINGTON  
ERECT FLAT ROOF REAR DORMER EXTENSION  
MR AND MRS MARSHALL

F/0453/97/ROC APPROVE  
PENCLAWDD 10 CLEMENTS HALL LANE HAWKWELL  
ERECT PITCHED ROOF DETACHED GARAGE FORMATION OF VEHICULAR ACCESS  
AND TURNING AREA  
MR & MRS MCCARTHY

F/0461/97/ROC APPROVE  
3 HILLCREST AVENUE HULLBRIDGE  
ERECT EXTENSION TO ENTRANCE PORCH TO ACCOMMODATE WHEELCHAIR  
ACCESS  
MR V M COTTHAM

F/0469/97/ROC APPROVE  
127 & 129 DOWNHALL ROAD RAYLEIGH  
ERECT METER HOUSING AND GARDEN STORE BUILDING  
BASILDON COMMUNITY HOUSING ASSOCIATION

F/0472/97/ROC APPROVE  
63 HILARY CRESCENT RAYLEIGH  
SINGLE STOREY REAR EXTENSION  
MR AND MRS LORRIMORE

F/0504/97/ROC APPROVE  
133-135 FERRY ROAD HULLBRIDGE  
CONSTRUCT NEW SHOPFRONT  
FERRY FISHERIES

F/0506/97/ROC APPROVE  
69 OXFORD ROAD ROCHFORD  
ERECT FIRST FLOOR SIDE EXTENSION (RAISE HIP TO GABLE END),  
CONSTRUCT FRONT AND REAR FLAT ROOF DORMERS  
MR J WESTON

F/0525/97/ROC APPROVE  
35 KNIVET CLOSE RAYLEIGH  
FIRST FLOOR FRONT EXTENSION  
MR BELL

F/0532/97/ROC APPROVE  
2 ROCHFORD HALL ROAD ROCHFORD  
ERECT SINGLE STOREY OUTBUILDING (REVISED SUBMISSION FOLLOWING  
APPLICATION F/0266/96/ROC)  
MR AND MRS P SMITH



F/0537/97/ROC REFUSE  
78 CASTLE ROAD RAYLEIGH  
TWO STOREY SIDE EXTENSION  
I CORNISH  
01

WOULD HAVE A ALIEN AND INCONGRUOUS APPEARANCE, WOULD BE OUT OF KEEPING, SCALE AND FORM OF THE ROOFLINE.

F/0541/97/ROC APPROVE  
14 HILLSIDE ROAD HOCKLEY  
GROUND FLOOR REAR EXTENSION  
MR M BATEMAN

F/0547/97/ROC APPROVE  
109 DOWNHALL ROAD RAYLEIGH  
ERECT FIRST FLOOR SIDE EXTENSION (TO RAISE HIP TO GABLE) ERECT  
FIRST FLOOR PITCHED ROOF REAR EXTENSION AND REAR CONSERVATORY  
MR LAIDLAW

F/0552/97/ROC REFUSE  
6 CANEWDON VIEW ROAD ASHINGDON  
ERECT TWO STOREY SIDE EXTENSION (TO FORM GARAGE AND STORE)  
MR HARDING  
01  
CONTRARY TO BOUNDARY POLICY AND WOULD SET A PRECEDENT

F/0553/97/ROC APPROVE  
WOODSTOCK 172 RAWRETH LANE RAWRETH  
ERECT TWO STOREY/GROUND FLOOR FRONT, REAR AND SIDE EXTENSIONS  
MR AND MRS S SERGEANT

F/0554/97/ROC APPROVE  
22 JUBILEE CLOSE HOCKLEY  
GROUND FLOOR SIDE EXTENSION (CONSERVATORY)  
T HIGGS

F/0560/97/ROC APPROVE  
7 WESTERN ROAD RAYLEIGH  
REMODEL BUNGALOW INCLUDING INCREASE IN RIDGE AND INCORPORATE  
DORMERS TO LOFT VOID FRONT AND REAR EXTENSIONS DETACHED DOUBLE  
GARAGE TO REAR  
G J & S D PALMER

F/0562/97/ROC APPROVE  
20 NELSON ROAD RAYLEIGH  
GROUND FLOOR REAR EXTENSION  
MR P METSON

F/0567/97/ROC APPROVE  
29 SPA ROAD HOCKLEY  
NEW SHOPFRONT  
MRS M BAKER

F/0570/97/ROC APPROVE

PROSPECT VILLA HAVANA DRIVE RAWRETH  
DELETE CONDITION 2 OF PLANNING PERMISSION REFERENCE ROC/058/85  
(LIMIT ON RIDING TUITION IE. NO MORE THAN TWO PUPILS AT ANY ONE  
TIME)  
G LAWRENCE

F/0572/97/ROC APPROVE

HANOVER GOLF CLUB HULLBRIDGE ROAD RAYLEIGH  
ERECT SINGLE STOREY PITCHED ROOF EXTENSION TO CLUBHOUSE  
HANOVER GOLF & COUNTRY CLUB

F/0575/97/ROC APPROVE

134 SHOEBURY ROAD GREAT WAKERING  
FORM VEHICULAR ACCESS INCLUDING DROPPED KERB CROSSOVER  
MISS S TURNER

F/0576/97/ROC APPROVE

3 WHITEHOUSE CHASE RAYLEIGH  
GROUND FLOOR SIDE EXTENSION TO FRONT  
D STEVENS ESQ

F/0581/97/ROC APPROVE

2 BRAYERS MEWS ROCHFORD  
ERECT SINGLE STOREY REAR EXTENSION  
MR R CRAVEN

F/0584/97/ROC APPROVE

5 HIGH MEAD HAWKWELL  
ERECT SIDE FACING PITCH ROOF DORMERS (REVISED SUBMISSION  
FOLLOWING APPLICATION F/0449/96/ROC)  
N CARTER

F/0585/97/ROC APPROVE

10 MINSTER CLOSE RAYLEIGH  
REPLACE FLAT ROOF ON EXISTING GROUND FLOOR REAR EXTENSION WITH  
MONO-PITCH LEAN-TO SLOPING ROOF  
MR E KANE

F/0594/97/ROC APPROVE

33 ALDERMANS HILL HOCKLEY  
GROUND FLOOR REAR EXTENSION  
MRS R STONE

LB/0559/97/ROC APPROVE

ROCHFORD HUNDRED GOLF CLUB HALL ROAD ROCHFORD  
INTERNAL ALTERATIONS TO FORM TOILET AND SHOWER FACILITIES IN  
EXISTING STORE  
ROCHFORD HUNDRED GOLF CLUB LTD

LDC/0454/97/ROC APPROVE

256 DAWS HEATH ROAD RAYLEIGH  
TO ESTABLISH THE LAWFULNESS OF 1) THE RETENTION OF A  
CONSERVATORY, BOILER HOUSE, SINGLE STOREY SIDE AND REAR  
EXTENSIONS TO DWELLING; 2) THE CONTINUED USE OF AN EXISTING  
GARAGE AS ANCILLARY HABITABLE ACCOMMODATION  
MRS P SCOTT

LDC/0455/97/ROC APPROVE

256 DAWS HEATH ROAD RAYLEIGH

ESTABLISH THE LAWFULNESS OF 1) PROPOSED USE OF LOFT SPACE AS  
ADDITIONAL HABITABLE FLOOR AREA 2) PROPOSED INSERTION OF ROOF  
LIGHTS IN REAR ROOF PLANE 3) PROPOSED ERECTION OF GARAGE, GAMES  
ROOM & SWIMMING POOL

MRS P SCOTT

JE

DELEGATED BUILDING REGULATION DECISIONS

REJECTIONS

18th December 1997

| PLAN      | ADDRESS   | DESCRIPTION   |
|-----------|---|---|
| BR 97/400 | 43, Ferndale Road<br>Rayleigh                       | First Floor Extensions  |
| BR 97/401 | 60, Broad Walk<br>Hockley                           | Side & Rear Extension   |
| BR 97/402 | 139, Greensward Lane<br>Hockley                     | Underpinning  |
| BR 97/406 | Plot 1, Adj. Endview<br>The Esplanade<br>Hullbridge | New Dwelling  |
| BR 97/407 | Plot 2, Adj. Endview<br>The Esplanade<br>Hullbridge | New Dwelling  |
| BR 97/410 | 182, Hockley Road<br>Rayleigh                       | New Dwelling  |
| BR 97/385 | 8, Park Gardens<br>Hawkevell                        | Proposed Extensions & Alterations<br>to Form Elderly Relatives<br>Accommodation |
| BR 97/379 | 14, Hillside Road<br>Hockley                        | Rear Extension  |
| BR 97/378 | 34, Weir Gardens<br>Rayleigh                        | Rooms in Roof   |
| BR 97/389 | Gusted Hall<br>Gusted Hall Lane<br>Hockley          | Side Extension & Detached Triple<br>Garage                                      |
| BR 97/383 | Land Adj 21, Canute Close<br>Canewdon               | Proposed Detached House with<br>Double Garage                                   |



DELEGATED BUILDING REGULATION DECISIONS

APPROVALS

18th December 1997

| PLAN       | ADDRESS                                   | DESCRIPTION   |
|------------|---|---|
| BR 97/393  | 62, Harewood Avenue<br>Rochford           | Rear Dormer   |
| BR 97/390  | 130, Shoebury Road<br>Great Wakering      | Internal Alterations, Roof Extension<br>& Side Extension & Detached<br>Garage |
| BR 97/359A | 16, Love Lane<br>Rayleigh                 | Rear Extension  |
| BR 97/426  | Longport<br>The Avenue<br>Hullbridge      | Removal of Internal Loadbearing<br>Wall                                       |
| BR 97/397  | 7, Western Road<br>Rayleigh               | Proposed Rear & Front Single<br>Storey Additions & New Roof                   |
| BR 97/459  | 65, Purleigh Road<br>Rayleigh             | Dormer on the Front & Rear<br>Elevations                                      |
| BR 97/425  | 60B, Alexandra Road<br>Great Wakering     | Kitchen Extension at the Rear of<br>Dwelling                                  |
| BR 97/399  | Unit 6, Purdeys Ind. Estate<br>Rochford   | Fitting Out Works (M.F.I)   |
| BR 97/369A | Casa Mia<br>Common Road<br>Great Wakering | Two Storey Rear Extension   |
| BR 97/464  | 5, New England Crescent<br>Great Wakering | Conversion of Garage into Bedroom   |
| BR 97/465  | 29, Avondale Road<br>Rayleigh             | Side Extension  |
| BR 97/463  | 8, Crouch Meadows<br>Hullbridge           | Convert Garage to Playroom  |
| BR 97/438  | 12, Great Wheatley Road<br>Rayleigh       | Second Storey Side Extension  |
| BR 97/403  | British Legion<br>London Road<br>Rayleigh | Single Storey Extension to Store<br>Room                                      |
| BR 97/418  | 1, Shopland Hall Road<br>Rochford         | Two Storey Rear Extension   |
| BR 97/419  | 2, Shopland Hall Road<br>Rochford         | Two Storey Rear Extension   |
| BR 97/436  | 21, The Crofts<br>Little Wakering         | Front Single Storey and Side First<br>Floor Extensions                        |
| BR 97/441  | 21, Brooklyn Drive<br>Rayleigh            | Roof Conversion   |

BR 97/411 Adj. Amhurst  
Hillside Road  
Rayleigh

Detached Bungalow

BR 97/405 Profusion  
T.A H. House  
Aviation Way  
Southend-on-Sea

Provision of Mezzanine Floor

CHAIRMAN J m Giles

DATE 15.1.98