

# Council – 23 February 2021

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Minutes of the meeting of Council held on **23 February 2021** when there were present:-

Chairman: Cllr R R Dray

Vice-Chairman: Cllr Mrs C A Weston

Cllr Mrs D L Belton  
Cllr Mrs L A Butcher  
Cllr M R Carter  
Cllr Mrs T L Carter  
Cllr D S Efde  
Cllr A H Eves  
Cllr Mrs J R Gooding  
Cllr B T Hazlewood  
Cllr N J Hookway  
Cllr M Hoy  
Cllr K H Hudson  
Cllr G J Ioannou  
Cllr M J Lucas-Gill  
Cllr Mrs J R Lumley  
Cllr Mrs C M Mason  
Cllr Mrs J E McPherson

Cllr D Merrick  
Cllr R Milne  
Cllr J E Newport  
Cllr Mrs C A Pavelin  
Cllr Mrs C E Roe  
Cllr Mrs L Shaw  
Cllr P J Shaw  
Cllr S P Smith  
Cllr D J Sperring  
Cllr C M Stanley  
Cllr M J Steptoe  
Cllr I H Ward  
Cllr M J Webb  
Cllr M G Wilkinson  
Cllr A L Williams  
Cllr S E Wootton

## APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C C Cannell and S A Wilson.

## OFFICERS PRESENT

A Hutchings  
M Harwood-White  
M Hotten  
A Law  
N Lucas  
L Moss  
D Tribe  
S Worthington  
L Morris  
K Smith

- Acting Managing Director  
- Assistant Director, Assets & Commercial  
- Assistant Director, Place & Environment  
- Assistant Director, Legal & Democratic  
- Assistant Director, Resources  
- Assistant Director, People & Communities  
- Assistant Director, Transformation & Customer  
- Principal Democratic & Corporate Services Officer  
- Democratic Services Officer  
- Democratic Services Officer

## 21 MINUTES

The Minutes of the Extraordinary meeting held on 16 February 2021 were approved as a correct record and would be signed by the Chairman in due course.

## 22 DECLARATIONS OF INTEREST

Cllrs M G Wilkinson and N J Hookway each declared a non-pecuniary interest

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in item 9 of the Agenda relating to urgent decisions by virtue of having made business grant applications.

## **23 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 1 DECEMBER 2020 TO 8 FEBRUARY 2021**

Council received the Minutes of Executive and Committee meetings held between the period 1 December 2020 to 8 February 2021 and these Minutes were noted.

## **24 REPORT ON URGENT DECISIONS**

Council received and noted the report on urgent decisions.

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

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

“Members, I am happy to provide an update, for information purposes, on business dealt with by the Executive since the last Full Council meeting in December 2020.

At its meeting on 3 February the Executive:

- Noted the Quarter 3 2020/21 revenue budget and capital position set out in the Financial Management Report.
- Approved a budget of £20,000 to appoint external legal advisers to provide advice on contract strategy and preparation of legal documentation on the Waste Collection and Street Cleansing Contract. In-line with this decision, a 3-month extension was agreed to the end of July 2022 on the existing waste collection and street cleansing contracts to allow sufficient time for a procurement process to be undertaken.

Portfolio Holder decisions have been taken that have:

- Leased a section of the Council owned asset known as Ashingdon Pavilion to Ashingdon Parish Council for use as an office space, meeting room and public conveniences for a period of 7 years at an annual rent of £2,500.
- Agreed that a response be submitted to the Government’s ‘Supporting Housing Delivery and Public Service Infrastructure’ consultation within the prescribed time period.
- Entered into the Statement of Common Ground with Castle Point Borough Council as relating to the Castle Point Local Plan.”

### 26 SETTING THE COUNCIL TAX 2021/22

Council considered the report of the Assistant Director, Resources seeking authorisation from Council to set the Council Tax for the year 2021/22.

The Leader of the Council made the following statement:-

“Chairman, this is my first budget as Leader of this Conservative Administration. The budget pressures under which local government operates remain significant and this Authority continues to look closely at opportunities to make efficiency savings and generate new sources of revenue. This is not only in response to the removal of government grants but also to deal with significant cost increases arising from inflationary and demographic pressures, as well as the impact of COVID-19.

Our Business Plan sets out the high level priorities that the Council will work towards over the medium term which are:

- **being financially sustainable;**
- **using early intervention to manage demand on our services;**
- **maximising our assets; and**
- **enabling communities.**

Following approval at Full Council in September 2020 the Council and its development partner ‘GB Partnerships’ have entered into a contract to deliver the Council’s Asset Delivery Programme. This exciting programme will see the regeneration of key sites across the Rochford District, providing the modern and flexible spaces that our community will need in the future.

Alongside this the Council’s ‘Connect’ cultural and transformation programme will ensure Members and staff can operate as 21st century public servants and will improve our digital interface with residents.

Despite the challenges faced over the last year, we have continued to deliver excellent services to our residents. Some key achievements include:-

- Partnership working via the community response hub, which has seen health and wellbeing partners come together with volunteers to support a range of resident needs during the pandemic.
- Partnering with CHESS (Churches Homeless Emergency Support Scheme) to relieve homelessness and related hardship.
- Paying out over £20m of COVID-19 related grants to around 2000 businesses.
- Launching the Reopening High Streets Safely and Business Adaptation Fund schemes to support businesses to reopen in a Covid secure way
- Providing self-isolation support payments to over 70% of applicants, putting us amongst the top rate in the country.

- Supporting Fusion Lifestyle to successfully reopen the Council's leisure sites in a COVID-19 secure phased approach after the first lockdown.
- Being placed 7th in the league for recycling out of more than 350 local authorities across England.
- Maintaining an unqualified set of financial accounts and Value for Money opinion from our external auditors.
- Awarding grants to voluntary groups working across the District to enable them to deliver initiatives that improve on our strong community resilience which exists across our District.
- Achieving an estimated £900,000 of savings to the NHS and wider society along with just over 70 housing hazards being removed or reduced as a result of the work of the Private Housing Team.
- Agreeing Rochford's Carbon Neutral Policy and Action Plan and approving a Disposable Plastic Policy which sets out how Rochford will reduce its use of plastics and support others to do the same.
- Facilitating Rayleigh Windmill volunteers to deliver "Windmill Wednesdays" videos on social media while it remains closed due to the pandemic.
- Supporting Health Walk volunteers to help residents get moving by resuming COVID-19-safe Health Walks in September.
- Working in partnership with Active Essex through their Activity Heroes campaign which recognises local heroes who have helped keep the County safe and active during this difficult year.

Chairman and colleagues, the list is endless and is way in excess of those long established services we deal with as a Council day in and day out. For example, development control, waste collection, open space maintenance, street cleaning, leisure services, business support, housing, community support, car parking management, to name but a few. As a responsible Council we will continue to look at areas where costs can be reduced, or income generated. However, in 2021/22 there is a need to increase Council Tax by 2.1% to help fund the financial pressures that the District is currently facing. This equates to an increase of 10p per household per week on a Band D property. I repeat – an increase of 10p per household per week on a Band D property. It must be remembered though that we should celebrate by being a debt free Council with no loan interest to pay. We are addressing our projected budget gap and providing capital investment in our district – creditable achievements indeed and the envy of many other local authorities.

The proposal is to set Rochford District Council's Council Tax, for a Band D property, at £240.21 per year. The breakdown of annual Council Tax for a Band D property would be:-

Essex County Council	£1204.92
Essex County Council Social Care Levy	£135.99
Essex County Fire and Rescue	£73.89

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Essex Police, Fire & Crime Commissioner	£208.53
Average Town / Parish Councils	£52.25
Rochford District Council	£240.21

The total average Council Tax for a Band D property for 2021/22 would be £1,915.79 - an increase of £35.16 (that equates to 1.9%).

It needs to be remembered that the Rochford District Council share of the Council Tax is actually less than 15% of the total but we are the billing authority for all of the preceptors. In conclusion, Chairman, although these remain difficult financial times, Rochford District Council remains committed to providing excellent services to our residents and partners. With this in mind we will be doing all we can to deliver innovative and high quality services.

Chairman, I commend the Rochford District Council Tax for Members' approval as set out in the recommendations at paragraph 5 of the report but before I pass over to you, Chairman, I would like to refer to the Monitoring Officer, Angela Law, who will take us through the additional items in the addendum to item 12.

Thank you, Chairman."

The Council's Monitoring Officer advised that an addendum had been issued immediately prior to the meeting as there had been an omission from the recommendation. This contained 4 additional bullet points to the recommendation. The Chairman adjourned the meeting for 10 minutes to allow Members sufficient time to read the addendum which, in addition, was shown on screen.

The Leader's Motion to approve the recommendation set out in paragraph 5.1 of the report and in the addendum to the report was seconded by the Portfolio Holder for Financial Services.

In response to concern expressed by a Member about the late receipt of the information set out in the addendum, the Portfolio Holder for Financial Services emphasised that the information was in effect a statement of fact relating to **how a particular calculation is made. He further stressed that the decision in** respect of the level of Rochford District Council Tax had already been taken during the budget-setting meeting last week; the only basis for concern would, he suggested, relate to any misstatement of figures or errors in the calculations made, which was not the case.

The Assistant Director, Resources reiterated this and further added that the additional bullet points did not introduce any new information as the same information was already included in the report, albeit not referenced in the original recommendation. There was no change in the way in which Council Tax had been calculated compared to previous years.

## Resolved

That the following amounts be now calculated by the Council for the year 2021/22 in accordance with Sections 31 to 36 of the Act:-

- a) £ 32,010,425 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act taking into account all the precepts issued to it by Parish/Town Councils.
- b) £ 22,636,463 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act.
- c) £ 9,373,962 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31 A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act)
- d) £ 292.46 being the amount at (c) above (Item R), divided by Item T (paragraph 2.2 above), calculated by the Council, in accordance with Section 31 B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts)
- e) £ 1,674,776 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act, as detailed above.
- f) £ 240.21 being the amount at (d) above less the result given by dividing the amount at (e) above by item T (paragraph 2.2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
- g) The amounts set out at **Appendix B** being the amounts given by adding to the amount at (f) above to the amounts of the special item or items relating to dwellings in those parts of the Council's area as set out in Appendix B divided in each case by Item T (paragraph 2.2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
- h) The amounts set out at **Appendix C** being the amounts given by multiplying the amounts at (g) above by the number which, in the proportion set out in Section 5 (1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in the proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- i) That it be noted that for the year 2021/22 Essex County Council, Essex Police, Fire and Crime Commissioner and Essex County Fire and Rescue

have stated the amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings as set out at **Appendix D**:

- j) That the Council, in accordance with sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in **Appendix E** as the amount of Council Tax for 2021/22 for each part of its area and for each of the categories of dwellings. (ADR)

(27 Members voted in favour of the recommendation, 0 voted against, and 7 abstained).

### **27 LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22**

Council considered the report of the Assistant Director, Resources seeing approval of the proposed Local Council Tax Support (LCTS) scheme for 2021/22 to be implemented from 1 April 2021 and confirmation of the continuation of the discretionary reduction in Council Tax liability policy.

The Portfolio Holder for Financial Services stated that the report was substantially the same as the report that was considered this time last year. He advised that the principal change was that an inflationary increase had been included for 2021/22. Although the policy was a lengthy document, there was a more user friendly, condensed version on the Council's website which was more accessible for any residents who might wish to access the scheme.

A motion moved by the Portfolio Holder for Financial Services that the recommendations set out at paragraph 8.1 of the report be approved was seconded by Cllr Mrs L Shaw.

Cllr M Hoy expressed concern about the section of the policy that dealt with the issue of a minimum income floor relating specifically to the assumption built into the calculations that self employed people will earn the minimum wage or the national living wage at 35 hours per week, when this was not always the case. Although there were exceptions built into the policy, e.g., for start ups, the Government had currently removed the minimum income floor from calculations in respect of Universal Credit and this was likely to be the case for the next year. He therefore moved an amendment to the Motion that the LCTS scheme be approved, subject to removal of paragraph 29A.0 relating to the minimum income floor and this was seconded by Cllr N J Hookway.

The Portfolio Holder for Financial Services stated that he did not support the proposed amendment and made the following statement:-

“It is not possible to quantify the cost of removing the minimum income floor (MIF). Unfortunately there is no identifier on our systems to show where the MIF has been applied as this is just a consideration which forms part of the calculation of CTS of a self-employed applicant under the terms of the

scheme. We would need to manually check every self-employed claim that we are currently paying (and there are those who may have previously been self-employed) and go through the calculation of the claim to establish whether the MIF was applied.

Under the terms of our policy we can at our discretion extend the start up period or allow a further start up period where one has already been given. This gives us the flexibility to look at cases on an individual basis. We have been particularly mindful of this during the pandemic period.

Only a small number of experienced staff within the benefits team deal with self-employed cases. They are all aware of the use of discretion as far as the MIF is concerned and they do this consistently in line with the policy allowing extensions and new start up periods where appropriate.

If anyone feels that they have been unduly affected by the MIF being applied then we would look at those cases on an individual basis.”

In seconding the amendment to the Motion, Cllr Hookway emphasised that this was an issue that was raised each year and Council was able to review and amend its decisions. He believed that this would help out the self-employed sector of the community (who were often on low incomes) during these challenging times and if the amendment was carried it would be possible to review the decision the following year.

In response to a Member question relating to paragraph 29A.2 of the policy as to whether on an individual case by case basis the 2 year start up period could be extended, the Portfolio Holder agreed that that was the case.

Responding to another Member question as to whether the policy could be applied to individuals employed on hours based contracts, the Portfolio Holder for Financial Services emphasised that the policy applied to self employed persons; the number of hours in the policy was set at 35. The Assistant Director, Resources further reiterated that the intention of the policy was to enable a parity of treatment of the employed and self-employed on low incomes.

Another Member, in supporting the amendment to the Motion, argued that the policy, in setting the number of hours at 35, ended up further disadvantaging the already disadvantaged.

Responding to a further Member query as to why a 2 year start up period was applied when there was clearly flexibility on this, on a case by case basis, the Assistant Director, Resources advised that the 2 year start up period was not routinely waived; if someone had just met the 2 year period at the start of the pandemic, however, the Council allowed some flexibility given the exceptional circumstances of the pandemic.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on an amendment to the Motion that the LCTS scheme be

approved, subject to removal of paragraph 29A.0 relating to the minimum income floor, as follows:-

For (8)	Cllrs Mrs T L Carter; A H Eves; N J Hookway; M Hoy; G J Ioannou; Mrs C M Mason; J E Newport; C M Stanley
Against (24)	Cllrs Mrs D L Belton; Mrs L A Butcher; M R Carter; R R Dray; Mrs J R Gooding; B T Hazlewood; K H Hudson; M J Lucas-Gill; Mrs J R Lumley; Mrs J E McPherson; D Merrick; R Milne; Mrs C A Pavelin; Mrs C E Roe; Mrs L Shaw; P J Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; A L Williams; S E Wootton
Abstain (2)	Cllrs D S Efde; M G Wilkinson

The amendment to the Motion was declared lost.

In debating the original Motion moved by the Portfolio for Financial Services to approve the recommendations set out at paragraph 8.1 of the report, a Member asked whether the personal allowances referred to in paragraph 3.1 of the report related to an increase in the amount paid or a threshold increase. The Assistant Director, Resources confirmed that this referred to the allowance used to determine the scheme.

In response to a further question relating to paragraph 5.2 of the report around officers' discretion in determining access to the hardship fund, the Assistant Director, Resources confirmed that officers made reference to internal guidance on eligibility.

### **Resolved**

- (1) That the LCTS scheme be approved to come into effect from 1 April 2021 as detailed in the Section 13A policy.
- (2) That the Discretionary Reduction in Council Tax Liability Policy be confirmed from 1 April 2021. (ADR)

(27 Members voted in favour of the Motion, 0 against and 7 abstained).

### **28 COUNCIL REPRESENTATIVES ON THE PARTNERSHIP PANEL**

Council considered the report of the Assistant Director, Legal & Democratic asking that representation on the Partnership Panel be reviewed following a change in political composition of the Council.

Cllr R R Dray moved a Motion, seconded by Cllr G J Ioannou, that the recommendation set out in the addendum to the report be approved.

## **Resolved**

That Cllr S A Wilson should continue as a representative on the Partnership Panel. (ADLD)

(33 Members voted in favour of the Motion, 1 against and 0 abstained).

## **29 CROUCH HARBOUR AUTHORITY**

Council considered the report of the Assistant Director, Legal & Democratic seeking approval in a change in representation to the Crouch Harbour Authority for the remainder of the current municipal year.

Cllr R R Dray moved a Motion, seconded by Cllr M J Lucas-Gill, that the recommendation set out at paragraph 7.1 of the report be approved.

## **Resolved**

That the Portfolio Holder for Environment and Place be appointed as the Council's representative on the Crouch Harbour Authority for the remainder of this municipal year. (ADLD)

(34 Members voted in favour of the Motion, 0 against and 0 abstained).

## **30 PAY POLICY STATEMENT**

Council considered the report of the Acting Managing Director presenting a revision to the Pay Policy Statement for approval by Council.

Cllr R R Dray moved a Motion, seconded by Cllr M G Wilkinson, that the Pay Policy Statement be adopted.

## **Resolved**

That the Pay Policy Statement be adopted. (AMD)

(34 Members voted in favour of the Motion, 0 against and 0 abstained).

The meeting closed at 9.04 pm.

Chairman .....

Date .....

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