

## Council – 15 February 2023

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Minutes of the meeting of **Council** held on **15 February 2023** when there were present:-

Chairman: Cllr M J Steptoe  
Vice-Chairman: Cllr Mrs J E McPherson

Cllr Mrs D L Belton  
Cllr M R Carter  
Cllr Mrs T L Carter  
Cllr R P Constable  
Cllr J E Cripps  
Cllr D S Efde  
Cllr A H Eves  
Cllr I A Foster  
Cllr Mrs E P Gadsdon  
Cllr M Hoy  
Cllr T D Knight  
Cllr J L Lawmon  
Cllr J R F Mason  
Cllr Mrs C M Mason  
Cllr R Milne

Cllr G W Myers  
Cllr J W Newport  
Cllr L J Newport  
Cllr Mrs C E Roe  
Cllr Mrs L Shaw  
Cllr D S Sperring  
Cllr Mrs D P Squires-Coleman  
Cllr C M Stanley  
Cllr I H Ward  
Cllr M J Webb  
Cllr A L Williams  
Cllr S A Wilson  
Cllr Mrs V A Wilson  
Cllr S E Wootton

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs L A Butcher, A G Cross, J E Gooding, Mrs J R Gooding, R Lambourne, Mrs J R Lumley, D S Sharp and M G Wilkinson.

### **OFFICERS PRESENT**

J Stephenson	- Chief Executive Officer
E Yule	- Strategic Director
S Summers	- Strategic Director
P Barnes	- Director of Assets & Investments
S Bennett	- Director of Customer & Data Insight
C Campbell	- Director of Policy & Delivery
M Hotten	- Director of Environment
T Lilley	- Director of Communities & Health
A Hunkin	- Interim Director of People & Governance
T Willis	- Interim Director of Resources
W Szyszka	- Democratic Services Officer
J Jakes	- Corporate Services Officer

Before the commencement of the meeting, a minute's silence was held in memory of former District Councillor Roland Adams and Michelle Power, former RDC Democratic Services Officer.

### 30 DECLARATIONS OF INTEREST

Cllrs M Hoy, J E Newport, Mrs L Shaw and M J Steptoe declared a non-pecuniary interest in item 8 of the agenda by virtue of being Members of Essex County Council.

### 31 MINUTES

The Minutes of the meeting held on 13 December were approved as a correct record and signed by the Chairman.

### 32 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

The Chairman, Cllr M J Steptoe made the following announcement:-

“Members, since our last Full Council meeting, 2023 is now in full swing and I have already attended many engagements in the community.

I had the privilege of attending my Civic Church Service where I joined the community in prayer and reflection. It was a beautiful and uplifting experience that reminded us of the importance in coming together in times of, both, joy and hardship.

I was able to celebrate the Sankranti Festival recently, with members of our local Indian community. It was a lively and festive occasion that showcased the rich, cultural heritage of our community.

It was an honour to attend the Local District Business Awards where we recognised and celebrated the achievements of some of our most successful innovative businesses. It was inspiring to see the hard work and dedication that goes into building a successful business and the positive impact that they have on our community.

Our Holocaust Memorial Day Service took place at the end of January. We remembered and paid homage to the millions of victims of one of the darkest moments in human history. It was a sombre but important reminder of the atrocities that humanity is capable of, and the importance of standing up for justice and human rights.

I would also like to take this opportunity to invite you all to join me for the upcoming Civic Dinner, where we will have the opportunity to honour the winners of the Citizen of the Year awards. This event is a chance for us to come together as a community and celebrate the achievements of some of our most outstanding citizens. I hope to see many of you there.”

### **33 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 1 DECEMBER 2022 TO 31 JANUARY 2023**

Council received the Minutes of Executive and Committee meetings held between the period 1 December 2022 to 31 January 2023 and these Minutes were noted.

### **34 INTRODUCTION OF SEPARATE FOOD WASTE COLLECTION**

Council considered the report of the Director of Environment asking Council to consider the early adoption of a weekly food waste collection service in autumn 2023 and the associated changes to the Council's waste and recycling services, in advance of the expected legislative requirements from 2024.

The Portfolio Holder for Environment, Cllr D J Sperring, noted that adopting a weekly food waste collection service was recommended by Government and other local authorities had already implemented the service. It was also noted that the Council's waste partners, Norse Group, had already collaborated with other local authorities in delivering this particular food waste service. The Portfolio Holder added that Rochford District Council (RDC) would benefit from Norse Group's already acquired experience to improve the services once they were fully implemented and active within the District.

Members expressed concerns over diesel vehicles that would be used to deliver this service, noting that this could have an adverse effect on the Council's objective to be carbon neutral.

In response, officers advised that the Council sought to implement vehicles that were hybrids between diesel and electric with a 90% efficiency in reducing harmful gases being released into the atmosphere. Officers also highlighted that environmental issues in relation to the vehicles were discussed separately.

Cllr D J Sperring moved a Motion, seconded by Cllr I H Ward, that the recommendations set out at paragraph 12.1 on pages 8.8 to 8.9 of the report be approved.

A Member queried whether garden waste would continue to be collected alongside food waste, raising concerns over cross-contamination.

In response, officers advised that the waste system would continue as usual and that some level of contamination was likely to occur due to waste being transported to the same landfill as other nearby local authorities to RDC. Officers also advised that the risk of contamination was particularly small and it was important to recognise the overall success rate for minimising the risk across the three authorities.

A Member queried why the report did not consider joined up collaboration with other departments across RDC or alternative solutions to the proposed recommendations. The Member also requested that the appropriate officers

and Portfolio Holders explore the suitability of food aerators and consider the effectiveness of grants for retrofitting to reduce the need for diesel vehicles.

Concerns were raised by Members in relation to recommendations 6 and 7 at paragraph 12.2 on page 8.9 of the report noting that significant decisions were due to be made and that the Council should be properly consulted with the findings prior to agreeing to implement this service.

Cllr Mrs C M Mason moved a Motion, seconded by Cllr A H Eves, that recommendations 6 and 7 at paragraph 12.1 on page 8.9 of the report be removed and replaced with, “that the final considerations of the Director of Environment and Portfolio Holder for Environment be brought to Full Council for approval.”

Speaking to the Motion, officers advised Members that delaying this decision could have adverse implications on the contracts that RDC had in place with Suez and Rochford Norse.

A Member spoke against the Motion noting that grants from Essex County Council (ECC) to support with the implementation of this service were dependent upon tight timescales, urging the Council that the service be implemented in autumn 2023. The Member added that delaying the decision could have implications for future negotiations between RDC and its partners.

Members queried whether the Council would face financial penalties should there be a delay in agreeing to the service within the timeframe set out within the report.

Officers responded that the main implications would be the waiting time on vehicles of approximately 6 months; therefore it was crucial that the order was placed as soon as practicable. Officers further added that there could be some financial impact if the Council did delay.

The Motion was declared lost on a show of hands.

(8 Members voted in favour of the Motion, 21 Members voted against and 2 Members abstained.)

Debating the original Motion, a Member queried whether food waste bags would be provided to all households across the District, noting that some hygiene concerns were raised in relation to food caddies being left outside of properties.

Officers responded that food waste bags would not initially be provided to households.

A Member queried why the Council did not take into account establishing infrastructure across the District to put in place electric vehicle charging points. The Member also added that the report did not include other justifications for

diesel vehicles apart from infrastructural limitations. The Member expressed disappointment in the report.

In response to a Member question, officers advised that the vehicles would have particle filters installed in them that would retain fine dust from ambient air, minimising dust from being released into the environment.

### **Resolved**

- (1) That a weekly collection of food waste be introduced in autumn 2023.  
(This was unanimously agreed.)
- (2) That the containers provided to households for food waste are 23 litre kerbside food caddies.  
(30 Members voted in favour, 0 against and 1 Member abstained.)
- (3) That £910,000 be draw down for the capital expenditure.  
(28 Members voted in favour, 0 against and 3 Members abstained.)
- (4) That an additional net £40,000 revenue budget be provided for the delivery of the food waste collection service in 2023/24.  
(29 Members voted in favour, 0 against and 2 Members abstained.)
- (5) That a consultation be undertaken seeking the views of households on options for change to the future waste collection service.  
(This was unanimously agreed.)
- (6) That authority be delegated to the Director of Environment, in consultation with the Portfolio Holder for Environment, to finalise the business case and consequent agreement with Essex County Council regarding the introduction of a separate food waste service.  
(21 Members voted in favour, 7 Members voted against and 2 Members abstained.)
- (7) That authority be delegated to the Director of Environment, in consultation with the Portfolio Holder for Environment, to undertake contract negotiations with Rochford Norse Joint Venture to finalise the necessary changes to the collection service. (DE)  
(21 Members voted in favour, 7 against and 3 Members abstained.)

## **35 LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24**

Council considered the report of the Interim Director of Resources seeking approval of the continuation of the Local Council Tax Support scheme for

2023/24 and for an amended Discretionary Reduction in Council Tax Liability Policy.

Cllr Mrs D L Belton moved a Motion, seconded by Cllr D S Efde, that the recommendations at paragraph 8.1 on page 9.4 of the report be approved.

Members spoke favourably of the report and supported the arrangements.

### **Resolved**

- (1) That the LCTS scheme be confirmed from 1 April 2023.
- (2) That the proposed changes to the Discretionary Reduction in Council Tax Liability Policy be approved from 1 April 2023. (IDR)

(This was unanimously agreed.)

### **36 ANNUAL UPDATE REPORT – ONETEAM TRANSFORMATION PROGRAMME STRATEGIC PARTNERSHIP WITH BRENTWOOD BOROUGH COUNCIL**

Council considered the report of the Director of Policy & Delivery providing the first annual update on the progress of the OneTeam Transformation Programme.

A Member suggested that, alongside resident feedback, as per paragraph 3.29 on page 10.7 of the report, the Council should explore Member feedback to gauge how Members felt in relation to the administrative changes as a result of the OneTeam Transformation Programme.

A further suggestion was made by Members to add a 'pros and cons' table, highlighting the benefits and the limitations of the Programme.

In response to a Member question, officers advised that if services were to remain the same, they would still undergo the appropriate assessments.

### **Resolved**

That the report and update on progress in Year 1 be noted. (DPD)

### **37 ALLOCATION OF SEATS ON COMMITTEES**

The Chairman announced that this item of business would be deferred to be considered at the meeting of Extraordinary Council on 21 February 2023.

### **Resolved**

That this item of business be deferred to be considered at the Extraordinary Meeting of Council on 21 February 2023. (IDPG)

**38 REPORT FROM THE OVERVIEW & SCRUTINY COMMITTEE**

**(1) Report of the Overview & Scrutiny Committee – Capital and Treasury Management Strategy 2023/24**

Council considered the report of the Overview & Scrutiny Committee on the Capital and Treasury Management Strategy 2023/24.

Cllr S A Wilson moved a Motion, seconded by Cllr Mrs J E McPherson, that the recommendations at paragraph 3.1 on page 12.1.1 be approved.

**Resolved**

- (1) That the Capital and Treasury Management Strategy Statement, including the investment instruments, indicators, limits and delegations contained within the report, be noted.
- (2) That the Capital Expenditure Forecasts be noted.
- (3) That the Operational and Authorised Limits for external debt as laid down in the report be noted.
- (4) That the Capital and Treasury Management Strategy for 2023/24, as set out in this report, be approved. (IDR)

(This was unanimously agreed.)

**39 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE**

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

'Members, the meeting has already received the minutes of meetings of the Executive since our last Full Council meeting on 13 December 2022. I am happy to provide an update, for information purposes, on business dealt with by the Executive since then.

At its meeting on 19 January the Executive resolved:

- That authority be delegated to the Strategic Director and Director of Place, in consultation with the Portfolio Holder for Finance, Economy & Climate, to allocate and spend funding for 2022/23 in accordance with the Council's approved UK Shared Prosperity Fund Investment Plan.
- That a new lease be signed for the Council owned asset, part of a sports pavilion and open area, located at Fairview Playing Field, Victoria Road, Rayleigh to Trudge Fitness Limited for gymnasium and fitness centre use.

- That authority be delegated to the Director of Assets & Investments, in consultation with the Portfolio Holder for Strategic Planning & Assets, to finalise the terms of the lease with Trudge Fitness Limited.

At its meeting on 7 February the Executive resolved:

- That the Sustainability Strategy be approved and adopted.
- That the Climate & Sustainability Officer post be made permanent.
- That a Climate & Sustainability Committee of nine Members be established on a politically representative basis.
- That the Climate & Sustainability Committee meets on a quarterly basis.
- That the Community Investment Plan (CIP) Community Engagement exercise should include meaningful market research to achieve the best outcome for the Mill Hall.
- That the regeneration strategy is aligned with the New Local Plan.
- That the Council looks to work in partnership with charitable organisations and others that can access grants.
- That the delegated spending authority is limited to £100,000; and any decisions more than this value are referred to the full Executive for decision.
- That the Community Investment Plan objectives as set out be approved.
- That delegated authority be given to the Interim Director of Resources and the Director for Assets & Investments, in consultation with the Leader and the Portfolio Holder for Finance, Climate & Economy, to drawdown funds from the CIP ringfenced to support the following:-
  - (i) Up to a total of £255,000 to support expected works of £185,000 at the Mill Arts & Events Centre to enhance the offering for events there plus up to £25,000 to support the external resource to deliver future plans and business case for the Mill Arts & Events Centre.
  - (ii) Up to a total of £350,000 to support the objectives of regeneration outlined within the CIP proposal. This money will support the technical work to bring forward regeneration sites in the district to RIBA stage 2 supporting the Regeneration Strategy approved by the Executive on 9 November.
  - (iii) Up to a total of £75,000 to deliver a comprehensive community and stakeholder engagement process to support and align with the technical delivery of the regeneration sites.

Portfolio Holder decisions have been taken that have:



- Noted and published the Authority Monitoring Report 2021/22 as part of the Council's evidence base for planning.
- Approved the timetable of meetings for the 2023/24 Municipal Year.'

### 40 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

Pursuant to Council procedure Rule 12, the following public and Member questions on notice had been received:-

#### **(1) From Mr John Payton to the Leader of the Council**

"The Leader of the Council has publicly stated: "The Council was visionary in recognising financial challenges facing local government. The Council needed to press ahead with cost efficiencies by maximising use of the Council's assets and the Council has a long-standing proven history of prudent and responsible financial management and that will continue to be the continuing theme of the administration, despite current challenges."

However this administration has overseen £1.6m and rising of costs of the Asset Delivery Programme, including £622,000 in penalties paid to the development partner GP Partnerships, for the removal of the Mill Hall from the programme and over £460,000 paid to consultants. AS of this date, there appears to be nothing to show for this troubling waste of public funds. Mill Hall is now facing hundreds of thousands of pounds of remedial refurbishment costs.

In a response at the 6<sup>th</sup> December 2022 Executive meeting, to Councillor Chris Stanley's question: "Why has RDC not pressed Fusion to meet these obligations in the upkeep of Mill Hall?" the Leader responded: "I can confirm that Fusion remains responsible for the repair and ongoing maintenance of the Mill and this Council will continue to ensure that Fusion carry out their responsibilities to maintain the building."

Yet, at a meeting of the Overview & Scrutiny Committee on 1<sup>st</sup> February 2023, Phoebe Barnes, the Director for Assets and Investments – confirmed the backlog of maintenance issues were "waived" as part of the variation of the leisure contract with Fusion.

In March 2021 the Leader said publicly: "I think with the outsource provider Fusion, I'm not entirely sure that they've maintained it to perhaps the desired level... Looking back, I would accept that there hasn't been good enough investment."

Does the Leader agree that his answer on 6<sup>th</sup> December is in contradiction to the statement by the Director for Assets & Investment and will he agree that by his own words, his administration failed to enforce the terms of the leisure contract which in turn has led to significant public losses?'

The Leader, Cllr S E Wootton, responded as follows:-

‘Thank you, Mr Payton, for your question.

One of our key strategic priorities as a Council, is to continue to transform ourselves into a modern, accessible and financially sustainable Council, delivering excellent value for money services to residents and businesses in the District.

An integral part of that is to maximise the use of our buildings’ estate through a programme of rationalisation and modernisation, and with that in mind, the Asset Delivery Programme was created.

It needs to be made clear that the programme includes buildings on six sites in the District which were not fit for their intended purpose in their current state for a variety of reasons and very costly to maintain. The Mill Arts & Events Centre was just one of those sites.

In 2019, the business case for the ADP was very clear: build new Council offices in Rochford; provide a new community centre in Rayleigh; dispose of surplus buildings, regenerate and bring much needed affordable housing into the District.

In 2019, the net costs of the project were £1.6 million with annual savings of around £300k p.a. To embark on any ambitious programme of this nature, there is the need to commit to considerable up-front expenditure with a range of consultants and experts not least, to comply with Local Government procurement rules.

Much has happened outside of the Council’s control since 2019 to change thinking, including a massive increase in building costs; less need for office space as a result of hybrid and smarter ways of working; our Strategic Partnership with Brentwood Borough Council; and of course, public feedback where, particularly in Rayleigh, there was little appetite from residents to replace the Mill Arts & Events Centre with a new community hall. Contrary to what was said at the time, we have listened, paused and reflected and taken difficult decisions.

So, to put it into context, and with that background in mind, turning to your specific question tonight, my answer on 6 December is not a contradiction – far from it.

The Council’s contract with Fusion was varied in 2020 due to the mounting pressures of the pandemic on the Leisure industry. This enabled Clements Hall Leisure Centre and Rayleigh Leisure Centre to remain open. The Mill Arts & Events Centre had been mothballed as it was proposed for development as part of the Council’s Asset Delivery Programme.

Due to the expectation of the Mill Arts & Events Centre being developed with a new sustainable community hall, the new agreement with Fusion was to insure

it, ensure the building was secure and safe and carry out essential maintenance only.

Before the decision of the ADP, Fusion had delivered all capital works on the building as part of their programmed works, therefore, this Council did ensure the obligations of the previous contract were upheld and this Council continues to ensure all obligations of revised contracts are upheld.

The agreed capital works in the varied contract with Fusion was for Clements Hall Leisure Centre and Rayleigh Leisure Centre only. The major capital works of the building became the Council's responsibility when it took the decision to reopen the Mill Arts & Events Centre.

Regarding the figures quoted in your question, can I please remind you that these figures are not solely for the Mill Arts & Events Centre, but relate to all six sites proposed for development as part of the Council's Asset Delivery Programme.

As part of the programme, we have successfully got planning permission for 40 residential units across South Street and the Civic Centre. This programme is achieving our goal of providing much needed new sustainable residential homes in the district, as well as enhanced office spaces at the Freight House in Rochford.

The £622k is a costing specific to the Mill Arts & Events Centre. It is due to the Executive listening to the views of residents, and in part, is also the result of responding to the wishes of those associated with the "Save the Mill Hall" campaign, by taking it out of the ADP and reopening it. To have pressed ahead with an alternative scheme would, for the reasons stated earlier, have been far costlier, and not acceptable in the community.

Consequently, the Executive had to make the difficult decision to use this financial resource in order to give the community what they said they wanted – the Mill Arts & Events Centre as it is – which we have done; however, this change to a commercial contract came with a penalty that the Council has paid and accounted for already within its finances.

A buildings programme of this kind does not come without some risks. The exceptional circumstances of the past few years could never have been foreseen by anyone.

The dynamics and costs of this project have changed massively in a relatively short period of time. No one has behaved recklessly, and difficult decisions have had to be made in the light of facts. It is very easy to comment from the side-lines and oppose whatever direction the project takes using the knowledge and benefit of hindsight.

I accept there are different points of view, and not everything has gone as originally envisaged. But, in light of the experience and feedback, we are absolutely determined to now make the Mill Arts & Events Centre a vibrant

place which the community can be proud of, and I will be providing more detail of our proposed capital and revenue expenditure over the coming days.

Given your clear interest, Mr Payton, rather than always focusing on the past, which I accept has caused some justifiable concerns to you as well as me, I would urge you, please, along with other community representatives, particularly in Rayleigh, to work constrictively with me, my team, and officers in the Council to make this place a jewel in the crown of which the Rochford District can be justifiably proud.

Thank you, Chairman.'

### **(2) From Ms Jill Waight to the Deputy Leader of the Council**

'At the Executive Committee meeting on 19<sup>th</sup> January 2023, with regards to continuing the lease on RDC Asset The Fairview Pavilion, you stated that "monitoring should take place to ensure that tenants carried out essential maintenance and repairs as per their contract."

This was also noted in the meeting minutes.

Yet, RDC Officers have admitted there was a backlog of maintenance that hadn't been completed by the tenant responsible for another RDC Asset, the Mill Arts & Events Centre. This was despite regular site visits, inspections plus operational and strategic meetings with the tenant.

How can residents have confidence in the Executive's Asset monitoring abilities when they've allowed The Mill Arts & Events Centres' long term decline to the point that you personally stated it was 'dire and not fit for purpose?'

Or was this a deliberate strategy for The Mill Arts & Events Centre only, ensuring that the Asset Delivery Programme would be accepted by the residents?'

The Deputy Leader, Cllr Mrs C E Roe, responded as follows:-

'The purpose of the Asset Delivery Programme is to create a programme to deliver value for money for the Council.

It is the Council's responsibility to make the most of its buildings to ensure they continue to provide value for money and to maximise their potential. This includes exploring opportunities for stimulating regeneration and economic growth for the benefit of the District as a whole.

It makes sound financial sense for the Council to review the sites it owns to ensure they are put to best use, particularly as sites build a considerable time ago cost the authority money to secure and maintain and are therefore not financially or environmentally sustainable. This is due to their age and the need for significant investment to continue to maintain them in future. In some instances, it is more cost beneficial to redevelop an asset for its required purpose and future need rather than to retrofit it.

This Council has ensured that its asset portfolio is not just fit for purpose for now, it is ensuring that it's asset portfolio offering is fit for purpose for the future as well.

Therefore, all the resource that has gone into the Asset Delivery Programme is to demonstrate to residents that the Council is actively taking responsibility for its buildings looking to stimulate regeneration and economic growth for the benefit of the whole District.

Difficult decisions have to be made in reviewing the Council's asset portfolio but this Council has ensured the right decisions have been made for the future of this District.'

### **(3) From Cllr R Milne to the Portfolio Holder for Strategic Planning & Assets**

'I was extremely disappointed that the O&S Committee was unable owing to objections upheld concerning process to make meaningful recommendations to the executive members on the day to day running and future sustainability of the Mill Arts & Events Centre.

Despite this, can the Portfolio Holder for Strategic Planning & Assets provide reassurance and confidence on his commitment to ensure the Mill Hall remains open and has a viable and sustainable future for the residents of Rayleigh and the District as a whole.'

The Portfolio Holder for Strategic Planning & Assets, Cllr I H Ward, responded as follows:-

'This Council took the decision after listening to its community to reopen the Mill Hall and this Council is committed to ensuring the building remains open. The Mill Arts & Events Centre was opened on 12 September. Officers worked tirelessly in opening the building and continue to work extremely hard in keeping the building open for its primary purpose, which is community use. However, the Council operating the building is an interim arrangement.

The future opening model of the Mill Arts & Events Centre was due to be scrutinised at Overview & Scrutiny on 1 February; however, disappointingly, this was deferred to 23 February. The purpose of this report is to be as open and transparent on the financial pressures the current building puts on the Council's budget. However, it also highlights the next steps this Council is committed to achieving to ensure the Mill Arts & Events Centre does have a viable and sustainable future.

We are committed to reducing the cost pressures, offering events that the community want to attend and offering services from this facility that the community want to use. We want to hear from the community when we develop the new business case required on this building to demonstrate how the Mill Arts & Events Centre can support the needs of our community whilst reducing the financial pressure.'

The meeting closed at 8.53 pm.

Chairman .....

Date .....

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