

Minutes of the meeting of **Council** held on **19 December 2002** when there were present:

Cllr R S Allen (Chairman)

Cllr C I Black	Cllr G A Mockford
Cllr Mrs R Brown	Cllr C R Morgan
Cllr P A Capon	Cllr R A Oatham
Cllr Mrs T J Capon	Cllr J M Pullen
Cllr R G S Choppen	Cllr P K Savill
Cllr T G Cutmore	Cllr C G Seagers
Cllr Mrs H L A Glynn	Cllr S P Smith
Cllr J E Grey	Cllr Mrs M A Starke
Cllr A J Humphries	Cllr M G B Starke
Cllr C A Hungate	Cllr J Thomass
Cllr Mrs L Hungate	Cllr Mrs M S Vince
Cllr T Livings	Cllr Mrs M J Webster
Cllr C J Lumley	Cllr P F A Webster
Cllr Mrs J R Lumley	Cllr Mrs M A Weir
Cllr Mrs E Marlow	Cllr Mrs B J Wilkins
Cllr J R F Mason	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs R A Amner, Mrs L Barber, K A Gibbs, C C Langlands, Mrs M D McCarthy

OFFICERS PRESENT

P Warren	Chief Executive
J Honey	Corporate Director (Law, Planning & Administration)
R Crofts	Corporate Director (Finance and External Services)
S Fowler	Head of Administrative and Member Services
G Woolhouse	Head of Housing, Health and Community Care
M Martin	Committee Administrator

634 MINUTES

The Minutes of the meeting held on 29 October 2002 were approved as a correct record and signed by the Chairman.

635 ANNOUNCEMENTS FROM CHAIRMAN

The Chairman was pleased to report that he and the Vice Chairman had attended a large number of festive engagements in recent weeks such as Carol Services, School plays and Christmas lunches.

Members noted that Holmes Place had undertaken a fund raising initiative, whereby in response to the donation of a toy, a person received free membership

of Clements Hall Leisure Centre during December. This had been well supported and a large number of toys had been given to the Little Havens Children's Hospice.

The Chairman wished to thank those Councillors who had sent Christmas cards or supported the Chairman's Charity in lieu of sending cards.

636 COMMITTEE MINUTES AND REPORTS

Council received the Minutes of Committees and considered Committee reports as follows:-

Committee	Date	Minute Number
(1) Community Services	5 November 2002	526-530
(2) Environmental Services	7 November 2002	531-543
(3) Appeals & Licensing	8 November 2002	544-546
(4) Policy & Finance	12 November 2002	547-555

Notice of Decision taken as a Matter of Urgency

Council received the report of the Corporate Director (Finance & External Services) and noted that on 12 November the Policy & Finance Committee had approved, as a matter of urgency, a tender submitted in respect of the Upgrade of the Lavers Sheltered Housing Scheme, in order to progress the upgrade scheme as quickly as possible. In accordance with Overview and Scrutiny Procedure Rule 15(h), this matter was not subject to call-in.

Committee	Date	Minute Number
(5) Community Overview & Scrutiny	14 November 2002	556-560

Proposals for the new Park Sports Centre

Council considered the report of the Community Overview & Scrutiny Committee on proposals for the new Park Sports Centre.

Members of that Committee had felt that all Councillors should have an opportunity to express their views on proposals for the new Centre.

A Member requested that the report to Council on 25 February 2003 include the cost for the provision of an ice skating rink.

Resolved

- (1) That because of the capital and revenue cost implications, no swimming facility should be provided at this site.

- (2) That all Members be invited to submit any additional suggestions to those appended to the report by 14 January 2003.
- (3) That Holmes Place be invited to attend the meeting of the Community Overview & Scrutiny Committee to be held on 11 February 2003 to discuss all the options.
- (4) That final options, including outline capital and revenue cost implications, be considered at the meeting of Council to be held on 25 February 2003. (CD(F&ES))

Committee	Date	Minute Number
(6) Environment Overview & Scrutiny	19 November 2002	561-572
(7) Planning Services	21 November 2002	573-578
(8) Finance & Procedures Overview & Scrutiny	26 November 2002	579-585
(9) Environmental Services	4 December 2002	586-591
(10) Policy & Finance	5 December 2002	592-600

Review of the Constitution

Council considered the report of the Policy & Finance Committee on the review of the Constitution.

Members noted that the proposals had already been considered by the Finance & Procedures Overview & Scrutiny Committee at its meeting on 26 November 2002.

Resolved

- (1) That the existing Overview and Scrutiny Procedure Rule 15 be replaced with the following wording:

15 Call-in

Call-in and referral should only be used in exceptional circumstances.

- (a) When a decision is made by a Policy Committee or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available to all Chairman of Committees within two days of being made.
- (b) The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless referred to Full Council by a minimum of 3 Members or called in by an Overview and Scrutiny Committee.
- (c) During that period, the Proper Officer shall

- (1) refer a decision to be taken at the Full Council if a Member(s) provides him/her with the names of 3 Members who require the relevant decision to be referred or
- (2) call in a decision for scrutiny by the relevant Overview and Scrutiny Committee if so requested by the Chairman or any 3 Members of that Committee, and in either case shall then notify the Chairman of the Policy Committee of the referral or call-in.

Having considered the decision, if an Overview and Scrutiny Committee still has concerns, then the Committee may refer the matter back to be re-considered by the Policy Committee, setting out the nature of its concerns in writing or refer the matter direct to the next Full Council also setting out the nature of its concerns.

- (d) Any matter referred to Full Council shall be included for debate on the agenda of the next ordinary Full Council meeting.

Call in and urgency

- (e) The call-in and referral procedure set out above shall not apply where the decision being taken by a Policy Committee is urgent. A decision will be urgent if any delay likely to be caused would seriously prejudice the Council's or the public's interests.
 - (f) The record and public notice of the decision shall state whether in the opinion of the policy committee the decision is an urgent one and there not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
 - (g) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary. (CD(LP&A))
- (2) That the Financial Regulations, a copy of which is attached to the signed copy of these Minutes, be adopted.
 - (3) That the Contract Procedure Rules, a copy of which is attached to the signed copy of these Minutes, be adopted.

Record of Councillor Attendance

Council considered the report of the Policy & Finance Committee on the record of Councillor attendance.

Members noted that the proposals had been considered by that Committee at its meeting on 26 November 2002.

During debate it was agreed that absence due to special circumstances should be widened to include hospitalisation.

Resolved

- (1) That publication of the record of Councillor attendance continue on the following basis:-
 - Once compiled and confirmed with each Member, the document should be published in the Members Bulletin and Rochford District Matters and on the Council's Intranet and Internet sites.
 - The columns relating to each individual Council/Committee meeting and Sub-Committee should be removed so that there is only an overall column showing possible and actual attendance and details of substitutes (with fuller detail supplied to Members individually on request).
 - Provision to be made to take account of absence due to special circumstances (such as hospitalisation, hospital appointments or family bereavement) and attendance at other Council events/business.
- (2) That the publication arrangements in (1) above be forwarded to the Standards Committee to assist that Committee in its process of deciding how it might monitor Members' attendance at meetings and training sessions. (HAMS)

Setting the Council Tax Base

Council considered the report of the Policy & Finance Committee on the setting of the Council Tax base.

Members noted that this item of business had been referred to Council by the Policy & Finance Committee at its meeting on 5 December 2002.

Resolved

- (1) That the method of calculation of the Council's Tax Base for the year 2003/2004 be agreed.
- (2) That, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 the amount calculated by the Rochford District Council as its Council Tax Base for the year 2003/2004 shall be in the following parts:-

Ashingdon	1215.83
Barling Magna	624.09
Canewdon	549.29
Foulness Island	67.74
Great Wakering	1965.36

Hawkwell	4470.52
Hockley	3758.04
Hullbridge	2335.48
Paglesham	101.05
Rawreth	427.09
Rayleigh	11909.56
Rochford	2747.11
Stambridge	233.10
Sutton	53.36

CD(F&ES))

Committee	Date	Minute Number
(11) Community Overview & Scrutiny	10 December 2002	601-606
(12) Environment Overview & Scrutiny	11 December 2002	607-615

Cllr P A Capon, Chairman of the Environment Overview & Scrutiny Committee, advised the Council that there was an error in the Minutes which he would raise at the next meeting of the Committee.

(13) Finance & Procedures Overview & Scrutiny	12 December 2002	616-625
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Brook Road Industrial Estate, Rayleigh – Improvement Scheme

Council considered the report of the Finance & Procedures Overview & Scrutiny Committee on an Improvement Scheme for the Brook Road Industrial Estate, Rayleigh.

Members noted that this item of business had been referred to Council by the Finance & Procedures Committee at its meeting on 12 December.

Resolved

- (1) That the time contribution of the Economic Development Officer to support a bid by Brook Road Industrial Estate to the Industrial Estate Improvement Scheme be agreed.
- (2) That authority be delegated to the Chief Executive to agree a supporting submission on behalf of the Council, subject to it being within budgetary parameters. (CE)

Pay Strategy Review

Council considered the report of the Finance & Procedures Overview & Scrutiny Committee on a Pay Strategy Review.

Members noted that this item of business had been referred to Council by the Finance & Procedures Committee at its meeting on 12 December.

Resolved

- (1) That the Authority stays within the National Employers Organisation arrangements for pay bargaining at the present time.
- (2) That this decision be reviewed in the light of the findings of the Local Government Pay Commission next Autumn.
- (3) That the opportunity be taken to make representations to the Local Government Pay Commission on the matters covered in its terms of reference.
- (4) That within the budget debate consideration be given to the impact of what could be some large increases in staffing costs in future years for the coming financial year. (CE)

Committee	Date	Minute Number
(14) Planning Services	17 December 2002	626-633

637 MOTIONS ON NOTICE

The Proper Officer reported that, pursuant to Council Procedure Rule 12, the following Motions had been received

(1) Home Energy Conservation Bill

From Councillors P F A Webster, T G Cutmore, Mrs L Barber, Mrs R Brown, Mrs T J Capon, T E Goodwin, J E Grey, A J Humphries, C A Hungate, Mrs L Hungate, C C Langlands, Mrs M D McCarthy, G A Mockford, P K Savill, J Thomass and Mrs M J Webster

It was noted that, on the advice of Officers, the Councillors concerned had withdrawn the Motion.

(2) Rochford District Council's Charter for the Welfare of Animals

From Councillors Mrs M S Vince, Mrs M A Weir and Mrs M J Webster

"This Council recognises the needs of animals and condemns the infliction of unreasonable pain or suffering, restriction of normal behaviour or curtailing needs.

As an enforcement agency, this Council has specific duties and powers which it seeks to use in an effective and fair way. It recognises that there are many situations where the enforcement of standards rests with other bodies. However, this Council believes that it has a community leadership role in furthering the welfare of all animals.

Council instructs Officers to draft an Animal Welfare Charter, to be further considered by the Community Overview & Scrutiny Committee”.

Councillor Mrs M S Vince informed Members that it was the view of those presenting the Motion that:-

- a Welfare Charter would spell out this Council’s continuing commitment to Animal Welfare.
- it should be a living document containing details of this Council’s past and future policies concerning animals.
- animals have a right to enjoy five basic freedoms, namely: freedom from fear and distress; hunger and thirst; pain, disease and injury; physical discomfort and freedom to express their normal behaviour.
- whilst this Council’s enforcement officers already deal with many aspects of animal welfare, there is a need to improve links with other voluntary wild life groups, especially those which specialise in particular species
- better publicity should be given to this Council’s stance on animal welfare.

Resolved

That the Motion be agreed. (CD(F&ES))

(3) Planning Enforcement System – Unauthorised Activities

From the Conservative Group

“This Council notes with regret the recent appeal decision on land at Sadlers Farm Roundabout between the A13 and London Road, Bowers Gifford in Basildon District. Under that appeal decision a Government Inspector has quashed an enforcement notice made by Basildon Council and allowed the establishment of a gypsy caravan site on land within the Green Belt. This Council expresses sympathy with Basildon District Council on this matter, given that similar issues are now before this Authority.

Given these circumstances this Council makes further representations to the Government to secure the tightening of the planning enforcement system to deal with unauthorised activities such as that at Bedloes Corner, or the junction of the A130 and Rawreth Lane.”

Resolved

That the Motion be agreed. (HPS)

638 STANDARDS COMMITTEE MEMBERSHIP

The Committee considered the report of the Corporate Director (Law, Planning & Administration) which updated Members on the situation regarding the appointment of Independent Members to the Standards Committee.

Members noted that, following the interview of five prospective candidates, and having advised Group Leaders, it was recommended that two be appointed together with a reserve.

Resolved

That Bernard Michael Flynn and David James Cottis be appointed as Independent Members of the Standards Committee, with Stanley Shadbold as a reserve in case a further vacancy should exist. (CD(LP&A))

The meeting closed at 7.55 pm

Chairman

Date