

Council – 14 December 2023

Minutes of the meeting of **Council** held on **14 December 2023** when there were present: -

Chairman: Cllr J L Lawmon
Vice-Chairman: Cllr Mrs S J Page

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| Cllr Mrs D L Belton | Cllr E O K Mason |
| Cllr E L Brewer | Cllr J R F Mason |
| Cllr Mrs L A Butcher | Cllr Mrs J E McPherson |
| Cllr R P Constable | Cllr J E Newport |
| Cllr J E Cripps | Cllr L J Newport |
| Cllr A G Cross | Cllr D W Sharp |
| Cllr D S Efde | Cllr Mrs L Shaw |
| Cllr A H Eves | Cllr D J Sperring |
| Cllr I A Foster | Cllr Mrs D P Squires-Coleman |
| Cllr Mrs E P Gadsdon | Cllr C M Stanley |
| Cllr J N Gooding | Cllr M J Steptoe |
| Cllr Mrs J R Gooding | Cllr I H Ward |
| Cllr M Hoy | Cllr A L Williams |
| Cllr Ms T D Knight | Cllr Mrs V A Wilson |
| Cllr R Lambourne | Cllr S E Wootton |
| Cllr R C D Linden | |
| Cllr Mrs C M Mason | |

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs N J Booth, M R Carter, R Milne, G W Myers and S A Wilson.

OFFICERS PRESENT

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| J Stephenson | - Chief Executive Officer |
| S Summers | - Strategic Director |
| E Yule | - Strategic Director |
| T Willis | - Interim Director, Resources |
| N Mann | - Acting Joint Director, People & Governance |
| P Shepherd | - Revenue and Benefits Manager |
| S Worthington | - Acting Service Manager, Democratic Services, RDC & BBC |
| V Meanwell | - Democratic Services Officer |
| W Szyszka | - Democratic Services Officer |

259 MINUTES

The Minutes of the meeting held on 31 October were approved as a correct record and signed by the Chairman.

260 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

The Chairman expressed Christmas wishes to all Members and staff and gave thanks for the continued support in his role as Chairman of the Council.

The Head of Paid Service also extended the Christmas wishes to all Members and staff. The Head of Paid Service reported that this would be Sonia Worthington's last formal Council meeting and gave thanks for her service to the Council over the past 23 years.

261 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 5 OCTOBER TO 24 NOVEMBER 2023

Council received the Minutes of Executive and Committee meetings held between the period 5 October to 24 November 2023 and these Minutes were noted.

262 REPORT OF THE CONSTITUTION WORKING GROUP: PROPOSED COMMITTEE STRUCTURE FROM MAY 2024

Council considered the report of the Constitution Working Group setting out the proposed Committee Structure from May 2024.

Cllr J E Newport moved a Motion, seconded by Cllr Mrs C M Mason that the recommendations as set out on page 7.1 of the report be approved.

In response to Members' questions, the following clarification was given by officers: -

- The purpose of Committees was not to solely make recommendations to Full Council. The Committees would be given delegated authority on certain decisions within their terms of reference as set out in the scheme of delegation.
- Regulatory Committees such as Development Committee and Licensing & Appeals Committee would continue to be appointed by Full Council and their authority would continue to be delegated by Full Council. This would be no different to the current arrangement.
- Emergency provisions and functions would sit with the Chief Executive; however, any decisions taken by the Chief Executive under these provisions would be reported to the Full Council for ratification. This would ensure that the powers could not be utilised unreasonably or inappropriately.

The Monitoring Officer confirmed that the Standards Sub-Committee of the Audit and Governance Committee was sufficient to satisfy the need for the Council to have a committee to which standards matters could be referred.

Members expressed their thanks to the Monitoring Officer for the continued support during the meetings of the Working Group.

A Member spoke against the recommendations questioning whether the transition from a Cabinet to Committee system would benefit residents living within the District. Further points were made in relation to the calendar of meetings and an increase in evening meetings as well as the potential of a delay in decision-making. The Member further requested that the calendar of meetings, as shown within Appendix C, be reviewed.

In response to queries about the financial implications section of the report, the Lead Member for Governance & Communications advised that the Members' Allowances included in the report were solely for illustrative purposes to provide a cost comparison. The Independent Remuneration Panel had commenced a review of the allowances scheme, the findings of which would be reported to the Full Council in February 2024.

Members further noted that in terms of the proposed Committee calendar of meetings, should there be an instance where a meeting did not have items to be considered on the agenda, the meeting would be cancelled.

A Member raised concern relating to the risk of a significant increase of agenda items under the Committee system for the meetings of Full Council.

In response, Members noted that should there be matters requiring urgent attention, an Extraordinary Meeting of Full Council could be called to deal with the business; however, it was not possible to assume how agendas would be affected due to the transition. Members further noted that a review would take place in 12 months' time after the initiation of the Committee system in May 2024.

Resolved

- (1) That the proposed Committee Structure and Terms of Reference be agreed with effect from the Annual Council meeting on 21 May 2024.
- (2) That the Calendar of Meeting Dates for 2024-2025 be agreed.
- (3) That the Monitoring Officer is instructed to give public notice of the revised governance structure in accordance with the requirements set out in paragraph 7.3 of this report. (SD)

(23 Members voted in favour, 0 against and 11 Members abstained.)

The Chairman announced that a public question on notice asked by Ms Waight relating to the Committee structure be brought forward to address questions raised by Members on this item.

263 PUBLIC QUESTION ON NOTICE

Pursuant to Council Procedure Rule 12, the following question was received: -

(1) From Ms Waight to the Lead Member for Governance & Communications: -

"The new Joint Administration are bringing in a much more democratic system of governance, a committee system. This will remove (what I consider) the undemocratic cabinet/executive system that gives power to 1 political party to push through their agenda without consideration or debate.

However, I note that the proposed system still has a Leader and Deputy Leader.

Please can you explain what their role is within the new committee system, in terms of what power they will hold, for example can they rule over or veto Full Council decisions, can they make decisions outside of committee meetings?"

The Lead Member for Governance & Communications, Cllr J E Newport, responded as follows: -

"Thank you, Ms Waight, for your question.

Members of the Constitution Working Group are currently working on drafting the new constitution to bring to Full Council in February 2024 to reflect the change in governance from an Executive model to a committee system. The defined Leader and Deputy Leader roles will be formalised at this stage.

Broadly speaking, though, the role of the Leader is very much pared back in a committee system as they do not have any Executive powers.

The Leader role is generally to: -

- Represent the Council externally in terms of policy position as directed by the Council (opposed to the Chairman who has a civic and ceremonial role.);
- Provide leadership to Councillors – for example, co-ordinating cross-party discussions; committee places being an example;
- To be the point of contact for officers when seeking a political steer from the Council's administration;
- Representing the Council as the employer of the Head of Paid Service and taking responsibility for their annual appraisal;
- Discharge any delegated authority given to them by the Full Council – for example, the Council might designate them as the signatory to an agreement or contract, and;
- Represent and pursue the interests of the Council in the community and at international, national and regional levels.

So, in summary, as the Council will operate a committee system, the Leader and Deputy Leader have no formal legal powers and duties vested in them under the Local Government Act 1972 or the Local Government Act 2000.

However, in practice, all local authorities need to appoint a Leader and each Leader will hold the most significant Member role within the Council. The Council's Leader will be the political, elected head, the focus for policy direction and community development and the chief advocate and ambassador for the district.

The Deputy Leader's role is simply to deputise in the Leader's absence."

264 ANNUAL REVIEW OF EXEMPT REPORTS AND APPENDICES

Council considered the report of the Monitoring Officer providing details on the outcome of the annual review of exempt reports and appendices undertaken by the Monitoring Officer.

A Member query was raised relating to the review date on certain items being 2024; however, some having 2027 against them, e.g., the Waste Collection Services.

In response, the Monitoring Officer advised that this was tied to the length of contract which had a direct impact on the review date for that particular item.

The Monitoring Officer further advised, following a Member query, that the review date relating to the Asset Delivery Programme (ADP) documents had been set at April 2024 as a best estimated. However, the documents could be reviewed again earlier if circumstances allowed. In all cases the intention was to make documents public as soon as the exemptions no longer applied.

In response to a Member question as to how these reports were going to be published, the Monitoring Officer reported that the relevant items had already been published on the Council's website. Links to the released documents were included in the appendix to the report.

265 COUNCIL TAX PREMIUMS

Council considered the report of the Executive Lead Member, Resources, Climate Change & Economy introducing a Council Tax empty homes premium of 100% after one year with effect from 1 April 2024 and a premium of 100% second home premium with effect from 1 April 2025.

A question was raised by a Member relating to paragraph 1.4 on page 9.2 of the report querying whether it was Rochford District Council (RDC) or Essex County Council (ECC) that decided the level of discount to be granted and the amounts of any premiums.

In response, officers advised that it was RDC that determined these.

Members noted that the concept of the policy was to discourage properties from being empty through the requirement of the property owners having to pay premiums. Members also noted that there was no charity relief for Council Tax.

Resolved

- (1) To adopt the changes in paragraph 1.25 in respect of dwellings which are unoccupied and substantially unfurnished (empty home premiums) with effect from 1 April 2024.
- (2) To apply a premium of 100% on second homes with effect from 1 April 2025. (IDR)

(This was agreed unanimously.)

266 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

(1) Report of the Overview & Scrutiny Committee – Treasury Management Mid-Year Review

Council considered the report of the Overview & Scrutiny Committee referring to Council the contents of the Treasury Management Mid-Year Review.

A Member question was raised querying why the Council did not invest more in instant access accounts.

Officers advised that this point would be taken outside of the meeting.

(2) Report of the Chief Officer Appointments Committee – Appointment of Tier 2 Chief Officer

Council considered the report of the Chief Officer Appointments Committee seeking Council's approval to appoint the Joint Strategic Director for Commercial & Regeneration.

Resolved

- (1) To appoint the Strategic Director for Commercial & Regeneration as set out in the Confidential Appendix A.
- (2) That the Monitoring Officer be given delegated authority in consultation with the Constitution Working Group, to make any required changes to the Constitution to give effect to the recommendations in this report. (CEO)

(32 Members voted in favour, 0 against and 2 Members abstained.)

267 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“The work of the Executive is, as expected, currently centred on the Budget with Budget and Council Tax setting on 20 February 2024.

CLT and the Executive are meeting in early January for further discussions on the Budget.

Groups have been invited to meet with the Interim Director, Resources in January for Budget Briefing.

The following reports will be going into the meeting of the Executive on 25 January: -

- UK Shared Prosperity Grant Funding (UKSPF)
- OneTeam Health & Safety and Wellbeing Policy
- Voluntary Sector Grants
- Procurement Strategy – Report of Leisure Contract Working Group.”

268 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

Pursuant to Council Procedure Rule 12, the following question was received: -

(2) From Mr Taylor to the Lead Member for Strategic Planning: -

“What progress has/is being made towards the Council’s plan for the provision for Gypsy and Travellers Sites. The lack of plan is leaving existing residents vulnerable and harming greenbelt and has led to criticism by planning inspectors. When will a new plan be in place?”

The Lead Member for Strategic Planning, Cllr Jim Cripps responded as follows: -

“Thank you, Mr Taylor.

I would like to address the second question within your question first.

It asks when the New Local Plan will be in place. Pending the Inspectorate approval in the second quarter of 2025 – that is when the New Local Plan will become live. It will run from 2025 to 2040 and cover that period and it supersedes the existing Local Plan which was first allocated in 2014.

You might like to know that next year, in 2024, the public will get two opportunities to review the pack that is the Local Plan covering all manners of things and it will be initially looked at as Preferred Options, which is the one that we are currently working on now, but eventually after public consultation that will come back in a final form in late 2024, ready for the Inspectorate in the second quarter of 2025. That is the sequence of events that dictates when the new Local Plan will be in place.

I would like now to move on to what was your first point in the question.

Firstly, I would like to start off with some history – the existing Local Plan included Gypsie and Traveller accommodation provisions which has never been brought forward.

The fact that 10 years has elapsed underlines that there is not a simple “silver bullet” solution. RDC appointed an independent consultant earlier in the year to produce a Gypsie and Traveller accommodation assessment. That was received recently, and the officers met with the consultant again this Tuesday just gone. We now have a baseline for the present situation all the way through to the end of 2040. There are forecasts for the future and thorough assessments of the current situation which was undertaken by surveys on every single site in the district and interviews with the owners, or at least, the owners who wated to be interviewed.

That baseline is now with the officers, and they will work through that and eventually a report statistics and proposals and recommendations will come forward to the Planning Policy Committee. When it is approved, it will move forward to the Full Council for their approval.

I would also like to make the point that the Planning Policy Committee is made up of three senior Administration Councillors and three senior Opposition Councillors, plus myself as Chairman, so when this comes through to us, it will get rigorously looked at by cross-party group of people. It is clear to me that, as I said before, there is no “silver bullet” solution to this and I think we will want to look at short-, medium-, and long-term solutions. So, I trust that we will answer your questions as to what progress has and is being made.

Thank you.”

(3) From Cllr D J Sperring to the Lead Member for Leisure, Tourism & Wellbeing: -

“Under the previous Conservative Administration, plans were put forward earlier in the year, under the Play Space Improvement Programme for youngsters, to install three brand new skateparks at various locations across the district, Rayleigh Leisure Centre, Hullbridge and Clements Hall Recreation Ground and there was funding provision for all three and tenders were at an advanced stage. At the Executive meeting on 16 November, it was pleasing to see that the two have been approved. However, it is disappointing that there one at Clements Hall is not proceeding due to “noise levels and proximity to residential properties.” Can the Executive Lead Member for Leisure, Tourism & Wellbeing please elaborate as to why?”

The Executive Lead Member for Leisure, Tourism & Wellbeing, Cllr Mrs J R Gooding responded as follows: -

“Thank you for raising this question.

Before finalising the award of contracts, the appropriate Ward Members were invited to visit all three of the sites. Concerns were raised at Clements Hall that

the new location was only 65 metres from the nearest property, as opposed to the 160 metres of the existing skatepark.

Therefore, it was felt prudent that the proposed location for Clements Hall is reviewed and proper considerations are given to the potential impact upon local residents before proceeding further.

I still expect that Clements Hall will receive a new skatepark, but it is better to pause to review the location than to proceed with what could have been an expensive mistake.”

Cllr D J Sperring asked a supplementary question: -

“When Cllr Mrs Mason, Mr Aldridge and Mr McLoughlin of RDC and myself met on 24 January this year, we spent a considerable amount of time discussing the site location before settling on the final site.

It was agreed that soft landscaping may assist in reducing any noise impact on local residents although it was agreed that the additional noise generated would be minimal in light of the noise already being generated on the outside areas of Clements Hall.

I was surprised to hear at a recent meeting about ‘light pollution’, as it was never intended to have flood lights on the skateparks.

From the 24 January to the change of Administration, officers worked to produce 3 tenders for the skate parks, with my support as Portfolio Holder. At no time during that period was any issue raised about the siting of the skatepark.

Cllr Mrs Gooding mentioned a “pause”; how long is this? I think it is desperately sad that the young people who would have benefitted from the skatepark at Clements Hall will not see it at approximately the same time as those in Rayleigh and Hullbridge, as was originally intended.”

The Executive Lead Member for Leisure, Tourism & Wellbeing, Cllr Mrs J R Gooding responded as follows: -

“I agree with the use of the soft landscaping; however, it is new to me that light pollution is an issue. I have asked officers how long it will take them, but I am not able to provide a definitive answer yet.

Officers will come back to me when they have a date.”

(4) From Cllr Mrs L Shaw to the Executive Lead Member for Finance: -

“Can the Lead Member for Finance please inform the Council progress on the independent audit process for signing off the annual accounts for this and previous years?”

The Executive Lead Member for Finance, Cllr M Hoy responded as follows: -

"This Council has had its accounts audited for the years up to and including 2020/21. The 2020/21 accounts are currently in the process of being audited. The Council's external auditors, EY, had planned to complete the audit by now, but there have been delays – some due to EY's ability to marshal its resources to begin and progress the audit; and some due to the Council's finance team being unavailable to respond to audit questions because the original timetable – when finance staff would have been available – had slipped. The audit is now scheduled for completion and reporting to Audit Committee by March 2024.

The Council published draft 2022/23 accounts in June this year. EY cannot give an indication as to when they will begin the audit of that year's accounts. There has been much discussion at the national level regarding the external audit of public sector accounts, with some indications that 2022/23 audits will have to be complete by March 2024.

This is yet to be confirmed, but if so, it is likely to seriously undermine the quality of any audit. The same predicament is faced by most other public bodies, as well as this Council, through no fault of their own.

Some local authorities have outstanding audits dating back years before 2021/22, so Rochford is not as badly off as some. But I am sure Cllr Mrs Shaw agrees that the failure in the system of external audit undermines public accountability and transparency.

It is a personal frustration that despite publishing our draft accounts, we await validation of those accounts by the auditor. My hope is that the relevant Government agency set up to fix this national problem will facilitate the completion of the audits to prior year accounts, and we can return to a more normal footing from the audit of the 2023/24 accounts."

Cllr Mrs L Shaw asked a supplementary question: -

"Given recent news about the state of some local authorities which have declared themselves effectively bankrupt, what action is he taking to personally provide public reassurance to residents on the Council's current and future position in a favourable position and audit compliant?"

The Lead Member for Finance, Cllr M Hoy responded as follows: -

"The main thing that can provide public assurance is the Audit Committee."

(5) From Cllr S E Wootton to the Leader of the Council: -

"In the light of the recent letter from Jacob Young MP, Minister for Levelling Up, can the Leader please inform Members what his Administration's position is with regard to Devolution in Essex, and more importantly, the considered benefits or otherwise of such a decision to residents within the Rochford District."

The Leader, Cllr J R F Mason responded as follows: -

“The Joint Administration welcomes the announcement by the Leader of Essex last week that there will be an open public consultation on the proposals for Greater Essex. The Joint Administration intends to bring the public consultation to a Full Council so that all Members can participate in the response from the Council.

Jacob Young’s letter answered some of the questions of the District but there are other questions which need further information given before the Council, as a whole, can form a considered view.

The proposals for devolution cover key economic functions around skills, transport, business support and investment but have now been extended to the new Local Visitor Economy Partnership (LVEP); a health improvement duty with £20m of new capital investment. That amount does look thin as a benefit to residents and the intended Combined Authority needs to communicate its priorities for that spending.

How will the costs of the Combined Authority be funded? Will District Representatives have a vote? The Council will need further information to respond to the public consultation.”

269 MOTIONS ON NOTICE

Pursuant to Council Procedure Rule 13, the following motions on notice have been received: -

(1) From Cllr Mrs E P Gadsdon and seconded by Cllr I A Foster: -

“Gypsy and Traveller Pitches

Rochford District Council seeks Planning Permission for all known occupied but unapproved pitches with the intention of these being recognised as contribution to achievement of the Gypsy and Traveller commitment.”

Members spoke in favour of the Motion arguing that the Council was obliged to possess full knowledge on the legal requirement to deliver these sites.

Some Members spoke against the Motion, arguing that it posed a risk to the Council acting pre-emptively. Members requested that further information and evidence be made available to Members prior to making a final decision.

Another Member spoke against the Motion and stating that the Council's actions were aligned with the processes of the Planning Policy Committee and that the existing Local Plan had been in place for the past 10 years during which the original allocation was not put forward. Additionally, the Member added that an independent consultant had been appointed to carry out an in-depth analysis that was being reviewed by officers before being brought to the Planning Policy Committee.

Cllr J E Cripps moved a Motion, seconded by Cllr D W Sharp that the Motion on Notice be amended to: “that Rochford District Council Planning Policy

Committee explores the option of seeking planning permission for all known occupied, but unapproved pitches, with the intention of these being recognised as a contribution to achievement of the Gypsy and Traveller commitment. This option may be recognised in the context of the identified need in the independent Gypsy and Traveller Accommodation Assessment.”

(21 Members voted in favour of the amendment, 8 Members against and 3 Members abstained.)

Speaking to the amendment, Members raised concerns over further delays that could result in a significant number of applications coming through in the meantime.

Another Member spoke against the amendment agreeing that it could cause significant delays and reiterating that the original Motion ensured a positive and safe solution to the district whilst continuing to carry out further work in the background.

Members spoke in favour of the amendment stating that it was based on evidence.

A question was raised by a Member on the amendment as to what the timescales would be for the work to be completed; however, expressed support to the amendment.

In response, the Executive Lead Member for Strategic Planning advised that an answer would not be provided without prior consultation with the Planning Policy Committee; however, the Committee would consider short-, medium- and long-term solutions.

Members spoke favourably of the amendment and that proper assurance was given by the Planning Policy Chairman to provide Members with viable solutions.

On a requisition to Council Procedure Rule 17.4, a recorded vote was taken as follows: -

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| For (33) | Cllrs Mrs D L Belton; Mrs E L Brewer; Mrs L A Butcher; J E Cripps; A G Cross; D S Efde; A H Eves; I A Foster; Mrs E P Gadsdon; J N Gooding; Mrs J R Gooding; M Hoy; T D Knight; R Lambourne; J L Lawmon; R C D Linden; Mrs C M Mason; E O K Mason; J R F Mason; Mrs J E McPherson; J E Newport; L J Newport; Mrs S J Page; D W Sharp; Mrs L Shaw; D J Sperring; Mrs D P Squires-Coleman; C M Stanley; M J Steptoe; I H Ward; A L Williams; Mrs V A Wilson and S E Wootton. |
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| Against (1) | Cllr R P Constable. |
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The Motion, as amended was declared carried.

(2) From Cllr Mrs E P Gadsdon and seconded by Cllr S E Wootton: -

“Rochford District Council has a proud record of supporting its residents through the Cost of Living crisis, especially those in financial hardship.

There will be some who, through no fault of their own, do not have access to conventional money lenders, and turn to loan sharks which invariably charge extremely high rates of interest, often under illegal conditions.

This motion proposes that this council helps protect its residents by signing up to a charger that expresses the Council’s commitments to fighting loan sharks.

Furthermore, as an integral part of this there is a “call for action” for the Executive to investigate as a matter of urgency how Credit Unions are working with other local authorities with the intention to create a similar scheme in Rochford to support residents. Any resulting financial implications of this need to be in the 2024/25 budget.”

A Member spoke favourably of the Motion and commented that this required a significant time dedicated to carry out thorough investigation to understand what could be achievable to the Council.

Another Member spoke in favour of the Motion and requested that a report be brought to the Overview & Scrutiny Committee and then to the Executive providing proposals and recommendations setting out parameters for the Council as to how this could be achieved.

Members spoke favourably of the Motion agreeing with its core principles and that the Council was willing to work alongside another organisation specialising in credit unions to ensure that the Council itself was not facilitating a credit union.

The Motion was declared carried.

(30 Members voted in favour, 0 against and 4 Members abstained.)

Cllr J L Lawmon moved a Motion, seconded by Cllr M J Steptoe that according to the Council Procedure Rule 14 (n), to extend the meeting beyond the 2 ½ hours for as long as necessary in order to complete the remaining business.

(10 Members voted in favour, 20 Members voted against and 0 abstained.)

As the procedural motion was lost, the meeting was closed and all remaining business deferred to the next meeting of the Council.

The meeting closed at 21.53 pm.

Chairman

Date

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