

Council – 19 May 2020

Minutes of the meeting of **Council** held on **19 May 2020** when there were present:-

Chairman: Cllr R R Dray

Cllr Mrs D L Belton	Cllr R Milne
Cllr J C Burton	Cllr J E Newport
Cllr Mrs L A Butcher	Cllr Mrs C A Pavelin
Cllr M R Carter	Cllr Mrs C E Roe
Cllr Mrs T L Carter	Cllr Mrs L Shaw
Cllr D S Efde	Cllr P J Shaw
Cllr A H Eves	Cllr S P Smith
Cllr Mrs J R Gooding	Cllr D J Sperring
Cllr B T Hazlewood	Cllr C M Stanley
Cllr N J Hookway	Cllr M J Steptoe
Cllr M Hoy	Cllr I H Ward
Cllr K H Hudson	Cllr M J Webb
Cllr G J Ioannou	Cllr Mrs C A Weston
Cllr M J Lucas-Gill	Cllr M G Wilkinson
Cllr Mrs J R Lumley	Cllr A L Williams
Cllr Mrs C M Mason	Cllr S A Wilson
Cllr Mrs J E McPherson	Cllr S E Wootton
Cllr D Merrick	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs D Hoy and C C Cannell.

OFFICERS PRESENT

S Scrutton	- Managing Director
A Hutchings	- Strategic Director
M Harwood-White	- Assistant Director, Assets & Commercial
N Lucas	- Assistant Director, Resources
M Hotten	- Assistant Director, Place & Environment
L Moss	- Assistant Director, People & Communities
D Tribe	- Assistant Director, Transformation & Customer
S Worthington	- Principal Democratic & Corporate Services Officer
M Power	- Democratic Services Officer

ALSO PRESENT

R Brooks	- A Collins, Solicitors
K Hardy	- Gleeds Advisory Limited
C Bowmer	- Gleeds Advisory Limited
D Blackie	- East of England Local Government Association
D Kitson	- Bevan Brittan Solicitors
A Rowson	- East of England Local Government Association

Prior to commencement of the meeting a minute's silence was observed for Councillor Terry Cutmore and former Councillor Jerry Gibson, who had recently passed away. The Chairman observed that Cllr Cutmore was a longstanding Leader of Rochford District Council and more recently Vice-Chairman of the Council. He was a lovely man and a great Councillor, and his wit and wisdom would be greatly missed. The Chairman remembered Cllr Jerry Gibson as a very competent Councillor and a great Chairman of the Review Committee.

The Chairman moved a Motion, seconded by Cllr B T Hazlewood, that Mrs C A Weston be appointed as Vice-Chairman for the meeting. This was agreed.

63 MOTION ON NOTICE

The Motion had been withdrawn.

64 REPORT ON URGENT DECISIONS

The urgent decision that had been taken was noted.

In response to issues raised by some Minority Group Members relating to non-circulation of the full decision document with the agenda and inconsistencies in the new guidance the Chairman reiterated that the item was for noting only and such issues should be raised outside the meeting.

65 ALLOCATION OF SEATS ON COMMITTEES

Council considered the report of the Managing Director on the allocation of seats to Committees following a change in political composition.

The Leader of the Rochford District Residents Group raised a point of order in respect of procedure rule 17.4 in the Constitution, which details how Members can request a recorded vote. She asked for clarity on how Members could request a recorded vote at remote meetings as it appeared that the guidance notes and the Urgent Decision by the Managing Director, which detailed how voting would take place, had not been followed at this meeting.

Members were advised that under the current arrangements if a Member requests a Recorded Vote under Council procedure rule 17.4, the Chairman will conduct a roll call of Members' names until the necessary number of Members present at the meeting (one-fifth (rounded up) indicate they want a recorded vote. A Member should request a recorded vote before the roll call is taken.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on the motion that recommendations be accepted, as follows:-

For (35) Cllrs Mrs D L Belton; J C Burton; M R Carter; Mrs T L Carter; R R Dray; D S Efde; A H Eves; Mrs J R Gooding; B T Hazlewood; N J Hookway; M Hoy; K H Hudson; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; Mrs C M Mason; Mrs J E McPherson; D Merrick; R Milne; J E Newport; Mrs

C A Pavelin; Mrs C E Roe; Mrs L Shaw; P J Shaw; S P Smith; D J Sperring; C M Stanley; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; M G Wilkinson; A L Williams; S A Wilson; S E Wootton

Against (0)

Abstain (0)

Council endorsed the nominations to Committees, as set out in Addendum 1 to the report.

Resolved

- (1) That Committees be constituted as set out in appendix 1 to the officer report.
- (2) That Members be appointed to serve on Committees for the 2020/21 municipal year, as set out in the addendum to the report.

66 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

Report of the Investment Board – Asset Delivery Programme: Outcome of Procurement of a Development Partner and Final Business Case

Council considered the report of the Investment Board on the Asset Delivery Programme: Outcome of Procurement of a Development Partner and Final Business Case.

The Leader of the Council addressed the meeting: 'As Chairman of the Investment Board, I am pleased to bring this report to Council with a recommendation for approval as set out on page 6.1 of the report. The Asset Delivery Programme brings to life the Council's exciting and ambitious Asset Strategy. The strategy has the following objectives: To reduce future costs, to regenerate the local area and to provide fit for purpose office accommodation. The objectives are more relevant now than ever, and, as a forward-thinking Council, I am pleased that we have a clear strategy in place to deliver these objectives.

At its meeting in March the Investment Board received a detailed presentation setting out the robust process that had been undertaken. The work culminated with the Investment Board recommending to Council that the recommendations within the report be approved.

I am pleased therefore to propose that Council approve the recommendations on page 6.1 of the report. This will enable the final contract to be negotiated and brought back to Council for approval and provide commercial certainty for the Preferred Bidder.

Finally, it will be necessary to move into private and confidential in order to maintain commercial sensitivity when debating the report in detail. Officers have provided a private and confidential slide deck that summarises the detailed Tender Report and Full Business Case. To ensure a concise presentation officers will highlight and address the key slides within their presentation.

To enable officers to present the information can I please ask that questions are taken at the end of the presentation.

I would like to thank the Member Working Group for the passion and enthusiasm they have brought to this programme.'

The Leader invited the Portfolio Holder for Enterprise to comment on his involvement in the programme. The Portfolio Holder made the following statement.

'Rochford District Council is pursuing an ambitious Asset Strategy with the following objectives:

- To reduce ongoing future costs, which will only increase and must therefore be in the interests of council taxpayers.
- To regenerate the local area and provide facilities for local residents and businesses across the whole of the Rochford district.
- To provide fit for purpose office accommodation for council staff and key partners to drive efficiencies through a 'digital' first way of working.

In January 2019, the Investment Board and Council approved the Outline Business Case to deliver on these objectives and bring the strategy into reality.

The asset strategy is just part of a wider transformation programme of the way in which this council operates.

Since I became Portfolio Holder for Enterprise last year, I have had a clear vision of an optimised asset base that is fit for purpose, enabling quality service delivery for residents, businesses and visitors to the district through a sustained programme of transformation from now and for many years to come.

The Civic Suite building and the Mill Arts & Events Centre in Rayleigh have served us well but are now old and tired buildings.

I am personally committed to retaining a proportionate civic presence in Rayleigh which will provide facilities to support businesses and residents of the town as well as "touchdown" facilities where outreach officers of the Council can meet with residents of the town or from which they can work remotely.

Equally, the Council is committed to continue to provide accommodation to its current community partners; Rochford & Rayleigh Association of Voluntary Services, (RRAVs), Open Adult Counselling Services (OACS) and Citizens' Advice (CA) as well as the groups, clubs and individuals who hire space in the Mill Arts & Events Centre for various important community activities.

In Rochford, our current offices are expensive to maintain and put simply, are just not fit for purpose. Our staff deserve better. Our residents who visit them deserve better.

Myself and the Member Working Group have been clear from the outset that the civic pride which residents have in our community facilities, their historical settings and, in particular, the need for attractive, modern facilities for public hire is vital for the design of any future building. This is indeed reflected in the Output Specification that has been approved by Members.

I would like to reassure Members that a programme of community and stakeholder engagement working as a partner to this council is something, we have asked bidders to provide and put money aside to achieve. So, engagement about our plans will be meaningful, detailed and two-way long before we even get to planning stage.

I hope that residents and councillors across the political divides and across the district will get on board and share in my passion and enthusiasm of the exciting vision of the future, which I suggest will be far superior to what we currently have.

Can I take this opportunity to very sincerely thank members of the Working Group, all Rochford District Council officers, under the leadership of Matt Harwood-White and all our consultant partners for the tremendous support and commitment you are giving to this project.

It is my sincere hope that councillors can share in my excitement and passion and unite in support of the proposals this evening and enjoy the opportunity this asset programme gives us to benefit the district as a whole.

For these reasons, Chairman, I am delighted to support and second the recommendations as set out on page 6.1, section 2.1 of the report.'

Cllr D J Sperring, Chairman of the Member Working Group, made the following statement:-

- "The 2018 Asset Strategy agreed that doing nothing, that is, just keeping on going as we are now with minimum investment, was not an option when faced with an increasing Medium Term Financial Strategy budget gap and our continuing commitment to provide Value for Money services to our residents.
- The Outline Business Case (OBC) identified that even a 'do minimum' option was significantly less economically advantageous than the 'Preferred

Option' since the Council would be exposed to costs of running and maintaining the Mill Arts & Events Centre and the Freight House when the leisure contract ends in 2022; plus the costs of repairing and maintaining the ageing Civic Suite and South Street offices.

- The 'Preferred Option' agreed in the OBC proposed a programme of integrated projects to:
 - a. Redevelop the Freight House as the Council's long-term office accommodation and civic space.
 - b. Redevelop the Mill site to create a new build community facility alongside new housing, commercial or mixed uses; and
 - c. Redevelop South Street sites and the Civic Suite for housing, commercial or mixed use.
- The Preferred Option set out in the OBC was approved by Investment Board on 16 January 2019 and then by Full Council on 19 February 2019. The Council then began a procurement process to explore how to deliver the preferred option.
- The Member Working Group has been a fundamental part of the process and was set up under specific terms of reference to work with officers and the Portfolio Holder to see this project through.
- We have had to work through a very strict legal procurement process which has been completely new to us, but the process has followed Treasury best practice. We have bought in external expertise: project management, legal, financial and technical.
- In February 2019, a Local Partnerships health-check review endorsed our approach and validated the decisions taken to date. We have had additional assurance through the East of England LGA who were commissioned specifically to provide 'critical friend' support to the Member Working Group and has been part of the procurement process throughout. The Member Working Group is confident that the process has been 'member-led' and has been robustly managed.
- We have confidence in the solution that has been put forward by the Preferred Bidder. The detail was debated at Investment Board and officers will circulate additional information through a slide deck. We believe that, as a Member Working Group, we have done what was asked of us. All key decisions have been passed through us and then onto formal council governance at Investment Board or Full Council, or both.
- Finally, there is still more of the legal process to be completed but once this has been done the Member Working Group has been clear that the Council will begin to engage with the public and stakeholders (such as users of the buildings) about these proposals. In the procurement process the Council specified that the preferred bidder would work with us to ensure that this period of engagement is wide ranging and meaningful. We want to know

what residents think of the solutions and hear what feedback they want to give. All of this will be in advance of formal planning consultation so there is a real opportunity to influence the final proposals.”

Following a query from a Councillor, the Chairman advised that all Member questions and comment would be heard in private and confidential session.

In view of the need for discussion on the detail of the information in the exempt appendices, it was:-

Resolved

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information as defined in paragraph 3 of Part1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

(Note: Cllrs Mrs T L Carter, M Hoy, J E Newport, C M Stanley and S A Wilson requested that it be recorded that they had voted against the motion to exclude the press and public.)

Detail on the discussion is set out in the exempt appendices to the Minutes.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on the substantive motion moved by Cllr M J Steptoe and seconded by Cllr S E Wootton to approve all five recommendations on page 6.1 of the report, as follows:-

For (24) Cllrs Mrs D L Belton; J C Burton; Mrs L A Butcher; M R Carter; R R Dray; D S Efde; Mrs J R Gooding; B T Hazlewood; K H Hudson; M J Lucas-Gill; Mrs J E McPherson; R Milne; Mrs C A Pavelin; Mrs C E Roe; Mrs L Shaw; P J Shaw; S P Smith; 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.

Against (8) Mrs T L Carter; N J Hookway; M Hoy; Mrs C M Mason; J E Newport; C M Stanley; M G Wilkinson; S A Wilson.

Abstain (2) A H Eves; G J Ioannou.

Resolved

- (1) That the outcome of the procurement process as set out in the Tender Report be approved (exempt Appendix 1 to the report to the Investment Board).
- (2) That the Preferred Bidder as set out in the Tender Report (exempt Appendix 1 to the report to the Investment Board) be appointed for the Asset Delivery Programme.

- (3) That the Final Business Case (exempt Appendix 2 to the report to the Investment Board) be approved.
- (4) That authority be delegated to the Assistant Director Assets & Commercial in consultation with the Portfolio Holder for Enterprise to enter into negotiations with the Preferred Bidder identified to confirm financial commitments and other terms contained in the Tender Report and the Full Business Case and to report back to Full Council for final approval.
- (5) That £72,500 of unspent project budget is carried forward to 2020/21 and to agree additional budget of £214,900 to be funded from the Hard/Soft Infrastructure Reserve to fund the resources required to progress the Programme during 2020/21.

The meeting closed at 10.47 pm.

Chairman

Date

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