

Council – 24 April 2008

Minutes of the meeting of **Council** held on **24 April 2008** when there were present:-

Cllr Mrs P Aves	Cllr A J Humphries
Cllr C I Black	Cllr T Livings
Cllr Mrs L A Butcher	Cllr J R F Mason
Cllr P A Capon	Cllr D Merrick
Cllr Mrs T J Capon	Cllr R A Oatham
Cllr M R Carter	Cllr J M Pullen
Cllr J P Cottis	Cllr C G Seagers
Cllr Mrs L M Cox	Cllr S P Smith
Cllr T G Cutmore	Cllr D G Stansby
Cllr K A Gibbs	Cllr M G B Starke
Cllr Mrs H L A Glynn	Cllr J Thomass
Cllr T E Goodwin	Cllr Mrs M J Webster
Cllr K J Gordon	Cllr P F A Webster
Cllr J E Grey	Cllr Mrs C A Weston
Cllr K H Hudson	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs R Brown, Mrs J Dillnutt, C J Lumley, Mrs J R Lumley, Mrs J A Mockford and P R Robinson.

OFFICERS PRESENT

P Warren	- Chief Executive
R J Honey	- Corporate Director (Internal Services)
G Woolhouse	- Corporate Director (External Services)
S Worthington	- Committee Administrator

158 MINUTES

The Minutes of the meeting held on 28 February 2008 were approved as a correct record and signed by the Chairman.

159 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman extended thanks to Councillors and officers during a busy year in which he had visited many different Councils. During his term of office he had attended some 315 civic events, including the Cubs' Renewal of Promise ceremony at Belchamps the previous evening.

160 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

Public Questions

The Proper Officer reported that, pursuant to Council Procedure Rule 10, the following questions of the Leader of the Council had been received from Mr Brian Efde, of 1 High Street, Great Wakering:-

- (1) "Has the Council broken planning rules by approving the planning application for Millwood Park Estate, Great Wakering when the associated flood risk assessment indicated that there was a 1 in 5 year standard of protection offered by the sea defences?"
- (2) "Why has the Council failed in its duty to maintain the Community Risk Register, as required by the Civil Contingency Act 2004, section 2?"

The Leader of the Council, Cllr T G Cutmore, responded to the questions as follows:-

- (1) "No, the Council has broken no rules. Planning consent for the development of the Millwood Park Estate (reference ROC/178/85) was granted in July 1985. A section of the estate was not at the time completed and an application for 23 houses (reference 06/00520/FUL) was subsequently approved by the Council in July 2006, which reflected the extant consents and proposed alternative house types to the ones approved in the original application."
- (2) "If Mr Efde would care to look at the website of the Essex Resilience Forum he will see details of the Community Risk Register for Essex which includes provision for the Rochford District.

The Community Risk Register for Essex is a living document and is kept under review by the Essex Resilience Forum which comprises category 1 responders."

A supplementary question relating to the inadequacy of the 200 year defence status in Rochford with respect to property insurance was not admitted by the Chairman, as this was a question that Mr Efde had previously tabled in other fora.

Member Questions on Notice to the Leader of the Council

Pursuant to Council Procedure Rule 11.2, the following questions of the Leader of the Council had been received from Councillor C I Black:-

- a) "Does the Leader of the Council share my anger on hearing complaints that human sewage cake is still sometimes being transferred to the West Rayleigh Sewage works in uncovered vehicles?"
- b) "What is the current situation regarding stopping this from happening any more?"
- c) "Could Rochford DC introduce bye-laws to prohibit this?"
- d) "What are the names and office addresses of the individuals at Anglian Water who are permitting this to happen?"

The Leader of the Council responded as follows:-

- a) "I am very concerned that this practice has been allowed to continue and consider it totally unacceptable that the lorries are not covered. I have previously asked officers to review all available options."
- b) "Officers have contacted the Environment Agency, who have recently confirmed that the material concerned is classified as waste. Under these circumstances both Anglian Water and any road hauliers have a statutory Duty of Care under the Environmental Protection Act relating to the handling of this material.

This requires that all reasonable measures are adopted, to prevent any environmental pollution or harm to health. Anglian Water's Biosolids Operational Manager (Southeast) attended a meeting with the Agency on Friday 18 April, when this and other issues were discussed. The Agency has confirmed that a specific requirement has been imposed to securely sheet any load, they have also advised that this issue will be followed up as necessary.

Anglian Water was prohibited from importing untreated sewage sludge to these works by the Council, following the service of an Abatement Notice that took effect on 29 February 2008.

Throughout this period, our officers have also been in contact with Anglian Water to ensure that they are aware of the complaints from residents. The Biosolids Operational Manager has offered to attend a meeting with local residents and officers, and this is being arranged."

- c) Generally, the Council has only a marginal role with regard to transportation of materials by road. I am advised that there are some antiquated Byelaws relating to this activity under the Public Health Act 1936. However, the procedure for introducing these is very laborious and requires the consent of the Secretary of State, furthermore the penalties are insignificant.

Officers have taken initial advice from the Department of Communities and Local Government, who advise that they would not support the introduction of local Byelaws for this issue. The reasons given were that the activity concerned is not restricted to one Local Authority area and that any Byelaw would duplicate many of the requirements of primary legislation.

The penalties under the Environmental Protection Act are up to £5000 on summary conviction or unlimited on indictment. This is, therefore, considered to be the most appropriate remedy."

- d) “Biosolids Operational Manager South/East
Anglian Water Services Ltd.
Kirby Dedon Road
Trowse
Norwich. NR14 8TZ

I believe that this issue can now be drawn to a satisfactory conclusion and I am confident that appropriate action will be taken by our officers and the Environment Agency should Anglian Water not fulfil its legal obligations.”

It was confirmed, in response to an enquiry from Cllr Black relating to a meeting with Anglian Water, that Ward Councillors would be informed in advance of the details of a meeting for local residents and officers with the Biosolids Operational Manager.

161 MINUTES OF EXECUTIVE BOARD AND COMMITTEE MEETINGS

Council noted the Minutes of the Executive Board and Committee meetings held between 19 February 2008 and 14 April 2008.

162 REPORTS OF THE EXECUTIVE BOARD AND COMMITTEES

(1) Report of the Standards Committee – 12 March 2008

Council considered the report of the Standards Committee on membership of the Standards Committee.

Resolved

That membership of the Standards Committee be increased by one Independent and one Parish Council Member from the beginning of the 2008/09 Municipal Year. (HICS)

(2) Report of the Executive Board – 26 March 2008

(Note: Cllr Mrs H L A Glynn declared a personal interest in this item by virtue of membership of Hawkwell Parish Council.)

Council considered the report of the Executive Board on an urgent decision taken with respect to a community shelter on the Clements Hall recreation fields; on the implications of the global warming agenda on Rochford District Council and on proposed changes to the Council’s political decision making structure.

Community Shelter on the Clements Hall Recreation Fields – Urgent Decision

Resolved

That the contents of the report be noted. (HCS)

Review of Implications of the Global Warming Agenda on Rochford District Council and the Role the District Council and its Communities Might Play

Resolved

That the following specific targets are established in the Corporate Plan:-

'Over the next five years we will...

- Work on reducing the Council's own carbon dioxide emissions by 30% (based upon 2005 baseline).
- Achieve a recycling target of 50% within the 5-year period.
- Through the Council's Local Development Framework, ensure that the future development of the District up to 2021 is planned and carried out in a sustainable fashion.

By 2017...

- Implement an Adapting to Climate Change Action Plan for action, monitoring and review.
- Work on reducing the Council's own carbon dioxide emissions by 60%.
- Secure a recycling rate of 60% per year. (HES)

Proposed Changes to the Council's Political Decision Making Structure

The Leader of the Council emphasised that the stronger leadership model proposed would enable decisions to be taken quickly and effectively, with fully accountable Portfolio Holders.

In response to concern raised by some Members about the new structure, and in particular about the Area Committee Chairmen no longer being Members of the Executive Board, the Leader of the Council made particular reference to the Local Government and Public Involvement in Health Act 2007, which would require Councils to take a decision on moving to a stronger leadership model by 2010.

It was further stressed that all Executive Board agendas would include a standing item for Area Committee Chairmen to report on issues raised at the Area Committee meetings for decision.

Resolved

- (1) From May 2008:-
 - (a) The Council moves to a stronger leadership model of governance with the Leader appointed for a period of 4 years and with the Leader taking over responsibility for Member appointments to the Executive Board. All other chairmanship/deputy chairmanship appointments to remain with full Council, with the exception of the Area Committee Chairmen, who will be appointed at Annual Council but on the basis of the votes from those Members only within the wards covered by that Area Committee.
 - (b) The Executive Board be changed to 8 Members each with responsibility for specific portfolios around:-
 - Overall strategy and policy (to rest with the Leader)
 - Service Development/Improvement and Performance Management (to rest with the Deputy Leader)
 - Environment, including Parks, Open Spaces and Woodlands, Recycling, Street Scene and the new contracts
 - Finance and Resources
 - Leisure, Tourism, Heritage, the Arts, Culture and Business
 - Planning and Transportation
 - Council Tax collection, Benefits and Strategic Housing functions
 - Young Persons, Adult Services, Community Care and Well-being, Health and Community Safety
 - (c) In the light of (a) and (b) above, the Member Champion roles be reduced to two to cover the areas of Risk and Business Continuity and E-Government and Website development only.
- (2) A revised Constitution incorporating these changes is reported into Annual Council in May for consideration and approval. (CE)

(3) Report of the Review Committee – 15 April 2008

Council considered the report of the Review Committee detailing work completed during the 2007/08 municipal year and recommending a work programme for 2008/09.

In response to a Member question relating to Review Committee's recommendations, officers advised that the Executive Board had

agreed the majority of the Review Committee recommendations over the period of the year; the exact detail would be communicated in writing to Members.

Resolved

That the annual report of the Review Committee be received by Council. (HICS)

163 REPORT OF THE CHAIRMAN OF THE EXECUTIVE BOARD

Council received the following report from the Chairman of the Executive Board:-

"This is now my fifth and final report as Chairman of the Executive Board and Leader of the Council in this municipal year. May I start by wishing all of you who are up for election next week the very best of luck.

Overall, I believe this has been an extremely successful year for the Council. The Housing Management operation was successfully transferred in the autumn, the new environmental contracts have now started, we've done much work around our 'Vision', and we've been successfully re-assessed under Investors in People as a whole organisation. At the start of the year we moved to an Executive Board and Area Committee system and I believe that has helped us to retain a strategic focus and at the same time ensure local issues important to our communities are brought to the fore. We always recognised that our new political decision making process was a work in progress and tonight further revisions are suggested.

We are now gearing up for our CPA re-inspection and the Self Assessment on tonight's agenda represents an important step in that process. It is essential that we approach the inspection with an openness and confidence in our own ability and ensure that we use the process in a positive way, gaining as much out of it as we put in. I want us to be recognised as an Authority with a track record of improvement and one that continues to deliver to its residents, as demonstrated by the high satisfaction levels we obtain relative to other local authorities.

Since my last report into Council in February, we have had 3 Executive Board meetings. We have agreed to a revised Rochford Compact covering the public and voluntary sectors. We've also nominated a Member representative Cllr Gordon to serve as our representative on the new Partnership Trust for Schools in Rochford. This Trust is the first of its kind in the country. We've responded to consultations from Government around Petitions and Community Involvement and the County Council in relation to the emerging LAA. We've renewed our successful contract with Capita around Revenues and Benefits and determined the way forward in respect of stray dogs and traveller accommodation. We've also considered and agreed to the recommendations put forward by the Clean Neighbourhood and Environment Sub-Committee over the control of dogs in the District.

In the last few meetings we've received a number of reports from the Review Committee and, where appropriate, either made decisions on the Committee's recommendations or referred them on.

Last night's meeting particularly majored on our CPA Self-Assessment and possible changes to the Council's political structure; both reports are before you this evening.

We also had a first look at the year's grants to outside organisations and again decided to re-establish last year's Grants Sub-Committee, if possible, prior to Annual Council."

164 COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA)

Council considered the report of the Corporate Director (External Services) on the CPA self-assessment.

Attention was drawn to a change to the draft self-assessment document that was agreed at the Executive Board meeting on 23 April 2008, relating to the Southend Road car park, Hockley byelaw. It was noted that officers would continue to make minor adjustments to the document to ensure it would be ready for submission to the Audit Commission next week. Copies of the final submission document would be sent to all Members of the Council.

Resolved

- (1) That the self-assessment be approved.
- (2) That the Chief Executive, in consultation with the Leader of the Council, be authorised to make any final amendments to the self-assessment. (CE)

The meeting closed at 8.15 pm.

Chairman

Date

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