Council – 27 July 2010

Minutes of the meeting of Council held on 27 July 2010 when there were present:-

Chairman: Cllr D G Stansby

Clir Mrs P Aves Clir C J Lumley
Clir C I Black Clir Mrs J R Lumley
Clir Mrs L A Butcher Clir M Maddocks
Clir P A Capon Clir J R F Mason

Cllr J P Cottis Cllr Mrs J E McPherson

Cllr T G Cutmore
Cllr Mrs J Dillnutt
Cllr K A Gibbs
Cllr A C Priest
Cllr Mrs H L A Glynn
Cllr J E Grey
Cllr M Hoy
Cllr J Thomass

Cllr K H Hudson Cllr Mrs M J Webster Cllr T Livings Cllr P F A Webster

Cllr Mrs G A Lucas-Gill

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs T J Capon, M R Carter, Mrs L M Cox, T E Goodwin, K J Gordon, A J Humphries, Mrs J A Mockford, S P Smith, Mrs C A Weston and Mrs B J Wilkins.

OFFICERS PRESENT

P Warren - Chief Executive

G Woolhouse - Deputy Chief Executive

A Bugeja - Head of Legal, Estates and Member Services

Y Woodward - Head of Finance

S Scrutton - Head of Planning and Transportation

J Bostock - Member Services Manager

201 MINUTES

The Minutes of the Annual Meeting held on 18 May 2010 and the Extraordinary Meeting held on 29 June 2010 were approved as correct records and signed by the Chairman.

202 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman and the Vice-Chairman had attended fifty engagements since May.

203 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

(1) PUBLIC QUESTIONS

(a) From Mr G Congram

Pursuant to Council Procedure Rule 10, the following question of the Portfolio Holder for Council Tax Collection, Benefits and Strategic Housing Functions, Cllr Mrs T J Capon, had been received from Mr G Congram of 12 South Avenue, Hullbridge, Essex SS5 6HA:-

'With the implementation of the "breakthrough" housing project launched by the Council in partnership with Pathmeads Housing Association (as published within the Yellow Advertiser 8th July 2010), how many properties has the Council and Pathmead identified that could utilise this facility and how does this impact the Housing Allocations detailed in the Core Strategy?'

In the absence of the questioner, the Chairman agreed that the question be asked.

The Portfolio Holder for Planning and Transportation, Cllr K H Hudson, responded on behalf of Cllr Mrs T J Capon as follows:-

"The funds will be made available through the Empty Homes initiative in partnership with Pathmeads Housing Association. Grants will be offered to improve empty properties, subject to the owner agreeing to a five year lease. The initiative is intended to help bring empty properties back into use and make a contribution towards providing homes for people in need. There are currently over four hundred empty homes in the Rochford District where the owners could make enquiries to be involved in the scheme.

This initiative is to be welcomed, and is intended to help to relieve the acute shortage of affordable homes, but following the expiration of the five year lease these properties will revert back to the original owners to do with as they will. Therefore they will not have any affect on the housing allocations detailed in the Core Strategy.

It is interesting to note that a Thames Gateway scheme has been running for a year and has not attracted a single applicant."

(b) From B Guyett

Pursuant to Council Procedure Rule 10, the following question of the Portfolio Holder for Young Persons, Adult Services, Community Care and Well Being, Health and Community Safety, Cllr Mrs L A Butcher, had been received from Mr B Guyett of 2 Tonbridge Road, Hockley, Essex SS5 5HL:-

'Various statistics clearly demonstrate that South East Essex PCT (SEE PCT) have been focusing investment on an area in Central Southend within a three mile radius of the PCT's offices, to the detriment of the rest of their area, including the whole of Rochford District.

Is Rochford District Council happy for the District to remain a second tier, NHS 'backwater' or will they use the opportunity of the NHS reorganisation, announced by the government on 12 July, to press the new health authority for a fairer and more appropriate investment policy which meets the needs of Rochford District?'

Mr Guyett had been unable to attend the meeting and the Chairman had agreed to ask the question on his behalf.

The Portfolio Holder, Cllr Mrs L A Butcher, responded as follows:-

"The current local health service structure is that NHS South East Essex (NHS SEE) is responsible for delivering health services to Rochford, Southend and Castle Point - a population of approximately 360,000 (the population of Rochford District is just over 80,000). Across these three areas there will inevitably be differing types and levels of need and NHS SEE will have to profile its resources accordingly in order to meet the specific requirements of the area.

From various surveys and analysis that have been undertaken into the relative "health" of the area, Rochford compares favourably and indeed has a higher average life expectancy age than either Southend or Castle Point.

There are regular channels of communication between the Council and the NHS and indeed the NHS has representation on the Rochford Local Strategic Partnership (in addition to the LSP's of Southend and Castle Point). They have also attended the Area Committees as appropriate when health matters have been raised and discussed.

The recent Government announcement has stated that Primary Care Trusts are to be phased out within two years, with the functions being transferred to General Practitioners and some to local authorities, although it is not clear at this stage whether this is at County, District or Unitary level. The Council will continue to be pro-active in this period of transformation to ensure that the Rochford District has an appropriate level of health service provision in the new structure."

(c) From Mr T Gleadall

Pursuant to Council Procedure Rule 10, the following question of the Portfolio Holder for Planning and Transportation, Cllr K H Hudson, had been received from Mr T Gleadall of 2 Wood End, Hockley, Essex SS5 4QL:-

'Assuming that Rochford District Council has the opportunity, based on the Coalition Government's new policies, to re-write the Core Strategy in relation to housing numbers and allocations, can you guarantee that the new version will be: more feasible in terms of infrastructure by ensuring that adequate highway improvements (including railway bridges) are in place before any major housing developments are implemented; more transparent to residents and businesses (no hidden numbers and impacts); and more resident friendly

with reference to retaining the countryside and greenbelt that makes the District a highly desirable place to live?'

The Portfolio Holder, Cllr K H Hudson, responded as follows:-

"The Core Strategy was prepared in consultation and with advice from the various organisations responsible for infrastructure. The proposals take careful account of the requirements for new infrastructure and it will be important for this to be delivered in conjunction with any development, including major housing development. It would not be the Council's intention to permit development to proceed without a clear understanding of the improvements required to infrastructure relative to each individual site, and an appropriate legal commitment to provide them.

The Council is determined to ensure that the District's attractive countryside is protected and that Rochford continues to be a desirable place to live. The Council's vision is to make the District the place of choice to live, work and visit and this is a central theme of the Core Strategy."

By way of supplementary question Mr Gleadall referred to the value of transparency in housing numbers and allocation figures in any future version of the Core Strategy. Cllr K H Hudson confirmed that it is important that figures are as plain as possible.

(2) MEMBER QUESTIONS

Pursuant to Council Procedure Rule 12.2, questions had been received from Cllr C I Black as follows:-

(a) Of the Portfolio Holder for Planning and Transportation:-

'There has been a recent High Court ruling that Tower Hamlets Council acted unlawfully when it granted planning permission for a fast food takeaway because Councillors had voted in favour of permission after being wrongly directed that they could not take account of the proximity of the local secondary school.

How is this likely to affect planning policy in Rochford District and does it have any repercussions on the recent planning consent for commercial units in Priory Chase, Rayleigh, near St Nicholas School?'

The Portfolio Holder, Cllr K H Hudson, responded as follows:-

"This is a straightforward case that re-iterated the need in determining a grant of planning permission for a local planning authority having regard to the provisions of the Development Plan and that development had to be in accordance with the Development Plan unless there were material considerations which indicated that it should not be. A consideration is material if it was relevant to whether a grant of planning permission should

be refused, and promoting social objectives could be a material consideration in the context of planning law and planning controls.

There are no implications for planning policy or repercussions for the recent planning consent. "

(b) Of the Portfolio Holder for Planning and Transportation:-

"Can you please give an update on how the Liberal Conservative Coalition Government's new policies are impacting on our Local Development Framework? In particular, will this Council be changing the proposed housing figures established under the previous Labour government? If we reduce the overall housing figures for our District - something that most residents that I represent are hoping for - how can we best ensure that the housing that *is* built provides the affordable homes that local people need? "

The Portfolio Holder, Cllr K H Hudson, responded as follows:-

"On 6 July 2010, the Council received a letter from the Chief Planner at the Department for Communities and Local Government explaining that the Secretary of State had revoked Regional Strategies. The letter was accompanied by 'question and answer' advice explaining the arrangements Local Planning Authorities should now follow with respect to the preparation of local development documents. A copy of the 'question and answer' advice has been circulated to all Members of the Council and I would draw Cllr Black's attention to those questions and answers relating to the housing land supply. The backstop seems to be the Option 1 allocation figure as indicated by the Secretary of State, which happens to be the figure already included in the Council's Core Strategy. The public examination into the Rochford Core Strategy has been adjourned until 7 September and it is understood the Inspector intends to hold an extra session on 8 September to discuss the implications of the revocation of Regional Strategies.

On 20 July, I signed-off a decision for a statement to be submitted by the Council for consideration at the public examination. As Members are aware. this statement seeks to outline a way forward for the housing allocations in the Core Strategy, taking account of the Secretary of State's decision. In preparing the statement, I have carefully considered the implications of the removal of the top down minimum housing targets set by the East of England Plan and instead propose an alternative that delivers a more modest annual requirement for housing over a slightly longer period as a maximum quantum to be achieved. This significantly reduced number, from 250 to 190, was originally muted in discussions with the County Council surrounding the previous government's determination to extend the Regional Spatial Strategy pro-rata through to 2031. Our Leader, Chief Planning Officer and I attended the meeting of all Essex Local Authorities to plead our case. The result of these negotiations leaves us woefully short of providing for our affordable housing need within the boundaries of our District and relies on our neighbours to assist us, but it does provide comfort in the knowledge that we have a workable plan that will also protect the district from predation.

Given that, other than two small changes to PPS3 (garden grabbing and density minimums), the existing planning system remains in place with the requirement for the delivery of a five year supply of housing land, I take the view that we need to have a robust planning framework in place but, taking account of environmental constraints, one that delivers a level of housing in the District that contributes to meeting the needs and demand for housing for local people. "

(c) Of the Portfolio Holder for Service Development/Improvement and Performance Management:-

'Does the Council keep any record of emails sent to Members via the rochford.gov.uk email addresses that we are given?'

The Portfolio Holder, Cllr Mrs M J Webster, responded as follows:-

"In accordance with standard IT industry practice, all emails (whether Member, officer or otherwise related) sent to and from the rochford.gov.uk email address are automatically stored in the email archiver for a period of three years, following which they are automatically deleted."

By way of supplementary question, Cllr C I Black asked what guarantees of privacy and confidentiality could be given to residents and which officers had the ability to look at the emails. Cllr Mrs M J Webster indicated that the safeguard in respect of privacy/confidentiality was that emails are not monitored, being automatically forwarded to electronic addresses on the basis required by Members. To her knowledge, no officers were inspecting the content.

204 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council noted the Minutes of Executive and Committee meetings held between 19 May and 16 July 2010.

205 REFERRAL OF DECISIONS TO COUNCIL

(1) Referral by Clirs C I Black, C J Lumley and R A Oatham

Pursuant to Overview and Scrutiny Procedure Rule 15 (b), a requisition had been received in the names of Cllrs C I Black, C J Lumley and R A Oatham requiring that the decision of the Portfolio Holder for Planning and Transportation on car parking – consideration of the recommendations of the Review Committee, be referred to Full Council.

In commenting on the requisition, Cllr C I Black referred to the time that had been spent by the Review Committee in developing recommendations, some of which he and colleagues felt that residents would be supportive of.

A motion that a 30 minute parking time band with a 40p charge be reintroduced and that there be no parking charges after 6.00 pm was moved by Cllr C I Black and seconded by Cllr R A Oatham.

In favour of the motion, reference was made to the support such a move would have from the Chambers of Trade and the potential benefit of ceasing charging at 6.00 pm in terms of custom for restaurant businesses. Whilst the term 'entrapment' had been applied to a 30 minute period, it could also be applied to a 60 minute period. Reference was also made to increases in Members' Allowances related to the new political structure that had been introduced soon after removal of the 30 minute charging period.

Against the motion, reference was made to how income from car parking charges was a factor in keeping Council tax as low as possible. The Portfolio Holder for Planning and Transportation had met with the Council's Review Committee and given views at the time recommendations were being developed. The recommendation to introduce a 30 minute period with a charge of 40p could be seen in the context of cost amelioration. However, in that the Council currently charges 60p for a 60 minute period, the recommendation, if agreed, would represent a significant percentage hike – a particular worry in the context of suggestions of entrapment. Reference was also made to the difficulty in identifying a link between a decision on car parking charges and a separate decision on Members' Allowances. The report of the Head of Planning and Transportation considered by the Portfolio Holder set out the reasoning that could be applied to the Portfolio Holder's decisions. The Council's charges compared favourably with those of other Authorities and included non-charging periods.

On a requisition, pursuant to Council procedure rule 17.4, a recorded vote was taken on the motion as follows:-

For (7) Cllrs C I Black; Mrs J Dillnutt; M Hoy; C J Lumley;

Mrs J R Lumley; J R F Mason; R A Oatham

Against (20) Cllrs Mrs P Aves; Mrs L A Butcher; P A Capon;

J P Cottis; T G Cutmore; K A Gibbs; Mrs H L A Glynn; J E Grey; K H Hudson; T Livings; Mrs G A Lucas-Gill: Mrs J E McPherson; D Merrick; A C Priest; C G Seagers: D G Stansby; M J Steptoe; J Thomass; Mrs M J Webster;

P F A Webster

Abstentions (1) Cllr M Maddocks

The motion was declared lost. On a motion, moved by Cllr K H Hudson and seconded by Cllr T G Cutmore, it was:-

Resolved

That the decisions made by the Portfolio Holder for Planning and Transportation in considering the recommendations of the Review Committee be confirmed. (HP&T)

(2) Referral by Clirs C I Black, M Hoy and J R F Mason

Pursuant to Overview and Scrutiny Procedure Rule 15(b), a requisition had been received in the names of Cllrs C I Black, M Hoy and J R F Mason requiring that the decision of the Portfolio Holder for Planning and Transportation on the Rochford Core Strategy – Statement on Housing following Revocation of the East of England Plan, be referred to Full Council.

In commenting on the referral, Cllr C I Black observed that the Core Strategy contained potential build sites in the Green Belt. Whilst the new Coalition Government had provided some additional freedom, it could be seen as disappointing that the Statement involved the same quantum of housing over a longer period. The introduction of a figure of 190 dwelling per annum up to 2025, whilst still providing a build figure and target, could reduce the likelihood of housing in certain areas.

Reference was made to issues associated with exposing the District to adverse applications for housing development.

A motion that the Statement as set out in the decision of the Portfolio Holder be confirmed was moved by Cllr K H Hudson and seconded by Cllr P A Capon. An amendment that the wording in the penultimate paragraph of page 8 of the Statement be adjusted to read 'provides for the delivery of 190 dwellings per annum up to 2025, a total maximum of 2,660 units between 2011 and 2025', moved by Cllr C I Black and seconded by Cllr R A Oatham, was lost and it was:-

Resolved

That the decision of the Portfolio Holder for Planning and Transportation on the Rochford Core Strategy - Statement on Housing following Revocation of the East of England Plan, be confirmed. (HPT)

Note: Cllrs C I Black and R A Oatham wish it to be recorded that they had voted in favour of the amendment. Cllr R A Oatham wished it to be recorded that he had voted against the resolution.

206 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

"This is my first Leader's report of the new municipal year. The new Coalition Government has now been in power for nearly two months, and whilst we are clearer on the direction of travel, there remains a considerable amount of detail to be filled in, not least around our budget situation and some key areas of policy for District Councils. I now look forward to the announcements on future public expenditure and the publication of the Localism bill in the Autumn.

Since I last spoke to you, the lets recycle website has announced, following an assessment of the unaudited returns from all Councils, that we are the highest performing authority in the Country in terms of recycling. That represents a tremendous achievement for this Council, considering our recycling rate of a few years ago, and a huge credit to our residents, who have made the scheme the success that it is. We are now receiving a considerable amount of media interest around our success and I am pleased to report that the Minister himself, Mr Eric Pickles, will be visiting us on the 4 August 2010, so that he can see first hand what we've done and why our scheme is so successful.

I am also pleased to report that our 'Shop at my Local' initiative has won the regional round of the Enterprising Britain competition and is now one of only six entries put forward to the national final. Again, this represents a significant achievement for the Council and again demonstrates the strength of the Council in serving its communities. In this case working in partnership with the local chambers has encouraged residents to rediscover local produce and has helped sustain local trades to safeguard local jobs. It was also a pleasant experience to receive the 'Good Egg' award whilst I attended the Local Government Association national conference from the celebrity, Pam Ayres, who complimented us on our policies relating to animal welfare. This award was given for this plus encouraging the use of free range eggs as opposed to battery farm produced eggs.

The agenda tonight very much has a planning flavour and I have no doubt that the Local Development Framework and planning related matters will continue to dominate much of the work of this Council in the coming months. It is important that we, as a planning authority, continue to make progress so that we have a robust planning framework in place to enable us to effectively respond to the increasing development pressures that we face and will continue to face. Whilst we have recently been successful on both the Coombes Farm and Christmas Tree Farm appeals, the lessons from both lead me to conclude that we need an approved robust Core Strategy in place as soon as possible. We cannot afford to let the matter drift.

Since the start of this municipal year, the Executive has met on two occasions, once last month and again last week. At the June meeting, in addition to looking at the Council's performance in key areas, we examined changes to the Constitution. Those changes were reported and agreed at the Extraordinary Council Meeting at the end of last month, when the Council's accounts for 2009/2010 were approved.

At our Executive meeting last week, we received further updates on our performance on key projects and decisions taken over a period. We considered the Customer feedback we've received over a period and it was pleasing to note the number of compliments that the Council has received across a range of service areas. At the same time, the number of complaints by contrast has fallen year on year. We also received an update in connection with our Medium Term Financial Strategy and agreed to a number of actions, including an additional Member session, prior to the first Member

Budget awayday, and public consultation around the budget over the summer. We also gave some thoughts as to the way forward on the emerging shared services agenda. Since the last Council, my colleagues on the Executive have considered such matters as a Children's Adventure Play Facility and Car Parking at Cherry Orchard, the Playspace rolling programme, the Handy person and Handy gardening scheme and the Community Safety Partnerships Annual Partnership Plan.

As always, I will be happy to take any questions from Members in respect of the work of the Executive. I am sure my Executive Colleagues will be happy to contribute where appropriate."

207 MOTIONS OF NOTICE

(1) From Clirs C I Black and R A Oatham

Pursuant to Council Procedure Rule 13, the following motion had been received from Cllrs C I Black and R A Oatham:-

'That this Council welcomes the statement by the Liberal Conservative Coalition Government that they will allow Councils to return to the Committee system, should they wish to.'

The motion was moved by Cllr C I Black and seconded by Cllr R A Oatham.

In favour of the motion, reference was made to how the current political system meant that only eight Members were making many of the decisions, with individual Portfolio Holders, for example, being able to override recommendations emanating from the Review Committee. The Coalition Government was giving the Council the opportunity to decide. Reference was also made to how, under the previous Committee system, Ward Members had been able to raise residents' issues within Committee meetings.

Against for the motion, reference was made to how the Government's statement could not be welcomed if it was not seen as an opportunity. The Leader made specific reference to the situation when he joined the Council in 1999 to find that he could have attended one hundred and forty one meetings and served on fifteen Committees in just one municipal year. In addition to Committees, a high number of Sub-Committees, Working Parties, Groups and Panels were in session. The system was such that, rather than being made, decisions were moved between forums for long periods with many late evenings spent in session. At that time the Council did not operate Standards, Overview and Scrutiny, Licensing or Area Committees. The current political system could be viewed as much more Member led, with this Council meeting being a good example of that. With the former Committee system, officers typically presented and led on reports. All Members now had the opportunity to lobby and discuss decisions with individual Portfolio Holders and, rather than sitting in meetings, could spend time serving residents directly. The current system had a number of checks and balances, including provision for decisions to be made by the Full Council.

The motion was declared lost.

(2) From Clirs M Hoy and J R F Mason

(Note: Cllr T G Cutmore declared a personal interest in this item by virtue of representing the Council on the Thames Gateway South Essex Partnership Board)

Pursuant to Council Procedure Rule 13, the following motion had been received ClIrs M Hoy and J R F Mason:-

'Pursuant to the Parliamentary Statement made by The Secretary of State for Communities and Local Government on 6 July 2010, this Council agrees to carry out a housing needs study for Rochford District and adjust the housing allocations proposed in the Core Strategy to satisfy the minimum needs of our community.'

The motion was moved by Cllr M Hoy and seconded by Cllr J R F Mason.

In favour of the motion, reference was made to the dated nature of housing needs statistics relating specifically to Rochford District in that an assessment update published in May 2010 was an assessment of the market for the Thames Gateway. Thames Gateway interests would be different to those of the Rochford District. The indication from residents was that they would expect Green Belt to be maintained wherever possible. Extending the time period, whilst maintaining possible build levels, would not necessarily improve the situation. Reference was also made to the issue of infrastructure previously raised as part of Core Strategy considerations and the potential impact of Government expenditure cuts on infrastructure proposals. It was observed that housing market growth could be greater than housing need and that there would be value in seeking clarification around the accuracy of the evidence for housing need associated with previous studies undertaken.

Against the motion, reference was made to the fact that a requirement of the May 2010 update to the Strategic Housing Market Assessment was that housing need had to be considered on an Authority by Authority basis, not in a pan Thames Gateway context. Reference was also made to the fact that it would not be possible for the District to separate itself from the type of migration activity experienced by all Districts and Boroughs in the vicinity of the capital.

The Portfolio Holder for Planning and Transportation, Cllr K H Hudson, drew attention to the statement prepared for consideration at the Core Strategy public examination, which resumes in September. The very latest estimate of housing need for the District indicated a requirement for the delivery of 196 affordable homes per annum, or 78% of the total housing quantum set-out in the Core Strategy. This level of need far exceeded the proposed quantum for delivery in the Core Strategy. A viability report was being prepared to help the Council better understand the numbers of affordable homes that might be delivered to contribute to meeting local housing needs as a percentage of all

new homes. The initial findings suggested that a figure of 30% is about right. That being the case, over a twenty year period, the Council would need to deliver a total of about 13,000 homes.

Given that this level of provision would not be acceptable it has been concluded that there needs to be adjustment in a way that ensures all that is good about the District continues to be protected, but that a reasonable contribution is made towards local need and demand, taking account of the Council's aspirations to see some new employment in the District, not least through the airport and associated employment park.

A unilateral housing needs study would set the Council apart from the other Authorities of the Thames Gateway, the same Authorities that the Council will be looking to in order to help accommodate a significant number of its new homes. It may well provide ammunition to those who would choose to promote their own interests above those of District residents, such as the Coombes Farm and Hawkwell proposed developments; this by promoting the idea that this Council has not fulfilled its own commitments directly.

It is important to be able to present a sustainable and deliverable scheme.

There are no indications that a further housing needs study would be likely to indicate that previous studies had been wildly inaccurate and that the affordable housing need was significantly less than it is shown.

It was observed that, geographically, a lot of the District did not fall within the Thames Gateway area. It was also observed that the figure of 190 dwellings identified in the latest statement was a reduction from an original figure of 250 and that, notwithstanding the need for appropriate restrictions, a concern for residents was the availability of housing for their relatives and future generations.

The motion was declared lost.

208 ANNUAL REPORT 2009/10

Council considered the report of the Head of Finance on the Annual Report 2009/10.

It was noted that the report would be adjusted to reflect the latest position with regard to recycling statistics.

On a motion, moved by Cllr T G Cutmore and seconded by Cllr P A Capon, it was:-

Resolved

That, subject to any changes resulting from the audit of the accounts, the Annual Report be agreed for publication. (HF)

209 APPOINTMENT TO THE LICENSING COMMITTEE

Council considered the report of the He	ad of Legal, Estates and Member
Services on appointing to the remaining	g vacancy on the Licensing Committee.

Resolved

That Cllr M	Maddocks	be appointed to	the vacant	seat on the	e Licensing
Committee.	(HLEMS)				

The meeting closed at 9.08 pm.

Chairman	 	

Date

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