

Council – 18 December 2003

Minutes of the meeting of **Council** held on **18 December 2003** when there were present:-

Cllr R A Amner (Chairman)
Cllr Mrs R Brown (Vice-Chairman)

Cllr C I Black	Cllr C J Lumley
Cllr Mrs L A Butcher	Cllr Mrs J R Lumley
Cllr P A Capon	Cllr G A Mockford
Cllr Mrs T J Capon	Cllr C R Morgan
Cllr R G S Choppen	Cllr R A Oatham
Cllr T G Cutmore	Cllr J M Pullen
Cllr K A Gibbs	Cllr P K Savill
Cllr Mrs H L A Glynn	Cllr C G Seagers
Cllr T E Goodwin	Cllr S P Smith
Cllr J E Grey	Cllr D G Stansby
Cllr Mrs S A Harper	Cllr Mrs M A Starke
Cllr K H Hudson	Cllr M G B Starke
Cllr A J Humphries	Cllr J Thomass
Cllr C A Hungate	Cllr Mrs M S Vince
Cllr Mrs L Hungate	Cllr Mrs M J Webster
Cllr C C Langlands	Cllr P F A Webster
Cllr T Livings	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J R F Mason and D A Weir.

OFFICERS PRESENT

P Warren	Chief Executive
R J Honey	Corporate Director (Law, Planning & Administration)
R Crofts	Corporate Director (Finance & External Services)
G Woolhouse	Head of Housing, Health & Community Care
C Thomas	Emergency Planning & Health & Safety Manager
M Martin	Committee Administrator

ALSO ATTENDING

M O'Neill	Mark O'Neill Architects
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597 MINUTES

The Minutes of the meeting held on 30 October 2003 were approved as a correct record and signed by the Chairman.

598 DECLARATIONS OF INTEREST

Cllr M G B Starke declared a personal interest in item 7(6) of the Agenda by virtue of the fact that his wife owned an adjacent property and in item 8 by virtue of being the landlord of private property outside the District.

Cllr Mrs M A Starke declared a personal interest in item 7(6) of the Agenda by virtue of owning an adjacent property and in item 8 by virtue of being the landlord of private property outside the District.

Cllr Mrs S A Harper declared a personal interest in item 8 by virtue of being the landlord of private property outside the District.

599 ANNOUNCEMENTS FROM CHAIRMAN

The Chairman reported that he had attended a wide variety of events ranging from that of the funeral of a lady aged 103 where there had been no relatives or friends in attendance to the setting up of a business by a 19 year old Hullbridge girl. He had attended various fundraising activities on behalf of the Council and was pleased at the goodwill directed towards voluntary organisations.

600 COMMITTEE MINUTES AND REPORTS

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

Committee	Date	Minute No.
(1) Appeals & Licensing	3 November (Adjourned) and 6 November 2003 (Re-convened)	492 - 494
(2) Community Services	4 November 2003	495 - 505
(3) Appeals & Licensing	6 November 2003	506 - 507
(4) Standards	6 November 2003	508 - 510
(5) Environmental Services	11 November 2003	511 - 513
(6) Policy & Finance	13 November 2003	514 - 518

Accommodation Review

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

Resolved

- (1) That the action plan, as outlined in the exempt report, be agreed.
- (2) That budgetary provision be made in 2004/05 in accordance with the details outlined in the exempt report. (CE)

Committee	Date	Minute No.
(7) Environment Overview & Scrutiny	18 November 2003	519 - 524
(8) Environment Overview & Scrutiny	20 November 2003	525 - 527
(9) Environment Overview & Scrutiny	25 November 2003	528
(10) Finance & Procedures Overview & Scrutiny	25 November 2003	529 - 535

Holocaust Memorial Sub-Committee

Note: Cllr Mrs L Hungate declared a personal interest by virtue of being a native of a country that had been under occupation during the Second World War.

Council considered the report of the Finance & Procedures Overview & Scrutiny Committee relating to the commissioning of a permanent Holocaust Memorial.

Mr O'Neill outlined to Members the detail of the design he had offered to the Council.

A Motion was moved by Cllr M G B Starke that the project be not pursued, on the basis that it could be offensive to some people and have the potential to attract criminal damage.

In response to a Member question, the Chief Executive confirmed that if any of the pledges of support were ultimately not fulfilled, the Council would have to bear the residual cost.

Several Members spoke in favour of the concept. Cllr K H Hudson moved a Motion in support of the completion of a memorial. In particular, the Member recommended that the project be re-named a 'Monument to the Innocent

Victims of Tyranny', in order that it commemorate the suffering of people of many nationalities at the hands of persecution. Cllr Hudson also committed himself personally to underwrite any failure of the Council to make good on any of the pledges. Members of the Council thanked Cllr Hudson for the generous offer.

It was subsequently suggested that there be further re-wording of the memorial's name to demonstrate that it was 'In Memory of Victims of Persecution'.

Members noted that in addition to pledges of financial support from Rayleigh Town and Hullbridge Parish Councils, further pledges of financial support had been received from Rochford and Great Wakering Parish Councils.

Taking into account the views of other Members, Cllr M G B Starke withdrew his Motion and it was:-

Resolved

That a permanent memorial to the victims of persecution be commissioned along the lines set out in the report. (CE)

Committee	Date	Minute No.
(11) Planning Services	27 November 2003	536 - 540
(12) Community Services	2 December 2003	541 - 546

Housing Revenue Account – Business Plan and Capital Programme 2004/05

Council considered the report of the Community Services Committee relating to the Housing Revenue Account.

Resolved

- (1) That consultation with tenants and residents in Ormond Avenue be commenced at an early stage to gauge support for the suggestion that additional car parking should be provided in Ormond Avenue, Rochford.
- (2) That the Capital Programme, as appended to the report, be agreed. (HRHM)

Committee	Date	Minute No.
(13) Environment Overview & Scrutiny	3 December 2003	547 - 550
(14) Policy & Finance	4 December 2003	551 - 557
(15) Finance & Procedures Overview & Scrutiny Committee	4 December 2003	558 - 560
(16) Finance & Procedures Overview & Scrutiny Committee	9 December 2003	561 - 565
(17) Community Overview & Scrutiny	10 December 2003	566 - 575

Development of Council Owned Land

Note: Cllr Mrs M J Webster declared a personal interest by virtue of being the County Council's Deputy Portfolio Holder for Community Care.

Council considered the report of the Housing Best Value Sub-Committee concerning a number of recommendations relating to proposed housing developments on Council owned land.

The Chairman of the Sub-Committee confirmed that:-

- No political bias had existed during the deliberations of the Sub-Committee.
- The public consultation exercise had proved to be invaluable.
- The Swan Housing Group had provided much support during their deliberations.

Members of the Council expressed their thanks to the Sub-Committee for the work undertaken.

On a Motion moved by Cllr P F A Webster and seconded by Cllr P K Savill it was agreed that the recommendations contained within the report be agreed, subject to the deletion of any specific reference to the planning process in the first two schemes, as all four were necessarily dependant on successful planning applications.

Resolved

- (1) That, subject to additional provisos emanating from public consultation and set out below, development now proceed on the proposed housing schemes at Hambro Close, Rayleigh; Warwick Drive, Rochford; Tylney Avenue, Rochford and Hardwick House (and adjacent land), Rayleigh:-

Scheme	Additional Proviso
Hambro Close, Rayleigh	An increase in parking availability at the site and a review of building alignment to increase site accessibility and reduce its appearance.
Warwick Drive, Rochford	An increase in parking spaces from two to four and the commissioning of a flood risk assessment.
Tylney Avenue, Rochford	The introduction of twenty-eight parking spaces within the site curtilage and six spaces for neighbourhood parking. If possible, acquisition of a nearby grass verge to facilitate the creation of a further four to five parking spaces.
Hardwick House and Adjacent Land, Rayleigh	A reduction from thirty to twenty-two units (8 two-bed/14 one-bed). The provision of twenty-two designated car parking spaces within the property cartilage with green areas retained. Retention of the parking spaces used by existing bungalows and the through path.

- (2) That the land designated in respect of the four sites in (1) above be transferred to the Swan Housing Group at nil cost, subject to planning permission and:

- For the Hardwick House scheme – supporting people revenue funding.
- For the Tylney Avenue scheme – conclusion of the investigation into a possible covenant and any necessary statutory notice provisions relating to the former playspace.

on such terms and conditions as the Head of Legal Services considers appropriate in accordance with the general consent and to secure the provision of the approved housing scheme.

- (3) That the possibility of achieving three-year funding from Essex County Council to achieve a scheme at Bardfield Way, Rayleigh be pursued, subject to there being a full public consultation meeting in advance of the finalisation of proposals.
- (4) That a press release be issued on 19 December setting out the Council's final decisions. (HHHCC/HLS)

Committee	Date	Minute No.
(18) Environmental Services	11 December 2003	576-584

Decriminalised Parking Enforcement – Progress Report

Council considered the report of the Environmental Services Committee relating to office accommodation for the Transportation Team.

Resolved

That Committee Room 3 at the Civic Suite be converted into office accommodation for the Transportation Team. (HRHM)

Committee	Date	Minute No.
(19) Appeals & Licensing	15 December 2003	585 - 587
(20) Planning Services	16 December 2003	588 - 593

601 MOTIONS ON NOTICE

(1) From Councillors Mrs M S Vince, C R Morgan and D A Weir

The Proper Officer reported on a Motion received from the above named Councillors pursuant to Council Procedure Rule 12. The Motion was moved by Cllr Mrs M S Vince and seconded by Cllr C R Morgan.

Whilst some Members were of the opinion that the blame in some situations should rest with the tenant, there was nevertheless a need to prevent landlords from unreasonably withholding deposits when tenants move out of rented accommodation. Reasonable wear and tear ought not to lead to the loss of a deposit. The proposed legislation should close the loopholes and protect both the tenant and landlord, thereby encouraging the release of more rented accommodation.

The Motion was carried on a show of hands.

Resolved

- (1) That the introduction of a statutory Tenancy Deposit Scheme be supported.
- (2) That this Council agrees that the forthcoming Housing Bill provides the perfect opportunity to bring forward the necessary legislation.

- (3) That Rochford District Council offers written support to the Shelter Campaign.
- (4) That a letter of support be sent to the Office of the Deputy Prime Minister's Select Committee, who are backing the scheme's inclusion in the Housing Bill.
- (5) That letters are sent to our local MP's to encourage them to sign the Early Day Motion 843. (HHHCC)

(2) From Councillors P F A Webster and T G Cutmore

The Proper Officer reported on a Motion received from the above named Councillors pursuant to Council Procedure Rule 12. The Motion was moved by Councillor P F A Webster and seconded by T G Cutmore.

Cllr C I Black moved an amendment, which was seconded by Cllr R A Oatham, that the wording be strengthened to include a recommendation that the review of Local Government funding should examine the potential for a local income tax. The amendment was lost on a show of hands.

The Motion was carried on a show of hands and it was:-

Resolved

That Rochford District Council congratulates the Audit Commission on its report on Local Government funding, which was published at the beginning of December.

602 COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA) – SELF ASSESSMENT REPORT

Council considered the report of the Chief Executive, which sought Members' approval to the Council's revised Self Assessment and three diagnostic reports, for submission to the Audit Commission as part of the CPA inspection process. A copy of the revised documentation had been sent to Members under separate cover.

Members congratulated the Leader of the Council, the Chief Executive and all officers involved in the drafting of the revised documentation.

Resolved

That the revised Self Assessment and other documentation be approved for submission to the Audit Commission, subject to final editorial amendments and corrections being delegated to the Chief Executive in consultation with the Leader of the Council. (CE)

603 ROCHFORD COMMUNITY STRATEGY CONSULTATION

Council considered the report of the Chief Executive which outlined the feedback received on the draft Community Strategy for Rochford District.

Members concurred with the priorities of consultees, namely:-

- more visible policing, both in rural areas and in towns
- more activities to occupy young people
- improved public transport and infrastructure, such as to schools and health facilities.

Members noted the qualities of the district, which had been particularly highlighted, such as the environmental quality, community spirit, parks and open spaces.

It was further noted that the final version of the Community Strategy was scheduled for agreement by the Local Strategic Partnership in March 2004.

Members were concerned that the Council should more actively promote those facilities and activities for young people that did exist, combined with drawing attention to the planned skateboarding facility at the former Park School site.

Members were reminded that the Community Overview & Scrutiny Committee would be undertaking a study into the development of policies and services in respect of young people.

Resolved

That the priorities outlined above should now be addressed through the Community Strategy. (CE)

604 SOCIAL INCLUSION POLICY

Council considered the report of the Chief Executive, which invited Members to consider the adoption of a Social Inclusion Policy.

Resolved

That the Social Inclusion Policy be adopted. (CE)

605 SETTING THE COUNCIL TAX BASE 2004/2005

Council considered the report of the Corporate Director (Finance & External Services), which invited Members to determine the tax base for each individual Parish or Town Council area within the District.

Members noted the following changes in legislation:-

- the Council tax base had previously always been set by Council. However, due to a delay in the legislation, it could not legally be set this year until 20 December. Officers were therefore recommending that authority be delegated this year to the Corporate Director (Finance & External Services) to set the council tax base. It was explained that the setting of the tax base was essentially a mathematical calculation. There were only two elements of judgement: the number of properties either being built or demolished and the collection rate, which was normally set at 98%.

The Government has recognised this and the setting of the tax base for future years may be delayed. In the new municipal year, the Finance & Procedures Overview & Scrutiny Committee could consider how best the decision on this could be taken in future years.

- currently those owning a second home incur council tax at the rate of 50%, but as from the commencement of the next financial year this could be raised to 90%. As there are only approximately 40 second homes in the district, the benefits to the Council would be around £2,500 per annum. Essex County Council has offered Districts 60% of their share of added revenue, to be spent by the County Council within the District.

As the County Council could not spend the money until it was known what was collected, the additional spend was likely to be annually in arrears. The amount to be spent in the Rochford District would be around £9,000 per annum. Officers recommended retaining the status quo.

- currently the owners of homes which have been empty for more than 6 months incur council tax at the rate of 50%, but as from the commencement of the next financial year, this could be raised to 90%. However, whilst the Council could claim income in the first year, in subsequent years it would lose more in revenue support grant than it would collect, thereby incurring a cost of around £10,000 per annum. Officers recommended retaining the status quo.

Resolved

- (1) That authority be delegated to the Corporate Director (Finance & External Services) to set the council tax base for the year 2004/05.
- (2) That the existing rate of council tax be retained for second homes.
- (3) That the existing rate of council tax be retained for empty homes.
- (4) That the Finance & Procedures Overview & Scrutiny Committee consider the procedure for setting the council tax base for forthcoming years. (CD(F&ES))

606 MEMBERS' ALLOWANCES

Council considered the report of the Corporate Director (Finance & External Services), which invited Members to agree a new scheme of Members' Allowances and travel and subsistence allowances to take effect from 1 January 2004.

Whilst some Members were of the opinion that the introduction of a Carer's Allowance would be welcomed, the majority were not in favour of this.

Members were also minded to recommend that a maximum of 40p be payable for mileage allowances, in order that the amount would not be taxable.

Resolved

- (1) That a carer's allowance be not introduced.
- (2) That mileage allowance for cars over 1000 cc be payable at a maximum of 40p per mile.
- (3) That, taking into account recommendations (1) and (2) above, the scheme of Members' allowances and travel and subsistence allowances, as detailed in the report, be implemented from 1 January 2004. (CD(F&ES))

The meeting closed at 9.49 pm.

Chairman

Date