

Council – 30 October 2007

Minutes of the meeting of **Council** held on **30 October 2007** when there were present:-

Chairman: Cllr K A Gibbs
Vice-Chairman: Cllr J E Grey

Cllr Mrs P Aves	Cllr J R F Mason
Cllr C I Black	Cllr D Merrick
Cllr M R Carter	Cllr Mrs J A Mockford
Cllr J P Cottis	Cllr R A Oatham
Cllr T G Cutmore	Cllr P R Robinson
Cllr Mrs J Dillnutt	Cllr S P Smith
Cllr Mrs H L A Glynn	Cllr D G Stansby
Cllr Mrs S A Harper	Cllr M G B Starke
Cllr K H Hudson	Cllr Mrs M J Webster
Cllr T Livings	Cllr P F A Webster
Cllr C J Lumley	Cllr Mrs C A Weston
Cllr Mrs J R Lumley	Cllr Mrs B J Wilkins

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs R Brown, Mrs L A Butcher, P A Capon, Mrs T J Capon, Mrs L M Cox, T E Goodwin, K J Gordon, A J Humphries, J M Pullen, C G Seagers and J Thomass.

OFFICERS PRESENT

P Warren	- Chief Executive
R J Honey	- Corporate Director (Internal Services)
G Woolhouse	- Corporate Director (External Services)
S Fowler	- Head of Information & Customer Services
S Scrutton	- Head of Planning & Transportation
Y Woodward	- Head of Finance, Audit & Performance Management
J Bostock	- Principal Committee Administrator

ALSO PRESENT

I Davidson - Audit Commission

357 MINUTES

The Minutes of the meeting held on 31 July 2007 and the Extraordinary meeting held on 13 September 2007 were approved as correct records and signed by the Chairman.

358 DECLARATIONS OF INTEREST

Councillor T G Cutmore declared a personal interest in the item on the Rayleigh Grange Community Centre by virtue of being responsible for bookings at a village hall.

359 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman had attended eighty four events and had experienced tangible community spirit. The Chairman's Carol Concert had been scheduled for Sunday 9 December 2007.

360 MEMBER QUESTIONS ON NOTICE

(1) To the Leader of the Council

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

"According to the Daily Telegraph on the 13 October:

'Statutory instruments allow the Government to alter laws without a full act of Parliament, i.e. by ministerial fiat. The 795 organisations now privy to your telephone records include the tax authorities, the Food Standards Agency, the Department of Health, the Immigration Service, the Gaming Board and your local authority.'

Is it true that this Council now has the power to access individual's telephone records? If true, in what circumstances would this power be used and who has the authority to use it?"

The leader of the Council responded as follows:-

"Local Authorities have had power to access limited communications data on telephone usage since 5 January 2004 under the provisions of the Regulation of Investigatory Powers Act 2000. This is restricted to criminal investigations and public protection and would principally relate to serious fraud, health and safety & environmental offences. Access to data is strictly controlled and independently regulated by the Interception of Communications Commissioner and its use is also subject to the Data Protection Act 1998. Information can only be accessed in accordance with the prescribed procedure by a senior authorised officer appointed for this purpose who has received the required training and accreditation. The Council's Revenue and Benefits Manager and the Senior Fraud Officer are so authorised. Since the power has been available one access request has been made in connection with a fraud investigation. The powers of the police have been recently extended under the 2000 Act to require encrypted data to be put into an intelligible form, these changes do not affect local authorities."

(2) To the Leader of the Council

Pursuant to Council Procedure Rule 11.2, the following question of the Leader of the Council had been received from Councillor Mrs J Dillnutt:-

"The main role of local ward Councillors is to represent the area covered by their ward and the people who live there. They provide a voice for and help to all members of the community and are involved in making decisions on behalf of residents and contributing to the Council's policies.

In what way did the Council involve the ward members in the decision-making process regarding the Grange Community Centre?"

The Leader of the Council responded as follows:-

"I am grateful to Cllr Dillnutt for raising this question as I think it highlights a key benefit of the new political decision making structure and the role of Area Committees.

The key decisions on Rayleigh Grange, which prompted the report to the last meeting of the Executive Board, were taken under the old committee system. In fact, the original report on the Grange was considered by Policy, Finance and Strategic Performance Committee at its meeting on 19 April 2007 (min 133/2007). It is the decisions from that Committee which resulted in the recent report to the Executive Board.

If the current political decision making structure had been in place at that time, then the original Grange report would have firstly gone to the Area Committee prior to any report going into the Executive Board. In that way, the local ward Councillors and other local Councillors with an interest could have specifically inputted and shaped the eventual report to be considered by the Executive Committee.

Thus, under the new system which we are now operating, there is a very transparent process through which ward Councillors can be seen to be inputting into the decision making process."

(3) To the Chairman of the Development Control Committee

Pursuant to Council Procedure Rule 11.2, the following question of the Chairman of the Development Control Committee had been received from Councillor C I Black:-

"The Inspector's decision letter for the planning appeal at 89 Down Hall Road ("The Pond House") contained the following extraordinary statement:

'The Council has referred to policies HP3, HP6 and HP11 of the Rochford District Replacement Local Plan (LP), adopted in 2006. However, as I have not been provided with information to indicate whether these policies have been saved, I propose to deal with the appeal on the basis of Planning Policy Statement 1 Delivering Sustainable Development (PPS1) and Planning Policy Statement 3 Housing (PPS3).'

What has gone wrong here?"

The Chairman of the Development Control Committee responded as follows:-

"Nothing has gone wrong. The Council submitted the three policies in the Local Plan as being material to the decision reached to refuse consent for the proposed development. These policies were included within the Council's appeal statement.

On the 27 September 2007, three years from the date the Planning and Compulsory Purchase Act 2004 came into force, there was a requirement, depending on the date of adoption, for policies in some adopted Structure and Local Plans to be accepted as 'saved' policies, else they would expire and no longer be material to development control decisions. However, the Rochford District Local Plan was not adopted until June 2006 and as a result it automatically remains in force until 2009.

In this case, the Inspector indicated that the status of the adopted Local Plan had not been made clear to her and therefore the assessment of the acceptability of the scheme was carried out against the principles within national policy statements. That having been said, the Inspector has dealt fully and properly with each of the reasons for refusal, which clearly articulated the Council's concerns, by reference to the material planning considerations, which are consistent and give effect to the same considerations as the adopted Local Plan policies.

Since the regulations relating to saved policies and plans are clear, it is disappointing that the Inspector made this statement, but in order to ensure this situation does not arise again, all future appeal statements will include a standard paragraph to clearly explain the status of the Local Plan and Supplementary Planning Documents.

Finally, Members will be aware that the Review Committee under the chairmanship of Cllr June Lumley is looking into the appeal process and I find it surprising the Member has not asked for this issue to be referred there."

Councillor C I Black indicated that he had asked that the Review Committee include consideration of this matter in its review of Planning Appeal procedures. The Chairman of the Development Control Committee, Cllr S P Smith, indicated that a letter had been sent to the Planning Inspectorate and that the response, expected by 16 November 2007, would be circulated to all Members.

(4) To the Leader of the Council

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

“According to the report on Sweyne Park to the recent Executive Board meeting:

‘3.1 Following the completion of the leisure centre, an arrangement was made with Wimpey Homes, who are building on the opposite side of the site, for them to locate their compound on the “pitches site” on a temporary basis. In return, Wimpey agreed not only to remove all their equipment/rubble etc., but also to reinstate the area of land that they occupied, undertaking ground works which left the area in a state ready for seeding.’

On whose authority was this decision made? Who has benefited from it?”

The Leader of the Council responded as follows:-

“Officers received a request from Wimpey Homes to temporarily site their compound on land to the rear of Rayleigh Leisure Centre, for a fixed period of time, between October 2006 and Spring 2007. This area of land had been designated for future usage as junior/mini-pitches.

Officers agreed that the compound could be sited there for a set period on the basis that the Council would benefit from that area of land not only being reinstated but also in being prepared for seeding, and would be left in a better condition than before Wimpey's occupation.

The works carried out were necessary and have resulted in removal of rubble, “stone picking”, removal of weeds and vegetation growth, some levelling of the ground and a general loosening of the top surface that has progressed the preparation process for this land, in readiness for future pitch usage.

This arrangement has not delayed the Council's timetable for preparation of the land for future use as pitches, and has helped to move those preparations forward, at no cost to the Council.”

361 COMPREHENSIVE PERFORMANCE ASSESSMENT/AREA ASSESSMENT – PRESENTATION

Council received a presentation from Mr Ian Davidson of the Audit Commission on the forthcoming changes to the Comprehensive Performance Assessment (CPA) process and latest information on Comprehensive Area Assessment (CAA).

At the commencement of the presentation Mr Davidson advised that the Council's application for CPA reassessment had been approved by the Commission.

Mr Davidson's presentation included detail on:-

- The key differences between CAA and CPA.
- The nature of risk based assessment and related questions.
- The immediate issues and the challenges associated with an area-based approach.
- The challenges for Local Area Agreements.
- Transition management.

In conclusion Mr Davidson advised that effective delivery jointly across the sectors was key to the CAA process, an aim of which was to maximise the value of public services.

The Chairman thanked Mr Davidson for an informative presentation.

362 MINUTES OF EXECUTIVE BOARD AND COMMITTEE MEETINGS

Council noted the Minutes of Executive Board and Committee meetings held between 1 August 2007 and 22 October 2007.

363 REPORTS FROM THE EXECUTIVE BOARD, COMMITTEES AND SUB-COMMITTEES TO COUNCIL/REFERRALS

(1) Report of the Local Development Framework Sub-Committee – 18 September 2007

Council considered the report of the Local Development Framework Sub-Committee containing recommendations relating to the Conservation Area Appraisal and Management Plans.

It was noted that the Council had decided to reintroduce the Local List.

Resolved

- (1) That, subject to it being noted that the District Council had reintroduced the Local List, the Conservation Area Appraisal and Management Plans be adopted as evidence based documents, subject to the recommended changes.
- (2) That the conservation area boundaries be amended, as recommended.
- (3) That implementation of the recommendations of the appraisals be considered through the Local Development Framework process and by other mechanisms, as appropriate. (HPT)

(2) Report of the Audit Committee – 25 September 2007

Council considered the report of the Audit Committee recommending that budget amendments be agreed.

Resolved

That the budget amendments be agreed. (HFAPM)

(3) Referral of Decision under Minute 347 to Full Council

Pursuant to Overview and Scrutiny Procedure Rule 15(b) a requisition had been received in the names of Councillors C I Black, Mrs J Dillnutt, C J Lumley, Mrs J R Lumley and R A Oatham requiring that the decision under Minute 347 (Rayleigh Grange Community Centre – Lease) of the meeting of the Executive Board held on 17 October 2007 be referred to Full Council.

In commenting on the requisition Councillor Mrs J Dillnutt referred to the role of the Council in fostering the community, part of the Council's vision being to enable the continuation of community facilities. It would not be appropriate to allow income stream considerations or achieving parity between buildings to dictate decisions. The trustees of the Grange Community Centre had been in some "limbo" in the last two years and some costs were not known when the Executive Board reached its decision. Account should be taken of the role of the facility in engendering local cohesion and pride.

Referring to the decision of the Executive Board a Member observed that there had been full discussions with the trustees and the Grange Community Centre Committee. It was also observed that the decision had effectively provided a twelve month period for the trustees to consider the position and for further consultation with the community. The decision could be considered fair and equitable for the community.

There was some discussion on the nature of the existing lease and the potential risk that the Centre could close. Reference was made to the responsibility of lessees under a full repairing lease and to the fact that the Council would not have had to consider how to address some issues related to the building if there had been full and timely compliance with lease requirements. The Council needed to ensure the building was safe.

The following amendment to the Board's decision was moved by Councillor C I Black and seconded by Councillor Mrs J Dillnutt:-

- (1) That the decision be deferred until such time as the outstanding surveys requested by the Council have been completed in order to allow the full cost of repairs to be taken into account and deciding a reasonable timescale for their completion.

- (2) That the Council consider the strategic aims of its pricing policy in relation to its leases on property for community use in the light of its vision statement and its commitment to creating conditions which encourage local community engagement.

The amendment was lost on a show of hands and it was:-

Resolved

- (1) That the Rayleigh Grange Community Centre lease be extended on the present terms and conditions for an initial six months to ensure and enable repair works of an urgent nature to be carried out and completed and appropriate safety certification with respect to fabric and services of the building to be presented to the Council.
- (2) That, on satisfactory completion of the works identified in (1) above, the lease be extended on the present terms and conditions for an additional six months to enable less urgent repair works to fabric of the building, after which time the Council will expect the building to have been brought up to such a condition as is reasonable to expect under the terms of a “full repairing lease”.
- (3) That at the end of this twelve-month period of grace the Council enter into negotiations with the leaseholders in order to agree a new lease. In addition, the Council to take the opportunity presented by this period to review its entire lease arrangements with a view to bringing them in line with one another to ensure that a fair and equitable arrangement for all leases shall exist right across the District. (CD(ES))/(HLS)

Council then turned to the recommendation of the Executive Board relating to the appointment of two Members to the Rayleigh Grange Community Association Government Body.

There was comment on both appointees being Local Ward Councillors. There was also comment that one of the proposed appointees was both a District and County Councillor.

A motion that Local Ward Councillors Mrs J Dillnutt and Mrs J A Mockford be appointed, moved by Councillor C I Black and seconded by Councillor Mrs J Dillnutt, was lost on a show of hands and it was:-

Resolved

That Councillors Mrs M J Webster and Mrs J A Mockford be appointed to the Rayleigh Grange Community Association Governing Body. (CD(ES))/(HLS))

364 REPORT OF THE CHAIRMAN OF THE EXECUTIVE BOARD

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

“This is my second report to Full Council under the new system as the Chairman of the Executive Board and I am pleased to report on the progress we have made on a number of important issues for the Council.

The formal transfer of our housing stock to Rochford Housing Association took place on 26 September. I would like to place on record my thanks to those Members, staff and third party advisers who did so much to make it happen. It was the culmination of 3 years work and represents a significant achievement for the Council. The Housing Association are now working hard on progressing the first tranche of improvements budgeted at around £6m. Our ex-tenants have much to look forward to.

Secondly, in relation to the renewal of our contracts around waste collection, recycling, street cleansing and grounds maintenance, I think that the wisdom of our choosing to go down the competitive dialogue route can be seen in the volume and quality of the tenders returned – 7 for waste collection; 9 for grounds maintenance and 10 for street cleansing. Certainly, last time around we didn't obtain such a volume of response.

Whilst the tender evaluation process continues, we are on course to reach decisions on these key service contracts prior to Christmas on programme. I know all members will join with me in the ambition of achieving the best possible quality services at the most affordable prices.

Over the summer, much background work has been undertaken in connection with the Local Development Framework. More is to follow, to enable a further consultation round on the core strategy to take place by early summer 2008. The process is certainly a long and resource intensive one.

Turning now to other matters, the Executive Board has been monitoring the Council's performance in key areas on a quarterly basis. I am pleased to report that we are doing well both in terms of delivery of key initiatives and performance in key service areas. We've looked at the way forward in terms of our partnership arrangements on Revenues/Benefits and received an update on progress. Whilst it is important to build up working relationships where appropriate, it is clear that we need to ensure that they are true partnerships and deliver improvements. We've agreed a new Procurement Strategy for the Council and also an updated ICT Strategy.

We considered the report from the Review Committee outlining its findings on anti-social behaviour and accepted its recommendations. It is interesting to note that as reported through the Area Committee process, work is already underway in developing practical solutions to the perceived youth issues in specific parts of the District.

We've made decisions in relation to Christmas and New Year opening for the Council offices and looked at specific asset management matters at 21 London Hill, the Grange Community Centre and Sweyne Park in terms of the future use of the area now available behind the new Leisure Centre.

Finally, we've also looked at some wider issues which will impact on the Council – the County's timetable for their new Community Strategy and a new Local Area Agreement with Government. More locally, the proposal now emerging for a Pathfinder Trust for our local secondary schools. If such an arrangement does come about locally, we've decided it is important for the Council to play its part as a member of any Trust which is set up. Clearly, if any member has queries in relation to any of the matters, I will be only too pleased to attempt to answer them."

365 POLLING DISTRICTS AND PLACES REVIEW

Council considered the report of the Head of Information & Customer Services on the final proposals of the review of polling Districts and polling places within the District.

Resolved

- (1) That there be no changes to the existing arrangements in the District wards of Downhall and Rawreth; Foulness and Great Wakering; Grange; Hawkwell North; Hawkwell South; Hawkwell West; Hockley Central; Hockley North; Hullbridge; Lodge; Rochford; Sweyne Park; Trinity; Wheatley and Whitehouse.
- (2) That there be changes in the arrangements for five District wards as follows:-

Ward	Change
Ashingdon & Canewdon (Polling districts RCJ and RCK)	Polling districts to be merged. This will have no effect on voters.
Ashingdon & Canewdon (Polling districts RCL and RCM)	Polling districts to be merged. This will have no effect on voters.
Barling & Sutton (Polling districts RCE and RCF)	Polling districts to be merged and all electors to use Barling Magna County Primary school as their polling station.
Hockley West (Polling district RDC)	Polling place to be the whole of Hockley West ward and Hockley Central ward with the polling station being sited in Hockley Public Hall in Bullwood Road.
Rayleigh Central (Polling districts RDG and RDG2)	Polling districts to be merged. This will have no effect on voters.

- (3) That Hockley Public Hall in Bullwood Road be used as the polling station for the Hockley West ward in the future as this is on the main bus route and not far from the original polling station at Seetec even though this lies outside the ward boundary. (HICS)

The meeting closed at 8.46 pm.

Chairman

Date

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