

Council – 15 December 2015

Minutes of the meeting of **Council** held on **15 December 2015** when there were present:-

Chairman: Cllr Mrs H L A Glynn

Vice-Chairman: Cllr J L Lawmon

Cllr C I Black	Cllr J R F Mason
Cllr Mrs L A Butcher	Cllr Mrs J E McPherson
Cllr M R Carter	Cllr D Merrick
Cllr T G Cutmore	Cllr Mrs J A Mockford
Cllr R R Dray	Cllr R A Oatham
Cllr J H Gibson	Cllr Mrs C A Pavelin
Cllr K J Gordon	Cllr Mrs C E Roe
Cllr J D Griffin	Cllr C G Seagers
Cllr J Hayter	Cllr S P Smith
Cllr N J Hookway	Cllr M Softly
Cllr Mrs D Hoy	Cllr D J Sperring
Cllr M Hoy	Cllr M J Steptoe
Cllr K H Hudson	Cllr I H Ward
Cllr G J Ioannou	Cllr M J Webb
Cllr M Maddocks	Cllr Mrs B J Wilkins
Cllr Mrs C M Mason	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J C Burton, Mrs A V Hale, B T Hazlewood, Mrs J R Lumley, Mrs M H Spencer and Mrs C A Weston.

OFFICERS PRESENT

A Dave	-	Chief Executive
N Khan	-	Director
S Scrutton	-	Director
J Bostock	-	Assistant Director – Democratic Services
M Harwood-White	-	Assistant Director – Commercial Services
M Hotten	-	Assistant Director – Environmental Services
A Law	-	Assistant Director – Legal Services/Monitoring Officer
A Mowbray	-	Assistant Director – Transformational Services
D Murray	-	Section 151 Officer
M Power	-	Committee Administrator

257 MINUTES

The Minutes of the meeting held on 20 October 2015 were approved as a correct record and signed by the Chairman, subject to noting an observation from Cllr K J Gordon that he had not received written responses to two questions asked at the last meeting of the Council but that since the meeting he had received a written response to one of these questions.

258 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman was presented with a copy of the Gideon's bible by a representative from the Gideon's Society.

The Chairman was enjoying representing the District across the south east of England and talking to people about Wallasea Island and Southend Airport and other attractions that the Rochford District has to offer. She had attended functions in schools, churches and other community groups around the District. The Chairman gave a special thank you to Rayleigh Town Council who, following Police cuts, had provided funding for traffic management at the Remembrance Sunday parade through Rayleigh High Street, which had allowed the Parade to go ahead. Other areas in the District also had Remembrance services, which were well attended.

The Leader and Members welcomed the newly elected Member, Cllr M Softly, to the Council.

259 MEMBER QUESTIONS ON NOTICE

Pursuant to Council procedure rule 12.2, the following questions had been received from Members:-

From Cllr K J Gordon of the Portfolio Holder for Environment

"Could the Portfolio Holder inform me what has happened to the 470 saplings that were planted in Cherry Orchard Park to commemorate the 100th anniversary of the start of World War 1? This was a joint collaboration between the Western Front Association, the Woodland Trust and Rochford District Council to commemorate the 470 men of this District who died during the conflict."

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

"Sadly all the saplings have been deliberately cut by an unknown individual or individuals. We await to see how many will produce new shoots in the spring that are suitable to promote as a replacement. We did not wish to draw attention to this deliberate act of vandalism in the hope that the trees had a better chance of being re-established out of the limelight."

By way of a supplementary question, Cllr K J Gordon observed that he felt that Ward Councillors and the Police should have been informed of the incident and asked when the trees would be replanted. The Portfolio Holder for Environment advised that a written response would be forwarded to Cllr Gordon and all Members of the Council.

From Cllr K J Gordon of the Portfolio Holder for Environment

“The officers were instructed to construct a second berm adjacent to the original one that was constructed in the wrong place (as the pet memorial) - to form a partial above ground trench, to form the entrance to the avenue of remembrance, and to give school children some idea as to what the trenches were like for their great grandfathers. There were sufficient monies set aside in the budget for this, but it seems to have fallen by the wayside. I would like to know why?”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“There were concerns raised regarding the authenticity of such a design and also regarding the logistics of school children visiting a site with such limited facilities. Taking these concerns into account, it was believed that the best course of action was not to proceed with this project.”

From Cllr K J Gordon of the Portfolio Holder for Planning

“Has the appellant for the application north of London road withdrawn their appeal? If not, have they given an undertaking that they will do so? Otherwise, will this not cause a funding problem for the roundabout at the Rawreth Lane/Hambro Hill junction?”

The Portfolio Holder for Planning, Cllr I H Ward, responded as follows:-

“The appeal has not been formally withdrawn as yet, but the applicant has indicated this will happen following the issue of the planning consent. In the meantime, the appeal is being held in abeyance by the Planning Inspectorate.”

By way of a supplementary question, Cllr K J Gordon requested that the Portfolio Holder ask for written confirmation from the applicant that they will withdraw their appeal. The Portfolio Holder for Planning advised that when further information is available it will be provided to Cllr Gordon.

From Cllr K J Gordon of the Portfolio Holder for Environment

“Cllr McPherson you stated to this Council that the highways verge cutting came to approximately £70,000 per annum. Have you renegotiated the contract? As I am sure Members will remember my letters to the Cabinet Member for Highways at Essex County Council, where we stated the correct figures of £187,000 against a contribution from them of £33,300.

You stated that the shortfall was made up from the saving to the Grounds Maintenance contract; can you confirm the figures (your cost of £70,000 against my cost of £187,000)? And can you confirm that there is no shortfall that the Grounds Maintenance contract savings cannot cover, which would

include the amount of £152,700 shortfall?”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“The new Grounds Maintenance contract was awarded in December 2013 - the current costs are based upon the prices within the bill of quantities and discussion with the contractor to reflect an estimated cost of £70,000. Previous costings were based upon the interim contracts, which did not represent such good value for money, due to their temporary nature and the lack of economy of scale achieved through a larger contract.”

By way of a supplementary question, Cllr Gordon asked if confirmation could be provided that there is sufficient in the savings made in the Grounds Maintenance contract to cover the £152,700 shortfall.

The Portfolio Holder for Environment advised that a written response would be forwarded to Cllr Gordon and all Members of the Council.

From Cllr K J Gordon of the Portfolio Holder for Environment

“Can you please inform me and this Authority how much is still in the pot from the Grounds Maintenance savings?”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“As explained to Cllr Gordon last month, the additional grass cutting of the urban verges is subsidised by Rochford District Council. We have the choice to ‘do the best we can’ for the £35,000 received from Essex County Council for cutting the verges - or we have the choice to provide a better service for our residents, albeit at a cost to our Council. The successful awarding of the Ground Maintenance contract in December 2013 delivered approximately £250,000 worth of annual savings. This lower cost was factored into the subsequent financial planning cycles to reflect a lower annual expenditure upon open spaces management. These savings contribute towards funding further cuts. There is no ‘pot of funding’ - any residue savings are fed into the budget process, as Cllr Gordon will be aware.”

By way of a supplementary question, Cllr K J Gordon asked to be advised of the amount that is still ‘in the pot’ from savings made in the Grounds Maintenance contract.

The Portfolio Holder advised that she would provide a written response to Cllr Gordon, which would be circulated to all Members.

From Cllr K J Gordon of the Portfolio Holder for Environment

“Could the Portfolio Holder inform me and this Authority where the £50,000 for the two play area improvements came from?”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“The expenditure on play space and open spaces is part of the capital programme outlined in the Medium Term Financial Plan as agreed at Full Council on the 10th February this year.”

From Cllr K J Gordon of the Portfolio Holder for Environment

“Could the Portfolio Holder inform me why the works to fence in the play area at Cherry Orchard have not been completed? Firstly, these are needed to stop dogs fouling the play area and causing the children to get covered in excreta. There was a budget sum for this, which was due to be completed after the May elections.”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“There appears to be no formal agreement for the expenditure of capital funds for any fencing around the play area at Cherry Orchard Park. May I add that when I received Cllr Gordon's question this was the first time I had heard of this suggestion. However, it is something that I am happy to see put forward for consideration as a project in the new financial year.”

From Cllr K J Gordon of the Portfolio Holder for Environment

“Can the Portfolio Holder inform me how much it has cost to have our Structural Engineer work on the flood alleviation schemes, and does this form part of Rochford District Council's match funding from Essex County Council?”

The Portfolio Holder for Environment, Cllr Mrs J E McPherson, responded as follows:-

“The approximate cost in staff time will be £3,500 for the year. This does not form part of RDC's match funding from Essex County Council. However, it should be pointed out that many of the schemes are of direct benefit to sites in our ownership and responsibility.”

It was noted that a question from Cllr K J Gordon of the Portfolio Holder for Finance on completed audits would be on the agenda of the next ordinary Council meeting.

260 BUSINESS FROM LAST COUNCIL MEETING

In respect of questions raised at the July meeting of Council, Cllr K J Gordon stated that:-

- He had not received a written response to a question on the Community Infrastructure Levy;
- The response to a question relating to the costs associated with the planning appeal on the application for new homes at London Road/Rawreth Lane referred to a report to the Development Committee in September, whereas this was a report to the Development Committee meeting in January.
- A response to a supplementary question made at Council on 20 October in relation to burnings at Michelins Farm in August had been received on 14 December.

261 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee meetings held between the period 10 October to 4 December 2015.

262 REPORTS FROM THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES TO COUNCIL

(1) Revised Contract Procedure Rules

Council considered the report of the Executive containing a recommendation that the revised Contract Procedure Rules be adopted.

Resolved

That the revised Contract Procedure Rules be adopted. (ADCS/S151O)

(2) Statement of Licensing Policy

Council considered the report of the Licensing Committee containing a recommendation for Council to approve the amended Statement of Licensing Policy.

Resolved

That the amended Statement of Licensing Policy (Licensing Act 2003) be approved. (ADLS)

(3) Statement of Licensing Policy (Gambling Act 2005)

Council considered the report of the Licensing Committee containing a recommendation for Council to approve the Statement of Licensing Policy (Gambling Act 2005).

Resolved

That the amended Statement of Licensing Policy (Gambling Act 2005) be approved. (ADLS)

(4) 2015/16 Mid Year Treasury Management Review

Council considered the report of the Review Committee Treasury Management Task and Finish Group containing a recommendation for Council to approve the Mid Year Treasury Management Review.

Resolved

That the 2015/16 Mid Year Treasury Management Review be approved. (S151O)

(5) Quarter 2 2015/16 Financial Management Report

Council considered the report of the Executive containing recommendations on the Revenue and Capital Budget and Key Financial Performance Indicators.

Responding to questions from Cllr C I Black, the Section 151 Officer advised that:-

- The overall forecasted outturn for staff salaries for 2015/16 at quarter 2 was £5.7 million, against an original budget figure of £6.4 million, meaning an underspend on staff salaries of £700,000, which compares with an underspend of £580,000 in 2014/15. This underspend can be predominantly attributed to the senior management team restructure and vacancies.
- That net car park income for 2015/16 was forecast to be £876,000 and the salaries paid to the eight highest paid Council employees would be £524,000, which is 60% of car parking income. By comparison, the salaries of the eight highest paid Council employees in 2014/15 was 72% of the net car parking income.
- The budget for the Windmill is currently showing a surplus due to the depreciation not being shown as a recharge in the accounts until the end of the financial year.

(It was noted that there is no direct correlation between car parking charges and the employment of senior officers.) Cllr Black commented that he felt that the reduction in staff over the past few months, as part of the restructuring, could be related to some issues in Planning Enforcement, Audit, Environmental Health and Planning. There is a need to make certain there are key staff numbers where they are needed.

Resolved

- (1) That the Quarter 2 2015/16 revenue budget and capital position of the Council, contained in sections 3 and 4 of the report to the Executive and as shown in Appendices 1 and 2, be approved.
- (2) That the reasons for variations to the previously approved budgets, as detailed in sections 3 and 4 of the report to the Executive, be approved.
- (3) That the latest net revenue budget be set at £9.72m for 2015/16, as outlined in paragraphs 3.1 and 3.6 of the report to the Executive.
- (4) That the general fund balance and transfers sought to and from general reserves, outlined in paragraphs 5.3 and 5.4 of the report to the Executive, be approved.
- (5) That the current financial performance on Key Revenue Financial Indicators, as shown in section 6 and Appendix 3 of the report to the Executive, be noted. (S151O)
- (6) **Local Council Tax Support (LCTS) Scheme – 2016/17**

Council considered the report of the Executive containing recommendations on the Local Council Tax Support (LCTS) Scheme – 2016/17.

A Member challenged the assumption that self employed people will earn the minimum wage for a 35 hour week, as many self employed people have earnings below the minimum wage.

In response to a Member question, the S151 Officer explained that the reduction to 72% was in respect of the maximum level of support available to working age recipients from 1 April 2016. The grant had to be apportioned across the range of working age adults and had to ensure those entitled to a pension were fully protected. The grant has been reduced year on year and the figure reflects the annual reduction to date and forecast lower percentage reduction for 2016/17.

Resolved

- (1) That the outcome of the public consultation on the LCTS scheme for 2016/17 be noted.
- (2) That the reduction in the maximum award available to working age people receiving support to 72% (Option 2) from 1 April 2016 be agreed.
- (3) That the Council earmarks £20,000 in reserves for a Discretionary Hardship Fund, to offer additional help and support to those suffering

the greatest financial hardship as defined in the Council's Discretionary Reduction in Council Tax Liability Policy.

- (4) That the setting of a minimum Income Floor for self employed persons be part of the LCTS with effect from April 2016 in line with other Welfare Reforms.
- (5) That the remaining scheme provisions for 2016/17 continue as currently published on the Council's website, subject to an inflationary increase in the personal allowances used to calculate LCTS in line with those carried out in 2014/15 and 2015/16. (ADCR&B/S151O)

Note: Cllr M Hoy wished it to be recorded that he had voted against Resolution (4) above.

263 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

"This is the fourth ordinary Council meeting for the 2015/16 Municipal Year and I would like to welcome all Members.

Since the meeting on 20 October, the Executive has met twice, during which:-

- Consideration was given to a report on the adoption of revised Contract Procedure Rules. Pending the adoption of the revised rules, the Sustainable Commissioning and Procurement Strategy 2015-20 was approved.
- The outcome of the advice services tender evaluation panel meeting to award the advice services contract to Citizens Advice Rochford and Rayleigh was endorsed.
- Recommendations were made in relation to Quarter 2 of the 2015/16 revenue budget and capital position of the Council, the reasons for variations to previously approved budgets and setting the latest net revenue budget.
- The outcome of the public consultation on the LCTS scheme for 2016/17 was noted and recommendations made.
- The customer feedback statistics for Q1 and Q2 were noted and the current process for reporting endorsed.
- The exempt report of the Chief Executive's Appraisal was received.

Other matters that my colleagues and I on the Executive have been dealing with include:-

- agreeing the proposed amendments to the Council's Allocation Scheme for Social Housing, with the revised scheme being applied to new applicants only.
- approving the charging policy for the commercial use of parking bays and the hire of car parks and that car parking charges in all Council car parks be suspended on the Saturdays during December, prior to Christmas.

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

264 ALLOCATION OF SEATS ON COMMITTEES

Council considered the report of the Assistant Director – Democratic Services on the allocation of seats to Committees following a change in political composition.

An Addendum to the report detailed the nominations to the seats from Group Leaders. It was noted that the Labour Group had indicated that it did not want to take up any seats; therefore, these seats could be allocated to Members of other political groups or non-Group Members. It was further noted that, if any of these seats were not filled, they would be carried as vacancies for the remainder of the Municipal Year.

Resolved

- (1) That Members be appointed to serve on Committees for the remainder of the 2015/16 Municipal Year, as follows:-

Appeals Committee – vacancy
Audit Committee – Cllrs C I Black and N J Hookway
Development Committee – Cllrs C I Black and J Hayter
Investment Board – Cllrs C I Black and N J Hookway
Licensing Committee – Cllrs N J Hookway and R A Oatham
Review Committee – Cllrs J Hayter and Mrs C M Mason
Standards Committee – Cllr R A Oatham

- (2) That, a Member of the Conservative Group, to be notified by the Group Leader in due course, be appointed to serve on the Local Development Framework Sub-Committee for the remainder of the 2015/16 Municipal Year. (ADDS)

265 DEVOLUTION UPDATE

Council received a verbal update from the Chief Executive.

Discussions continue to be held with other Essex Authorities and central Government. There would be further discussion with Members at the Budget

Away Day at the end of January and a report would be made to the next ordinary Council meeting in February 2016.

266 BUDGET FOR GRANTS TO VOLUNTARY ORGANISATIONS 2016/17

Council considered the report of the Section 151 Officer seeking the approval for the 2016/17 budget for grants to voluntary organisations.

In response to a Member question, the Section 151 Officer advised that the £105,000 to be awarded for 2016/17 did not include additional support granted to voluntary organisations, which includes business rates relief and accommodation. The Section 151 Officer advised that a separate analysis, which would include this additional support, would be provided to Members.

Resolved

That the 2016/17 budget for grants to voluntary organisations be set at £35,000. (S151O)

267 OPTIONS FOR INFORMATION COMMUNICATION TECHNOLOGY (ICT) PROVISION AND SUPPORT CONTRACT

Council considered the report of the Assistant Director - Transformational Services on options for ICT provision and support contract.

In response to a Member question, the Portfolio Holder for Enterprise advised that the expectation was that substantial cost savings could be made as a result of negotiating a new ICT contract. The Section 151 officer added that the extent of any savings that could be achieved under a new contract would only be known when the tender process had been completed.

Resolved

That, in order to ensure appropriate use of public funds and value for money is achieved, Option 3 'Move to the Microsoft Azure Platform without extending the Capita ITES Ltd contract' be taken to the market and a further report be made to Council when quotes have been obtained.

The meeting closed at 8.40 pm.

Chairman

Date

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