



**Rochford District
Council**

INDEX

1988

January - December

MINUTE INDEX 1988

ALLOTMENTS

Allotment Competition: 318,417,456

ANGLIAN WATER AUTHORITY

Sea Bathing Water Quality:	22
Section 16 Main Sewerage Provision ~ South Fambridge & Ashington	
Park Estate, Rochford:	71,181
Ferry Road, Hullbridge - Sewer Provision:	151
Eastwood Road, Rayleigh - Sewer Provision:	151
Capital Programme 1987/88 - 1991/92:	263
Privatisation:	550

ASSOCIATION OF DISTRICT COUNCILS

Constitution:	392,492
Conference and Exhibition - Blackpool 1988:	412

AUDIT

Complaints Procedure: 128,491(E)

BRIDLEWAYS

Bridleway 38 Rochford - Proposed Diversion:	70,399
Proposed Diversion of Bridleway 27, Stambridge:	340,555

BRITISH RAIL

Meetings with:	460
----------------	-----

CABLE TELEVISION

Consultation on Franchise Arrangements: 395,469

CAGEFIELD ROAD, STAMBRIDGE

District Plan Working Party: 153,336

CAPITAL PROGRAMME

Capital Programme 1988/89: 15
Capital Programme - Lift installation - Civic Suite: 272
Draft Capital Programme - Clements Hall Playing Field
Pavilion Extension: 451
Provision for Construction, Fitting and Furnishing of
an Emergency Centre at Hockley Woods: 17,491(c)

CARAVAN SITES

Halcyon Caravan Site: 55
Riverside Trailer Park Ltd - Licence Amendments: 228
Hullbridge Yacht Club: 229
Brandyhole Yacht Station, Hullbridge: 430(a)
The Dome Country Club and Caravan Park Ltd,
Lower Road, Hockley: 430(b)
Spacing of Caravans - Progress Report: 440,511,528

CAR PARKING

Doctors Surgery Site, Websters Way: 24
Market Square, Rochford - Parking Space for Disabled: 264
Pooles Lane, Hullbridge - Bus Turning Area: 420(i),501,511
Hockley Village Centre: 463
Pooles Lane Car Park, Hullbridge - Trading: 562
ROC/925/88 - Extension of Public Car Park,
Rear of Public Library, Southend Road, Hockley: 563(ii),588

CEMETERIES

Change of use of Agricultural Land to Cemetery - ROC/561/88: 487

CHAIRMAN'S ANNOUNCEMENTS

Visits to Doggetts County Primary School,
Sweyne School, Westerings: 43
Radiotherapy Unit Press Conference: 43
Attendance of Pupils from Rayleigh Jnr and
Gt. Wakering Schools: 112
Glebe School Donation to Tree Replanting: 112
Roadsweeper for Hockley Parish Council: 112
Retirement presentation DHH & Principal Assistant Planning: 112
Royal Garden Party: 148,279,353
German Minesweepers Visit Shield Commemoration: 295
Wartime Plaque Recording Adoption of Motor Torpedo Boat 207: 295,353
Attendance of Mr. S. Walsh, Asst. Gen. Manager
(Rochford & Westcliff Hospitals): 302
Presentation on Resignation of DF and DCS: 353

Cont'd.....

CHAIRMAN'S ANNOUNCEMENTS

Civic Funeral Service - Mr. W. Bowyer:	510
Civic Carol Service:	510,586
Love Lane Primary School:	510
Mrs. Joan Tate:	584

CHARGES

Scale of Charges 1988/89:	17
Leisure Charges 1988/89:	18,44
Community Charge and the National Non-Domestic Rate:	21,270
Review of Car Park Charges:	330

CHILDREN'S PLAY AREAS

Children's Playground Re-equipment:	445
Relocation of Play Equipment - Canewdon Playing Field:	446
Laburnum Grove Playspace:	354,447
Children's Playground, Hockley:	135,320,354

CIRCA LEISURE

Circa Leisure - Council's Representation:	210,286,296
Articles of Association:	410
Membership of the Board of CIRCA Leisure PLC:	286,565(iii)

CLEMENTS HALL LEISURE CENTRE

Alternative means of Ventilation:	448
-----------------------------------	-----

COMMITTEE STRUCTURE

Earlier Commencement of Planning Committee:	52,491(A),529
Reporting Arrangements for Planning Applications:	596

COMMUNICATIONS EQUIPMENT

Replacement of Existing System:	178
---------------------------------	-----

COMMUNITY CENTRES

Ashingdon & East Hawkwell Memorial Hall - Repairs to Car Park:	174
Anne Boleyn Estate:	241,337,393
2 Flagpoles at Rayleigh Grange Community Centre:	387(vi)

COMMUNITY CHARGE

Community Charge & National Non-Domestic Rate:	21,270
Staffing Structure and Recruitment:	384(D)
Accommodation:	270,404,495,573

Cont'd.....

COMPUTERS

Computer Services:	328(C)
Future Management by Perthcrest:	384(E)
Housing Benefit System:	384(E)

CONFERENCES

103rd Conference CIPFA:	334
95th Environmental Health Conference:	433

CONCESSIONARY SCHEMES

Concessionary Television Licences for the Elderly:	437
--	-----

CONTRACTS

<u>Contract 1331</u> - Tree Surgery & Clearance, Hockley Woods:	37
<u>Contract 1268</u> - Grounds Maintenance:	38,131
<u>Contract 1340</u> - Phase 1,2 & 3 Proposed General Needs Housing, Doggetts Close, Rochford:	52,439
Contracts Progress Report:	53,137,230,323,436,504,526,538
<u>Contract 1338</u> - Repair to Fire Damaged Property 34 Glebe Close, Gt. Wakering:	89
Competitive Tendering Leisure & Catering management:	90
<u>Contract 1339</u> - Carpeting to Various Sheltered Schemes:	91
Rochford Leisure Bus-Renewal of Contract:	93
<u>Contract 1328:</u>	120
<u>Contract 1347</u> - Provision of Central Heating:	125
<u>Contract 1335 & 1337:</u>	126
Contract for landscaping Millview Park:	172
<u>Contract 1335</u> - External Painting & Repairs - Lt. Wheatley Estate:	232
<u>Contract 1348</u> - New Depot Compound & Yard, Rochford:	88,179
<u>Contract 1346</u> - Replacement of Windows, Rayleigh, Paglesham & Hullbridge:	233
<u>Contract 1371</u> - External Insulation:	284
<u>Contract 1345</u> - Programmed Re-roofing:	311,327
<u>Contract 1350</u> - Replacement of Gas Boilers & Warm Air Units:	312
<u>Contract 1197</u> - Cleaning of Sports Centres:	338
<u>Contract 1398</u> - Mercer Avenue, Gt. Wakering - AP Bungalows:	435
<u>Contract 1395</u> - Internal Decorations to Hardwick House, Rayleigh and Wedgwood Court, Rochford:	505
<u>Contract 1384</u> - Office Cleaning:	507,511
<u>Contract 1396</u> - Cleaning of Elderly Persons Sheltered Accommodation:	508,511
<u>Contract 1399</u> - Internal Decorations at Spa Court, Hockley and Bell House, Gt. Wakering:	575
<u>Contract 1406</u> - Roofing of Orchard Bungalows, Canewdon:	576

COUNCILLORS

Councillor Mrs. Jo Jones:	10,110,205
Councillor B.T. Grigg:	294,315,355
Councillor Mrs. V. Grigg:	373,390,415
Councillor I.R. Godfrey:	374,415
Councillor A.J. Harvey:	418

Cont'd.....

COUNCILLORS

Members to Declare their Membership of any Organisation	
which Seeks to Promote the Welfare of its Members:	420(iii)
Memento of Service - Members:	512(iii),570(i),588(i)

COUNCIL PROPERTY AND PREMISES

Rochford Depot:	14(b),88,185,283,387(iii),388,563(i)
Ashingdon & East Hawkwell Memorial Hall - Repairs	
to Car Park:	174
Council Chamber, Rayleigh - Seating:	348
Love Lane Scout Site, Rayleigh:	397
Rayleigh Sports & Recreational Club - Assignment:	398,552,588
Annual Programme of Pre-painting and Decoration of	
Council Dwellings 1989/90:	434
Safe use of Electrical Central Heating:	523

DEEMED PLANNING CONSENTS

Change of use of Former Cafe/Store Building, Hockley Woods, Hockley:	274
Land off Doggetts Close, Rochford - To Erect Estate Roads & 88 Dwellings:	52,309,387(i) & (v)(a),419
Sweyne Park:	163(E)(i),387(ii)(a)
Turret House Farm:	237,387(ii)(b)
Rochford Depot - Change of use to Coach Park:	185,387(iii)
AP development adj. 49 Mayfield Avenue, Hullbridge:	31,387(iv)&(v)(b),500(a)
Land off Bardfield Way, Rayleigh:	387(v)(c),500(b)
Land off Essex Close, Rayleigh:	387(v)(d),500(d)
Land adj. to Springfield Close, Pearsons Farm Estate:	387(v)(e),500(e)
Land at Junction of Downhall Road/Brooklyn Drive, Rayleigh:	387(v)(f),500(f)
Two flagpoles at Rayleigh Grange Community Centre:	243,387(vi)
POS beside River Roach east of Rochford Depot:	387(vii)
Community Centre, Anne Boleyn Estate:	337,393
Mercer Avenue, Gt. Wakering - AP bungalows:	435
Land rear of 16/18 Tendring Avenue, Rayleigh:	500(c)
Rochford Depot - Surplus Land:	283,563(i)
ROC/925/88 - Extension of Public Car Park; rear of Public Library, Southend Road, Hockley:	563(ii)

DELEGATION OF AUTHORITY

Delegation of Authority and Revision of S.O.:	82
Delegation of Authority to issue Notice of Seeking Possession:	223
Authority to issue Notice of Seeking Possession to Chief Housing Manager and Housing Manager:	223
Authority by Council Side of the Leisure Liaison Working Party to Determine the Organisation of Leisure Events:	239
Competitive tendering - Leisure & Catering - Audit Panel Delegation:	281
Authority enabling Local Authority to Serve Notice on Landowners Requiring them to Provide Particulars of their Interest in the Land:	427

DISABLED PERSONS

Appointment of Member with Special Responsibility for the Disabled with Regard to Planning Applications:	211
Parking Space, Market Square, Rochford for disabled:	264

DISCLOSURE OF INTEREST

Non-Pecuniary and Pecuniary Interests of Members - Revision of Standing Orders:	167
--	-----

DOG FOULING

Bye-laws for the Regulation of Dogs:	276,564,588
--------------------------------------	-------------

DOGGETTS CLOSE, ROCHFORD

Proposed Housing Scheme:	52
--------------------------	----

Cont'd.....

DRAINAGE

Land Drainage Improvements - Murrells Lane:

339

ELECTIONS

Results of District & Parish Elections:	204
Bye-Election at Gt. Wakering West:	390
Sale of Electoral Registers:	566,588

ESSEX COUNTY COUNCIL

Consultation Paper - Day Care and Residential Holidays for Children Aged Over 5:	117
---	-----

FINANCE

Sundry Debtor Accounts - Write-offs:	164
--------------------------------------	-----

FOOTPATHS

No. 7 Hawkwell - Proposed Diversion:	70
No. 21 Gt. Wakering - Proposed Diversion:	70
Creation at Tinkers Lane, Rochford:	399
Footpath Access to Hockley Woods:	56,561

FOULNESS ISLAND

New Havengore Bridge:	557
-----------------------	-----

GRANTS AND LOANS

Grant Aid to Outside Bodies:	19,87
Intermediate Grant - The Anchorage, Ulverston Road, Ashington:	56
Citizens Advice Grant:	271
Grant Application - Careers Convention:	345
Intermediate Grant - 233 High Street, Gt. Wakering:	351
National Blood Transfusion Service:	405
Magnolia Manufacturing Limited - Loan Agreement:	574

GROUNDS MAINTENANCE

Planting:	543
Additional Works:	544

HACKNEY CARRIAGES

Minutes of: 479

HEALTH AND SAFETY

Heartbeat Award Scheme: 225
Fire Safety & Safety of Places of Sport Act 1987 Pt.IV: 224,300
Rochford Health Promotion Group - Cllr Budge Representative: 306
Essex C.C. Seminar regarding Care in the Community - Representatives: 327

HIGHWAYS

Rayleigh Weir Scheme: 62,250,296,429
South East Essex Traffic Study: 62,64,113,154,255,296,462,465,556
Improvement of the A130 from the A12 to the A127: 63
A130 Rawreth - Proposed Traffic Reg. Orders: 65
The Chase/Eastwood Road, Rayleigh - Traffic Signals: 66,251
Great Wakering Traffic Waiting Restrictions: 67,77
Leasway/Crown Gardens, Rayleigh - Waiting Restrictions: 68
A1015 - Eastwood Road, Rayleigh - Proposed Clearway Order: 69
Bramerton Road/Spa Road, Hockley - Waiting Restriction: 76
Transport Policies & Programmes (T.P.P.15) and Public
Transport Plan (P.T.P.11) 1989-90 - Consultation Drafts: 155,191
Ferry Road, Hullbridge - Proposed Waiting Restrictions: 159
Barrington Park - Alexandra Road, Rayleigh - Bollard Erection: 291
B1013 Main Road, Hockley - Waiting Restrictions: 252
Spa Road, Waiting Restrictions: 253
Locks Hill, Rochford - Extension of Waiting Restrictions: 254
Pooles Lane, Hullbridge: 249,296,462
Members to Liaise with County Council on Highways: 255,296
Brays Lane/Ashingdon Road Waiting Restrictions: 327
Town Police Clause 1847 - Prohibiting use of Part of
White Hart Lane, Hawkwell: 341
Diversion of Bridleway 38 and Creation of Footpath -
Tinkers Lane, Rochford: 399
Discussion Paper: 464
A127 Slip Road/Brook Road (Eastern End) and A129 High Road/
Glasseys Lane/Weir Farm Road - Proposed Waiting Restrictions: 466(i)
A1015 Eastwood Road, Rayleigh - Proposed Urban Clearway: 466(ii),490,511

HORSE RIDING FACILITIES

Horse Riding Working Party: 73,257,476,551

HOUSING

Housing Rents 1988/89: 16,44
Homes Insulation Scheme 1987 49
Sheltered Schemes Staffing Arrangements: 51
Housing Act 1985 - Common Parts Grant: 121
Closing Order - 1, Church Street, Rayleigh: 122
Improvement Works to Housing Estates: 124
(Maine Crescent & Morrins Close)
Formation of a New Housing Association - Submission to DoE: 83
Housing for Social Services Clients: 176

Cont'd.....

HOUSING (Cont'd)

Transfer of Council Houses to Crouch Valley Housing Association:	177
Sale of Tender Documents:	177
Policy for Sheltered Housing Units:	195,260,296
Housing Act 1985 - Grant Aid for Group Homes for Disabled:	226
Housing Act 1985 - Unfit House - Midhurst, The Drive, Rayleigh:	227
Private Sheltered Housing Schemes Policy:	260
Housing Investment Programme & Strategy 1989/90 (HIPS BID):	307,327
Civic Shield Award by EEB for Heating Improvements to Flats at Sudbury Close, Hawkwell:	353
Expenditure on Bed & Breakfast Accommodation:	400
Consultation Paper - New Financial Regime for Local Authority Housing in England and Wales:	493
Circulation of Leaflet Entitled "Your Rent:	570(ii),588(ii)
Proposed Council Housing Development at Doggetts Close; Phase 1 - 34 Units:	387(i),578

HOUSING ASSOCIATION

New Build Project:	39
Formation of New Housing Association - Submission to DoE:	83,186
Lease of former Grested Court to Crouch Valley Housing Association:	163(B)(3)
Use of part of Former Grested Court as Office Accommodation for Crouch Valley Housing Association:	163B(4)
Transfer of Council Houses to Crouch Valley Housing Association:	177,191,212,298,350,354,385,419,580,588
Notice of Motion - Crouch Valley Housing Association:	192(ii),278,296,297,384(B)
Supply of Information to Members:	215,344
Questions under S.O. 7.2 - Crouch Valley Housing Association:	422,423
Consultation Paper - New Financial Regime for Local Authority Housing in England and Wales:	493
Notice of Motion, Standing Order 5, Crouch Valley Housing Association:	512(i)
Outcome of Ballot:	512(v),580,581,588
Circulation of Leaflet Entitled "Your Rent":	570(ii)
Reports Issued Pursuant to the Requisition:	591

HOUSING BENEFITS

Teach In Housing Benefit New Scheme:	79
Computer System:	384(E)
Appeals Panel:	413

HOUSING INVESTMENT PROGRAMME (HIPS)

Keswick Avenue Playspace:	31
HIPS Bid:	307,343

HOUSING STRATEGY

Housing Strategy and Policy and the Management Structure of the Council's Administration:	567,588
The Council's Housing Strategy:	568,588

IMPROVEMENT GRANTS

Homes Insulation Scheme 1987:

KESWICK AVENUE PLAYSPACE

Proposed AP Development:

31,180,191

LABURNUM GROVE HOCKLEY

Proposed Site for Residential Housing: 35,180,191,280,335,354

LAND

Laburnum Grove, Hockley:	35,180,191,280,335,354
Millview Park, Rochford:	36,172,191,275
R/O Public Conveniences, High Street, Gt.Wakering:	95
New Stadium for Southend Football Club:	141,191,197
Consultations from Neighbouring Authorities:	142
Little Wheatleys Chase, Rayleigh:	35,180,191
MAFF Land, Downhall, Rayleigh:	219
Rochford Depot - Surplus Land:	185,283
Land Compensation Act 1973 - Section 29 'Trewint', Wood Avenue, Hockley:	285
Land Drainage - Murrells Lane, Hockley:	339
Change of Use of Agricultural Land to Cemetery - ROC/561/88:	487
Land at Wood Avenue/Etheldore Avenue, Hockley - Area of Special Restraint:	503

LEGISLATION

Environment and Safety Information Act 1988: 428

LEISURE - GENERAL

Rochford Sports Council - Festival of Sport:	84
King Georges Playing - Field use of - Festival of Sport:	84
Rochford Reservoir - Management of Water:	85
Clements Hall Leisure Centre - Sports Shop:	94
Leisure and Catering Management Agreement:	90,109,281,317,346
Artswork Festival:	130
Woodland Sculptor/Craft Residency:	132
Soccer Pitches:	133
Rawreth Playing Field:	134,542
Childrens Playground - Hockley:	135,320,354
Summer Playschemes:	136
Leisure Bus Contract:	93
Open Space Provision:	173
Formation of New Leisure Company:	83,186
Rayleigh May Day Fair 1988:	158
Leisure Liaison Working Party:	239,321
Information Kiosk:	244,450,511
Sweyne Park:	163(E)(3)(88),245
Bye-Laws - Pleasure Grounds & Regulation of Dogs:	276
Royal Garden Party:	279
CIRCA Leisure - Council's Representation:	210,286,296
Armada Celebrations:	235,296
Essex Tourism Liaison Committee:	322
Rochford Sports Council Festival of Sport - Guarantee against Loss:	324
Privatisation:	420(ii)
Clements Hall Leisure Centre - Alternative Means of Ventilation:	448
Clements Hall Playing Field Pavilion - Hawkwell Athletic Boys Football Club:	451
Eastern Council for Sport & Recreation Liaison Meeting:	452

Cont'd.....

LEISURE - GENERAL (Cont'd)

Essex Heritage Year 1989:	453
Arts Development:	454
Ernie Adcock Trophy - Essex Games:	455,587
Sweyne School Swimming Pool:	539
Action Sport:	540
Fencing of Recreation Ground Boundaries:	545
Rochford Sports Council - Minutes:	546

LICENCES AND LEASES

Licences for Fire Safety and Safety of Places of Sport Act 1987 - Part IV:	224
Temporary Licence for Contractor's Compound on Land at Spencers Nursery - Bovis Development, Thorpe Close, Hockley:	473
Licensing Act 1988 - Charges:	497
Access to the rear of 120, Rectory Road, via Magnolia Playing Field - Licence:	553

LITTER INITIATIVE

Progress Report:	50,432,520
South Farnbridge Litter Tipping:	462

LOCAL GOVERNMENT FINANCE BILL

Community Charge:	21,44
-------------------	-------

MANPOWER SERVICES COMMISSION

JTS Scheme:	81,169
Community Programme:	81
Community Programme Managing Agency:	86,287
Proposed New Employment Initiative and Future of Community Programme:	168

MEETINGS WITH LOCAL ORGANISATIONS

Essex Tourist Officers Meeting:	541
---------------------------------	-----

MILL HALL

Coffee Mill - Sunday Opening:	317,449
-------------------------------	---------

MUNICIPAL HOUSING - DEVELOPMENT

Contract 1340 - Phase 1,2 & 3 Proposed General Needs Housing at Doggetts Close:	52,309
Cagefield Road, Stambridge:	153

MUNICIPAL HOUSING - GENERAL

Housing Rents 1988/89:	16
Sheltered Schemes - Staffing Arrangements:	51,113
Chignal House, Rayleigh - Disturbance Incidents:	301

NOISE

Clay Pigeon Shooting:	522,588
Clay Pigeon Shooting - Moons Farm, Canewdon Road, Ashington:	525

OUTSIDE BODIES

Rayleigh Consultative Committee:	26
Bradwell Nuclear Power Station Liaison Committee:	28
Grant Aid to Outside Bodies:	19,165,271
Appointment of Representatives to Outside Bodies:	210,273,286,331,565
Rochford Sports Council Liaison Arrangements:	242
Citizens Advice Grant:	271
British Rail Liaison:	565(i)
Anglian Water Authority:	565(ii)
Membership of the Board of CIRCA Leisure PLC:	286,565(iii)

PANEL MINUTES

Staffing Sub-Committee:	14,81c,163(c),268,328(A),491(D),511,561(A)
Sweyne Park Panel of Members:	163(A),163(E)
Chairman's Panel:	81B,163(B),328(B),491(A),561(B)
Audit Panel:	163(D),328(C),491(E),561(C & D),588
Hackney Carriage Panel:	152
District Plan Working Party:	153,173
Rate Consultation Panel:	58
Emergency Panel:	81A,491(C)
Economic Development Panel:	328(D)
Twinning Sub-Committee:	328(E)

PARISH BOUNDARIES

Review:	406
---------	-----

POST OFFICES

Rochford Post Office, Consultation on Conversion to Agency Status:	499,511
---	---------

PUBLIC OPEN SPACES

Turret House Farm - Proposed Open Space:	171,191,237,296
Proposed disposal of land at Laburnum Grove, Hockley & Little Weatleys Chase, Rayleigh and Appropriation of Land at Keswick Avenue, Rayleigh:	180
Millview Park:	36,172,191,387(vii)
Grove Road P.O.S. - Provision of Adventure Playground:	240,296
Sweyne Park:	245,384(A)
Existing Open Space - Enhanced Tree Planting Proposals:	238,319,354,443
Community Facility - Anne Boleyn Estate:	241,337
Land at the Junction of Broad Parade and Greensward Lane, Hockley:	408
Rawreth Playing Field - Flying of Powered Model Aircraft:	444
Canewdon Playing Field - Relocation of Play Equipment:	446
Laburnum Grove Play Space:	354,447
Clements Hall Playing Field Pavilion - Hawkwell Athletic Boys Football Club:	451
Lower Wyburns Farm Public Open Space, Daws Heath Road, Rayleigh:	461,511
Hullbridge Foreshore:	471
Land between The Esplanade and Ferry Road, Hullbridge:	547
Spencer Nurseries adjacent to Clements Hall Leisure Centre, Hawkwell:	547
Land South of Plumberow Mount, Hockley:	547
Bedloes Corner, Rawreth:	547
Land to the South of Hollytree Gardens, Rayleigh:	547
Bue-Laws for the Regulation of Dogs:	276,564

PUBLIC TRANSPORT

Effect of Deregulation & Privatisation of the Bus Industry:	27,44
Bus Services in the Rochford District:	75

RACE RELATIONS ACT 1976

Principles of Practice for Contract Compliance: 25,44

RADIO ACTIVE WASTE MANAGEMENT

Discussion Document 'The Way Forward': 28
Radioactive Waste Management: 175,191

RATES - GENERAL

District Rate and Budget 1988/89: 59
Making the Rate 1988/89: 105
General Rate 1987/88 - Irrecoverable Items: 269
Community Charge & the National Non-Domestic Rate: 21,270
Rating of Sewage Works: 329,402

RATE RELIEF

Helping Hand Gift Shops Ltd: 403(i)
Essex Community Concern Ltd: 403(ii)
2nd Hockley Scout Group: 496,511

REFUSE COLLECTION AND DISPOSAL

Reconstruction of Sea Wall South Fambridge: 62
Street Cleansing - Improvements: 521

RENTS

Leaflet "Your Rent": 512(iv)

ROACH VALLEY CONSERVATION ZONE

Minutes of Group Representatives: 72,256,478

ROCHFORD DISTRICT LOCAL PLAN

Open Space Provision: 173,238,267,547,588
Definition of Green Belt Boundary -
 Southern Hockley: 143, Para.21,258
Policy H8 - Areas of Special Restraint: 259
District Plan Working Party: 74,153,162,191,477
Resolution to Adopt: 389,419,481
Amendment to Rochford Town Centre Inset Plan: 401
Public Open Space: 319,443
Flat Conversions Policy: 467,511
Designation of Hullbridge Foreshore: 471

SEETEC

Temporary Buildings to rear of SEETEC:	33,44
Financial Arrangements & Future Status:	184,265,577
Additional Permanent Accommodation:	347

SELECTIVE TENDERING

Grounds Maintenance:	38
Leisure & Catering Services - Competitive Tendering:	90,109,281,317,346
Contract 1340 - Doggetts Close, Rochford -	
34 Houses (Phase I):	439
Sale of Tender Documents:	498,511

SEWERS

Provision of Foul Sewer - Section 16 -	
Ashington Park Estate:	71,181

SOUTHEND AIRPORT

Aeroplane Disaster at Rayleigh:	113
Atlas Air:	146
Fuel Spillage:	248
MEETING WITH REPRESENTATIVES OF THE SOUTHEND AIRPORT COMPANY	74

SOUTHEND HEALTH AUTHORITY

Grant Aid to Southend and District Body Scanner Appeal:	19
Southend Radiotherapy Unit:	23,43,44,47,113,114
Southend Health Authority Matters:	118,305,518,588
Standing Order 5 National Health Service:	192,222,296,426,519
Consultative Document on Future Care of the	
Elderly at Westcliff Hospital:	304
Consultation Paper - "Working in Partnership: A Joint	
Strategy for Services for the Elderly":	517,588

SOUTH FAMBRIDGE VILLAGE PLAN

Production of Draft Plan:	363,470
---------------------------	---------

STAFF - GENERAL

Management & Administrative Structure of	
Rochford D.C. 1988/1991 and Review of Term Contracts:	1,187
Food Hygiene Consultant (PostH38):	48
Wardens at Elderly Persons Accommodation:	51,313
Staff Award Scheme:	81,190
Retirement of D of H & H, Pinc. Asst. Planning:	81,112
Management & Administrative Structure of	
Rochford D.C. 1988/1991: Delegation of Authority	
and Revision of Standing Orders:	82
Presentation on Resignation of DF and DCS:	353
Redesignation of Council's Solicitor:	328(A)(1)
Appointment of Senior Planning Asst & Planning Asst:	328(A)(2)
Development Control Function:	328(A)(4)
Relocation Package:	384(D)(5)

Cont'd.....

STAFF - GENERAL (Cont'd)

Staff Car Leasing Scheme:	384(D)
Retirement - E. Bakewell:	416
Enforcement Section:	491(D)
Secretary's Office - Review of Responsibilities and Commitments:	251,491(D)
Development Directorate - Woodlands Team:	252,491(D)
Appraisal Interviews:	212,506
Miss Julie Slattery:	530

STAFF APT & C

Food Hygiene Consultant (Post H38):	48
Director of Public Health, Southend Authority:	514

STAFF MANUAL

Council's Vehicle Workshop:	14(a)
Grounds Maintenance Staff:	38(2)

STANDING ORDERS

Standing Order 18:	37,148,232,233,283,284,285,327,335,351
Standing Order 1.8:	40,107,144,214,299,474,486,589,590,595
Standing Order 14:	44
Revision of Standing Orders:	82
Standing Order 5: 119,191,192(i)(ii)(iii),222,261,512(i),570,582,588	
Revision of Standing Order 17:	167
Standing Order 12:	213
Standing Order 26.2:	219,292,301,327,348,359,579,583
Standing Order 4.4:	283,338
Changes to Standing Orders, Financial Standing Orders, Financial Regulations and Delegations to Officers:	332,354,391
Amendments to Standing Orders:	512(ii)
Questions under Standing Order 7.2:	513
Standing Order 6.2:	579

STREET CLEANSING

Improvements:	521
---------------	-----

STREET NAMING

Land off Castle Road, Rayleigh:	30(a)
Land rear of SEETEC, Main Road, Hockley:	30(B)
36 Flats, 7 Shops junc. Ashingdon Road/Rectory Road:	262,342(i)
Development off Clements Hall Way:	342(ii)
Development off Avondale Road, Rayleigh:	396(i)
Development off Daws Heath Road - "The Glen":	396(ii)
Sheltered Housing at 66-76, Downhall Road, Rayleigh - "Sheritan Square":	475(i)
Development at Home Farm, Gt. Wakering - "Home Farm Close" and "Wedds Way":	475(ii)
Development off Swayne Avenue, Hawkwell - "St. Clements Close":	554(i)
Development on Site of 310, Eastwood Road, Rayleigh - "Lynwood Green":	554(ii)

Cont'd.....

SUBSCRIPTIONS 1988/89

Schedule of Subscriptions:	20
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SUNDAY TRADING

Coffee Mill - Sunday Opening:	317,449
Queensway Discount Warehouses Limited and Texas Homecare Limited:	527

SURFACE WATER

(See also: SEWERS)

TEACH-INS AND SEMINARS

Members Teach-In on the Work of the ADC:	20(b)(2)
Members Teach-In on Housing Benefit:	166
Members Induction Teach-In:	333

TELEPHONE KIOSKS

Building Preservation Notices - Market Square, Rochford and High Street, Rayleigh:	472
---	-----

TOURISM

Information Kiosk:	244
Essex Tourism Liaison Committee:	322

TOWN & COUNTRY PLANNING

Doctors' Surgery Site, Eastwood Road, Rayleigh:	24
Essex Structure Plan - First Alteration (EIP):	29
Keswick Avenue Playspace:	31
District Plan Working Party:	74,153,162,191
Land to east of Sutton Road for Sports Stadium, Southend:	104(i),141,191,534
Land for Warehouse at Aviation Way, Southend-on-Sea:	104(ii)
Local Authority Building Control:	170
Essex County Council - Minerals Subject Plan (Sand & Gravel) - Second Consultation Draft:	156
Prevention of Further Large Scale Development within the Rochford District:	192,261
Provision of Community Facility - Anne Boleyn area:	241,337
Erection of Flag Posts - Rayleigh Grange Community Centre:	243
Private Sheltered Housing Schemes Policy:	260,535
Waste Disposal Sites - Landfill Gas Monitoring:	308
Relaxation of Building Regulations, Schedule 2, Facilities for Disabled People:	365
Development off Cagefield Road, Stambridge:	153,336
Development on Former BSC Site at Kingsley Lane, Thundersley:	142,376(i)
Consultation re Attwood, North Side of A127, Wickford:	376(2)
Single Storey Extension - 170 Ashingdon Road, Rochford:	379
Little Wheatleys Farmhouse:	394
Flat Conversions Policy:	467,511,535
Isolation Distances Between Dwellings:	368,468
Proposed Diversion of Footpath 25 Rochford:	480
Community Charge - Accommodation:	495,573
Development of Backland Sites:	535
New Planning Legislation and Advice - Town & Country Planning General Development Order 1988:	597

TOWN & COUNTRY PLANNING - CONTRAVENTIONS

Non-compliance with Condition Requiring Removal of Mobile Home at Friends Farm, Shoebury Road, Gt. Wakering:	98
8, Grove Road, Rayleigh: Unauthorised Car Repairs:	99
83 & 85 High Street, Gt. Wakering: Unauthorised Shop Fronts:	100
Traders Garden Centre: Unauthorised Manufacture of Timber Products:	101

Contd/.....

TOWN & COUNTRY PLANNING - CONTRAVENTIONS (Cont'd)

Unauthorised Erection Building Rawreth Lane:	102
Glazebrook Farm, Canewdon Road, Ashingdon:	147
2, Malyons Lane, Hullbridge: Unauthorised Vehicle Repairs:	358
240 Plumberow Avenue, Hockley:	359(i)
The Willows, Apton Hall Road:	359(ii)
Midhurst, The Drive, Rayleigh:	380(ii)
42 Crouch View Crescent, Hockley - Siting of Caravan and Unauthorised Dog Grooming Business:	484

TREES

Essex C.C. Tree Preservation Orders:	157
British Gas Contribution Towards Tree Replacement:	189
T.P.O. - 2 Tymes Way, Rayleigh:	366

TWINNING

Guests from Haltern:	415
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VEHICLES AND PLANT

Transfer of Two Vehicles to Rochford Civil Aid:	571,588
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३. यत्नः प्रत्यक्षः । यत्नः प्रत्यक्षः । यत्नः प्रत्यक्षः । यत्नः प्रत्यक्षः । यत्नः प्रत्यक्षः ।

308
431(i), 459
431(ii)

WIDDICOMBE COMMITTEE

407,569

WOODLANDS MANAGEMENT TEAM

32
131



**Rochford District
Council**

ROCHFORD DISTRICT COUNCIL MINUTES

1988

December (Part 1)

ROCHFORD DISTRICT COUNCIL

Minutes of the Policy and Resources Committee

At a Meeting held on 6th December 1988 Present: Councillors A.J. Harvey (Chairman), R.S. Allen, P.A. Beckers, W.H. Budge, Mrs. P. Cooke, B.A. Crick, C.J.B. Faherty, T. Fawell, D.F. Flack, J.A. Gibson, M.J. Handford, Mrs. E.M. Hart, Mrs. M. Hunnable, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, C. Stephenson, P.F.A. Webster and D.C. Wood.

Apologies: Councillor C.I. Black.

Visiting: Councillors R.A. Amner, Mrs. R. Brown, Mrs. P. Godsell, S.N. Jarvis, Mrs. S.J. Lemon and Mrs. L. Walker.

558. MINUTES

Resolved that the Minutes of the Meeting of 25th October 1988 as amended by Minute 511 of Council be approved as a correct record and signed by the Chairman.

559. MONITORING OF PERFORMANCE

(a) Policy and Resources Committee - Meetings of 7th June and 27th September 1988

(b) Council Meetings of 21st June and 4th October 1988

The Committee were satisfied that all necessary action had been taken. Minutes 103/87(SEC), 384(E)(2)/88(CE), 397/88(SEC,T) and 406/88(ACE) were carried forward.

560. MINUTES OF COMMITTEES

The Committee received the following Minutes:-

<u>Committee</u>	<u>Date</u>	<u>Minute Nos</u>
Health & Housing Services	15th November 1988	515 - 528
Planning Services	17th November 1988	529 - 535
Leisure Services	22nd November 1988	536 - 547
Development Services	24th November 1988	548 - 557

The Chairman of the Development Services Committee advised that the Chief Executive & Director of Finance had exercised his authority under Standing Order 18 to give immediate effect to the granting of an easement to the Rayleigh Sports and Recreational Club in accordance with Minute 552.

Referring to the recent consideration of the application ROC/813/88/CM the Chairman pursuant to Standing Order 26.2 said advice had been received from County that the application for an extension of existing sand and gravel workings at Ropers Farm, Barling to which this Council were objecting was to be discussed by the County Development Control Sub-Committee at their Meeting on 16th December 1988. This Council had been invited to send representatives to that Meeting and it was

RECOMMENDED That the Vice-Chairman of the Planning Services Committee, the Chairman and Vice-Chairman of the Development Services Committee and the local Ward Member or their nominees be authorised as the Council's representatives for that purpose. (ROC/813/88/CM)(SEC)

Policy & Resources Committee

Referring to Minute 547 the Chairman invited the Committee to give specific Minute authority for the Council to defend the High Court writ challenging the open space zoning of the Gas Board land in the District Plan.

RECOMMENDED That the Solicitor be authorised to defend this action.
(2081) (SOL)

561. PANEL MINUTES

The Committee received the appended Minutes containing the following recommendations:-

NOTE: Two recommendations on which action has already been taken have been omitted.

(A) Staffing Sub-Committee 1st November 1988

(B) Chairman's Panel 10th November 1988

RECOMMENDED (1) That arrangements be made accordingly. (Minute 56 - Footpath Access to Hockley Woods)

Note: The Chief Executive & Director of Finance exercised his authority under Standing Order 18 to give immediate effect to the above recommendation.

(2) That arrangements be made accordingly. (Minute 57 - Future of Magnolia Mouldings)

(C) Audit Panel 16th November 1988

RECOMMENDED (1) That the revised programme of micro-filming be approved.

(2) That provision of £35,000 be made in the draft Revenue Estimates for 1989/90. (DD,T)(Minute 136 - Micro-filming)

(3) That subject to discussions with the County on the need for their requirement for a full width cut of rural verges and for full reimbursement of the Council's costs, additional provision of £6,500 be made in the draft Revenue Estimates for 1989/90.

(4) That additional provision also be made in the draft estimates for £5,190 in respect of Millview Park and pitch maintenance. (ACE,T)(Minute 139 - Contract Services - Variations)

(5) That arrangements be made with the grounds maintenance contractor to undertake responsibility for all booking arrangements for outside lettings and facilities for the duration of that contract and that a payment of £12,000 be made for the current year, further percentage increases to be calculated on the same basis as those agreed under the grounds maintenance contract. (ACE)(Minute 140 - Grounds Maintenance Contract - Booking Arrangements)

(6) That the Secretary to the Council negotiates the purchase of a PC version of the ARC/INFO Geographic Information System together with the requisite hardware and maintenance agreement at the costs indicated in the report.

Policy & Resources Committee

(7) That the purchase be funded by a virement from the Land Charges Budget. (SEC,T)(Minute 141 - Land Management System)

(D) Audit Panel

23rd November 1988

NOTE: Councillor C.B.J. Faherty declared a substantial non-pecuniary interest in this item by virtue of his membership of the Board of CIRCA Leisure and took no part in the discussion or the voting thereon.

Members were delighted to note the outcome of the tendering exercise and joined the Chairman in congratulating CIRCA Leisure on their success.

RECOMMENDED (1) That the Council do accept the tender of CIRCA Leisure Plc for Leisure Management, Catering and Bars in the sum of £267,000 subject to contract for a period of five years from 1st April 1989. (CON.1378) (SEC)(Tenders for Leisure Management, Catering and Bars - Minute 146)

(2) That this Council do place on record its congratulations to CIRCA Leisure Plc for their achievement in winning the tender against strong competition.

562. POOLES LANE CAR PARK, HULLBRIDGE - TRADING (Minute 393(a)/83)

The Treasurer reported on an application from the proprietor of a mobile hamburger/shellfish bar to be permitted to continue trading from the above public car park in Hullbridge on a Sunday.

The Committee noted that Council policy prevented its public car parks from being used for various activities including the operation of mobile fish and chip shops and considered the application fell within this category. They were advised also that Hullbridge Parish Council had made representations against the presence of the vehicle in the car park.

RECOMMENDED That the application to use Pooles Lane Car Park, Hullbridge for the purpose of siting a mobile shellfish/hamburger stall be refused. (902) (T)

63. DEEMED CONSENT PROCEDURE

(1) Rochford Depot - Surplus Land (Minute 283/88)

Further to the authority which had been given to dispose of a small area of surplus land to PGR (Construction) Ltd. with the benefit of planning permission for storage of their plant, the Secretary to the Council reported that application ROC/573/88 had been considered by the Planning Services Committee at their Meeting on 20th October 1988 (Minute 485 refers) and that the Chief Executive & Director of Finance had subsequently exercised his authority under Standing Order 18 to pass the second resolution in the deemed consent procedure and enable the sale to proceed without delay.

The Committee noted that as a result of the disposal of surplus land to the rear of the depot site for coach parking and plant storage (Minute 185/88 refers) security fencing needed to be provided to the Council's own storage and parking area. Surface consolidation work was also necessary to enable full use of the whole site and the Treasurer advised that the cost of £3,500 could be met from the Capital Programme.

Policy & Resources Committee

RECOMMENDED That approval be given to those additional works at the Depot. (831)(SEC,HES)

(11) ROC/925/88 - Extension of Public Car Park: Rear of Public Library, Southend Road, Hockley (Minute 345/87)

The Secretary to the Council reported that the above application had been considered by the Planning Services Committee. The Chairman advised that the concurrent report of the Head of Environmental Services regarding the letting of a contract for that work would be deferred to Council.

RECOMMENDED That for the purpose of Regulation 4(5) of the Town and Country Planning General Regulations 1976 the use of the land to the rear of the public conveniences and electricity sub-station at Southend Road, Hockley for car parking purposes be carried out subject to the conditions in Minute 533. (23664)(SEC,HES)

564. BYE-LAWS FOR THE REGULATION OF DOGS (Minute 276/88)

The Committee considered the report of the Secretary to the Council regarding the need to determine which of the various model bye-laws available should be applied to each of the open spaces within the District, and to introduce bye-law control in respect of amenity greens on housing estates.

RECOMMENDED (1) That the Secretary to the Council reports to the Leisure Services Committee on the application of the new model bye-laws for the control of dogs in open spaces, having regard to the nature of the open space, its location, the amenities it offers and its use.

(2) That the Secretary to the Council reports to the Development Services Committee on a new bye-law to control the fouling by dogs of amenity greens on housing estates. (6112)(SEC)

565. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES AND ORGANISATIONS (Minute 210/88)

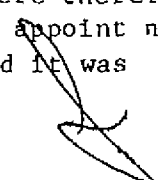
(1) British Rail Liaison (Minute 166/87)

The Secretary to the Council reported that a further periodic meeting between the County Council, District Councils and Rail User Groups had been convened for 18th January 1989 at County Hall. Councillors C.J.B. Faherty and M.J. Handford, both of whom had current experience of commuting to London, represented the Council in this forum during the last municipal year.

RECOMMENDED That Councillors C.J.B. Faherty and M.J. Handford be renominated as the Council's representatives for the British Rail Liaison Meetings with the County Council. (900) (SEC)

(11) Anglian Water Authority

The Secretary to the Council reported that one effect of the proposed privatisation of the Water Industry would be to replace the current system of Customer Consultative Committees, the final cycle of which it was envisaged would take place in June 1989. Anglian Water were therefore suggesting to Councils that it would not be worthwhile to appoint new representatives at the beginning of the Municipal Year and it was



Policy & Resources Committee

RECOMMENDED That Annual Council be advised to re-appoint the existing representative to the Anglian Water Customer Consultative Committee for the Municipal Year 1989/90 so as to ensure continuity pending the new system of customer representation to be introduced after the privatisation of the Water Industry in September 1989. (4657)(SEC)

(iii) Membership of the Board of CIRCA Leisure Plc. (Minute 286/88)

The Secretary to the Council reported that Councillors A.J. Harvey and Miss B.G.J. Lovett, two of the Council's representatives on the above Board, had both resigned their positions. In view of the fact that the Council would be withdrawing its interest in CIRCA Leisure by the end of the financial year, the Committee considered that no action should be taken to fill those vacancies.

RECOMMENDED That the Board of CIRCA Leisure be advised accordingly. (31947) (SEC)

566. SALE OF ELECTORAL REGISTERS

The Assistant Chief Executive reported that the Representation of the People Regulations 1986 gave a discretion to the Electoral Registration Officer, when arranging for printing of supplies of the Register, whether to make allowance for additional copies for sale, and that its exercise had generated an income of the order of £1,000 per annum. However, that activity had given rise to adverse comment particularly when it facilitated the supply of unsolicited mail, and the requirements of the Data Protection Act cast some doubt on the validity of making available for sale copies of the Register for such purposes. It was accordingly

RECOMMENDED That in future the Electoral Registration Officer shall provide only for sufficient copies of the Register of Electors as may be required to enable him to carry out his registration duties. (2320)(ACE)

567. HOUSING STRATEGY AND POLICY AND THE MANAGEMENT STRUCTURE OF THE COUNCIL'S ADMINISTRATION

In connection with the concurrent report regarding the Council's future housing strategy the Committee were advised by the Chief Executive & Director of Finance that the implementation of the Community Charge was the next major challenge that the District Council faced and that the management structure should be revised to enable him to concentrate on that target. It was proposed that the residue of the housing function would pass to the Secretary to the Council if the transfer to the Crouch Valley Housing Association went ahead. The Committee considered that even if this did not proceed, it would still be appropriate for the Housing Service to become part of his Directorate, but remaining under the day to day management and control of the Chief Housing Manager who had Chief Officer status. That would allow the Chief Executive & Director of Finance the time he required to devote to Community Charge.

RECOMMENDED (1) That, subject to the result of the ballot, responsibility for the Housing Service be transferred from the Chief Executive & Director of Finance to the Secretary to the Council, with effect from 1st January 1989.

(2) That a further report be made concerning any amendments necessary to Delegations to Officers, Standing Orders, Financial Standing Orders and Financial Regulations. (225)(SEC)

Policy & Resources Committee

568. THE COUNCIL'S HOUSING STRATEGY

The Committee noted the report of the Chief Officers which had been prepared to enable the Council subject to the result of the ballot to determine its future housing strategy and which it was intended should be considered by a small Panel of Members to be appointed to hear proposals from Housing Associations as explained in Option 6 of the report and to report to the Policy and Resources Committee on 24th January 1989 thereon and to report on the other Options discussed to the Meeting of that Committee on 21st February 1989.

*Old Chair vice
Cllr Boyd
(Minute 588
refers)*
RECOMMENDED (1) That Councillors R.H. Boyd, T. Fawell, Mrs. E.M. Hart, A.J. Harvey, Miss B.G.J. Lovett, J.A. Sheaf, C. Stephenson and D.C. Wood be appointed to the Housing Strategy Panel.

(2) That the evenings of 16th, 17th, 18th, 25th and 26th January be set aside for the purpose outlined above.

(3) That the Chief Housing Manager communicate with the Housing Associations accordingly. (225)(SEC,CHM)

569. THE GOVERNMENT'S RESPONSE TO THE REPORT OF THE WIDDICOMBE COMMITTEE OF INQUIRY INTO THE CONDUCT OF LOCAL AUTHORITY BUSINESS (Minute 407/88)

The Committee considered the appended joint report of the Chief Executive & Director of Finance and Secretary to the Council setting out the Council's response to the Government's White Paper (Command 433) on the above subject. They agreed that it would be premature to act on any of the proposals until such time as the final form of the legislative and other changes were known but asked the Secretary to report in due course on the Standing Orders of other Authorities with regard to minority party rights.

RECOMMENDED (1) That the Council do respond to the Government's White Paper in the terms set out in the joint report.

(2) That the Council's current practice be continued until such time as the precise form of the legislation and other changes are known.

(3) That the Secretary to the Council be asked to report on the Standing Orders of other Authorities relating to minority party rights. (557)(SEC)

570. NOTICES OF MOTIONS RECEIVED PURSUANT TO STANDING ORDER 5 (Minute 512/88)

(a) Pursuant to the immediately preceding decision the Committee agreed to defer consideration of Notices of Motion by Councillor R.H. Boyd regarding minority party rights pending submission of the report by the Secretary.

(b) The Secretary to the Council also reported that at the Council Meeting on 8th November 1988 three other Motions were referred to this Committee for consideration and they were dealt with as follows:-

(1) Memento of Service (Minute 163(B)(1)/88)

It had been moved by Councillor R.H. Boyd and seconded by Councillor S.A. Skinner:

Policy & Resources Committee

"That this Council resolves to rescind its policy of awarding civic rings to Members who have completed more than 10 years' continuous service with the authority".

An amendment was moved by Councillor R.A. Pearson and seconded by Councillor Miss B.G.J. Lovett that the Motion should be revised so as to provide that civic rings should be awarded to Members on leaving the Authority after they had completed at least 25 years' continuous service. Some Members argued that the policy was not unanimously supported and should not be pursued in any form but the Committee considered that it provided for an appropriate recognition for long service to the community and supported the Motion in its amended form.

RECOMMENDED (1) That Minute 163(B)(1)/88 be rescinded.

(2) That the Council in recognition of long service to the community do present a civic ring to any Councillor who on leaving the Authority had completed at least 25 years' continuous membership. (833) (ACE)

(ii) Circulation of leaflet entitled "Your Rent"

It was moved by Councillor D.F. Flack and seconded by Councillor C. Stephenson:

"This Council regrets the disgraceful use of the leaflet entitled "YOUR RENT" which purported to present political conjecture and speculation on rents as fact in order to scare tenants into voting for the transfer of housing to Crouch Valley Limited".

In support of that Motion Members claimed that the leaflet had been biased in favour of the transfer to the Housing Association, that it had purported to set out as fact what was in reality political conjecture and that it amounted to scare tactics. Furthermore the level of rents was only one of the elements which tenants needed to take into account in arriving at a decision. Another significant factor was the low selling price proposed which it was claimed would not be in the best interests of the ratepayers.

Against that Members advised that the comparison of projected rent increases was well founded as had been borne out by a Labour Party spokesman who saw a much greater differential arising from the application of Government housing policy. They maintained that the Council had acted properly and in the tenants' best interests by making that information available, their only regret being that the projections now appeared too modest. It had to be remembered that other leaflets had been circulated to tenants by groups opposed to the transfer which had been less scrupulous in their presentation. With regard to the transfer price the Committee were advised that the stock belonged not to the ratepayers but to the Housing Revenue Account which was due to be ring-fenced. The only way in which the ratepayers could benefit was if the transfer were to go through as planned, thus enabling the capital receipt to be transferred to the General Rate Fund. Furthermore the price, which reflected the fact that the properties were occupied, would have ensured that the new Housing Association was viable and could maintain low rent increases.

On a show of hands the Motion was declared LOST, and on the proposal of Councillor J.A. Sheaf seconded by Councillor R.A. Pearson it was

Policy & Resources Committee

RECOMMENDED That this Council do congratulate the Chief Executive & Director of Finance for the able manner in which he has conducted the Council's policy to transfer the housing stock to the Crouch Valley Housing Association and the literature which has been produced and circulated in that respect. (31881)

(c) The Committee agreed to consider the Notice of Motion by Councillor D.F. Flack on the outcome of the ballot of tenants at their Special Meeting on 8th December 1988.

571. ROCHFORD CIVIL AID

The Assistant Chief Executive reported on the purpose of this voluntary unit and the desirability of varying the financial arrangements by transferring to it ownership of two vehicles so as to achieve economies of scale and encourage more self-sufficiency with the Council providing any necessary funding by way of an annual grant.

RECOMMENDED (1) That ownership of the mobile emergency control centre and the Rochford Civil Aid mini-bus be transferred to Rochford Civil Aid and that no further expenditure be incurred by the Council on their repair, maintenance or running costs.

(2) That in future no separate provision be made for funding of Rochford Civil Aid Unit but that the organisation be invited to submit an application for grant at the appropriate time each year.
(31406)(ACE,T)

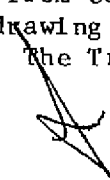
572. EXCLUSION OF THE PUBLIC

Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of Exempt Information as defined in paragraphs 5, 8 and 9 of Part I of Schedule 12A of the Act.

573. COMMUNITY CHARGE - ACCOMMODATION REQUIREMENTS (Minute 495/88)

The Treasurer and Head of Environmental Services reported jointly in confidence on the need to provide additional office accommodation for Community Charge staff, the extra planning staff, the relocation of staff from the Depot and to make alternative premises available to re-house Estuary Training Consortium staff and thus free 57 South Street for use as an Abbeyfield House. A scheme had been prepared and costed to provide a two-storey building to the rear of the Council Offices at 11 South Street. Initially there would be a need to provide temporary office accommodation for the Community Charge staff while the new building was under construction. Facilities available within the existing Council Offices for the associated activities of reception, interview, cashiering, filing and post room would have to be refurbished and extended to deal with the extra workload involved.

The Committee noted that whilst provision had been made in the scheme for a full cash receipting service to be maintained consideration was being given to this requirement having regard to the trend away from cash payments and the savings that could be achieved from withdrawing that facility. A further report would be made on that aspect. The Treasurer



Policy & Resources Committee

would also be reporting on a regular basis to the Audit Panel on the progress of the scheme.

Members were conscious of the statutory target dates which the Authority had to meet and accepted that for the avoidance of delay endeavours should be made to achieve a negotiated contract with MBC Builders Limited. Apart from the tight timescale there were other advantages to this course of action. MBC could give access and could service the contract site from adjoining land in their ownership. It would avoid using the restricted archway from South Street for contractors' vehicles and would thus reduce the cost. Land could be made available by MBC for the temporary office space thus allowing the car park to remain in use. The negotiated contract price would be subject to verification and evaluation by the Council's independent Quantity Surveyor. It was hoped that a permanent right of way to the rear of the Council Offices might be acquired as an alternative to the present hazardous entry onto a busy road from the concealed archway between 9 and 11 South Street. That could be achieved by adopting some form of land exchange which would also assist in the cost of the scheme.

RECOMMENDED (1) That for the purpose of Regulation 4 of the Town and Country Planning General Regulations 1976, application be made for the siting of a temporary office to the rear of the Council Offices at South Street, Rochford.

(2) That for the purpose of Regulation 4 of the Town and Country Planning General Regulations 1976, application be made for the construction of a two-storey extension to the rear of the Council Offices at 11 South Street, Rochford.

(3) That approval be given to incur expenditure on temporary accommodation.

(4) That provision be made in the 1988/89 and 1989/90 Capital Programme for the office extension.

(5) That for the purposes of this contract Financial Standing Order 4.4 be waived and that the Chief Executive & Director of Finance be delegated authority to negotiate and conclude a contract with MBC Builders (Ashington) Limited for the provision of the office extension.
(757)(CE,HES,T)

574. MAGNOLIA MANUFACTURING LIMITED

The Treasurer reported in confidence on the management buyout being pursued as an alternative to the closure of the Rochford factory. An approach had been made to the Council for assistance in that respect and the Committee noted the favourable loan arrangement which this Authority could secure thereby improving the prospects of success and retaining a major employer within the District.

RECOMMENDED (1) That this Council do make a loan of £150,000 to Magnolia Manufacturing Limited for a period of 10 years, secured on the factory premises, at an interest rate commensurate with that payable by the Council.

(2) That authority be delegated to the Treasurer and the Solicitor to negotiate an appropriate loan agreement. (4686)(T,SOL)

Policy & Resources Committee

575. CONTRACT NO.1399 - INTERNAL DECORATIONS AT SPA COURT, HOCKLEY AND BELL HOUSE, GREAT WAKERING

The Secretary to the Council reported in confidence that four tenders had been received for the above contract, all of which included a contingency sum of £700.

RECOMMENDED That the lowest tender submitted by Messrs Trudec in the sum of £63,548.50 be accepted subject to contract. (CON.1399)(SEC)

576. CONTRACT NO. 1406 - REROOFING OF ORCHARD BUNGALOWS, CANEWDON

The Secretary to the Council reported in confidence that four tenders had been received for the above contract, all of which included a contingency sum of £500.

RECOMMENDED That the lowest tender submitted by A.E. Innocent & Co. Ltd., in the sum of £17,968.50 be accepted, subject to contract. (CON.1406)(SEC)

NOTE: The Chief Executive & Director of Finance exercised his authority under Standing Order 18 to give immediate effect to the above recommendation.

577. LOCAL AUTHORITY CONTROLLED COMPANIES - ROCHFORD DISTRICT COUNCIL AND SEETEC (Minute 184/88)

NOTE: Councillors C.J.B. Faherty, J.A. Gibson and A.J. Harvey declared a non-pecuniary interest by virtue of membership of the Board of SEETEC but remained in the Meeting and participated in the discussion and the voting thereon. The Committee noted that the Chief Executive & Director of Finance and the Director of Development had non-pecuniary interests by virtue of their directorships of SEETEC.

The Secretary to the Council reported in confidence how the DoE Consultation Paper on Local Authority Controlled Companies would affect the Council's relationship with SEETEC, particularly following the decision by the Council earlier this year for a company to be promoted to run the commercial activities of SEETEC. So as to avoid penalties under the legislation proposed it would be necessary to reduce considerably the Council's involvement in SEETEC. Members noted how the continuance and viability of the charity could be safeguarded by securing a golden share in SEETEC provided this were accomplished before the enactment of the Government proposals.

RECOMMENDED That the interest of Rochford District Council in SEETEC be reduced with effect from 1st April 1989 to a level of less than one-fifth of membership in return for a golden share in the company and on such terms and conditions as the Secretary to the Council thinks fit. (917)(SEC)

578. PROPOSED COUNCIL HOUSING DEVELOPMENT AT DOGGETTS CLOSE: PHASE 1 - 34 UNITS (Minute 387(1)/88)

With the approval of the Chairman under Standing Order 26.2 the Secretary to the Council reported that the land values for this site advised by the District Valuer fell well outside the Department of Environment cost limits for new building in this District and that the scheme which was


Policy & Resources Committee

currently out to tender could not therefore proceed without specific approval.

Members recalled that the new ACL system which had replaced the former housing project control procedure last April, provided a number of cost bands which were intended to reflect the differences in land and building costs between town and country and between the regions. In fact Rochford was in a lower band than neighbouring Southend despite the response that this Council had made at the consultation stage. ACLs should have been reviewed in November but the new limits would not now be announced until April 1989. The Committee took the view that the existing ACLs were totally unrealistic and that, given the pressing need in the District for more family accommodation to rent, urgent representations should be made to the Department of the Environment seeking their specific approval to this land valuation. Furthermore with the pending review of ACLs the opportunity should be taken to press for Rochford to be included in the same band as Southend.

RECOMMENDED That the Secretary to the Council be authorised to make representations accordingly. (885) (SEC)

NOTE: The Chief Executive & Director of Finance exercised his authority under Standing Order 18 to give immediate effect to the above recommendation.



ROCHFORD DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE - 6TH DECEMBER, 1988

MINUTES OF THE STAFFING SUB-COMMITTEE

At a Meeting held on 1st November 1988. Present: Councillors A.J. Harvey (Chairman), D.F. Flack, N. Harris, Miss B.G.J. Lovett and D.C. Wood.

Apologies: Councillor D.R. Helson.

Visiting: Councillor Mrs. S.J. Lemon.

254. MINUTES

The Minutes of the Meeting held on 17th October 1988 were approved as a correct record.

255. APPOINTMENT OF DIRECTOR OF PUBLIC HEALTH, SOUTHEAST HEALTH AUTHORITY

Pursuant to Standing Order 26.2 the Chief Executive & Director of Finance reported urgently on a request from the Health Authority for the Council to nominate a Member to serve on the Selection Panel for the above post which was to meet sometime in November. The Sub-Committee considered two nominations, Councillors Mrs. M. Hunnabell and D.C. Wood.

RECOMMENDED That Councillor D.C. Wood be nominated as the Council's representative on the Health Authority Selection Panel. (SEC)

256. EXCLUSION OF THE PUBLIC

Resolved that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 11 of Part I of Schedule 12A of the Act.

257. REVIEW OF TERM CONTRACTS

In accordance with their established practice the Sub-Committee interviewed several members of staff whose term contracts were due to expire in the Spring and asked the Chief Executive & Director of Finance to report to their Meeting on 12th December 1988 details of the terms on which the offer of renewal might be made.

They also asked the Secretary to the Council to arrange a convenient programme for the interview of other staff, they had indicated they wished to see as part of the appraisal exercise.

258. MINUTES - MATTERS ARISING


(a) The Secretary to the Council advised arising from Minute 252 (Woodlands Team) that for the purposes of competitive tendering the expenditure of the Woodlands Team on defined activity was well within the de minimus level set by the legislation.

(b) The Sub-Committee also noted that as regards Minute 253 (Computer Directorate) an application by the Computer Development Manager for premature retirement on grounds of ill health had been approved and that the two other staff on contract had left the Authority one to join the Council's contractor. Other personnel had also left the Authority to join Perthcrest or to take up alternative employment.

(c) Further to Minute 250 (Enforcement Action) the Sub-Committee approved the job descriptions for the new posts and duties involved.

259. BUILDING MAINTENANCE DLO - CRAFTSMEN'S BONUS

The Secretary to the Council reported that when the Council's bonus scheme had been consolidated in 1981 payments were subject to adjustment annually by the same percentage as the National Award. For craftsmen this was implemented by applying the percentage increase in the national bonus calculator which was part of their Annual Award. This had not now been increased since 1985 and consequently their bonus had remained unchanged since that time. The manual workers' bonus review on the other hand was tied to the percentage increase in basic wage which arrangement the craftsmen now sought for themselves as differentials had been eroded. The Sub-Committee noted that it had been a change in the way national wage settlements had been structured that had led to this situation and agreed that as it had always been the Council's intention that bonus should be adjusted annually, craftsmen's bonus should be calculated on the same basis as manual workers as from 1st April 1985.



ROCHFORD DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE - 6TH DECEMBER 1988

MINUTES OF THE CHAIRMAN'S PANEL

At a Meeting held on the 10th November 1988

Present: Councillors A.J. Harvey (Chairman), R.S. Allen, W.H. Budge, Mrs P. Cooke, T. Fawell, J.A. Gibson, Mrs E.M. Hart, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, P.F.A. Webster and D.C. Wood.

53. COUNCIL CYCLE ENDING 13TH DECEMBER 1988

The Panel noted that the following reports would be made to Committee within the current cycle:-

<u>Committee</u>	<u>Date</u>
1. Health and Housing Services	15th November 1988
(i) Sunday Trading (HES)	
(ii) Spacing of Caravans (HES)	
(iii) Health Authority Matters	
(iv) Noise Nuisance From Clay Pigeon Shoot - Moons Farm, Canewdon Road, Ashington (HES)	
2. Audit Panel	16th November 1988
3. Planning Services	17th November 1988
Planning Inquiry - Proposed Football Stadium East of Sutton Road, Southend-on-Sea (DD)	
4. Leisure Services	22nd November 1988
Rochford District Local Plan - Open Space Development Programme. (SEC)	
5. Development Services	24th November 1988
6. District Plan Working Party	30th November 1988
(i) Isolation Distances Between Dwellings. (DD)	
(ii) Future Role of The Working Party.	
7. Policy and Resources	6th December 1988
(i) Housing Policy. (SEC)	
(ii) Government Response To Widdecombe Committee Report. (SEC)	
8. Special Policy and Resources	8th December 1988
Outcome of Ballot of Tenants	
9. Council	13th December 1988
10. Extraordinary Council	13th December 1988

54. POOLES LANE CAR PARK, HULLBRIDGE

The Panel were pleased to note that the Council's deputation had been received by the County Minor Schemes Panel earlier in the day, and that in consequence the necessary statutory undertakers work was to be put in hand forthwith and that the scheme was to be programmed to proceed in the new financial year.

55. LAND AT JUNCTION OF BROOKLYN DRIVE/DOWNHALL ROAD, RAYLEIGH

The Secretary to the Council reported that in accordance with delegated powers he was negotiating to acquire two properties adjacent to the Council's land holding which were on the market with a view to achieving a composite site.

56. FOOTPATH ACCESS TO HOCKLEY WOODS

Pursuant to Standing Order 26.2 the Panel noted the report of the Secretary to the Council that with the pending loss of the existing arrangement, authority was sought as a matter of urgency to acquire an alternative footpath access to Hockley Woods from the east and it was


RECOMMENDED That arrangements be made accordingly. (SEC)

Note: The Chief Executive exercised his authority under Standing Order 18 to give immediate effect to the above recommendation.

57. FUTURE OF MAGNOLIA MOULDINGS

Pursuant to Standing Order 26.2 the Treasurer reported that the staff of Magnolia Mouldings had produced a viable business plan and were pursuing a management buy-out of the Company and had sought some financial assistance from the Council. Members noted that the Council could use its powers to raise a secured loan at a preferential rate without any cost to the ratepayers and asked that this matter be pursued.

RECOMMENDED That arrangements be made accordingly. (T)



ROCHFORD DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE - 6TH DECEMBER 1988

MINUTES OF THE AUDIT PANEL

At a Meeting held on 16th November 1988. Present: Councillors A.J. Harvey (Chairman), C.I. Black, W.H. Budge, Mrs. P. Cooke, J.A. Gibson, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, and D.C. Wood.

Apologies: Councillor C. Stephenson.

134. MINUTES

Resolved that the Minutes of the Meeting held on 19th October 1988 be approved as a correct record subject to the substitution of the words "Audit Panel" for "Secretary" in the second paragraph of Minute 128.

135. COMPUTER MANAGEMENT PROGRESS

Mr P. Dunham of Perthcrest was present to report on the progress made since the last Meeting of the Panel. Procedures were being introduced to formalise the various activities involved in the operation. Work was in hand on the networking and transition plans to achieve the move off site and a report would be made to the next Meeting. Some of the Council's staff had already transferred to their employment and they had drafted in technical and managerial expertise. Priority was being given to the conversion of the payroll and rating systems and decisions would be required on the future of the Home Reps and Rents systems, the creditors and debtors systems and on the implementation of the Housing Benefits system. They intended to establish project teams and user groups. He referred to the proposed land management system which was before the Panel for consideration and mentioned that the concept had much wider implications for the Authority and might be considered as a main frame application. Perthcrest were installing a new Series 39 computer at Cambridge which was expected to be operational by the New Year when the Community Charge system would be amongst the first to be loaded.

The Chief Executive & Director of Finance explained that work on the contract document was proceeding but that it required detailed consideration and an entirely new approach to the specification so that it dealt with the off site management.

136. MICRO-FILMING

The Panel agreed a proposal by the Director of Development to bring forward the programme for the micro-filming of planning records which would achieve an estimated saving of £30,000 on previous costs by placing all the work with a bureau and completing the project within two years.

RECOMMENDED (1) That the revised programme of micro-filming be approved.

(2) That provision of £35,000 be made in the draft Revenue Estimates for 1989/90. (DD,T)

137. EXCLUSION OF THE PUBLIC

Resolved that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the Meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 8, 9 and 10 of Part 1 of Schedule 12A of the Act.

138. COMPUTER SECTION

The Panel noted a report from the Chief Executive & Director of Finance that the decisions in relation to the systems requirement would be taken at administrative level and that a Meeting of the Panel was not necessary in this connection.

The Chief Executive & Director of Finance also referred to the liabilities for Leasing Charges which would need to be taken into account in assessing the contract price.

139. CONTRACT SERVICES - VARIATIONS

The Assistant Chief Executive reported on the variations to the contract specifications which had proved necessary having gained experience of the operation of the contracts for Office Cleaning, Refuse Collection, Street Cleansing, Leisure Management and Grounds Maintenance. Discussions were taking place with the County on their requirement for a full width cut of rural verges which presently were cut to a depth of one metre only on conservation grounds. The County's contribution towards verge cutting costs would not meet the actual cost if the full width cut were included. Apart from additional expenditure already authorised by the Council on the various contracts further provision needed to be made for the maintenance of Millview Park and certain playing surfaces.

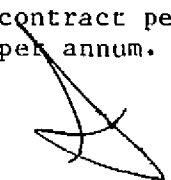
The Panel also discussed the frequency of grass cutting and thought this to be a matter which might be appropriate for the Leisure Services Committee.

RECOMMENDED (1) That subject to discussions with the County on the need for their requirement for a full width cut of rural verges and for full reimbursement of the Council's costs, additional provision of £6,500 be made in the draft Revenue Estimates for 1989/90.

(2) That additional provision also be made in the draft estimates for £5,190 in respect of Millview Park and pitch maintenance.
(ACE,T)

140. GROUND MAINTENANCE CONTRACT - BOOKING ARRANGEMENTS

The Assistant Chief Executive reported that the grounds maintenance contractor had assumed responsibility for pitch bookings which had not been included in the contract. It had been the intention that these arrangements would have been attached to the Leisure Management contract but with the problems over the notification of cancellations it was decided after consideration of a number of options that the grounds maintenance contractor should deal with this matter. Following discussion with the contractor and an assessment of the work involved in the light of experience gained in the first six months of the contract period agreement had been reached for a payment of £12,000 per annum.



RECOMMENDED That arrangements be made with the grounds maintenance contractor to undertake responsibility for all booking arrangements for outside lettings and facilities for the duration of that contract and that a payment of £12,000 be made for the current year, further percentage increases to be calculated on the same basis as those agreed under the grounds maintenance contract. (ACE)

141. LAND MANAGEMENT SYSTEM

The Secretary to the Council reported on the availability and versatility of geographical information systems which because they could hold all geographical data relevant to our organisation on a common data base had applications throughout the Council's administration. It was proposed that initially the Council should introduce the concept as a pilot project with the computerisation of the Land Terrier which would achieve the data based land management system the Panel had requested the Officers to investigate. The costs of the initial proposals amounting to £20,000 could be met from additional income received from Land Charge fees. The Panel noted that the preferred system was in modular form which would mean that any new applications could be added to the existing data base as necessary. They agreed that the pilot project should go ahead but asked that Perthcrest be consulted on the future main frame implications.

RECOMMENDED (1) That the Secretary to the Council negotiates the purchase of a PC version of the ARC/INFO Geographic Information System together with the requisite hardware and maintenance agreement at the costs indicated above.

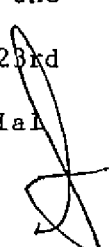
(2) That the purchase be funded by a virement from the Land Charges Budget. (SEC)

142. TENDERS FOR LEISURE CENTRE MANAGEMENT, CATERING AND BARS - CONTRACT 1378

Note: The Director of Development left the Meeting prior to the discussion of this item having a direct pecuniary interest in the matter by way of his wife's shareholding.

Pursuant to Standing Order 26.2 the Chairman allowed this item to be discussed in order that arrangements could be agreed for the Panel to make a recommendation to the Policy and Resources Committee on the acceptance of a tender.

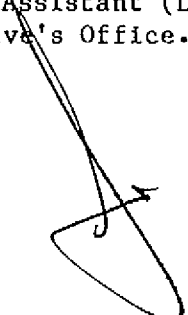
The Chief Executive & Director of Finance indicated that the tenders had been opened on the evening of 10th November 1988 and that it had been hoped to bring a recommendation to this Meeting of the Panel but that the evaluation of the documents had been more involved because of the invitation to tenderers to indicate their future plans and innovations for the service. He had appointed a Working Party of senior staff to examine the tenders and they had reported to him and the other Chief Officers earlier in the day, the Director of Development not being present on that occasion either. There was still further work to be done by the Working Party and the Chief Officers had now themselves to examine the documents in order to reach a firm recommendation. The Chairman added that the preliminary report of the Working Party was to be issued to Members of the Panel this evening but that the matter was not to be debated at this Meeting but at a special Meeting of the Audit Panel to be convened on 23rd November when the Chief Officers would also report on their final recommendation. He stressed that the matter was of a highly confidential nature.



RECOMMENDED That a Meeting of the Audit Panel be held on the evening of 23rd November for the above purpose. (SEC)

143. CHIEF ASSISTANT (LEISURE SERVICES)

The Panel congratulated Mr D. Sutherland, the Principal Auditor, on his promotion to the Chief Assistant (Leisure Services) appointment in the Assistant Chief Executive's Office.



ROCHFORD DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE - 6TH DECEMBER 1988

MINUTES OF THE AUDIT PANEL

At a Special Meeting held on 23rd November 1988. Present: Councillors A.J. Harvey (Chairman), C.I. Black, W.H. Budge, Mrs. P. Cooke, J.A. Gibson, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, C. Stephenson and D.C. Wood.

144. MINUTES

Resolved that the Minutes of the Meeting held on 16th November 1988 be approved as a correct record.

145. EXCLUSION OF THE PUBLIC

Resolved that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the Meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 12A of the Act.

146. TENDERS FOR LEISURE CENTRE MANAGEMENT, CATERING AND BARS - CONTRACT 1378: CLEMENTS HALL LEISURE CENTRE, FREIGHT HOUSE, GREAT WAKERING SPORTS CENTRE, MILL HALL, CASTLE HALL AND PARK SPORTS CENTRE (Minute 142)

The Panel reported in Minute 142 that they had received in confidence but not debated a preliminary report made to the Chief Executive & Director of Finance by a Working Party of senior staff on their evaluation of the four tenders submitted in respect of the above Contract. This Special Meeting of the Panel had been convened to consider their report and a further exempt report from the Chief Officers (with the exception of the Director of Development for the reasons stated previously) following their examination of the documents.

Of the four tenders which were for a five year contract period two were for substantially greater sums and been discounted from consideration for this reason. The reports from the Working Party and the Chief Officers concentrated on the relative values of the two remaining tenders received from Circa Leisure PLC and Civic Leisure Limited in the sums of £267,000 and £252,648 per annum respectively by way of the management fee payable by the Council.

The Chief Executive & Director of Finance reported that estimates prepared on the basis of the former Leisure Directorate indicated the in-house costs of the service would have amounted to around £340,000 in 1989/90. Members noted that apart from the presentation of Civic Leisure all tenders had been checked to the Bill of Quantities and agreed. Civic Leisure had submitted to the Authority a non-standard tender document which the Solicitor had subsequently confirmed was a valid tender. Whilst there were no direct qualifications they sought to discuss certain significant clauses of the standard contract including a proposal to sub-

contract the Catering operation to an independent firm. No discussion had taken place with any tenderer in the assessment of the quotations and the Panel confirmed that any negotiation before or after acceptance of the tenders would have changed the basis of tender and would have been inequitable unless all tenderers were given the same opportunity. It had always been accepted that the award of the contract could not be decided on the tender figures alone because tenderers had been required to submit supplementary information to enable the Authority to assess their management ability, plans for the future, innovation and stated objectives for day to day management. The conclusions of the Working Party and Chief Officers had been constructed from the tender documentation alone.


The Panel were aware that Civic Leisure had an apparent price advantage over Circa Leisure of around £70,000 over the life of the contract. Both contractors had made professional submissions which demonstrated their belief in their own ability to manage the Leisure Contract. In many areas there was great similarity in future developments outlined and the Authority could develop its programme with either contractor. Civic Leisure tender placed greater emphasis on catering whilst with Circa the leisure element was predominant. Analysis had concentrated on the way in which the costs and benefits would be shared with the Authority and ultimately the local community. Both contractors recognised that there would be a need for future capital investment. Circa Leisure had been very specific with their future projects (copy attached) suggesting investment of £200,000 of which the Authority would have to contribute £50,000, i.e. a contribution of £150,000 from Circa Leisure. This could have been viewed as reducing their tender cost by £30,000 per annum.

Civic Leisure made no similar offer of capital investment but stated that they would charge a management fee of 12.5% on the capital value of new investment and suggested that there would be a generation of revenue back to the Authority to contribute towards the Council's capital costs. This meant that any new investment would be at the total risk of the Council and not the Company, although they would share in the income and receive a 12.5% management fee. Circa on the other hand had pledged £150,000 of their own money. Circa Leisure's submission also indicated a pay back to the Council of 50% of net profit above £75,000 over the period of the Contract and the offer to establish a scholarship fund for the promotion of excellence in both sport and art at a cost to themselves of £11,000 over the contract period.

The investment proposals by Circa Leisure were particularly attractive because

- (a) the offer of capital investment was at this stage specific and capable of evaluation
- (b) they involved areas of investment where commercial returns might not be possible, i.e. Mill Hall works, Clements Hall creche facility
- (c) in some areas it might be possible to avoid the operation counting as prescribed expenditure.

An exact comparison of the relative costs of future developments was not possible without detailed discussions with both contractors to clarify issues such as percentage of income paid back to the Authority, and length of life of assets acquired. Given the combination of unknown factors,



the strength of the Authority's own bargaining position and investment in non-commercial areas the apparent benefits of the £150,000 capital investment by Circa Leisure would at this stage have to be discounted by as much as 50% even though that might be felt to be severe.

No significant difference was identified in the overall staffing levels detailed by the two companies except that Civic Leisure had included head office staff with the inference that they would be based off-site. The benefits of the availability of expert staff at a remote location however had to be weighed against Circa Leisure's proposal to have local senior management, which might be more responsive to local needs.

Despite the lower tender price of Civic Leisure the investment package of £150,000 proposed by Circa Leisure was quite obviously of significant value even if the sum of that value was discounted by 50%. In addition the contribution to a scholarship fund of £11,000 would be of direct benefit to the local community.

To the Panel these two factors highlighted the difference in the approach of the two companies, with Circa Leisure showing its commitment to the District and Civic taking a strictly business approach to the five year contract. Whilst noting the offer of Circa Leisure to share with the Council 50% of any net profit exceeding £75,000 over the period of the contract the Panel did not take this into account in arriving at their recommendation as it could not be quantified. Having accepted that Circa's offer of capital investment of £150,000 should be discounted by 50% it would nevertheless give a tangible benefit to the Council of £75,000 over the five year contract which brought the tender from Circa Leisure below that of Civic Leisure. The value of the Circa Leisure offer of capital investment which was legally enforceable had also to be looked at in terms of the improvements to the facilities and reduction in the deficit, the benefit of which would devolve entirely to the Council at the expiration of the contract. This was not a benefit which was considered in arriving at the discount. In financial terms the two tenders compared as follows:-

Comparison of Tenders

	<u>*CIRCA LEISURE</u>	<u>CIVIC LEISURE</u>
	£	£
Annual Cost of Tender	267,000	252,648
#Amortisation of Capital		
Investment Over 5 years	<u>15,000CR</u>	<u>-</u>
Total Annual Cost	<u>252,000</u>	<u>252,648</u>

*Note: No account taken of:

- (i) Circa Leisure Scholarship of £11,000 over five years.
- (ii) Offer to share profits over £75,000.

#Calculated on the Circa offer of £150,000 capital investment discounted by 50% and amortised on a straightline basis over 5 years.


As reported earlier it was accepted that the tender price alone would not be the sole determining factor in awarding this contract. The Panel were mindful however that having taken all the available financial information

from the tender submissions into account Circa was the lowest and having assessed the relative values of the two lowest tenders Circa Leisure had also demonstrated by the offer of capital investment and a scholarship fund a higher level of commitment to the Council and the community. The Panel were advised that the Council's contracts were drawn in a way that protected its interests in the event that a firm providing services to it changed ownership. Even so the Officers felt that a takeover of Circa Leisure was unlikely. Members were also aware of the substantial additional cost to the Council of introducing a new contractor. This factor too had not been taken into account by the Panel in arriving at their recommendation.

The Panel agreed that a full report on their evaluation of the tendering process should be made in the Minutes of the Meeting and that a press release should be issued drawing attention to their recommendation and the fact that it was the management of the service and not the transfer of the assets which the letting of the contract involved.

The Panel were convinced of the wisdom of the Council's policy to establish Circa Leisure in the light of the outcome of the tendering process and it was unanimously

RECOMMENDED That the Council do accept the tender of Circa Leisure PLC for leisure management, catering and bars in the sum of £267,000 subject to contract for a period of five years from 1st April 1989. (CON.1378)



SUMMARY

The proposals detailed in this section are intended to be a sensitive and carefully balanced mix which combines an important and necessary extension to the existing facilities whilst simultaneously providing the opportunity for enhancing the income generated in the buildings.

Circa has the immediate facility to fund the £150,000 (for confirmation see Appendix II) identified in the various proposals and would wish to progress the works at the earliest opportunity following the determination of the tender. It is intended that further investment particularly that proposed for Great Wakering Sports Centre, would be made during the course of the contract, and this, together with the investment now proposed, would be covered by the procedure and provisions detailed in the Conditions of Contract.

For clarification the capital schemes which Circa would wish to implement immediately would be:-

<u>Building</u>	<u>Work</u>	<u>Funding</u>	
		<u>R.D.C.</u>	<u>Circa</u>
Clements Hall	Energy Conservation Works	15,000 *	15,000
	Fitness, Health & Beauty Suite	-	63,000
	Extension to Creche	-	30,000
	Cold Store	-	7,000
Freight House	Connecting Staircase	3,000 *	3,000
Mill Hall	Stage, Curtains and Ceiling	32,000 *	32,000
		-----	-----
		£ 50,000	150,000
		=====	=====

* Proposed jointly funded schemes

Should the Council not wish to pursue any of the joint schemes, Circa would propose to bring forward alternative funding proposals.

In addition to the funding necessary to meet the capital schemes detailed above, Circa has made the necessary provision to meet the costs of equipping and fitting out the projects to enable them to be brought fully into use at the earliest possible date.

Circa Scholarships

The close contact with schools and clubs that has been built up over the years has highlighted the wealth of sporting, musical and artistic talent that exists in the community, and it is the Company's wish to be seen promoting both young people and excellence.

Circa intend establishing a Scholarship Fund designed to demonstrate how it is helping "The Best to get Better". It would be aimed at young people still in full-time education, who live in the District of Rochford, who have a recognised talent in either the sporting, musical or artistic field, and who need help to develop their potential. The help could (by way of example) be with equipment, travel, medical support, special feeding, tuition or coaching. Initially Circa would establish the fund in the first year with a donation of £3,000- (Three thousand pounds) and thereafter would contribute £2,000- (Two thousand pounds) each year throughout the period of the contract.

Circa would invite the Council to join the Trustees of the fund and thereby ensure that applications are fairly evaluated and that the distribution of grants reflects the best balance of interests and the community at large.

ROCHFORD DISTRICT COUNCIL

POLICY AND RESOURCES COMMITTEE - 6TH DECEMBER 1988

JOINT REPORT OF THE CHIEF EXECUTIVE & DIRECTOR OF FINANCE AND SECRETARY TO THE COUNCIL

THE GOVERNMENT'S RESPONSE TO THE REPORT OF THE WIDDICOMBE COMMITTEE OF INQUIRY INTO THE CONDUCT OF LOCAL AUTHORITY BUSINESS (Minute 407/88)

1. The Chief Executive & Director of Finance has already circulated, to Members, a copy of the Government's White Paper (Command 433) on the above subject. A draft response has been * prepared (copy appended) adopting the format used by the County Council which sets out the Widdicombe recommendation and the District's response to that, the Government's proposal and the District's suggested comment. It is stressed that this latter entry is intended only to assist Members in drawing their own conclusions but the comments merely follow on from the Council's earlier response

2 When the White Paper was published, the Chief Executive & Director of Finance thought that there might be some benefit to the Council anticipating the changes, where this was practicable. Many of the changes that are proposed by the Government will require primary legislation which the Chief Executive & Director of Finance, having since met with the author of that document, now understands is likely to be introduced to Parliament in 1990. There will have to be detailed consultations with the local authority associations on the form of the proposed legislation, the Code of Conduct and the new model Standing Orders. The conventions between political parties will also have to be developed, probably at national party level. Consultations will be necessary on the changes proposed in the conditions of service of officers. These are matters properly the concern of the National Joint Councils

3. Against this background and the short timescale envisaged, the Chief Executive & Director of Finance considers that few opportunities exist where there would be any advantage in anticipating these changes. To do so in advance of the formal process, referred to above, would be bound to involve still further changes having to be made once the precise form of legislation and various other documents become known. Perhaps the most persuasive factor in suggesting that the Council should await the legislation and other changes in their final form is that the Council's practice, where the present law and contractual obligation allows, is already broadly in step with proposals in the White Paper. All Members were very much aware, at the time of the publication of the Widdicombe Report in June 1986, that the changes are not directed at local authorities like Rochford.

4 Having suggested that no large review of procedures should be pursued as a result of the White Paper, there are two amendments to Standing Orders, relating to minority party rights (see recommendation 8 in the appendix) which were included in the White Paper and which were the subject of the Notice of Motion by Councillor R.H. Boyd (see Agenda Item 14(1)). The Council, in response to Widdicombe, felt that these rights were already guaranteed at Rochford by the provision for Notice of Motion and questions but expressed no opposition to the concept because Council accept that the Widdicombe Report was addressing itself to the small number of authorities where minorities were denied their rights. It is not thought that Council would be opposed to adopting new Standing Orders on these two subjects, although care will need to be taken in their drafting and, if the proposal commends itself, it is suggested that the Secretary obtains specimen Standing Orders from those authorities where these arrangements already operate so that Members can determine Standing Orders appropriate to Rochford's requirements.

RECOMMENDED (1) That the Council do respond to the Government's White Paper in the terms set out in the appendix.

(2) That, with the exception of recommendation 3 below, the Council's current practice be continued until such time as the precise form of the legislation and other changes are known

(3) That approval, in principle, be given to the addition of two new Standing Orders relating to minority party rights, as referred to above, and that the Secretary to the Council be asked to report further thereon once specimen Standing Orders have been obtained.

Background Papers

The Conduct of Local Authority Business (Command 433) (SEC/PWH).

The Report of the Widdicombe Committee of Inquiry into the above (SEC/PWH).

CHAIRMAN

001543

DATE

24/1/89.

ROCHFORD DISTRICT COUNCIL

Minutes of the Policy and Resources Committee

At a Special Meeting held on 8th December 1988 Present: Councillors A.J. Harvey (Chairman), R.S. Allen, P.A. Beckers, C.I. Black, R.H. Boyd, W.H. Budge, Mrs. P. Cooke, B.A. Crick, C.J.B. Faherty, T. Fawell, D.F. Flack, J.A. Gibson, Mrs V. Grigg, M.J. Handford, Mrs. E.M. Hart, Mrs. M. Hunnable, Miss B.G.J. Lovett, R.A. Pearson, J.A. Sheaf, C. Stephenson, P.F.A. Webster and D.C. Wood.

Visiting: Councillors R.A. Amner, Mrs. R. Brown, N. Harris, S.N. Jarvis, Mrs. S.J. Lemon, Mrs E. Marlow, J.M. Roden, S.H. Silva, S.A. Skinner, Miss D.M. Stow, Mrs. L. Walker, D.A. Weir and C. Wren.

579. ADJOURNMENT OF MEETING

At the commencement of the Meeting the Chairman asked that copies of the report (appended hereto) of the Electoral Reform Society on the outcome of the Ballot be distributed to Members as a matter of urgency in accordance with Standing Order 26.2 and that the Meeting stand adjourned for five minutes pursuant to Standing Order 6.12 to enable them to peruse its contents.

580. PROPOSED TRANSFER OF COUNCIL STOCK TO THE CROUCH VALLEY HOUSING ASSOCIATION - THE BALLOT

The Committee received the appended report of the Chief Executive & Director of Finance setting out the policy decisions, various actions taken and costs incurred with regard to the proposed transfer of the Council's housing stock to the Crouch Valley Housing Association together with an addendum which had been admitted as an urgent matter pursuant to Standing Order 26.2 and which set out a recent letter to the Electoral Reform Society and a report of pressure on them by certain parties to announce the Ballot result prematurely.

581. THE BALLOT RESULT

The Committee concurred with the suggestion of the Chairman that the report of the Electoral Reform Society should be issued to the press and the public. In the light of the outcome of the Ballot and Council policy with regard thereto it was

RECOMMENDED . That the Council do not proceed with the transfer of the housing stock to the Crouch Valley Housing Association. (31881) (CE)

582. NOTICE OF MOTION RECEIVED PURSUANT TO STANDING ORDER 5

The following Notice of Motion had been proposed at the Council Meeting on 8th November by Councillor D.F. Flack and seconded by Councillor C. Stephenson and had been referred subsequently by the Policy & Resources Committee to this Special Meeting for consideration:

"Rochford District Council will obey the terms of Schedule 1 of the Housing Act 1985 as modified by sub-section 3A of the Housing Act 1986 and will not continue with the proposal to transfer its Council houses into private ownership once it is established that 50% or more of its tenants oppose the proposal and wish to remain secure tenants of Rochford District

Policy & Resources Committee

Council. In these circumstances Rochford District Council will seek to be a "good landlord" and attempt to maintain levels of rent increases for existing tenants to the modest levels proposed by neighbouring authorities".

In speaking to that Motion the proposer suggested that many of Rochford's tenants had been concerned at the proposal to transfer the housing stock and that the Council should now act to reassure them, so as to maintain their confidence in the future management of their properties.

The following amendment was moved by Councillor A.J. Harvey and seconded by Councillor J.A. Gibson and accepted by the proposer:

"That the concluding phrase "to the modest levels proposed by neighbouring authorities" be deleted".

It was explained that Rochford Council had always been good landlords and that reference did not need to be made to neighbouring authorities to establish that fact since it was borne out by the tenants' expressed preference. Whilst accepting that the first part of the Motion was a formality since Council had already determined how it would react to the Ballot the Committee nevertheless voted unanimously to adopt the Motion as amended.

RECOMMENDED That Rochford District Council will obey the terms of Schedule 1 of the Housing Act 1985 as modified by sub-section 3a of the Housing Act 1986 and will not continue with the proposal to transfer its Council houses into private ownership once it is established that 50% or more of its tenants oppose the proposal and wish to remain secure tenants of Rochford District Council. In these circumstances Rochford District Council will seek to be a "good landlord" and attempt to maintain levels of rent increases for existing tenants. (225) (CHM,T)


583. PERTINENT BUSINESS

Pursuant to Standing Order 26.2 the Chairman responded to a question from a Member as to the reason why the Electoral Reform Society had been requested not to send the result of the Housing Ballot to the Council until 8th December when it could have been made available to Councillors on 5th December. He said that the results had not been available any earlier. Leaving that aside it had been his wish as Leader of the Council that the results should be issued to Members first and that was the reason for the procedure which had been adopted that evening. He considered that to have been the proper sequence and preferable to any alternative course that might have been pursued.

In a supplementary question the Member asked whether the real reason for pursuing that course was an attempt to gag the Press in the expectation that the outcome would be unfavourable. The Chairman refuted this suggestion.

584. MRS JOAN TATE

The Chairman advised the Committee with regret of the recent death of Mrs. Joan Tate, the wife of the former Chairman of the Council, that her funeral was to be held the following morning and that a wreath had been sent from the Council.



ROCHFORD DISTRICT COUNCIL

SPECIAL POLICY AND RESOURCES COMMITTEE - 8TH DECEMBER 1988.

REPORT OF CHIEF EXECUTIVE & DIRECTOR OF FINANCE

PROPOSED TRANSFER OF COUNCIL STOCK TO
THE CROUCH VALLEY HOUSING ASSOCIATION
THE BALLOT.

1. Introduction.

The Chief Executive & Director of Finance reminds Members that it is now over twelve months since he first reported to Committee on the nature and implications of the then proposed housing legislation, the first part of which received the Royal assent in November 1988.

The purpose of this report is to briefly summarise the events that have led up to the ballot currently taking place, and to detail more specifically the action taken in the period immediately before the ballot and since the ballot began.

2. Council Policy


The Council policy established since September 1987 is clearly set out in the Council Minutes since that time, and a summary of them is attached as appendix 1.

3. Period Preceding the Ballot.

This part of the Report is divided conveniently into three main areas. The public and other meetings organised by the Council, publications issued to tenants prior to the ballot, and the material issued with the ballot paper.

3.1 Three public meetings were held during October, a copy of the advertisement issued, guidance notes which were used by the Chairman Councillor Pearson in conducting the meetings and the speaking notes used by the Chief Executive in making his presentation, are attached as appendix 2.

Arrangements were made to transport some tenants to those meetings, which despite the bad weather were reasonably well attended, although there were a large number of people associated with the Rochford Housing Action Group who attended all of the meetings and who dominated the question



sessions, which were controlled by speakers cards. All questions raised at the meetings were answered by the three speakers, the Chief Executive & Director of Finance, the Chairman of the Crouch Valley Housing Association and Averil George from the Rochford Housing Action Group.

The Chief Executive & Director of Finance, together with Mr. Scoging from the Housing Section, attended meetings at each of the sheltered accommodation schemes, as set out in appendix 3. Those meetings were well attended and the Chief Executive used the speaking notes referred to earlier, but more informally. After each session there was general discussion about other matters concerning tenants.

Invitations to political meetings were declined, but the Officers attended one or two other meetings arranged by interested organisations.

3.2 Publications issued to the tenants prior to the ballot were:-

Leaflet from Crouch Valley Housing Association.

Summary of Touche Ross report.

Projected rent comparisons.

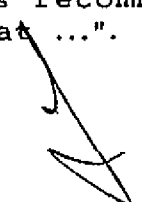
Crouch Valley Housing Association Tenancy Conditions.

These are shown in appendix 4.

The Council also included a centre page spread, together with headlines in the October publication of the Rochford News. That publication also contained a stop press, inviting persons within the district to examine the Touche Ross report, or be sent a summary.

3.3 There were four documents that accompanied the ballot paper.

Each of these documents were submitted to the Electoral Reform Society before being printed. It is understood that the Electoral Reform Society made a number of comments on the Rochford Housing Action Group leaflet, and reference is made to this later in the report. The Electoral Reform Society caused the instruction to voters leaflet to be changed in one respect only. In the original draft, it read "The Council has decided ... that it will make its decision on the basis .. ". This was altered to "The Council has decided ... that it will make its recommendation to the Secretary of State on the basis that ...". The significance




of that alteration is referred to later in the report. There were a number of meetings, and a number of leaflets have been issued by other organisations. It is understood that most of these were made available to Councillors, but there was no official communication concerning them to the Council Offices, therefore no attempt is made to summarise or reproduce them.

4. The Ballot Paper

It has been said since, that the Council intended to design the ballot paper. The Chief Executive & Director of Finance does not believe that to have been the intention of Council, and indeed nor could that have been made possible. The ballot is being conducted by the Electoral Reform Society who have a similar position to that of a Returning Officer, and as such would have the final word on the format not only of the ballot paper, but of the leaflets that were contained within the envelope, and indeed the envelope itself. Their role is a neutral one, and it would clearly have been incorrect for any of the parties to attempt to design the ballot paper and the way in which the question was addressed.

However, since no ballot paper is prescribed in law, and the Rochford ballot was to be one of, if not the first, discussions regarding it took place over a long period of time - September to October. Initially it was felt that the ballot paper would resemble one used for normal election purposes, as illustrated in the one used by Chiltern District. The form was discussed at a number of meetings between the Chief Executive & Director of Finance, officers of the Department of the Environment and the Electoral Reform Society. The paper took various forms during the course of those discussions, but what was thought to be a final draft at the Department of the Environment during a meeting at Marsham Street on the afternoon of the 28th September, was not.

Other copies of that draft were faxed to the Electoral Reform Society and both of the Council's consultants, during the week ending 1st October. A letter dated 30th September was received from the Electoral Reform Society regarding the wording concerning abstaining voters. Following receipt of that letter, there were discussions by telephone with Owen Thomas upon his return from holiday, Richard Gibson of the Department of the Environment before he went on holiday and Jonathan Adlington upon his return from holiday, then a form was finally approved on the morning of 20th October 1988. During that morning, since the Chief Executive & Director of Finance was to be out of the district that evening and the following day, he asked for a faxed copy of the printers draft in order that it could then be despatched to

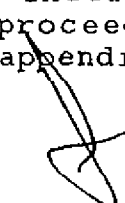


Councillors on the Friday. On arrival, the document was in error, and such was the importance attached to the subject, that the Chief Executive & Director of Finance personally dictated a note to the Society regarding the amendments. A copy of the revised ballot paper was faxed to him in a hotel in York, from where he authorised the despatch of that ballot paper to Councillors on the 21st October, having dictated the letter prior to his departure. The relevant documents concerning this part of the report are shown in appendix 6.

5. Wording of Abstention Advice

The Electoral Reform Society were engaged to conduct a legal ballot, on which the Department of the Environment as well as the Council could then make their decisions. A local authority cannot transfer its housing stock to any organisation without the approval of the Department of the Environment, thus the significance of the word "recommended" rather than "agreed" or "decided". Tenants have been clearly told in the instruction leaflet, how the Council will make its decision following the ballot result. A Council could not make the rules which govern the way in which the Department of the Environment will consider the matter. It is understood that those authorities who are currently, or who have recently balloted, are all using the standard wording, both the Department of the Environment and the Electoral Reform Society have been challenged by leading political and other figures, but they remain of the view that a ballot using other wording would have been incorrect. The advice that the Chief Executive was given was that if a ballot were to proceed with the wrong wording, that the whole exercise might be put aside, and the Council asked to re-ballot the tenants.

The Chief Executive was working for a Council that had clearly established policy regarding the necessity for a ballot. At no time had any Councillor moved any motion or amendment in an attempt to design the ballot paper, and in any event that would have been wrong. Nor has any Member put forward a motion or amendment in an attempt to defer the ballot. It was clearly the intention of the Council to hold the ballot, although there was a developing impatience which would cause the Chief Executive & Director of Finance to know that the Council would want the ballot to take place in November. Legal advice was taken, upon which the Chief Executive & Director of Finance based his decisions, he did not think it prudent to consult senior Councillors, although there was some correspondence which is referred to within the report. The Chief Executive made the decision himself for the ballot to proceed and the relevant correspondence and advice is shown in appendix 7.



6 Tenants Associations and Action Groups

These have been well organised, influence by the combined action groups and tenants associations. Members had already received the minutes of an earlier meeting held with the Chief Executive & Director of Finance and the Tenants Associations. Arrangements to have other meetings were frustrated, but none the less the advice of Council was communicated through to them, and from them to the tenants. Appendix 8 refers.

7. Ballot Leaflet from Rochford Housing Action Group

The letter attached in appendix 8 was also sent to each of the interested groups, and paragraphs 3 and 4 clearly indicate the rules determining the inclusions within the leaflet to be produced by them. The Chief Executive & Director of Finance did not know until he received a copy via a tenant, that the leaflet was two sheets of A4 and not one. He also understands that there was a dispute between them and the Electoral Reform Society regarding the final document. The Electoral Reform Society have been requested to advise the Council in their report as to the nature of that consultation. The Housing Association have registered their objections, as shown in appendix 9.

8. Advice to Councillors

The Chief Executive & Director of Finance began issuing advice to Councillors from the period of December to the present date. This in addition to the various reports that have gone to the meetings. In addition to the letter already referred to, he reminds Members of his letters dated 20th, 28th October, 1st, 4th and 8th of November.

There were also a number of press releases, copies of which were sent to Members.

9. Correspondence with Councillors

During the period immediately prior and after the commencement of the ballot, there was extensive correspondence with three Councillors.

Councillor Skinner:

7th October
31st October
9th November

Appendix 11

Councillor Mrs. Hunnabale:

13th October

Appendix 12

Councillor Boyd:

7th October

14th October (3)

7th November (3)

11th November

Appendix 13

10. Consultants Fees

The Chief Executive & Director of Finance has reported several times upon the likely fees to consultants, which are as follows:

	<u>Previously reported</u>	<u>Final Estimate</u>
Trowers & Hamlins	£26,248.	£26,248.
CSL	£22,830.	£24,633.
Touche Ross	£5,000.	£11,000.
	<hr/>	<hr/>
	£54,178.	£61,881.
	=====	=====

The total cost will be charged to the transaction if the transfer goes ahead, or would otherwise be born by the housing revenue account.

In view of the number of other ballots now taking place, it is thought unlikely that the Department of the Environment would make a grant towards expenditure.

11. Crouch Valley Housing Association

The expenditure of the Crouch Valley Housing Association to be met by the Council as follows:-

	£
Registration Fees	540.00
Printing & Stationery	
(2 booklets and tenants conditions) etc	5,345.00
Travelling and Subsistence	345.00
Consultants Touche Ross	5,000.00
	~~~~~
	£11,350.00
	=====

This sum, together with interest, would be received from sales proceeds in the event of the transfer taking place, otherwise it would in accordance with the Department of the Environment approval, be met by the Council and similarly charged to the Housing Revenue Account.

#### 12. The Cost of the Ballot

The Electoral Reform Society fees as estimated, attached Appendix 14. Up to £1,500 for the printing and publication costs of the Rochford Housing Action Group. The cost of the Council's printing is estimated at £500.

#### 13. The Ballot


The ballot commenced on the 4th November, and will end on the 2nd December. Officers of the Electoral Reform Society will begin to visit those tenants who have not returned ballot papers, or who have returned blank ones, from a period commencing Monday 28th November. In an attempt to make contact with each of those tenants, each house will be visited at least once before the ballot ends.

The report of the Electoral Reform Society will contain the result of the ballot and will be faxed, or collected from the Society on the 6th December, and will be issued immediately to the Council, Councillors and the media on that day.

The Electoral Reform Society have been asked to supply the following information:-

1. The number of ballot papers issued of both types.
2. The number of tenants recording their votes in favour or opposed to the proposals in both categories, such information also to show non-valid papers and the number of those tenants who did not return the ballot paper, and/or who otherwise abstained from voting. There will be a further division for memorandum purposes only, of the votes of those tenants who have already commenced the Right to Buy process.

The Chief Executive & Director of Finance will report to the meeting on the 8th December as to the precise number of tenants, in order that the Council can arrive at their decision as to what will be recommended to the Department of the Environment. The Council is reminded that they have advised tenants through the instruction leaflets that accompanied the ballot paper, how they would regard abstaining voters. There has been no Council sponsored activity during the ballot period, although it is



understood that some Councillors have been visiting houses during this period. A recent statement made by Averil George of the Rochford Housing Action Group said that they "had canvassed every house". A recent statement made by the Town Manager of Basildon referred to in the Evening Echo said that "Basildon has had observers in Rochford".

#### 14. Conduct of Officers.

At no time since the policy was first established has any Officer attempted to persuade any tenant as to how they should vote. Considerable efforts have been made to ensure that the tenants knew the issues before the ballot began. Many Officers of course have personal views, and all are deeply concerned at the prospects for housing policy in the event of the transfer not being successful or some adequate substitute policy being approved by the Council. They are also concerned about the level of rents which will have to be charged to tenants from the year 1990.

The Chief Executive & Director of Finance, and to a lesser degree the Chief Housing Manager, in his capacity as General Manager Designate of the Crouch Valley Housing Association, have attended a number of professional meetings throughout the country, explaining Council policy on this subject, the Chief Executive & Director of Finance having presented papers to C.I.P.F.A. and A.D.C. conferences, Local Government Chronicle Seminar and a number of meetings arranged by the Institute of Housing and the Institute of Housing and Town Planning. The cost of such attendances have been met entirely by the professional organisations.

In the event of the Council proceeding with the transfer, the submission, a draft of which has already been sent to Councillors, will be sent as soon as possible after 13th December, a copy of that submission will be sent to Members as soon as possible thereafter.

Background papers: File number 31881.  
Made public by Minute 385 (5.88)



ROCHFORD DISTRICT COUNCIL


SPECIAL POLICY AND RESOURCES COMMITTEE - 8TH DECMEBER 1988.

ADDENDUM TO REPORT OF CHIEF EXECUTIVE & DIRECTOR OF FINANCE

PROPOSED TRANSFER OF COUNCIL STOCK TO  
THE CROUCH VALLEY HOUSING ASSOCIATION  
THE BALLOT.

In referring to the 4th paragraph of his letter to Councillor Skinner, item number 9 and appendix number 11 of his report to the Special Policy & Resources Committee, attached is a copy of a letter that has been written to the persons who are referred to in that letter.

Attached also is correspondence with Age Concern relevant to item 3.1, paragraph 4 of his report, together with an earlier form of the ballot paper, to which item 4 paragraph 3 of his report refers.



# ROCHFORD DISTRICT COUNCIL

DAVID ELLIS M I H  
Chief Housing Manager

My Ref DE/SE  
Your Ref  
Extension 3202



COUNCIL OFFICES  
SOUTH STREET  
ROCHFORD  
ESSEX  
SS4 1BW

TEL (0702) 546366  
FAX (0702) 545737

22nd November, 1988

Dear Sir/Madam,

You may have read that the Council is currently balloting its secure tenants in order to ascertain whether Crouch Valley Housing Association should take over the ownership and management of the housing stock.

Whilst you are not being balloted on this proposal, you will be aware as a leaseholder that the Council provides certain management and services to you for which you pay an annual service charge. The type of service and level of charge are controlled by your 125 year lease of the premises.

Should the Council agree to transfer their freehold interest in the premises the new freeholder will be bound to continue to provide a similar service. The reason I am writing to you is to confirm that should Crouch Valley Housing Association take over the freehold, the provision of service will continue as at present and you should notice no difference either in the management or level of service other than the name on the invoice for our annual service charge.

The result of the ballot will be known on 5th December and should the Council retain its housing stock, you will hear no more. However, if it is decided that Crouch Valley Housing Association will take over the stock this will occur in April 1989 and I will write to you again before that time to appraise you of the new arrangements

Yours sincerely,

A handwritten signature in ink, appearing to be 'D Ellis'.

Chief Housing Manager.

A handwritten signature in ink, appearing to be 'D Ellis'.

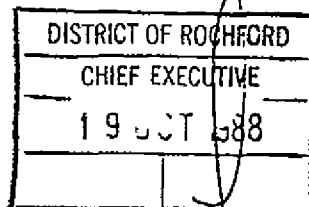
601555

Age Concern England  
National Council on Ageing

SG/DB/EH

17th October 1988

Mr Arthur G Cooke  
Chief Executive  
Rochford District Council  
Council Offices  
South Street  
ROCHFORD Essex SS4 1BW



Bernard Sunley House  
60 Pitcairn Road  
Mitcham Surrey CR4 3LL  
Telephone: 01-640 5431  
Telex 8956502 Cresnt G  
Fax: 01-648 7221

**AGE**  
*Concern*

Dear Mr Cooke

Proposed Transfer of Rochford D.C. Housing Stock

We have received detailed correspondence on behalf of two Rochford District Council sheltered housing tenants, relating to the proposal to transfer the council's stock to a newly created housing association. I am wondering if you might be able to comment on the points made to us, and to respond to some more general points we have raised. As you know, a significant proportion of the council's stock is sheltered housing which is to be excepted from the Tenants' Choice proposals, and the transfer of this stock to a housing association therefore raises a number of issues.

It would be most helpful if you could comment on the points raised in the attached letter to Age Concern. You will see we have erased reference to the particular tenants in order to respect confidentiality, and as the same issues affect all tenants these details do not in any event seem important. You will see the correspondent feels that undue pressure has been exerted on elderly tenants to accept the transfer proposals, and your comments on these points would enable us to send a more full and balanced reply.

Age Concern, as you may know, is entirely non-party political, and our stance on Tenants' Choice (which of course has not yet been introduced) has mainly been to urge the Government and housing providers to ensure that tenants are provided with clear, accurate information about their future rights before making a decision on any transfer to a new landlord. Along with many other organisations we are also opposed to the Tenants' Choice voting system, as we fear that some elderly tenants who may be confused by the proposals will refrain from voting, imagining that this constitutes a vote for staying with the council.

I should also add that Age Concern welcomed the exemption of sheltered housing from Tenants' Choice, as we feel it is essential for local authorities to retain their stock of housing particularly suitable for elderly people.

Conf.

Registered Charity 261794

*Patron* HRH The Duchess of Kent *President* Lord Seaborn *Vice Presidents* Professor John Brocklehurst CBE, Lord Goodman CH, Sidney De Haan OBE, Jack Jones CH MBE, Dame Vera Lynn DBE, Sir Alan Marre KCB, Sir John Mills CBE, Sir Leslie Porter CBE, Ann Spokes, Professor Olive Stevenson  
*Chairman* The Rt Rev Dr David Say KCVO *Vice Chairman* Elisabeth Littlejohn OBE *Vice Chairman and Hon Treasurer* Laurie Cockburn *Director* Sally Greengross

001556

Age Concern is, as I have said, very keen that no elderly tenant should have to make a decision on the basis of unclear information. With the Housing Bill still in Parliament, with Housing Corporation guidelines on approved landlords not yet finalised and with Housing Association Grant levels not yet announced, it is difficult for either the Government or organisations such as Age Concern to issue clear advice to council tenants about their rights in terms of security and rent levels etc., and I am wondering how you have approached this problem in Rochford.

Given that all the consultation documents and related correspondence from the council are in favour of the transfer, it would be helpful to know what other sources of advice might have been available to tenants locally, specifically advice which does not support one or other option.

In the near future I feel it is highly likely that elderly council tenants nationwide will be contacting us for advice about transferring to a new landlord. The issues raised in Rochford are clearly relevant to any future transfer proposals and your reply to this letter will help us to understand these issues.

Thank you for your assistance in this matter. I look forward to hearing from you.



Sally Greengross  
Director





# ROCHFORD DISTRICT COUNCIL

ARTHUR G COOKE I PFA FRVA  
Chief Executive & Director of Finance



COUNCIL OFFICES  
SOUTH STREET  
ROCHFORD  
ESSEX  
SS4 1BW

Telephone Southend 546366

Extension 3000

My Ref AGC/J/31881

Your Ref SG/DB/EH

Date 24th October, 1988. Ref MBX 702540266

Dear Sally Greengross,

## Proposed Transfer of Rochford District Council Housing Stock.

I thank you for your letter dated 17th October, and I am glad you have written because as you may know, Officers of mine have contacted both your London and Chelmsford branches to express concern about the representations that are being made to our tenants, apparently with your organisations full consent.

In your absence, my Secretary has spoken to your's, and I do feel that it would be helpful to us both and to the tenants of Rochford if you could come down here and see for yourself what has been taking place.

The matter came to a head when three persons arrived at one of our centres and caused the warden to believe that they were representatives of Age Concern. They were in fact members of the Rochford Housing Action Group, including Miss George and Mrs. Phillips to whom I believe many of the references made in your letter relate. I believe the letter which you have received seriously misrepresents all that the Council have been doing, both in terms of its policy formulation and in its dealing with tenants.

The Rochford Housing Action Group whose principal spokesmen are not Council tenants and include a shop steward from neighbouring Basildon (where a debate is taking place regarding the future of New Town homes), has been extremely active since April 1988, and as you will see from the enclosed documents, the Council has been making facilities available to them.

I am enclosing a copy of an article that I wrote in the early stages of our policy, and also another which I have just completed which will be included in a journal to be published later this year. Those articles do, I believe, explain very thoroughly Council policy and its application.

Sally Greengross,  
Age Concern,  
Bernard Sunley House,  
60, Pitcairn Road,  
Mitcham, Surrey,  
CR4 3LL.

A large, stylized handwritten signature, likely of Arthur G. Cooke, written in dark ink.

001558

I am also enclosing a report of mine that went to the Policy & Resources Committee of the Council on the 27th September, for in it you will see that I have detailed various things that we have done, and are about to do, in connection with this ballot.

We have now completed the public meetings, and there was a good attendance at each, and at the request of the wardens I have begun to visit each of our aged persons centres. Let me explain.

In addition to the various documents that I have referred to in my report and those mentioned in the letter to you, there have been pamphlets and circulars from both the Labour and SLD parties on the Council, which appear to have gone to all tenants.

During one of my regular visits with staff, the wardens expressed concern about the things that some tenants were being told by those who said they were either Councillors or representatives of the Tenants Association or Action Group. Let me list those things.

Some tenants have been told:

That if they go to the Crouch Valley Housing Association, they will be moved out of their house.

That someone will come and measure up the house, and if it is too large, they will be moved.

That their rents will be much higher.

That their security will be less, and that they may be evicted.

That their children may be taken into care.


That the property may be sold off to foreigners.

That the Council is not observing the law, and is about to face High Court action.

None of these things are true, nor of course is there the slightest risk that any of these things could occur. The Council has tried extremely hard to remove these doubts from peoples minds.

I must confess that at first I felt to send the tenants a lot of information would confuse them, but later we took the view that tenants should have access to all the information that was available in order that they could arrive at their decision having been given a considerable period of time to discuss the matter with family, friends, the Citizens Advice Bureau and any other organisation, they care to approach.

Let me talk to you about my visits to the sheltered accommodation schemes. I have no intention of becoming involved in a war of words, that serves no purpose, but I believe that the reaction of tenants to my visits has been totally different to that represented to you.



Those visits were at the request of the wardens, and I made arrangements through the wardens to meet those tenants who wished to see me, and in all centres there has been a very high turnout. I explained the issues to them, putting forward both the proposing and opposing views, and explained the implications for those who were in receipt of maximum housing benefit, and those receiving no benefit at all. I explained the Government's intentions, and I must say that the vast majority of the people I spoke to appeared to fully understand all of the issues.

I am used to dealing with elderly people. I have a part time interest in looking after ex long-stay psychiatric patients, and I look after the affairs of three Aunts, all in their 80s, and therefore know how to approach the problem sensitively, and of course I have other housing staff and the wardens with me at all times. At the end of my talk and explanations, I made it clear that I was not trying to persuade them one way or the other how to vote, but I hoped that they would vote because it was an important issue for all of us. I also asked them openly if I had caused any upset to any of them, and there was only one case where a tenant said she was upset, and when I looked into that matter, I found it was in connection with the housing benefit which had been given considerably publicity in the local newspaper at an earlier stage.

I am also attaching a copy of a recent political circular that has been issued to many of the homes, and several tenants have complained to us that a man delivering that circular walked into houses and flats and asked them to sign a document which "just shows that I called to see you". An earlier publication of the Rochford Housing Action Group indicated an affiliation with the Labour Party, but the more recent documents have not.

Finally Sally, I think you should appreciate how seriously we view the problems on housing in this area. If we cannot develop a sensible relationship with a Housing Association, none of those existing in our area at the moment will take homeless people, the numbers of whom now exceed the number of vacant units, and we know we will not be able to build any more houses after next year. Homeless people now include aged persons, this due to the number of cases where such people fall out with the owners of nursing homes etc., of which there are many in our area and neighbouring Southend.

I can assure you that this is not some political move by an Authority to introduce some revolutionary method of housing management. It is in direct response to the proposed legislation, and in what we are doing we have been given every encouragement by the Department of the Environment, the Housing Corporation who have registered the Housing Association, and the Federation of Housing Associations, with whom they are affiliated.

I do urge you to come and see what we are doing.



I am also attaching a copy of the Voluntary Code, which is exactly based on the Rocnford model.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'A. G. Cooke', written in a cursive style.

Arthur G. Cooke,  
Chief Executive &  
Director of Finance.

# ROCHFORD DISTRICT COUNCIL



C - E B A L L O T

COUNCIL OFFICES  
SOUTH STREET  
ROCHFORD  
ESSEX  
SS4 1BW  
TEL 07021 546366  
FAX 07021 54573

The Council would like Crouch Valley Housing Association to take over the management and ownership of most of its housing. The arguments for and against are explained in the accompanying documents. We are asking your opinion so that a decision can be taken. Please indicate your choice below.

1. Crouch Valley Housing Association Limited  
to become the owners of the housing stock.

(Tick one box only)

(a) I am in favour of the proposal

☐

(b) I am opposed to the proposal

☐

2. Crouch Valley Housing Association Limited  
to manage the housing stock.

(Tick one box only)

(a) I am in favour of the proposal

☐

(b) I am opposed to the proposal

☐

IF YOU DECIDE NOT TO VOTE THAT  
WILL BE TAKEN AS A VOTE IN FAVOUR

This ballot does not replace your right to make representations to the Secretary of State, Department of the Environment, at 2, Marsham Street, London, SW1P 3EE

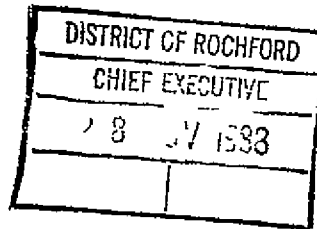
This ballot paper should be sent to the Electoral Reform Society in the stamped addressed envelope provided. Your decision will be kept secret

Official Ballot Form  
No . . . . .

001562

Age Concern England  
National Old People's  
Welfare Council

Ref SG/EM/DEP



Bernard Sunley House  
60 Pitcairn Road  
Mitcham Surrey CR4 3LL  
Telephone: 01-640 5431  
Telex: 8956502 Cresnt G

Mr A G Cooke  
Chief Executive and Director of Finance  
Council Offices  
South Street  
ROCHFORD  
Essex SS4 1BW

**AGE**  
*Concern*

22 November 1988

*Dear Mr Cook*

Proposed Transfer of Rochford District Council Housing Stock

Thank you for your letter and enclosures of 24 October and for your kind invitation for me to visit Rochford.

As voting on the proposed transfer has now commenced, it is difficult to see how a more active involvement at this late stage could benefit elderly people in the area. Like you, I do hope that tenants exercise their right to vote, whether or not they support the proposals.

It was only at a relatively late stage that we became involved in our 'honest broker' role, and certainly, developments in Rochford have given us an insight into the problems that can occur when the possible transfer of stock is under question, and this will help us in tackling similar issues as they come in the future.

*Your sincerely,  
Sally Greengross*

Sally Greengross  
Director

A large, stylized handwritten signature in dark ink, appearing to read "Sally Greengross".

DATE

*24/1/89*

Registered Charity 261794

*Patron:* HRH The Duchess of Kent *President:* Lord Seebohm *Vice Presidents:* Professor John Brocklehurst OBE, Lord Goodman CH, Sidney De Haan OBE, Jack Jones CH MBE, Dame Vera Lynn DBE, Sir Alan Marre KCB, Sir John Mills CBE, Sir Leslie Porter CBE, Ann Spokes, Professor Olive Stevenson.  
*Chairman:* The Rt. Rev Dr David Say *Vice Chairman:* Elisabeth Littlejohn OBE *Vice Chairman and Hon Treasurer:* Laurie Cockburn *Director:* Sally Greengross

001563

ROCHFORD DISTRICT COUNCIL

Minutes of the Council

At a Meeting held on 13th December 1988. Present: Councillors R.A. Pearson (Chairman), R.S. Allen, R.A. Amner, P.A. Beckers, C.I. Black, R.H. Boyd, Mrs. R. Brown, W.H. Budge, Mrs. P. Cooke, B.A. Crick, C.J.B. Faherty, Mrs. J. Fawell, T. Fawell, D.F. Flack, J.A. Gibson, I.R. Godfrey, Mrs. P. Godsell, Mrs. V. Grigg, M.J. Handford, N. Harris, Mrs. E.M. Hart, A.J. Harvey, G.J. Hooper, Mrs. M. Hunnable, S.N. Jarvis, Mrs. S.J. Lemon, Miss B.G.J. Lovett, Mrs. E. Marlow, J.M. Roden, J.A. Sheaf, S.H. Silva, S.A. Skinner, C. Stephenson, Miss D.M. Stow, Mrs. L. Walker, P.F.A. Webster, D.A. Weir, D.C. Wood and C. Wren.

Apologies: Councillor D.R. Helson.

585. MINUTES

Resolved that the Minutes of the Meeting of 8th November 1988 be approved as a correct record and signed by the Chairman, subject to Minute 513(1) - Policy on Equal Opportunities - being amended to include a supplementary question on whether the quoted percentage of the Council staff at S01 level and above who were women represented one or two people.

586. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Council that December was a particularly busy month with Civic engagements at schools and parties and that he was very much enjoying the experience. He asked that as many Members as possible should support the Civic Carol Service on the evening of Sunday 18th December 1988 at the Mill Hall, Rayleigh which was scheduled to commence outside at 6.30 p.m. around the lit Beacon.

587. ERNIE ADCOCK TROPHY (Minute 455/88)

The Chairman presented the Ernie Adcock Trophy to the Captain of the Rochford Rugby Team and congratulated him on their outstanding achievement in taking first place in that sport in the 1988 Essex Games.

588. MINUTES OF COMMITTEES

Resolved (1) that the Minutes of Committees be received and the recommendations contained therein as amended be adopted.

(2) that the Common Seal of the Council be affixed to any document necessary to give effect to decisions taken or approved by Council in these Minutes.

<u>Committee</u>	<u>Date</u>	<u>Minute Nos.</u>
Health & Housing Services	15th November 1988	515 - 528

Prior to moving the individual recommendations of his Committee the Chairman asked Members to note that Councillors D.F. Flack, I.R. Godfrey, and S.H. Silva were present at the above Meeting and their names were added to the list of those attending. (SEC)



001564

## Council

### Minute 517 - Southend Health Authority Consultation Paper - "Working in Partnership: A Joint Strategy for Services for the Elderly"

A Member advised that respite care was intended not for the staff, as recorded in the Minute, but for the carers involved with the elderly.

Some Members expressed concern that there still appeared to be problems with the cook-chill system at Rochford Hospital, possibly associated with distribution rather than preparation and it was agreed that the matter should be investigated and a report made to the next Meeting of the Committee.

Resolved that arrangements be made accordingly. (HES)

### Minute 518 - Southend Health Authority Matters

In response to a Member the Council's representatives said that the proposed rationalisation of facilities between Rochford and Southend Hospitals was still subject to review and that a report on a consultation document on the subject giving clarification would be made to the next Health & Housing Services Committee.

### Minute 522 - Noise Nuisance from Clay Pigeon Shooting

In response to a point raised by a Member the Chairman confirmed that new planning controls were being reported the effect of which would be to reduce from 28 to 14 the number of occasions in any one year on which clay pigeon shooting could take place. (6259)

Planning Services	17th November 1988	529 - 535
Leisure Services	22nd November 1988	536 - 547

### Minute 547 - Rochford District Local Plan - Open Space Development Programme

In presenting this Minute for adoption the Chairman asked Members to note that it was cross-referenced with Minute 560 of the Policy and Resources Committee.

A Member was advised that the identification of a suitable site for open space purposes in the vicinity of Greensward Lane, which had not yet been achieved, would be pursued when the District Plan fell due for review. (2081)(DD)

Development Services	24th November 1988	548 - 557
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### Minute 552 - Rayleigh Sports and Recreational Club

In presenting this Minute for adoption the Chairman asked Members to note that it was cross-referenced with Minute 560 of the Policy and Resources Committee.

Policy and Resources	6th December 1988	558 - 578
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## Council

### Minute 561(D) - Audit Panel (Tenders for Leisure Management, Catering and Bars - Minute 146)

Note: Councillor C.J.B. Faherty declared a substantial non-pecuniary interest in this item by virtue of his membership of the Board of CIRCA Leisure and left the Meeting while it was discussed.

### Minute 563(ii) - Extension of Public Car Park, Rear of Public Library, Southend Road, Hockley

The Chairman of the Committee advised Council that as only one tender had been received under the competitive tendering exercise for the work to extend the car park, fresh tenders were being invited and a report on the virements necessary to meet the cost would be made to his Committee in January. (23664)(T,HES)

### Minute 564 - Byelaws for the Regulation of Dogs

At the request of a Member the Chairman of the Committee agreed that a copy of the draft model byelaws would be made available for public inspection. (6112)(SEC)

### Minute 566 - Sale of Electoral Registers

The Chairman of the Committee concurred with the view expressed by a Member that the decision not to make copies of the Electoral Registers available for sale should apply equally to the Poll Tax Registers when they were introduced. He accordingly suggested that the matter should be considered further at that time if it were necessary so to do.

Resolved that the matter be kept under review and that if necessary a further report be made in due course. (757) (T)

### Minute 567 - Housing Strategy and Policy and the Management Structure of the Council's Administration

In adopting this Minute Members asked that further consideration be given to the managerial structure proposed for the housing function and it was agreed that this matter should be referred to the Staffing Sub-Committee.

Resolved that arrangements be made accordingly. (225)(SEC)

### Minute 568 - The Council's Housing Strategy

In considering the composition of the Housing Strategy Panel, Council accepted the substitution of Councillor B.A. Crick for Councillor R.H. Boyd at the latter's request.

Resolved that the membership of the Housing Strategy Panel be revised accordingly. (225)(SEC)

### Minute 570 - Notices of Motion Received Pursuant to Standing Order 5

#### (1) Memento of Service

In agreeing to the rescission of Minute 163(B)(1)/88 Council accepted on the casting vote of the Chairman the revised policy set out in the second recommendation.

## Council

### (ii) Circulation of Leaflet entitled "Your Rent"

A Member expressed concern that the Chief Executive & Director of Finance had leaned too far in favour of the policy of transferring the housing stock to Crouch Valley Housing Association and that in correspondence he had supplied inaccurate information to Members based upon hearsay evidence. Council rejected those criticisms and endorsed the Committee's congratulation of that Officer for carrying out the policy which the Council had determined. (31881)

### Minute 571 - Rochford Civil Aid

The Chairman noted a request from a Member that endeavours be made to keep the vehicles under cover. (31406) (ACE)

Special Policy & Resources 8th December 1988

579 - 584

### Minute 580 - Proposed Transfer of Council Stock to the Crouch Valley Housing Association - The Ballot

In response to a question from the Leader of the Council, Councillor R.H. Boyd confirmed that the originals of all the letters standing in his name and appended to the report of the Chief Executive & Director of Finance bore his signature. (31881)

### Minute 581 - The Ballot Result

In adopting this Minute some Members referred to the views of the Electoral Reform Society as set out in the final paragraph of their report regarding the treatment of abstentions. They said the number of tenants who had cast a positive vote in favour of the transfer was 180, and that figure had been increased to 567 only by the counting of abstentions. They maintained that their role in contacting tenants had been to ensure they appreciated that other options were available and the importance of completing and returning their ballot papers.

Other Members recalled that there had always been critics of the Authority's housing policy, one of whom had suggested when the formation of the Crouch Valley Housing Association had been first mooted that they would be a better option. In the event it was evident that on a partisan basis the minority parties had advised the tenants to vote against the proposition. The outcome of the ballot was therefore ironic, since the majority of tenants clearly regarded the Authority as good landlords whom they would not wish to lose. The result however, meant that the Authority had lost the opportunity to rid itself of debt, to acquire capital for new schemes and to promote a Housing Association which could build new homes for those on the waiting list.

No one could claim that outcome as a victory; the tenants would experience greater increases in rents than would otherwise have been the result and the possibility of alleviating the burden on the ratepayers by virtue of the sale price of £17m no longer existed. As regards the voting system it could not be denied that it had achieved a massive response, and the precedent on abstentions had been set by a Labour Government some years ago when they had conducted referenda on the subject of devolution.


Council

589. SUSPENSION OF STANDING ORDERS

During discussion of Minute 570(ii) it was

Resolved that Standing Order 1.8 be suspended to enable the remaining  
business to be transacted.

CHAIRMAN



DATE

31/1/89

001568

ROCHFORD DISTRICT COUNCIL

Minutes of the Council

At an Extraordinary Meeting held on 13th December 1988. Present:

Councillors R.A. Pearson (Chairman), R.S. Allen, R.A. Amner, P.A. Beckers, C.I. Black, R.H. Boyd, Mrs. R. Brown, W.H. Budge, Mrs. P. Cooke, B.A. Crick, C.J.B. Faherty, Mrs. J. Fawell, T. Fawell, D.F. Flack, J.A. Gibson, I.R. Godfrey, Mrs. P. Godsell, Mrs. V. Grigg, M.J. Handford, N. Harris, Mrs. E.M. Hart, A.J. Harvey, G.J. Hooper, Mrs. M. Hunnabale, S.N. Jarvis, Mrs. S.J. Lemon, Miss B.G.J. Lovett, Mrs. E. Marlow, J.M. Roden, J.A. Sheaf, S.H. Silva, S.A. Skinner, Miss D.M. Stow, Mrs. L. Walker, P.F.A. Webster, D.A. Weir, D.C. Wood and C. Wren.

Apologies: Councillor D.R. Helson.

590. SUSPENSION OF STANDING ORDERS

At the commencement of the Meeting it was

Resolved that Standing Order 1.8 be suspended to enable the business to be transacted.

591. REPORTS ISSUED PURSUANT TO THE REQUISITION

Members had before them the appended reports of the Chief Executive & Director of Finance and the Secretary to the Council as specified by the requisition together with the appended report issued by the minority group.

The Leader of the Council asked Councillor Boyd whether it was his own signature on the requisition for the Meeting and on his letter of ~~18th November~~ *27th October* because they appeared to be at variance with the signature on other letters received from him. In response Councillor Boyd affirmed that he had signed both those documents, adding that whilst he normally signed his full name on a letter and initials and surname on a cheque or business document he sometimes varied that practice if he was in a hurry.

The Chairman of the Council suggested that the Officer's reports should be formally received without debate. With regard to the minority party report he reminded Council that the Extraordinary Meeting could deal only with the business set out in the summons which excluded that section relating to the calling of the Meeting itself.

In speaking to that report the Leader of the Opposition Group recalled that a form of wording had been chosen by Council as a warning to tenants on the treatment of abstentions after an attempt to adhere to the traditional method of balloting had been defeated. Although the choice of words had been reaffirmed by Council at a later date a different format had been used on the ballot paper. He had sought an explanation as to the discrepancy which had not been forthcoming until recently but he ~~was~~ *accepted* ~~satisfied~~ that the situation was unique.

He was also concerned that the document "Tenants Choice" published by the DoE last November from which he quoted made it clear that notwithstanding claims to the contrary the individual preferences of tenants as expressed in the ballot would not be kept secret but would be revealed to the prospective new landlord and that those tenants against the transfer would remain with the Council as landlord. That was the reason he had requisitioned a Meeting before the ballot had taken place.

*Amended by Minute 53/89  
Council 31.1.1989*

*[Signature]*  
001569

Extraordinary Council

He concurred with the suggestion of the Chairman that in the light of the outcome of the ballot the reports which had been sought did not now require discussion.

The Chief Executive & Director of Finance advised Council that the section which had been quoted from "Tenants Choice" did not apply to voluntary transfers and that the Council had proceeded in accordance with that procedure.

On the Motion of the Leader of the Council it was

Resolved that Section 2 of the minority party report be referred to the Housing Strategy Panel for consideration. (225)(SEC)

A handwritten signature, possibly of the Council Leader, consisting of a large, stylized 'M' or 'W' shape with a long vertical stroke extending upwards from the top right.

ROCHFORD DISTRICT COUNCIL

EXTRA-ORDINARY COUNCIL MEETING - 13TH DECEMBER 1988.

REPORT OF THE CHIEF EXECUTIVE & DIRECTOR OF FINANCE.

Note: In reading this report, Members are asked to refer to the report of the Chief Executive & Director of Finance (CE&DF) to the Special Policy & Resources (SPR) Committee on 8th December 1988 and to bring that report with them to the Extra-Ordinary Council Meeting.

The CE&DF reports to the Extra-Ordinary Meeting of the Council on the items requested in the letter from several Councillors to the CE&DF dated 27th October 1988 (attached to the Agenda).

Item 2 of that requisition refers to a letter which Councillor Boyd sent to the CE&DF on 23rd October 1988. (a copy of which is attached) also formed part of appendix 13 of the Report to the SPR Committee of the 8th December.

Item No. 1 of the Requisition.

This information was supplied to all Members in a letter dated 1st November 1988. Also in the last paragraph of the letter to Councillors dated 28th October. It was previously referred to in the 2nd, 3rd, 4th and 5th paragraphs of his letter to Councillor Boyd dated 14th October, and these are referred to in Sections 8 and 9 of the report of the CE&DF to the SPR Committee, which also refer to appendices 10 and 13.

Item No. 2 of the Requisition

Question No. 1:

The wording concerning the treatment of abstentions was defined by the Council, and incorporated within advice given to tenants in the documentation "Instructions to Voters", the report of the CE&DF to the SPR Committee item 3.3, 4 and 5 and appendix 5 referring. That



001571

information was given to tenants in every form of communication to them, whether written or verbal.

Question No. 2:

Council policy can only be defined and therefore varied, by Council, and it has been complied with totally throughout the whole of the process leading to the end of the ballot period. Item 5 of the CE&DF's report to SPR Committee refers.

Question No. 3:

The draft thought to be final, was submitted to the D o E on the afternoon of the 28th September and faxed to the Electoral Reform Society and the Consultants during that same week. Item 4 of the CE&DF Report to SPR Committee and appendix 6 refer, as also does the addendum report issued to Members on 2nd December 1988.

Question No.4:

There were several communications with the Electoral Reform Society, and the D o E following receipt of the letter from the Electoral Reform Society on the 4th October 1988. Those communications are referred to in the 3rd paragraph of item No. 4 of the CE&DF report to SPR Committee and the letter to all Councillors dated 20th October 1988, appendix 10. It is also referred to in the second paragraph of a letter to Councillor Skinner on 7th October, to Councillor Boyd in the second paragraph in a letter to him of the same date, and in the 7th, 8th and 9th paragraph of the letter dated 14th October and the second paragraph of the letter of 21st October both to Councillor Boyd.

Question No. 5.

The printer was advised of the wording by the Electoral Reform Society some time between 13th October 1988 (a letter to the Electoral Reform Society dated 13th October, second paragraph refers) and the 20th October when the receipt of a ballot paper draft was received, and which was in error, to which the instructions of the same date dictated by the CE&DF refer. These matters are dealt with in paragraph 3 of item 4 and appendix 6 of the CE&DF report to SPR Committee.



Question No. 6:

The CE&DF is unaware of any statutory right of any Local Government official or Civil Servant to vary Council or Government policy, except where specially authorised to do so; for instance the CE&DF has authority under Standing Order 18 to vary Council policy in consultation with senior Members of Council, and both he and his Chief Officers would be acting contrary to law if they were to carry out actions which are illegal, even where the Council has given instructions for that to take place. It is assumed that Civil Servants are in a similar position, but the CE&DF has no knowledge of the inner workings of the Civil Service in this regard. None of these factors ever applied in these particular circumstances, as Council policy was adhered to absolutely. Thus the further question under number 6 is not applicable.

Background papers:  
CE&DF'S report to SPR Committee  
and File No. 31881.

A handwritten signature, possibly of the name 'J. P.', is written in dark ink. It consists of a large, stylized initial 'J' followed by a smaller 'P' and a long, sweeping horizontal stroke extending to the right.



Richard Boyd

DISTRICT OF ROCHFORD	
CHIEF EXECUTIVE	
24 OCT 1988	

Makurdi,  
180 Hockley Road,  
Rayleigh,  
Essex, SS6 8ET

My ref:

Your ref: AGC/J19/31881 and AGC/J22/31881

23rd October, 1988.

Mr. A. G. Cooke,  
Chief Executive and Director of Finance,  
Rochford District Council,  
Council Offices,  
South Street,  
Rochford, Essex, SS4 1BW.

Dear Mr. Cooke,

CVHA - BALLOT PAPER

Reference is made to your above letter, of the 20th and 21st October respectively, and in particular to the wording

My understanding is that Council policy is specific insofar as the size and exact content of the statement about abstentions is concerned. The Council is the initiator and owner of the municipal housing stock and proposed transfer to CVHA.

The Department of the Environment, as advisers (being civil servants who interpret Government policy and actual law) will decide on whether transfer can take place after the ballot has been completed. Civil servants, and local Government officers do not define policy, they administer and interpret policy. The Housing Act is not yet law, and therefore only politicians can alter or vary the format of the present consultation and voting arrangements with Rochford's tenants.

If the DoE did not like the form or exact wording of the Council's statement on any abstentions, this should be referred to Council for Council to decide whether or not it's preferred wording should be varied. No DoE advice on this point has been given to me, or other Councillors, prior to you circulating the printer's draft of the ballot paper.

The actual wording, to which I refer, was decided upon some months ago. I cannot believe that only in the few days before 20th October, any variation to that wording was suggested by the DoE which prevented you from bringing the matter to the attention of Council before last Friday and before the Printer was instructed to set out the ballot paper. Why were Councillors, the policy makers, not advised of a potential alteration at the same time as the printer?

I have written to you on various occasions during the past two weeks on the subject of the ballot paper - yet despite your long replies, no mention was made of this substantial variation to the "warning" although you must have been aware of it throughout the entire period of our correspondence.

R. H. Boyd, FIPDM, FIMH, FBIM,  
Essex County Councillor  
Rochford District Councillor

Office: 21 Main Road,  
Hockley, Essex, SS5 4QY  
Tel 0702 - 206367  
Telex 995701 Fax 0702 - 205453

- 2 -

In view of the now short timescale available before Policy and Resources, and full Council, and to obviate the need for you to prepare a long reply to this letter, I set out below some straightforward questions to which simple YES/NO replies would be acceptable.

1. The wording, concerning the treatment of abstentions, was defined by Council.

YES/NO

2. Alteration of Council Policy, so clearly defined, can only be by Council.

YES/NO

3. The wording of the Council's statement, as contained in Council minutes, was submitted to the DoE and ERS on the

..... (insert date)

4. Replies and suggested variations to that wording were received from the DoE and ERS on the

..... (insert dates)

5. The printer was advised of the wording on the

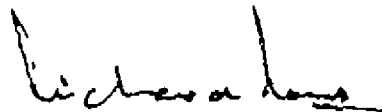
..... (insert date)

6. Are you aware of any statutory right, by Local Government Officials or Civil Servants, to alter the wording of a policy of an elected body?

YES/NO

If YES, may I be advised of the basis of such a right?

Yours sincerely,



Richard Boyd  
Leader of the Opposition.



DISTRICT OF ROCHFORD	
CHIEF EXECUTIVE	
24 OCT 1988	

ROCHFORD DISTRICT COUNCIL

EXTRA ORDINARY COUNCIL MEETING - 13TH DECEMBER 1988

REPORT OF THE CHIEF EXECUTIVE & DIRECTOR OF FINANCE

The Chief Executive & Director of Finance feels that in the light of the report issued by the minority group, that he should attach correspondence concerning the telephone conversation that was held between his Personal Assistant/Secretary and Councillor Boyd.



NOTE TO CHIEF EXECUTIVE/FILE

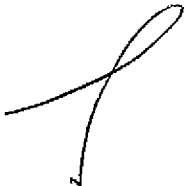
4.55pm. 10th November. Telephone call to Councillor Boyd.

I introduced myself, as it was the first time we had spoken, I explained you had asked me to telephone to arrange for you either to go and see him, or for him to come and see you, in connection with the correspondence that had arisen between you and the communications with the press in relation to this.

He said "it is a bit difficult at the moment. I would prefer a straightforward reply to my letter." I said you had particularly asked that I arranged for you to go to see him. That you did not mind where it was, and bearing in mind that you did have a diary which could be quite busy, you did not mind whether it was morning, afternoon or evening. You would either go and see him, or he could come and see you.

He answered that he would like a reply before arranging to see you, and that a letter would do.

I concluded by saying that I would relay his reply to you in the morning.

  
10/11



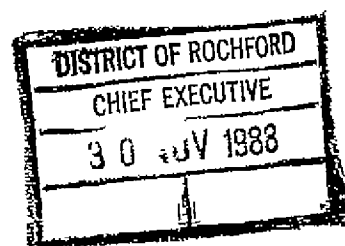
Richard Boyd

Makurdi,  
180 Hockley Road,  
Rayleigh,  
Essex, SS6 8ET

My ref:

27th November, 1988

Your ref: AGC/J/31881



Mr. A.G. Cooke,  
Chief Executive and Director of Finance,  
Rochford District Council,  
South Street,  
Rochford  
Essex, SS4 1BW.

Dear Mr. Cooke,

In acknowledging receipt of your above referenced letter of the 11th November, I would repeat that I said a meeting with you would be worthwhile when I had received a reply to the letters and questions posed on the subject of the ballot wording. It would have been odd to say the least, to discuss a fundamental question of authorisation of wording and interpretation of policy, when the matter had been the subject of a series of formal requests - for which no answer was given, although you had undertaken to supply such information to the Electoral reform Society.

If, as you seem to imply, you can give written clarification to an outside body, but prefer to give it verbally to an elected member before giving it in writing at a later date, I am at a loss to follow the logic.

Your report to Council, will therefore be awaited with interest, and no doubt the long-awaited answers to my reasonable requests for information, will be studied with care.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Richard Boyd".

Richard Boyd

A handwritten signature in dark ink, appearing to be a stylized name.

R. H. Boyd, FIPDM, FIMH, FBIM,  
Essex County Councillor  
Rochford District Councillor

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ROCHFORD DISTRICT COUNCIL

EXTRAORDINARY MEETING OF THE COUNCIL - 13TH DECEMBER 1988

REPORT OF THE SECRETARY TO THE COUNCIL

STANDING ORDERS 6 10 AND 9 13

Local authorities are given statutory authority in the Local Government Act, 1972 to make Standing Orders

- (a) for the regulation of Council proceedings and business and
- (b) regarding the quorum, proceedings and place of meeting of their Committees and Sub-Committees.

Model Standing Orders for the guidance of local authorities in this respect were last issued by the Department of the Environment in 1973. The Council's Standing Order 6 follows (with the exception of a motion to appoint the Chairman of a meeting which is dealt with elsewhere in Rochford's Standing Orders) precisely the wording of Model Standing Order 7. Members will be aware that Standing Order 6 deals with motions which may be moved without notice. Standing Order 6 10 - "That the question be now put" - is one of a number of closure motions which are described in Standing Order 9.13. It will be seen that on a motion to put the question, unless the Chairman is of the opinion that the matter has been insufficiently discussed (in which event he may refuse the motion), the motion is put to the vote and, if passed, the mover of the original motion under discussion before the closure motion then has the right to close the debate. There are, therefore, two checks on the use of a closure motion. First by the Chairman in deciding whether to accept it and secondly by Members voting on it. As regards the former, the exercise of any discretion must be reasonable and that would depend on whether it was reasonable for the Chairman to conclude that the matter had been sufficiently debated by the Council at that Meeting or on previous occasions.

The Secretary has contacted all of the district authorities in Essex concerning their experience of this closure motion and Extraordinary Meetings of the Council on a minority party requisition. A summary of the replies is appended. The Secretary does not believe that practice elsewhere is a reliable comparator because it is subjective and it lacks any true perspective of whether other authorities have an effective opposition. It ignores factors like political composition, awareness of Standing Orders and attitudes of Members to particular issues and the lengths to which the opposition parties in other authorities are prepared to go to carry on the fight, if indeed they need to, because Members will also have noted from the summary of replies that, in some authorities which have Standing Orders allowing Members to add items to the agenda, the need for Extraordinary Meetings becomes redundant.

When Members consider the large number of Meetings which are held under the auspices of this Council, the number of occasions when a closure motion has been employed is very few indeed, despite the fact that debate on some issues has been full and lengthy Extraordinary Council Meetings on a minority party requisition are a rare event at Rochford which would also seem to bear out that, generally speaking, adequate opportunity is given for full debate. In conclusion, the Secretary points out that it would not be true to say that the minority party has never supported a closure motion and the Meeting of the Planning Services Committee on 22nd May 1986, which inter alia dealt with the application for mineral extraction at Hambro Hill, is one example



## APPENDIX

### ROCHFORD DISTRICT COUNCIL

EXTRAORDINARY COUNCIL - 13TH DECEMBER 1988

### CLOSURE MOTIONS - PRACTICE IN OTHER LOCAL AUTHORITIES

#### Basildon

Prior to the current composition of the Council it was not uncommon for Extraordinary Meetings to be requisitioned. The closure motion was used occasionally to terminate lengthy debate. Matters giving rise to an Extraordinary Meeting were sometimes referred to the appropriate Committee without debate.

#### Braintree

Standing Orders provide for a closure motion but the procedure has not been used within the last five years and there has only been one Extraordinary Council Meeting in that period.

#### Brentwood

Response awaited.

#### Castle Point

There is no recollection of an Extraordinary Meeting being requisitioned by the minority party. Closure motions are used occasionally when debate has been prolonged.

#### Chelmsford

There has not been a minority requisition for an Extraordinary Meeting and the use of a closure motion is a rare event.

#### Colchester

There has not been an Extraordinary Meeting for twenty years. Any two Members can ask for a matter to be put on the Council Agenda. Closure motions are used infrequently.

#### Epping Forest

The controlling group do not operate this procedure very frequently, usually on an ad-hoc basis when everybody is getting a bit bored, particularly when the issues are well known.

#### Harlow

Only one Extraordinary Council Meeting called and that in 1987. It is not uncommon for the majority party to propose a closure motion once there has been sufficient debate.



Maldon

Neither a minority requisitioned Extraordinary Meeting nor a closure motion has arisen in the last two years. There is a convention whereby any Member can ask for any item to be placed on an appropriate Committee Agenda.

Southend

Closure motion only used on the odd occasion to stifle long and repetitious debate.

Tendring


No minority party requisition for an Extraordinary Meeting within the last ten years and during that period the closure motion has been used on two occasions after some debate had taken place.

Thurrock

No closure motion within the last two years.

Uttlesford

There has been no requisition for an Extraordinary Meeting since 1974 and the circumstances in which a closure motion would be used were thought most unlikely to arise.

A handwritten signature, possibly of a member, is written in the center of the page. It consists of a large, stylized 'S' or 'M' shape with a vertical line extending downwards from the center.

ROCHFORD DISTRICT COUNCIL  
EXTRAORDINARY MEETING OF THE COUNCIL

Tuesday, 13th December, 1988

Item 3

MINORITY REPORT  
ISSUED BY THE  
OPPOSITION LIBERAL DEMOCRAT GROUP

Introduction:

Arising from requests for information, addressed to the Chief Executive of the Council, on the reasons and authority applicable for the change in wording on the "Ballot Paper" and the difference from the wording on Council documents sent to tenants ( 23.10.88), an urgent special meeting of the Council was requisitioned on the 27th October 1988.

Although the reason for the requisitioned meeting was known, and clearly understood, to be to clarify the variation of wording - and the implied policy variations which this arose - before any ballot commenced, The Chairman of the Council decided to call the meeting for the 13th December, 1988. That timing ensured that all discussion occurred after completion and adoption of the ballot results.

The report which follows addresses two points:

1. INSTIGATION AND INTERPRETATION OF POLICY

- 1.1 It is the view of the Opposition that Councillors, as part of the of the Council, consider and decide upon the policies of the District Council.
- 1.2 Regardless of the views held by individual members, or groups, on the Council, once a majority decision has been made, that becomes the policy.
- 1.3 Officers of the Council are charged with the actioning of policy. If a policy is unclear, or open to varying interpretations, then resolution of clarity or guidance on interpretation is the responsibility of the Council.
- 1.4 If a Councillor, or Councillors, believe that a policy is not being interpreted accurately, or has been misunderstood by officers, that Councillor is entitled, and required, to seek information which will show whether policy is being followed or not. If such information is not given, or is refused, or is not available, the Councillor(s) have a right and duty to bring the matter before Council as a matter of urgency. The purpose of that being to allow Council to clarify or amend policy.
- 1.5 No individual officer or Councillor can, or should, amend or adapt policy without the approval and full knowledge of Council.
- 1.6 We contend that policy under minute 212/88, maintained by policy under minute 385/88, is clear and not open to misinterpretation. That policy has been altered without Council approval or knowledge.

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- 1.7 Given the above, and the timing of the Extraordinary meeting of the Council, we contend that it is necessary that:
- 1.7.1 Council confirms that it is the Initiator of Policy, and the arbiter of interpretation.
  - 1.7.2 That Extraordinary meetings of Council or of committees shall be called within a reasonable time, and not exceeding 10 days from the date of receipt of a formal requisition.
  - 1.7.3 Councillors in Council, decide upon the policies of the Council, and not individuals or employees.
2. THE FUTURE OF COUNCIL HOUSING IN THE DISTRICT OF ROCHFORD
- 2.1 It is the view of the Opposition that the actions of the Council in undertaking an expensive and drawn out exercise in transferring its housing, to the Crouch Valley Housing Association, has been flawed by a number of fundamental mistakes.
  - 2.2 The next stage should be to learn from such mistakes, and to produce a policy which ensures future rented accommodation in the District and which has the support of tenants ( present and future ) as well as the representatives of the electorate.
  - 2.3 We propose that sincere investigations of all options be initiated and that consultation take place before any options are selected or decided upon, or subjected to public decision.
    - 2.3.1. That Tenants Associations be invited to send delegates to meet Council, for the purposes of exchanging ideas and views.
    - 2.3.2 That existing Housing Associations, operating within the District of Rochford, be invited to submit ideas or proposals to Council for the future of rented housing in the district.
    - 2.3.3 That Parish Councils, in the District, be invited to consider whether they wish to become involved in any future operation for rented accommodation.
    - 2.3.4 That an all-party sub-committee be appointed to consider any future rented housing options, and to liaise with Tenants Associations, Housing Associations, or parish Councils ( as shown above )

CHAIRMAN

DATE

31/1/84