

Council - 25 April 2002

Minutes of the meeting of **Council** held on **25 April 2002** when there were present:

Cllr R S Allen

Vice-Chairman in the Chair

Cllr R Adams

Cllr C C Langlands

Cllr R A Amner

Cllr V H Leach

Cllr C I Black

Cllr T Livings

Cllr Mrs R Brown

Cllr J R F Mason

Cllr P A Capon

Cllr C R Morgan

Cllr T G Cutmore

Cllr R A Pearson

Cllr D F Flack

Cllr S P Smith

Cllr Mrs J E Ford

Cllr M G B Starke

Cllr K A Gibbs

Cllr P D Stebbing

Cllr Mrs J M Giles

Cllr Mrs W M Stevenson

Cllr Mrs H L A Glynn

Cllr Mrs M S Vince

Cllr J E Grey

Cllr R E Vingoe

Cllr Mrs J Hall

Cllr Mrs M J Webster

Cllr D R Helson

Cllr P F A Webster

Cllr Mrs J Helson

Cllr D A Weir

Cllr A Hosking

Cllr Mrs M A Weir

Cllr Mrs L Hungate

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Fox, G A Mockford, P J Morgan and Mrs L I V Phillips.

OFFICERS PRESENT

P Warren - Chief Executive
R J Honey - Corporate Director (Law, Planning & Administration)
R Crofts - Corporate Director (Finance & External Services)
J Bostock - Principal Committee Administrator

179 COUNCILLOR MRS S J LEMON

At the commencement of the meeting, Council stood in silent tribute to the late Councillor Mrs S J Lemon, Chairman of the Council.

Members then paid personal tribute to Councillor Mrs Lemon, referring to her many contributions to the life of the community and her courageous and sincere personality.

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Council was unanimous in agreeing that it would be appropriate for consideration to be given to the creation of some form of permanent memorial.

On a motion, moved by Councillor P F A Webster and seconded by Councillor P D Stebbing, it was:-

Resolved that a permanent memorial be established in memory of Councillor Mrs S J Lemon, the Community Overview & Scrutiny Committee to give detailed consideration to the precise nature of the memorial. (CE)

180 MINUTES

The Minutes of the Meeting held on 21 March 2002 were approved as a correct record and signed by the Chairman.

181 VICE-CHAIRMAN'S ANNOUNCEMENTS

The Vice-Chairman reported on his attendance at a number of events including:-

- the FitzWimarc School Trident Awards;
- launch of the Link radio system;
- the Health for All Roadshow;
- a tour of the District with the High Sheriff of Essex. The Chairman of the Council had been present on this tour which had been very successful.

182 COMMITTEE MINUTES AND REPORTS

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

Committee	Date	Minute No
(1) Appeals & Licensing	7 March 2002	82-85
(2) Planning Services	7 March 2002	86-90
(3) Environmental Services	12 March 2002	91-100

Minute 94 - Rayleigh Town Centre - Outstanding Issues

The Corporate Director (Law, Planning & Administration) advised that Members would be provided with a written update on the current position relating to ownership of the embankment at Brooklands Open Space.

(4) Policy & Finance	14 March 2002	101-109
(5) Community Overview & Scrutiny	19 March 2002	110-115
(6) Environment Overview & Scrutiny	26 March 2002	119-122

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(7) Finance & Procedures Overview & Scrutiny	27 March 2002	123-124
(8) Community Services	2 April 2002	125-132

Minute 128 - Police Report

The Chief Executive advised that he was meeting with a Police representative on 26 April 2002 to discuss the need for Police attendance at meetings and other matters raised by the Committee.

(9) Planning Services	4 April 2002	133-137
(10) Environmental Services	9 April 2002	138-148

Minute 143-Proposal for Provision of Pedestrian Crossing - Love Lane, Rayleigh

It was noted that the term "in consultation with the Police" should have been added to the end of Resolution (1) of Minute 143. This adjustment would be submitted to the next meeting of the Committee.

(11) Policy & Finance	11 April 2002	149-164
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Minute 151 - Outstanding Issues - Proposed Environmental Centre - Feedback from Rayleigh Town Council

The Chief Executive confirmed that all Members would be advised of the response from Rayleigh Town Council when it is received.

(12) Community Overview & Scrutiny	16 April 2002	165-167
(13) Environment Overview & Scrutiny	18 April 2002	168-170

Minute 169 - Development Control/Building Control Best Value Review - Final Report

Council considered the report of the Environment Overview & Scrutiny Committee on the Development Control/Building Control Best Value Review Final Report.

It was moved by Councillor P F A Webster and seconded by Councillor P D Stebbing that the Planning Services Committee should comprise all thirty-nine Members of the new Council. This would be in line with the decision made the last time the matter was considered, the arguments for and against a Committee of all Members having been well rehearsed.

In favour of a smaller Committee, reference was made to the unwieldy nature of large Committees. The quasi-judicial nature of planning meant that it is important for Committee appointees to be well-trained. This could be more easily achieved with a smaller Committee whose membership was likely to be

committed to training. Site visits would be more manageable and could be undertaken as a matter of routine. Reference was made to the need to be mindful of the customer perspective and the potential advantages for non-Committee Members in being able to fully represent the views of their constituents.

In favour of a Committee of all Members reference was made to the democratic aspect of allowing all Councillors a decision-making role and enabling voting representation from all Wards. From the public perspective, the inclusion of all Members on a Planning Committee could be seen as transparent, minimising any possibilities for corruption. The Council had been used to offering planning training for all Members and this could continue.

Responding to Member questions, the Chief Executive advised that:-

- Any scrutiny of planning decisions would be in terms of assessing whether decisions accord with Council policy, rather than a review of individual decisions;
- the Best Value Inspectorate would shortly be reviewing development Control/Building Control and hopefully reporting on the service within 4-6 months;
- a smaller Planning Services Committee would have the same executive powers as a Committee comprising all Members.

The motion was carried.

During discussion of the revised Action Plan, a Member referred to the possibility of a procedure so that Members could call for a site visit within, say, five days of receiving application paperwork, rather than when the Parish List is published. It was observed that there may be some benefit to considering whether the Planning Committee Agenda (which is published in advance of the Planning Schedule) could include appropriate references to site visits. There could also be value in maintaining the facility whereby site visits can be requested during a Planning meeting.

Council concurred with the Chief Executive that it would be appropriate for the site visits aspect of the Action Plan to be referred to the Environment Overview & Scrutiny Committee for further review.

A Member referred to the potential value which could be associated with including sponsorship opportunities when evaluating the outlets for publicising the Planning Service.

Responding to Member questions on other aspects of the Action Plan, the Chief Executive advised that:-

- appropriate security safeguards would be built into the PC proposed for the Planning reception;

- the planning enforcement process would be reviewed as part of the Best Value Review on Public Regulation, Inspection and Protection.

Resolved

- (1) That the Planning Services Committee continue to comprise all Members of the Council.
- (2) That the objective to organise a regular focus group on planning be not approved.
- (3) That the objective to remove the requirement for Ward Member consultation when agreeing minor adjustments to applications first determined by the Planning Committee be not approved.
- (4) That the objective relating to redesigning Planning reception in Acacia House be deferred pending future Asset Management deliberations.
- (5) That, subject to referral of the procedure for site visits to the Environment Overview & Scrutiny Committee, the revised Action Plan, as attached to the report of the Head of Planning Services, be approved. (HPS)

Note: Councillor M G B Starke wished it to be recorded that he had abstained from voting on Resolution (1) above.

(14) Finance & Procedures Overview & Scrutiny	23 April 2002	171-178
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Minute 174 - Scheme of Delegation

Council considered the report of the Finance & Procedures Overview & Scrutiny Committee on the Scheme of Delegation.

During debate Council concurred with the view of a Member that specific reference should be made to the Council's Taxi Voucher Scheme in the delegation to the Appeals and Licensing Committee.

On a motion, moved by Councillor P F A Webster and seconded by Councillor P D Stebbing, it was:-

Resolved that, subject to specific reference to authority being delegated to the Appeals and Licensing Committee to consider any Appeals in respect of the Council's Taxi Voucher Scheme, the revised scheme of delegations as appended to the report replace Part 3 of the Council's Constitution.
(CD(LPA))

**183 NOTICES OF MOTION RECEIVED PURSUANT TO COUNCIL
PROCEDURE RULE 12**

(1) From Councillors J R F Mason and Mrs M J Webster

The Proper Officer reported that the following Motion had been received from Councillors J R F Mason and Mrs M J Webster:-

“This Council recognises that all breeding sites of the Great Crested Newt should be identified as County Wildlife Sites. European Protective Species of Wild Life are listed on the Annexes of the Habitats Directive 1992 and this is enforced by the UK Conservation Regulations 1994.

It is proposed that any water feature with Great Crested Newts are specifically noted in the replacement Rochford District Local Plan.

It is further proposed that the replacement Rochford District Local Plan determines that any development proposal which affects any water feature (pond, ditch, lake etc) must have an ecological appraisal of the surrounding pond habitats within a distance of 500 metres for the presence of the Great Crested Newt.

Appraisals should follow certain standards. Appraisals should be undertaken in the appropriate time of year, use a variety of methods, and consist of at least three survey visits. This will enable the Local Authority to ensure that correct ecological information is provided for consideration of planning applications.

Furthermore, it is proposed that a policy of mitigation measures needs to be determined by this Council to promote sustainable development involving in situ conservation measures for reptiles and amphibians.

This Motion stands referred to the Environmental Services Committee for an Officer Report, to include reports from English Nature, Essex Wildlife Trust and the Essex Amphibians and Reptile Group, which is to be submitted to next Full Council.”

Resolved

That the Motion be agreed. (HPS)

(2) From Councillors V H Leach and Mrs J M Giles

The Proper Officer reported that the following Motion had been received from Councillors V H Leach and Mrs J M Giles:-

“That this Council agrees that Members of the Planning Services Committee should only be those Members who confirm their

adherence to the Code of Conduct for Planning Matters, Rochford District Council Constitution pages 5.7 to 5.15, by signature and, as such, the necessary confirmation form be drafted and copied separately to all Members with appropriate space for signature and returned to the Proper Officer prior to the first Planning Services Committee Meeting in the new Municipal Year.”

The Motion was withdrawn on the basis that, under the new political structure, all Councillors would have to give a written undertaking to observe the Code of Conduct when accepting Office.

(3) From Councillors A Hosking, V H Leach and Mrs J Hall

The Proper Officer reported on a Motion received from Councillors A Hosking, V H Leach and Mrs J Hall relating to recycling and waste strategies.

In presenting the Motion, Councillor Hosking indicated that the final sentence of paragraph (d) was no longer relevant and should be deleted.

Members noted the content of recent statements from Lord Hanningfield, Leader of Essex County Council and Michael Meacher MP, Minister for the Environment.

On an Amendment moved by Councillor P F A Webster and seconded by Councillor P D Stebbing it was:-

Resolved

That the Environment Overview and Scrutiny Committee consider the following:-

“This Council: -

- (a) welcomes the progress of Rochford District Council (RDC) in raising recycling levels, the positive results of our residents in Hawkwell and parts of Rayleigh are to be commended.
- (b) is concerned at the apparent continuing differences between Essex County Council (ECC) and the Waste Collection Authorities (WCAs) in respect of the Waste Plan and the emerging Waste Contract Strategy and urges the County Council, the Unitary Authorities and the WCAs in Essex, through their membership of the Waste Management Advisory Board, to establish an agreed, sustainable and flexible waste management strategy for Essex, which will form the basis of a truly constructive partnership between all parties.

- (c) re-affirms RDC's waste strategies of seeking to: Maximise reduction, re-use and recycling in the District; Extend the life of available landfill and avoid incineration; Encourage local residents and businesses in those respects; Promote appropriate local waste treatment and recycling businesses; Seek a meaningful sharing of plans and financial resources with ECC, and response by WCAs to current and future developments.
- (d) regrets that the adoption of the Essex and Southend Waste Local Plan did not take account of the final modifications proposed by RDC and the Consortium, particularly in respect of incineration.
- (e) commends a similar motion to other Boroughs and Districts in Essex for debate and resolution." (CD(F&ES)

(4) From Councillors D R Helson and V H Leach

Note Councillor C I Black declared a non prejudicial interest in this item by virtue of being a resident of Love Lane.

The Proper Officer reported that the following Notice of Motion had been received from Councillors D R Helson and V H Leach:-

- "1. Should funds not be used for the provision of a pedestrian crossing in Love Lane, Rayleigh (Minute 143 (1) - Environment Services Committee 9th April 2002) and returned to the Crime & Disorder budget as minuted, that the funds be utilised for the provision of CCTV in the local shopping parades at Hambro Hill, Rayleigh and Grove Road, Rayleigh as identified in Minute 132 of the Community Services Committee on 2nd April 2002.
2. Details of the Hambro Hill and Grove Road schemes be provided to the Environment Overview and Scrutiny Committee so that all information is available when that Committee deliberates the resolution under Minute 143 (1)."

In addressing the Motion, Councillor D R Helson referred to its fit with current policy on CCTV and to the value of CCTV provision within Rayleigh.

The Motion was moved by Councillor D R Helson and seconded by Councillor V H Leach. Council agreed an amendment, moved by Councillor P F A Webster and seconded by Councillor R A Adams, and it was:-

Resolved

That the Motion be referred to the Environment Overview and Scrutiny Committee for consideration. (CD(F&ES))

(5) From Councillors Mrs J Helson, V H Leach, D R Helson, A Hosking, Mrs J M Giles, Mrs H L A Glynn, Mrs J Hall and C I Black

The Proper Officer reported that the following Motion had been received from the above named Councillors:-

“In accordance with Council Procedure Rule 15.1 (Motion to rescind a previous decision), the following amendments are proposed to the Overview and Scrutiny Procedure Rule 15 (Call In) resolved under Minute 78 of Council on 26th February 2002.

The procedure rules were adopted with effect from 1st March 2002 in order for Council to consider how and whether any changes should be adopted prior to the new municipal year 2002/2003.

The proposed amendments are to overcome the previous ability to 'refer up' decisions which has now been lost and is therefore disadvantageous to small and minority groups.

The proposed amendments are:

- 1) Overview and Scrutiny Procedure Rule 15 (b) - in line 4 add - "or the number of Members stated in paragraph 15 (c)" after "Overview and Scrutiny".
- 2) Overview and Scrutiny Procedure Rule 15 (c) - in line 3 amend - "Committee" to "Council".

The Motion was moved by Councillor D R Helson and seconded by Councillor Mrs J Helson. An amendment that the Motion stand referred to the Finance and Procedures Overview and Scrutiny Committee, moved by Councillor P F A Webster and seconded by Councillor T G Cutmore, was lost on a show of hands.

Resolved

That the Motion be agreed. (HAMS)

184 **AUDIT COMMISSION – DELIVERING COMPREHENSIVE PERFORMANCE ASSESSMENT – CONSULTATION DRAFT**

Council considered the report of the Chief Executive on a Consultation Paper produced by the Audit Commission outlining the draft methodology in relation to comprehensive performance assessment.

Council fully endorsed the comments within Section four of the report as this Council's response to the Paper. A motion that a copy of the response also be sent to the Local Government Association, moved by Councillor P F A Webster and seconded by Councillor T G Cutmore, was agreed.

During debate particular reference was made to the perception that Councils seem to be administrative arms of Central Government, rather than part of an autonomous local government, and to the consequential impact on Member morale. Authorities should be able to establish and develop policies which suit the needs of their particular communities. A Member observed that, whilst it is important that there are mechanisms for authorities to continually review practice and compare with others, there also needed to be a focus on the availability of reward and the comparing of like with like.

Resolved

- (1) That the comments contained within Section four of the Chief Executive's report (a copy of which is attached to the signed copy of these Minutes) be this Council's response to the Audit Commission's Consultation Paper on Delivery Comprehensive Performance Assessment.
- (2) That a copy of the response be sent to the Local Government Association. (CE)

185 **TIMETABLE OF MEETINGS 2002/03**

Council considered the report of the Head of Administrative & Member Services on the adoption of a timetable of meetings for the 2002/03 Municipal Year.

It was noted that the November Meeting of the Finance & Procedures Overview and Scrutiny Committee should have been scheduled for 26 November.

Resolved

That the timetable of meetings for 2002/03, as amended and appended to these Minutes, be adopted. (HAMS)

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information as defined in paragraphs 3 and 5, of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

186 REMOVAL ALLOWANCES

Council considered the exempt report of the Head of Revenue and Housing Management on the payment of a removal allowance to tenants subject to a decanting exercise.

Resolved

That the sum of £633.65 as a Type 'A' removal fee and £792.30 as a Type 'B' removal fee be agreed on the basis set out in the exempt report of the Head of Revenue & Housing Management (a copy of which is included with the signed copy of these Minutes) and paid as part of the capital cost for which provision has been allowed within the Budget. (HRHM)

187 DISABLED ADAPTIONS – OAP DESIGNATED PROPERTY

Council considered the exempt report of the Head of Revenue and Housing Management on the redesignation of a property to facilitate the rehousing of a disabled person.

Resolved

That a variation to the rules on letting property currently designated for the elderly in order to provide accommodation for the applicant identified in the exempt report (a copy of which is included with the signed copy of these Minutes) be agreed. (HRHM)

At the close of the Meeting the Vice-Chairman thanked all Members for their contributions to the work of the Council and extended best wishes to those standing and those not standing in the forthcoming election.

Members extended their gratitude to the Vice-Chairman for his own sterling contributions to the work of the Council.

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The Meeting closed at 10.12 pm

Chairman

Date

CYCLE OF MEETINGS 2002/03

		2002							2003				
	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May
Mon			1										
Tue			2 Community Services			1 Community Services						1 Community Services	
Wed	1		3			2			1 Bank Holiday			2	
Thurs	2		4 Environmental Services	1		3 Environmental Services			2			3 Environmental Services	1
Fri	3		5	2		4	1		3			4	2
Sat	4	1	6	3		5	2		4	1	1	5	3
Sun	5	2	7	4	1	6	3	1	5	2	2	6	4
Mon	6 Bank Holiday	3 Bank Holiday	8	5	2	7	4	2	6	3	3	7	5 Bank Holiday
Tue	7	4 Bank Holiday	9 Policy & Finance	6	3 Community Services	8	5 Community Services	3 Community Services	7 Community Services	4 Community Services	4 Community Services	8 Policy & Finance	6
Wed	8	5 Community Services	10	7	4	9	6	4 Environmental Services	8	5 Environmental Services	5	9	7
Thurs	9	6 Environmental Services	11	8	5 Environmental Services	10 Policy & Finance	7 Environmental Services	5 Policy & Finance	9 Environmental Services	6 Policy & Finance	6 Environmental Services	10	8
Fri	10	7	12	9	6	11	8	6	10	7	7	11	9
Sat	11	8	13	10	7	12	9	7	11	8	8	12	10
Sun	12	9	14	11	8	13	10	8	12	9	9	13	11
Mon	13	10	15	12	9	14	11	9	13	10	10	14	12
Tue	14 Annual Council	11 Policy & Finance	16 Community O&S	13	10 Policy & Finance	15 Community O&S	12 Policy & Finance	10 Community O&S	14 Policy & Finance	11 Community O&S	11 Policy & Finance	15 Community O&S	13 Annual Council
Wed	15	12	17	14	11	16	13	11 Environment O&S	15	12 Environment O&S	12	16	14
Thurs	16	13	18 Environ-ment O&S	15	12	17 Environment O&S	14 Community O&S	12 Fin & Proc O&S	16 Community O&S	13 Fin & Proc O&S	13 Community O&S	17 Environ-ment O&S	15
Fri	17	14	19	16	13	18	15	13	17	14	14	18	16
Sat	18	15	20	17	14	19	16	14	18	15	15	19	17
Sun	19	16	21	18	15	20	17	15	19	16	16	20	18
Mon	20 Training	17	22	19	16	21	18	16	20	17	17	21	19
Tue	21 Training	18 Community O&S	23 Fin & Proc O&S	20	17 Community O&S	22 Fin & Proc O&S	19 Environment O&S	17 Planning Services	21 Environment O&S	18 Council - Council tax	18 Environment O&S	22 Fin & Proc O&S	20
Wed	22 Training	19 Environ-ment O&S	24	21	18	23	20	18	22 Fin & Proc O&S	19	19	23	21
Thurs	23 Training	20 Fin & Proc O&S	25 Planning Services	22	19 Environ-ment O&S	24 Planning Services	21 Planning Services	19 Council	23 Planning Services	20 Planning Services	20 Planning Services	24 Planning Services	22
Fri	24	21	26	23	20	25	22	20	24	21	21	25	23
Sat	25	22	27	24	21	26	23	21	25	22	22	26	24
Sun	26	23	28	25	22	27	24	22	26	23	23	27	25
Mon	27 Training	24	29	26 Bank Holiday	23	28	25	23	27	24	24	28	26
Tue	28 Training	25 Planning Services	30 Council	27	24 Fin & Proc O&S	29 Council	26 Fin & Proc O&S	24	28 Council (Budget)	25 Council	25 Fin & Proc O&S	29 Council	27
Wed	29 Training	26	31	28	25	30	27	25 Bank Holiday	29	26	26	30	28
Thurs	30 Planning Services	27 Council		29 Planning Services	26 Planning Services	31	28	26 Bank Holiday	30	27	27		29 Planning Services
Fri	31	28		30	27		29	27	31	28	28		30
Sat		29		31	28		30	28			29		31
Sun		30			29			29			30		
Mon					30			30			31		
Tue								31					