

Council – 7 December 2021

Minutes of the meeting of **Council** held on **7 December 2021** when there were present:-

Chairman: Cllr Mrs J R Gooding
Vice-Chairman: Cllr M J Steptoe

Cllr Mrs L A Butcher	Cllr Mrs C E Roe
Cllr R P Constable	Cllr Mrs L Shaw
Cllr D S Efde	Cllr P J Shaw
Cllr A H Eves	Cllr S P Smith
Cllr I A Foster	Cllr D S Sperring
Cllr Mrs E P Gadsdon	Cllr C M Stanley
Cllr J N Gooding	Cllr M J Steptoe
Cllr B T Hazlewood	Cllr I H Ward
Cllr M Hoy	Cllr M J Webb
Cllr J L Lawmon	Cllr M G Wilkinson
Cllr Mrs C M Mason	Cllr A L Williams
Cllr Mrs J E McPherson	Cllr S A Wilson
Cllr G W Myers	Cllr S E Wootton
Cllr J E Newport	
Cllr L J Newport	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs M R Carter, Mrs T L Carter, R R Dray, Mrs J R Lumley, D Merrick, R Milne, Mrs C A Pavelin and Mrs C A Weston.

OFFICERS PRESENT

J Stephenson	- Chief Executive
A Hutchings	- Strategic Director
M Harwood-White	- Assistant Director, Assets and Commercial
M Hotten	- Assistant Director, Place and Environment
A Law	- Assistant Director, Legal and Democratic
N Lucas	- Assistant Director, Resources
L Moss	- Assistant Director, People and Communities
D Tribe	- Assistant Director, Customer and Transformation
S Worthington	- Principal Democratic and Corporate Services Officer
W Szyszka	- Democratic Services Officer

Before the commencement of the meeting, a minute's silence was held in memory of former Councillor, Cllr C C Cannell.

Members paid tribute to Cllr C C Cannell and emphasised how much he was respected and valued across the whole Council. Members also expressed admiration for his commitment and dedication to his political work across the district and commended the achievements that Cllr C C Cannell had attained in his short, but significant political career.

The Leader concluded his tribute by paying respect to Cllr C C Cannell and moved a Motion that the balance of Cllr C C Cannell's Members' allowances, rounded up to £2,500, be donated to the Craig Cannell Foundation Trust. This was seconded by Cllr Mrs C E Roe.

Resolved

That the remaining balance of Cllr C C Cannell's allowance, rounded up to £2,500, be donated to the Craig Cannell Foundation Trust.

(This was unanimously agreed.)

199 DECLARATIONS OF INTEREST

Cllr M Hoy declared a non-pecuniary interest related to being a Trustee of the Craig Cannell Foundation.

Cllr Mrs J R Gooding moved a Motion without notice to change the order of the Agenda, suggesting that Item 15 be taken first followed by Items 7, 11, 12 and 13 then returning to the remaining Items on the Agenda in order. This was seconded by Cllr M J Steptoe.

Resolved

That Item 15 be taken first followed by Items 7, 11, 12 and 13 then returning to the remaining Items on the Agenda in order.

Cllr Mrs J R Gooding moved a Motion 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 3 of Part 1 of Schedule 12A of the Act. This was seconded by Cllr M J Steptoe.

EXCLUSION OF THE PRESS AND 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 3 of Part 1 of Schedule 12A of the Act.

(23 Members voted in favour, 0 against and 3 Members abstained.)

200 DELIVERY OF THE WASTE COLLECTION AND STREET CLEANSING SERVICE – OPTIONS APPRAISAL

The Council considered the exempt report of the Assistant Director, Place & Environment providing Members with options for continued delivery of the waste collection and street cleansing service.

Details on the discussion is set out in the exempt appendix to the Minutes.

The public was readmitted to the meeting.

201 REPORTS FROM COMMITTEES TO COUNCIL

(1) Report of the Executive – Advice Services Contract 2022-24

The Council considered the report of the Executive on the Advice Services Contract 2022-24 to endorse the contents of the Report.

Cllr A L Williams moved a Motion, seconded by Cllr D S Efde, that the recommendation set out at paragraph 1.3 of the Report be approved.

Resolved

That the contents of the Advice Services Contract 2022-24 Report be endorsed as per proposals set out in the Report. (ADPC)

(This was unanimously agreed.)

(2) Report of the Review Committee – 2021/22 Mid Year Treasury Management Review

The Council considered the report of the Review Committee on the 2021/22 Mid Year Treasury Management Review.

Resolved

To note the contents of the 2021/22 Mid Year Treasury Management Review Report. (ADR)

202 ALLOCATION OF SEATS ON COMMITTEES

The Council considered the report of the Assistant Director, Legal & Democratic inviting the Council to agree the allocation of seats to Committees for the remainder of the municipal year following a change in political composition.

Resolved

- (1) That the Council's Committees be constituted as set out in Appendix 1 to this report.
- (2) That Members be appointed to serve for the remainder of the 2021/22 Municipal Year as set out in Appendix 1 to the Minutes. (ADLD)

203 COUNCIL REPRESENTATION ON THE ASSET DELIVERY PROGRAMME PARTNERSHIP PANEL

The Council considered the report of the Assistant Director, Legal & Democratic asking Council to appoint 7 elected Members to the Partnership Panel for the remainder of the 2021/22 municipal year following a change in the composition of the Council.

Resolved

To appoint seven Members to the Partnership Panel as set out in Appendix 2 to the Minutes. (ADLD)

(24 Members voted in favour, 0 against and 3 Members abstained.)

204 ARRANGEMENTS TO APPOINT EXTERNAL AUDITORS FROM 2023/4

The Council considered the report of the Assistant Director, Resources seeking the Council's agreement to opt into the appointing persons arrangement made by the Public Sector Audit Appointments (PSAA) for the Council's external auditor appointment for the accounting periods 2023/24 -2027/28, as recommended by the Audit Committee on 28 September 2021.

A Councillor questioned whether it would be more financially viable for the Council to appoint its own auditors.

Officers advised that there was a limited pool available for auditors in the market and that audit firms experienced universal staffing issues across the whole market. If the Council was to appoint its own auditors, the funding would be sourced from the pool designated to fund the available audit firms, though it would not ascertain that these services would be delivered quicker than under the current arrangements. Officers further clarified that it was impossible to quantify what the additional cost would be if the Council appointed its own auditors. Economically, the Council would receive a better service through the PSAA as opposed to working individually. Despite the delays experienced with the audit, the Council itself had fulfilled its statutory responsibilities with the public accounts by the due dates and Rochford District Council would sign off the accounts by Christmas 2021.

Cllr Mrs J R Gooding moved a Motion, seconded by Cllr M J Steptoe that the recommendation set out at paragraph 8 of the Report be approved.

Resolved

That the Council opts into the proposed central arrangements for appointing external auditors for the accounting periods 2023/24 – 2027/28. (ADR)

(This was unanimously agreed.)

205 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

The Chairman updated Members on a recent Civic engagement she had undertaken in Rochford to support the Rochford Christmas lights event, which was well attended by the local community.

The Leader of the Council updated Members on the Rochford District Council partnership with Brentwood Borough Council:-

“Members, you will recall that at our Council meeting on 20 July 2021 approval was given to commence negotiations with Brentwood Borough Council on a proposed partnership arrangement. Since that date, Members of the Executive and I have been working on the feasibility study that we promised in order to explore further shared and partnership opportunities between the two Councils.

Also resulting from the meeting on 20 July 2021, the appointment of Jonathan Stephenson as joint CEO has also been formalised for a period of six months through a memorandum of understanding. As part of the feasibility study, we have been working with external experts, Shared Service Architecture, who have supported other Councils through similar processes. They have helped to facilitate engagement, ensure alignment and develop a draft Heads of Terms for the proposed partnership.

We have had several Member sessions with Shared Service Architecture to agree red lines, define desired outcomes for the partnership and to build relationships with our peers from Brentwood Borough Council. Through these sessions, we have created a shared understanding of what we would like to achieve together and how this can be achieved. We have also engaged with Senior Leadership teams of both Councils to ensure that they have been included in the discussions and have been informed of our thinking.

I am pleased to confirm that we have reached an agreed draft Heads of Terms for a formal partnership arrangement which we will be bringing to an extraordinary meeting of Council in late January 2022.

We had committed to bring back a further report with proposals by the end of this year, but the timings of meetings and the considerable work we have been doing has unfortunately meant this will now slip to January. In advance of that, there will be a number of sessions led by me, Jonathan and the Leader of Brentwood to brief all Members and all officers about what these Heads of Terms mean.

We welcome all questions and constructive challenge as our thinking will continue to develop as we go through this process. To demonstrate our commitment to that, before the extraordinary meeting of Council, we will be bringing back a report to Review Committee on 11 January 2022 and we welcome the oversight and scrutiny that Committee offers on our proposed arrangements.

I am very pleased by the progress which has been made during this feasibility stage and I would like to thank colleagues from both Brentwood and Rochford for their candour, openness and challenge which has been provided throughout provoking debate and giving true blue sky thinking about how we can transform our respective Councils through innovation and creativity.

I am very excited by the potential of our proposed partnership and the opportunities that it will create. I look forward to speaking to Members about that over the coming weeks.”

206 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE.

Pursuant to Council Procedure Rule 12.2, the following Member questions had been received:-

- (1) From Cllr T D Knight to the Portfolio Holder for IT, Tourism, Housing & Parking:-

“Will the Portfolio Holder for IT, Tourism, Housing and Parking advise on the current availability of the electric vehicle charging points in Rochford district provided by or via RDC and their usage to date? Will the Portfolio Holder also advise on the costs RDC has incurred in providing these electrical vehicle charging points and the charges to users and revenue to date from this provision?”

The Portfolio Holder for IT, Tourism, Housing & Parking, Cllr D S Efde, responded as follows:-

“Firstly, to evaluate the availability of electric charging points in Rochford district provided by RDC – we have approached Websters Way and Market car Park in Rayleigh where there are five fast chargers in total. Back Lane and Freight House car parks in Rochford have two rapid chargers and one fast charger and Southend Road car park in Hockley has one rapid charger. Their usage to date amounts to 2,329 times by 184 different users consuming over 38,000 kilowatts of electricity. This equates to around 112,000 miles saving 22 tons of CO² being released into the atmosphere. Responding to the costings RDC incurred in these charges, the charges have not cost RDC anything as they have been funded by a government grant in partnership with the unit supplier called SUACO. SUACO continues to maintain the sites at no cost to the Council and no income profit share is expected until the year free of the contract which is 2022-23. The Council continues to collect parking revenue charges.”

- (2) From Cllr Mrs T L Carter to the Deputy Leader:-

“This Council notes that the DEFRA was updated within RDC in 2018 and included in this was Animal Welfare.

It is understood that there is a backlog taking up to 10 weeks for applications within the animal welfare department issuing licences and answering general questions to residents. It is understood that currently there are only two officers employed in the Licensing Department.

Will the Portfolio Holder, Cllr Cheryl Roe, explain how and when this will be improved?

Also, can the Portfolio Holder advise us if there is a plan in place to either bring in extra staff to help reduce this waiting period in a reasonable timeframe and the plans to continue to manage this service?

This Council understands that dog groomers/walkers are not required to have any licences at all to perform this service. Since this pandemic, more and more people have undertaken this occupation to enhance their income and it has become a popular business venture with little or no experience at all and is currently unregulated.

Can the Portfolio Holder reassure pet owners by investigating and reviewing this current situation and bring in controlled measures necessary to ensure the safety of animals so catered for?

Finally, could the Portfolio Holder explain how the star rating system currently in place works and how it is regulated and what steps will be taken to improve publicity and understanding of this system?"

The Deputy Leader, Cllr Mrs C E Roe responded as follows:-

"As mentioned, DEFRA introduced the relatively new Animal Licensing Act 2018 regulations requiring applicants to now evidence a considerable amount of paperwork before issuing a licence. These new procedures, in addition to the ongoing impact of managing the COVID-19 impact for all those licensed businesses we support, has meant that our normal level of service, in particular for animal welfare provision, has not been at the level we would like it to be. Following the introduction of the 2018 regulations, an average existing licence holder renewal application will now take approximately 20 hours of officer time before a licence is issued and longer for new applicants.

I wanted to take this opportunity to reassure you that we are continuing to look at solutions to ensure further delays are reduced, and this includes working with the City of London Animal Welfare team to provide the licensing team with additional resources to manage the demand.

In relation to the existing licence holders, the team has scope in the legislation to extend licences until the licensing team or a qualified inspector, such as a vet, is able to attend the venue to conduct the physical inspection. We have extended the licences for eight premises until April 2022 to provide some reassurance to the licence holders. The licence holders have been notified of this extension. No existing businesses have been put at risk or are able to continue to operate under existing arrangements.

In relation to new applicants, the Licensing team did see an increase in applications with people working from home and seeking additional income from looking after other people's animals and received 12 applications in total. The team at this time use the full 10 weeks allowed under the regulations, which helped the service prioritise their service demands and manage the new process.

The team currently has three active new Home Border applications. All of these applications have initially been assessed by the team and are awaiting the applicants to provide additional information to demonstrate they meet the conditions outlined within the legislation.

In relation to the scoring matrix, any new applicant under the regulations will automatically be considered a high-risk applicant due to not having at least three years' history in relation to running a business. This means the maximum score they can achieve will be either two stars for meeting all of the standard conditions or four stars if they have obtained formal qualifications and their property meets the highest standard conditions.

Those that have been licensed for more than three years can achieve three stars if they meet the standard conditions and five stars if they can evidence that they meet the higher standards, which again include the formal qualifications. If an existing premises is failing to meet these standard conditions, they will receive a one star licence and must be assessed again within 12 months. The Licensing team try to and work with all existing and new applicants to ensure they meet the standard conditions.

The general public are aware of the scores and automatically say that anyone with either two stars or three stars are not as good as those with four or five stars. This is not the case; it is simply that they have not obtained the additional qualification or their premises do not allow them to meet the highest standards.

There is currently a review by DEFRA about the whole process. Once this has been completed, we will work with the Communications team to promote the safeguarding steps the licence holders have taken to protect the people's animals.

Finally, in relation to dog walkers and dog groomers, they do not fall within the remit of the legislation. The animal welfare regulations are being reviewed this year and the view of DEFRA has been monitored by the team."

A supplementary question was asked as to whether the Council would make representations to DEFRA in relation to the point around dog walkers and dog groomers.

The Deputy Leader advised that the Council would make representation to DEFRA.

207 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 7 OCTOBER 2021 TO 23 NOVEMBER 2021

Council received the Minutes of Executive and Committee meetings held between the period 7 October 2021 to 23 November 2021 and these Minutes were noted.

208 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“Members, I am happy to provide an update, for information purposes, on business dealt with by the Executive since the last Full Council meeting on 2 November, which was reconvened on 2 December 2021.

At its meeting on 4 November, the Executive:

- Noted the Quarter 2 2021/22 revenue budget and capital position as set out in the report and appendices.
- Noted the operational update on the Council’s leisure contract with Fusion Lifestyle (Fusion).
- Noted the Contract Monitoring 2020/21 report and the process and outcomes of contract monitoring for the Council’s most significant contracts in terms of contract value and risk.
- Noted the Waste Collection and Street Cleansing contracts update and noted that in due course a report would be presented to Council.

Portfolio Holder decisions have been taken that have:

- Adopted Anti-Social Behaviour Policy, which sets out the Council’s clear commitment to work with key partners to tackle anti-social behaviour.
- Suspended car parking charges in all Council car parks on the Saturdays during December prior to Christmas – the dates are 4th, 11th and 18th December 2021.
- Entered into a Licence with the Secretary of State for Housing, Communities and Local Government for a section of the Council owned asset known as the Freight House Car Park, Bradley Way, Rochford to be used as a COVID19 Local Testing Centre for an initial 3-month term from 19 July 2021.
- Published the Authority Monitoring Report 2020-21 as part of the Council’s evidence base for planning.

- Submitted a response to Southend Borough Council's 'Refining the Plan Options' Local Plan Consultation.

209 MOTIONS ON NOTICE

Pursuant to Council Procedure Rule 13, the following motion had been received:-

(1) From Cllrs Mrs C M Mason and A H Eves:-

"That this Council compiles and publishes a list, and if possible, an interactive map of all public defibrillators in the Rochford District, including those in non-Council premises.

That this Council reviews and where appropriate, increases the provision and accessibility of defibrillators across all Council owned spaces including public parks, community centres, leisure facilities and areas of high public footfall.

That this Council engages with local organisations to promote the training of the use of AEDs and CPR training.

That this Council promotes the provision of defibrillators in community buildings such as day centres across Rochford District.

Whilst there are some resource implications to this action, this Council acknowledges that such actions will have the ability to save lives of our residents and therefore should become a priority.

The signatories to the Motion have provided the following supporting information:-

This Council notes that on average 30,000 people each year in the UK suffer a sudden cardiac arrest outside of hospital, and 20% of these incidents occur in public spaces. This Council further notes only 10% of victims of cardiac arrests survive when the incident occurs outside hospital.

Automated external defibrillators (AEDs) can play a significant role in saving the lives of people who suffer heart attacks in public. It is estimated that a shock from AED, alongside CPR treatment, increases survival rates to 75-80%."

The Motion was moved by Cllr Mrs C M Mason and seconded by Cllr A H Eves.

Speaking to the Motion, a Councillor outlined the importance of defibrillators and their significance in saving lives during times of medical emergency. The Councillor further stated that the Motion would allow Rochford district to aid NHS staff by providing first aid help to residents who require urgent medical assistance and would aim to increase survival rates.

A Councillor raised concern around the Motion and commented that there is already a database called 'The Circuit' that comprised of the national database

of defibrillators supported by St. John's Ambulance. The emergency responders would assess the situation on a case-by-case basis and, if deemed necessary, the operator would provide the person making the call with unlocking instructions to a defibrillator nearby, unless alternative methods of first aid would be more suitable than using a defibrillator.

A Councillor highlighted the importance of clarity and suggested that it would be beneficial to the community to be pointed to where defibrillator specific information can be found that also reiterated the availability of these services within the district and suggested that this information be included on the the Council's website.

Some Councillors expressed support for the sentiments of the Motion; however, they expressed the view that the Motion would pose a high risk of confusion amongst residents, particularly if the Council was to make a separate list to the one included in The Circuit. Further comment was raised that Rochford District Council was not a suitable body to commit to the Recommendations that the Motion proposed. Speaking against the Motion, a Councillor commented that whilst he agreed with the sentiments that the Motion had proposed, it potentially allowed too many people be involved with too many databases and this risked diluting information. He further agreed that the district needed to include more defibrillators on The Circuit database with the information to be more readily available for the public, but The Circuit should remain as the only universal database to hold such information.

A Councillor raised a concern that not all defibrillators were external and therefore not readily available to use during all emergency instances, particularly if the emergency arose after the premises holding the defibrillator were closed.

Cllr Mrs C M Mason moved an amendment to the Motion, seconded by Cllr A H Eves, "that the Council provides emergency information as to what the public should do in the event of an emergency and that if people are involved in a community defibrillator project or have a defibrillator in their community that they be given information on how to register it and provided with a link on the Council's website to The Circuit and that the Council engages with local organisations to promote the training of the use of AEDs and CPR training." The rest of the Motion was withdrawn by Cllr Mrs C M Mason.

The Motion, as amended, was declared carried.

(This was unanimously agreed.)

The meeting closed at 9.48 pm.

Chairman

Date

UNCONFIRMED

If you would like these minutes in large print, Braille or another language please contact 01702 318111.