

## **Council – 26 April 2007**

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Minutes of the meeting of **Council** held on **26 April 2007** when there were present:-

Chairman: Cllr Mrs M J Webster

Vice-Chairman: Cllr K A Gibbs

Cllr R A Amner	Cllr D Merrick
Cllr Mrs P Aves	Cllr Mrs J A Mockford
Cllr C I Black	Cllr R A Oatham
Cllr Mrs L A Butcher	Cllr J M Pullen
Cllr P A Capon	Cllr P R Robinson
Cllr J P Cottis	Cllr P K Savill
Cllr T G Cutmore	Cllr C G Seagers
Cllr Mrs H L A Glynn	Cllr S P Smith
Cllr T E Goodwin	Cllr D G Stansby
Cllr K J Gordon	Cllr Mrs M A Starke
Cllr J E Grey	Cllr M G B Starke
Cllr Mrs S A Harper	Cllr J Thomass
Cllr K H Hudson	Cllr P F A Webster
Cllr A J Humphries	Cllr Mrs C A Weston
Cllr T Livings	Cllr Mrs B J Wilkins
Cllr J R F Mason	

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs R Brown, Mrs T J Capon, C J Lumley and Mrs J R Lumley.

### **OFFICERS PRESENT**

P Warren	- Chief Executive
R J Honey	- Corporate Director (Internal Services)
G Woolhouse	- Corporate Director (External Services)
S Fowler	- Head of Administrative and Member Services
Y Woodward	- Head of Finance, Audit and Performance Management
J Mitchell	- Civic Officer
J Bostock	- Principal Committee Administrator

### **145 MINUTES**

The Minutes of the meeting held on 27 February 2007 and Extraordinary meeting held on 29 March 2007 were approved as correct records and signed by the Chairman.

### **146 ANNOUNCEMENTS FROM CHAIRMAN**

#### **The Young Essex Association**

The Chairman was pleased to introduce Lizzy Coombs, Charlotte Hatley and Natasha Reynolds, Members of the Young Essex Association, who were in attendance with Celia Hopkins and Jackie Moss of the County Youth Service to deliver a presentation on the Association's activities and aspirations.

The presentation covered the Association's national and local links, including the Rochford District Youth Council and other sub-groups. Aspirations included the challenging of negative views about young people and the views of young people on what they can achieve.

In responding to questions on their activities, the representatives outlined the background to their own involvement with the Association and advised that, in their view, terminology used by the media had an influence on views about young people. Ideas engendering an interest in voting and furthering engagement between generations included involving young people with election processes and the arranging of community events of interest to all age groups.

In thanking the representatives, the Chairman confirmed that the Council recognised the value of ongoing linkage with the Young Essex Association.

### **Presentation of Gideon Bible**

The Chairman was pleased to receive a Gideon Bible presented by Stephen Bishop and David Fryett of Gideon's International, South Essex Branch.

### **Quality Parish Status Awards – Great Wakering Parish Council and Rayleigh Town Council**

The Chairman was pleased to present a Quality Council Status Award to representatives from both Great Wakering Parish Council and Rayleigh Town Council. In conjunction with the presentation Joy Shepherd, County Secretary of the Essex Association of Local Councils, outlined the nature of the Quality Council Scheme and the work undertaken by both Great Wakering Parish Council and Rayleigh Town Council and their respective Clerks to achieve the Award. It was of note that 27% of the local councils within the Rochford District had now achieved Quality Parish status. The figure for Essex as a whole was 13%, and the national figure 5%.

### **Councillor Mrs M A Starke**

This was the last Council meeting that Councillor Mrs M A Starke would be attending prior to retirement from office. Mrs Starke wished to place on record her thanks to fellow Councillors, officers and the electorate for their support during her term of office and, in particular, for the notable kindness shown to herself and her husband over recent occasions of ill health.

## **147 COMMITTEE MINUTES AND REPORTS**

Council received the Minutes and considered the report of committee/referrals as follows:-

	<b>Committee</b>	<b>Date</b>	<b>Minute No.</b>
(1)	Standards	1 March 2007	56-60

### **(a) Officers' Code of Conduct**

Council considered the report of the Standards Committee on the adoption of an Officers' Code of Conduct.

Responding to questions, the Corporate Director (Internal Services) advised that, to avoid any potential conflict with paragraph 16.1, there was no reason why the words 'ensuring that employees are free to observe them' could not be removed from the final line of paragraph 16.2. Removal of these words was moved by Councillor C I Black and seconded by Councillor T G Cutmore and it was:-

### **Resolved**

That, subject to removal of the words 'ensuring that employees are free to observe them' from the final line of paragraph 16.2, the draft Officers' Code of Conduct be adopted and the Constitution amended accordingly. (CD(IS))

<b>Committee</b>	<b>Date</b>	<b>Minute No.</b>
(2) Community Services	6 March 2006	61-65
(3) Development Control	13 March 2007	66
(4) Environmental Services	13 March 2007	67-75
(5) Policy, Finance and Strategic Performance	15 March 2007	76-84

### **(a) ByeLaw to Regulate Ball Games within Southend Road Car Park, Hockley**

Council considered the report of the Policy, Finance and Strategic Performance Committee on proceeding with the statutory process to introduce a byelaw to regulate ball games within Southend Road Car Park, Hockley.

### **Resolved**

- (1) That the Council proceed with the statutory process for the introduction of the proposed District of Rochford (Byelaws for Good Rule and Government) as attached to the officer's report and that the Head of Legal Services be authorised to effect such amendments thereto as may be necessary, and any amendment to the model form of byelaws.
- (2) That, subject to no objections being received to the Notice of Intention to apply for confirmation of the proposed byelaw, confirmation of the proposed byelaw be sought from the Secretary of State. (CD(ES))

Committee	Date	Minute No.
(6) Review	20 March 2007	85-90
(7) Leisure, Tourism and Heritage	27 March 2007	91-97
(8) Development Control	29 March 2007	99-101
(9) Planning Policy and Transportation	3 April 2007	102-112

### **(a) Revision to the Rochford District Local Development Scheme**

Consideration was given to the report of the Planning Policy and Transportation Committee on a revised Rochford District Local Development Scheme.

Council concurred with the observation of a Member that it would be appropriate to defer a final decision on the revised Scheme so that Members can be satisfied that its content can be fully understood and achievable. At this point there remained some questions on aspects such as the timelines within the three year production schedule for Local Development documents and an additional Supplementary Planning Document. On a motion, moved by Councillor K H Hudson and seconded by Councillor P A Capon, it was:-

#### **Resolved**

That consideration of the revised Local Development Scheme be deferred until the new municipal year so that Members can be satisfied that content can be fully understood and achievable. (HPT)

Committee	Date	Minute No.
(10) Audit	10 April 2007	113-118
(11) Standards	12 April 2007	119-122

### **(a) Code of Conduct for Members**

Council considered the report of the Standards Committee on the adoption of a revised Code of Conduct for Members.

#### **Resolved**

That the revised Code of Conduct for Members, as attached at Appendix 2 of the Committee Report, be adopted in place of the existing Code without amendment (except for inclusion of the ten General Principles) to come into force on 5 May 2007. (CD(IS))

Committee	Date	Minute No.
(12) Review	17 April 2007	123-127

### **(a) Review of the Monitoring of the Committee System**

Council considered the final report of the Review Committee on the review of the monitoring of the committee system.

#### **Resolved**

That the report of the Review Committee on the monitoring of the Committee System be endorsed and that:-

- (1) As part of the operation of the political decision making structure review, the new Forward Plan and also the Key Policies and Actions Report for 2007/08 submitted to Council on the 27 February be monitored to add a performance management element to the review.
- (2) The role of Member Champion be formally recognised within the political decision-making structure, the role profile attached at Appendix 1 to the report to be used for this purpose.
- (3) Committee Chairmen should meet with the lead officer prior to the preparation of agendas. (CE)

### **(b) Annual Report**

Council considered the Review Committee's annual report.

Members concurred with the Leader of the Council that the work undertaken by the Chairman and Members of the Review Committee over the last year should be acknowledged. The Committee's approach was a good example of how overview and scrutiny can operate.

The Chief Executive referred Members to the decision of the Development Control Committee at its meeting on 24 April 2007 to defer application 07/00230/FUL – 133 Eastwood Road, Rayleigh to a future meeting of the Committee. It was agreed that it would be appropriate to set a Committee meeting date of 17 May 2007 to consider the application.

#### **Resolved**

- (1) That the Review Committee's Annual Report be received.
- (2) That a meeting of the Development Control Committee be scheduled for 17 May 2007 to consider application number 07/00230/FUL – 133 Eastwood Road, Rayleigh and other timely applications. (HPT/HICS)

Committee	Date	Minute No.
(13) Policy, Finance and Strategic Performance	19 April 2007	128-140
(14) Development Control	24 April 2007	141-144

### 148 MOTION ON NOTICE

Council considered the report of the Proper Officer on a motion received from Councillors T G Cutmore and K H Hudson pursuant to Council Procedure Rule 12.

In presenting the motion, Councillor T G Cutmore advised that the matter had been brought to his attention by Tewkesbury Borough Council, which was asking for this Council's support. It was important for British forces and their families to know that people care and it would be appropriate for both Tewkesbury Borough Council and local Members of Parliament to be advised of support for the motion.

The motion was moved by Councillor T G Cutmore and seconded by Councillor Mrs C A Weston and it was:-

#### **Resolved**

- (1) That this Council is aware of the situation in which British forces and their families who are stationed overseas cannot receive parcels free of charge as they could in 2003.

This Council believes that the situation is both an appalling and disgraceful way to treat our dedicated and hardworking troops and their families given the hardships that they face in the world's hotspots and war zones and therefore asks that the Government reinstates this service as a matter of urgency.

- (2) That Tewkesbury Borough Council be advised of the decision in (1) above, which supports its own decision. Local Members of Parliament to also be advised. (CE)

### 149 PROPOSED NEW POLITICAL DECISION MAKING STRUCTURE

Council considered the report of the Chief Executive on the operation of a proposed new political decision making structure.

In presenting the report, the Chief Executive advised on consultation responses that had been received from Rawreth Parish Council and Great Wakering Parish Council following report publication.

Reference was made to the fact that the recommendations of the Review Committee relating to the committee system as agreed earlier in the meeting, particularly in relation to Member Champions, complimented the proposals as outlined. Reference was also made to a letter of 25 April from the Corporate

Director (Internal Services) to all Members providing guidance on the appointment of Chairmen to the proposed area committees and the question of Chairmanship of the Standards Committee.

Responding to questions, the Chief Executive advised that:-

- The officer support provided to the Chairmen of the Area Committees would be similar to that provided to Policy Committee Chairmen under the current structure. The Area Committees would meet at venues in their locality.
- As with current policy committee meetings, both Area Committee and Executive Board Meetings would be held in public whenever possible and include provision for visiting Members. It would be useful to continue the practice whereby, if a Member wishes to visit and speak at a meeting, they alert the Chairman of the meeting in advance.
- Proposals currently provide for each Area Committee to meet on a six weekly basis and the Executive Board three weekly. Members may want to review meeting frequencies in the light of experience. The frequency of meetings of Full Council and the regulatory and probity committees would be similar to the current structure. Meetings would continue to be in the evenings, with some sub-committees in the day time subject to Member availability.

During discussion, reference was made to the value of the Area Committee/Executive Board aspect of proposals in terms of the opportunity provided for interaction with the public. It was an opportune time for the Authority to retune its political decision making structure. A Member referred to the possibility that a change in circumstances could have a bearing on an arrangement whereby the Chairman of the Review Committee is a member of the opposition party, although it could be recognised that circumstances were currently well suited to such an arrangement. Council agreed a motion, moved by Councillor J E Grey and seconded by Councillor Mrs H L A Glynn, that the Chairman of the Standards Committee should be an Independent Member from the 2008/09 municipal year.

### **Resolved**

- (1) That the implementation of a new political structure from May 2007, involving the operation of an Executive Board and three Area Committees as outlined in the report, be agreed.
- (2) That the changes to the main elements of the Constitution, as set out in Appendix 2 of the report, be agreed.
- (3) That the Chairman of the Review Committee should be a Member of the opposition party from the 2007/08 municipal year.
- (4) That the Chairman of the Standards Committee should be an Independent Member from the 2008/09 municipal year. (CE)

**150 INDEPENDENT REMUNERATION PANEL REPORT**

Council considered the report of the Head of Administrative and Member Services containing the report and recommendations from the re-convened Independent Remuneration Panel.

Members concurred with the observation of the Leader of the Council that the work undertaken by the Members of the Panel in re-convening to develop recommendations for the proposed new political structure should be acknowledged.

It was noted that the Chairman and Vice-Chairman of the Standards Committee would continue to attract an allowance and that the Panel would be next reviewing all Parish/Town Council schemes in 2008/09.

**Resolved**

That the Remuneration Scheme proposed by the Independent Remuneration Panel for 2007/08, as set out in the report, be adopted. (HICS)

**151 LICENCE FEES UNDER THE GAMBLING ACT 2005**

Council considered the report of the Head of Environmental Services which sought approval of certain fees under the Gambling Act 2005.

Responding to questions, the Corporate Director (External Services) advised that the question of whether the fees are at a level that provides cost recovery only will continue to be monitored, with reports to Members at budget setting time if appropriate.

**Resolved**

That the schedule of fees set out at Appendix B of the report be approved (HES)

Prior to the close of the meeting, best wishes were extended to Councillor Mrs M A Starke on her retirement from office.

The meeting closed at 9.11 pm.

Chairman .....

Date .....

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