

## Council – 12 December 2017

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Minutes of the meeting of **Council** held on **12 December 2017** when there were present:-

Chairman: Cllr Mrs L A Butcher

Vice-Chairman: Cllr D Merrick

Cllr J C Burton	Cllr R Milne
Cllr M R Carter	Cllr T E Mountain
Cllr N L Cooper	Cllr J E Newport
Cllr T G Cutmore	Cllr R A Oatham
Cllr R R Dray	Cllr Mrs C E Roe
Cllr A H Eves	Cllr Mrs L Shaw
Cllr Mrs J R Gooding	Cllr S P Smith
Cllr J D Griffin	Cllr D J Sperring
Cllr B T Hazlewood	Cllr C M Stanley
Cllr N J Hookway	Cllr M J Steptoe
Cllr Mrs D Hoy	Cllr I H Ward
Cllr M Hoy	Cllr M J Webb
Cllr Mrs T R Hughes	Cllr Mrs C A Weston
Cllr G J Ioannou	Cllr A L Williams
Cllr M J Lucas-Gill	Cllr S A Wilson

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs Mrs I Cassar, D S Efde, Mrs J R Lumley, Mrs C M Mason, E O K Mason and J R F Mason.

### **OFFICERS PRESENT**

S Scrutton	- Managing Director
A Hutchings	- Strategic Director
J Bostock	- Assistant Director, Democratic Services
M Hotten	- Assistant Director, Environmental Services
A Law	- Assistant Director, Legal Services
N Lucas	- Section 151 Officer
S Worthington	- Democratic Services Officer

### **256 MINUTES**

The Minutes of the meeting held on 17 October 2017 were approved as a correct record and signed by the Chairman, subject to the following amendments:-

212/17: 'In response to a question from a Member the Section 151 Officer confirmed that, in respect of the Quarter 1 Financial Management and Performance Report to the Executive on 6 September 2017, one of the capital tables had incorrectly stated the budget for the IT Migration Project. The table should have indicated that the latest budget was £642,000 and that the Council's outturn spend against that, as at Quarter 1, was £598,000, giving an underspend of £44,000.'

217/17: 'Subject to some further work, such discussion would include the possibility of including parish staff as authorised officers.'

The Minutes of the Extraordinary Meeting held on 28 November 2017 were also approved as a correct record and signed by the Chairman.

### **257 DECLARATIONS OF INTEREST**

Cllrs Mrs C E Roe, D J Sperring, I H Ward, J C Burton, R A Oatham, J E Newport and R Milne all declared a non-pecuniary interest in item 6(2) of the Agenda relating to the petition in respect of Crown Hill public toilets by virtue of membership of Rayleigh Town Council. Cllr C M Stanley also declared a non-pecuniary interest in the same item by virtue of membership of the Rayleigh Town Council Crown Hill Toilets Sub-Committee.

Cllr R R Dray declared a non-pecuniary interest in item 6(2) of the Agenda relating to the petition in respect of Crown Hill public toilets by virtue of membership of Rayleigh Town Council and specifically of the Rayleigh Town Council Crown Hill Toilets Sub-Committee.

Cllrs M R Carter and B T Hazlewood declared a non-pecuniary interest in item 6(1) of the Agenda relating to the petition in respect of Hockley public toilets by virtue of membership of Hockley Parish Council.

### **258 ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman had had the opportunity of promoting the District during recent events she had attended representing the Council and its residents. She attended varied events, including fireworks, school and Scout events, the Sports Awards, judged the Christmas card competition, attended Remembrance Sunday services, Christmas lights switch on events and had the honour last weekend to help turn on the Rochford lights. It was, however, disappointing that due to adverse weather conditions the Civic carol service had had to be cancelled. She was honoured to meet so many people who do so much to make the community what it is. The District is a caring one and she considered it a privilege to live here.

Last weekend presents that had been bought for a children's Christmas party in Rochford were stolen in a burglary. A Just Giving page was set up with a target of £250.00. The last time the Chairman had looked, the amount raised had reached over £900.00, together with donations of sweets and gifts. This demonstrated what a good community the Rochford one was.

The Portfolio Holder for the Community updated the Council on the situation with respect to a Rochford resident, Sarah Gearing, who had been in need of life saving surgery in Spain costing £130,000 which she had had to raise within six weeks. The local community got behind her and posters were put up locally and collection tins put out. London Southend Airport also donated

flights to Spain.

Cllr A H Eves advised that the community's fundraising efforts reached the target of £130,000 on the day of Sarah's surgery, six weeks after the initial target was started. Sarah's situation served to illustrate that community spirit was alive and well in Rochford. Sarah had had successful surgery, but had contracted an infection that had led to the need for a further operation and would need a third operation in the New Year. A further £70,000 would be needed to cover the costs of all this and the campaign would be re-launched in the New Year. On behalf of the Council he expressed pride and gratitude to the Rochford community.

### **259 PRESENTATION OF PETITIONS PURSUANT TO PROCEDURE RULE 11**

- (1) Pursuant to Council Procedure Rule 11 Council considered a petition received from David Miles concerning the plan for all public toilets, with the exception of those at Hockley Woods to be disposed of either by closure and sale, or through transfer of the asset upon a long-term lease to the relevant Town/Parish Council. The disposal of these assets to be completed by April 2018. The petition stated that local residents wished to retain the Hockley public toilets without any closure or loss of provision whatsoever being forced on local residents and visitors.

David Miles, the petition organiser, presented the petition. During the 15 minute debate a Member observed that when this issue was originally discussed by the Council he had proposed an alternative option that he felt would have resulted in the necessary savings, but that this option was not considered. He further claimed that figures originally presented to the Council in respect of the public toilet proposals were predicted and not therefore accurate.

He asked for confirmation that, in the event of Hockley public toilets being handed over to Hockley Parish Council, there could be confirmation that the toilets would be kept open after 1 April 2018 until such time as the handover took place.

The Portfolio Holder for the Environment responded by emphasising that the situation in respect of the Hockley public toilets was complicated by the fact that a decision was still outstanding by the County Council around the future development of the library, the area in which the public toilets were currently situated. It was, however, now likely that the Parish Council would take over the maintenance of the public toilets, subject to the County Council decision. There was a willingness on the part of the District and Parish Councils to co-operate to ensure that the toilets weren't closed, but this was dependant on the nature of any decision made by the County Council. In response to a supplementary question from another Member as to the timescale for the toilets to be kept open until there was clarification on the library development, the Portfolio Holder confirmed that the toilets could be

kept open for a maximum of one year; however, a decision was expected by the County Council in April at which time the District Council would work with the Parish Council and make an appropriate business case to the Investment Board. He further confirmed, in response to supplementary questions, that in the event of a decision being made by the County Council earlier than April the matter would be taken to the Investment Board at the earliest possible opportunity in order to resolve the matter as soon as practicable.

A motion that no action be taken on the petition was moved by Cllr T G Cutmore and seconded by Cllr M Hoy was carried on a show of hands.

### **Resolved**

That no action be taken. (ADES)

- (2) Pursuant to Council Procedure Rule 11 Council considered a petition received from Richard Lambourne concerning the plan to transfer the maintenance of Crown Hill public toilets to Rayleigh Town Council and to close the existing building. The petition stated that local residents would like the existing building to be refurbished and that this be maintained under Rochford District Council's existing cleaning contract and that the building be retained as a free to use public toilet.

Richard Lambourne, the petition organiser, presented the petition. During the 15 minute debate a Member, arguing against the petition, expressed disappointment that this particular petition was before Council, given that it did not obtain the requisite number of signatures; there was the possibility of this setting a precedent and he considered that the processing of any future petitions should adhere to the relevant Council procedure rules. He further claimed that there were multiple duplications of names on the petition and that the number of signatories was incorrect and such a petition could therefore be regarded as dubious. He emphasised that the number of signatories on the petition represented less than 3% of the population of Rayleigh.

He claimed that the majority of Rayleigh residents were not concerned about who maintained the toilets, but did want them to remain open and maintained in a clean condition. Residents did not want to lose an attractive, historic building, nor did they want to lose a public convenience. The District Council and Town Council had worked closely together to ensure that this would not happen. Instead, new, free to use and environmentally friendly toilets would be provided in Rayleigh and the existing building would be converted and refurbished for alternative use.

Another Councillor observed that he would want costings to be presented to the Review Committee for consideration.

The Leader of the Council emphasised that the costs of refurbishing

the existing building were prohibitive. However, the Council was proposing to refurbish the building for an alternative, commercial use as well as providing brand new, purpose-built toilets for Rayleigh residents that would be better than the existing facilities. He emphasised that the Council had already made the decision, and that Council decisions could not be re-visited within six months.

He accordingly moved a Motion that no action be taken on the petition and this was seconded by Cllr Mrs C E Roe. The Motion was carried on a show of hands.

### **Resolved**

That no action be taken. (ADES)

**(Note:** Cllrs A H Eves, N J Hookway, Mrs D Hoy, M Hoy, Mrs T R Hughes, T E Mountain, J E Newport, R A Oatham, C M Stanley and S A Wilson wished it to be recorded that they had voted against the above decision.)

## **260 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 7 OCTOBER TO 1 DECEMBER 2017**

Council received the Minutes of Executive and Committee meetings held between the period 7 October 2017 to 1 December 2017.

## **261 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL**

### **(1) Treasury Management 2017/18 Mid-Year Review**

Council considered the report of the Review Committee with a recommendation on the Mid-Year Treasury Management Report.

### **Resolved**

That the Treasury Management 2017/18 Mid-Year Report be noted. (S151O)

### **(2) Member learning and Development**

Council considered the report of the Review Committee noting the recommendations of the Standards Committee on adjustments to Member training arrangements.

A Member made the point that the current arrangements did not make provision for the possibility of scheduling catch-up training for instances when Members were genuinely unable to attend mandatory training sessions and as such Members were required to seek dispensation from the Standards Committee, which was onerous. It was suggested that there would be merit in the Working Group examining that particular issue.

### Resolved

- (1) That a Working Group of the Standards Committee comprising the Chairman of the Committee, three other cross Group Members and an Independent Person in an advisory capacity be convened for the purpose of agreeing the content of the Member training programme for the 2018/19 Municipal Year and future years, reporting back to the Standards Committee on any matters that would require adjustment to general training policies. Considerations of the Working Group to include:-
  - (a) The length of training sessions being determined by the need and nature of the training, rather than prescribed, and how the differing needs of newer or more experienced Councillors can be accommodated.
  - (b) Information from post-course questionnaires from current and previous year training courses and input from the Leadership Team on courses that they feel would benefit Members.
  - (c) Induction training for newly elected Members.
  - (d) The building in of appropriate breaks within each training session.
  - (e) The design of the current post-course survey form and the possibility of providing an on-line version.
  - (f) The way that course evaluation forms are submitted.
- (2) That officers undertake a survey of all Members in respect of their training requirements/observations by no later than 1 January 2018, the results of which can be fed into the first meeting of the Working Group.
- (3) That in relation to mandatory training:-
  - (a) The requirement to attend mandatory Licensing Committee training each year be mandatory only in respect of enabling Members to sit on licensing hearings and that Members of the Licensing Committee who do not attend mandatory Licensing Committee training should remain as voting Members of the Licensing Committee.
  - (b) The requirement to attend Appeals Committee training be mandatory for each Municipal Year.
  - (c) The requirement to attend mandatory Appeals Committee training each year be mandatory only in respect of enabling Members to be on Appeals hearings and that Members of the

Appeals Committee who do not attend mandatory Appeals Committee training should remain as voting Members of the Appeals Committee.

- (d) That the Working Group established under recommendation (1) above include consideration of bi-annual training for Licensing Committee Members to allow revision of matters relating to Licensing Sub-Committee hearings, including Chairmanship.
- (e) That the Working Group established under recommendation (1) above include consideration of the provision of different training for new and existing Members of the Development Committee and the content of the training offered to ensure that it is appropriate to the needs of the Development Committee.  
(ADDS)

### **262 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE**

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

'This is the third ordinary Council meeting of the 2017/18 Municipal Year and I would like to welcome all Members.

Since the meeting on 17 October, the Executive has met twice during which considerations included:-

- The Greater Essex 100% Business Rates pilot bid;
- The process for awarding voluntary sector grants for 2018/19;
- The quarter 2 2017/18 Financial Management and Performance Report;
- Discretionary Rates Relief; and
- The Economic Growth Strategy 2017.

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

- Delegating authority to the Assistant Director, Environmental Services to agree sponsorship of roundabouts that will cover costs of maintenance and landscaping; and
- Submitting a formal response to the Department for Communities and Local Government's consultation on 'Planning for the Right Homes in the Right Places'.

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

### **263 LOCAL COUNCIL TAX SUPPORT SCHEME 2018/19**

Council considered the report of the Section 151 Officer seeking Members' approval for the proposed Local Council Tax Support Scheme for 2018/19 to be implemented from 1 April 2018.

In response to a Member question as to whether self-employed people would be assessed on the basis of working a 35-hour week at the minimum wage, the Section 151 Officer confirmed that she would provide a response to Members outside the meeting.

#### **Resolved**

That the LCTS scheme for 2018/19 be approved to come into effect from 1 April 2018. (S151O)

### **264 SOCIAL MEDIA POLICY FOR MEMBERS**

Council considered the report of the Assistant Director, Legal Services on amendments to the Social Media Policy for Members.

The Assistant Director, Legal Services advised that, in response to specific concerns raised by Members in advance of the meeting, she recommended the following amendments to the policy:-

- Page 15.4 – Delete the second paragraph.
- Page 15.5 – Delete the word 'negative' in the fifth bullet point.

Officers confirmed, in response to a Member question relating to the appropriateness of an officer making amendments to a Council policy, that at this stage the officer had presented a report to the Council in which amendments to the policy were being recommended to Members for consideration.

The Portfolio Holder for Governance thanked the officer for all her hard work on this guidance, which was designed to protect Members, and moved a Motion, seconded by Cllr M J Steptoe, that the proposed amendments, including those above, be approved.

A Councillor emphasised that it would be appropriate to give Councillors the opportunity to comment on any future proposed amendments to this policy, although there had clearly been a dialogue between Councillors and the Assistant Director which had resulted in the amendments mentioned above.



Officers advised, in response to a Member question relating to the number of complaints being made against Councillors, that there were complaints made against some Councillors that other Councillors would not be made aware of as they related to the Councillor in a personal capacity and had not been taken any further. There had been one formal complaint that had been dealt with by the Standards Committee, with sanctions agreed. In addition, the Standards Committee received an annual report relating to complaints received.

Responding to a Member concern relating to the omission of references within the policy to relevant legislation, namely the Human Rights Act and freedom of expression and to the 7 Nolan principles and that including such references could result in a diminution of dubious complaints by residents against Councillors, the Assistant Director emphasised that not all policy made reference to legislation. In this case the guidance avoided legalese and was intended to be easy to follow. In addition, training had been offered to Members which had dealt specifically with freedom of expression. She also drew attention to the fact that Article 10 of the Human Rights Act, which related to the freedom of expression, was not an absolute right, but rather a qualified one. This social media guidance for Members was designed to protect Members and to enable Members to use social media responsibly. She stressed that reference to the seven Nolan principles was already in the Council Constitution on page 5.9; there was no specific need to include these in this policy as the principles already underpin the Members' Code of Conduct. She reiterated that she already dealt with a number of complaints against Councillors by residents, effectively 'stopping them at the door'; no policy could result in eliminating such dubious complaints from residents.

In conclusion, Cllr M J Steptoe extended thanks to the Assistant Director for all her hard work on what he considered to be very good guidance for Members. He emphasised the need to be wary of social media as it was immediate and undeletable.

### **Resolved**

That the proposed amendments to the Social Media Policy for Members, including the two amendments on pages 15.4 and 15.5, be approved. (ADLS)

(**Note:** Cllrs A H Eves, N J Hookway, Mrs D Hoy, M Hoy, Mrs T R Hughes, J E Newport, R A Oatham, C M Stanley and S A Wilson wished it to be recorded that they had abstained from voting in respect of the above decision.)

## **265 ATTENDANCE AT THE ROYAL GARDEN PARTY**

Council considered the report of the Assistant Director, Democratic Services on nominations for representatives to attend the 2018 Royal Garden Party.

A random lot was accordingly drawn by the Chairman to determine the order in which nominees would attend forthcoming Royal Garden Party invitations.

**Resolved**

- (1) That Cllrs J D Griffin, B T Hazlewood, T E Mountain and D J Sperring be nominated to attend forthcoming Royal Garden Parties in the following order:-
  - 1) Cllr T E Mountain; 2) Cllr J D Griffin; 3) Cllr B T Hazlewood; and 4) Cllr D J Sperring.
- (2) That the Civic Officer submit the nominations to attend a Royal Garden Party as appropriate based on the order in (1) above, once confirmation of the Council's allocation is received from the Palace for this and the future years.
- (3) That the Civic car and Driver be used to transport attendees representing Rochford District Council at the Royal Garden Parties. (ADDS)

The meeting closed at 8.40 pm.

Chairman .....

Date .....

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