



**Rochford District  
Council**

**INDEX**

**1999**

**January - December**

## Minute Index for 1999

Title	Minute Number
146 – 200 Rochford Garden Way	156
172 – 174 Rochford Garden Way	364
1999 Housing Investment Programme	217
54 West Street	177
57 South Street, Rochford	221, 360
A130 Proposals	112, 309, 313
Advisors from Rayleigh Association of Voluntary Services	349
AEC Steering Committee on Economic Development District Membership	31
Animal Welfare Licences	88, 223
Anti Fraud Policy	119
Appointment of Chairman's Chaplain	168
Appointment of Council's Spokesperson	239
Appointment of Members to Outside Bodies and Organisations	242, 324
Arts Strategy	92
Audit Issues	118, 268
Aylesford Newsprint	308
Beacon Status Initiative	267
Benefit, Council Tax, National Non-Domestic Rates and Debtors – Write Offs	50, 240, 408
Best Value	82, 120, 380, 398, 399
Better Allocation of Resources for District Councils	321
Blatches Farm	243, 278, 403, 468,
Breach of Planning Control at 181 Greensward Lane, Hockley, Essex	344
Breach of Planning Control at Brick House, Stambridge Road, Great Stambridge	426
Breach of Planning Control at Firways Garden Centre, Hullbridge Road, Rayleigh	494
Breach of Planning Control at Highlands Farm, off Beaches Road, Watery Lane, Rawreth	345
Breach of Planning Control on Land at Corner of Verlander Drive/Tenders Avenue	342
Budget 1999/2000	6, 14, 39, 47
Building Authority Charges - Regulations 1998	107
Business Rates - Discretionary Rate Relief	473
Canewdon Traffic Study	38
Car Boot Sales	33
Car Parking Strategy	442
Care Home Provision Throughout Essex	9, 292, 350
Castle Point and Rochford Social Services Locality Panel Seminar	353
Chairman's Chain of Office	476
Committee Agenda and Minutes	323
Communications and Media Strategy	400
Community Facility – St Marks Field, Rochford	322
Contaminated Land	448

## Minute Index for 1999

Title	Minute Number
Contract Extension	139
Contract Standing Orders – Monitoring Report	409
Cost Awards: Planning Inquiries and Formal Hearings – Proposed Changes to Committee and Inquiry/Informal Hearing Procedures	72, 155
Countering Housing Benefit Fraud	270, 271
Crime and Disorder Reduction Strategy	132
Crucial Crew 1999	224
DETR Consultation Report – Limiting Landfill	446
Disabled – Appointment of Member with Special Responsibility	174
Disabled Access and Legislation	492
Disabled Access Matters	281
Discussion Document – Rural England	109
Dispersed Alarm System – Carelines	358
Door Entry System – Consultation	362
Door Entry System – Shoebury Road, St Johns Road Flats, Great Wakering	13
Door Staff Registration Scheme	89
Downhall Road, Rayleigh – Proposed Variation to Existing Waiting Restrictions – Introduction to Limited Waiting Bays	445
Draft Corporate Plan	397
Draft County/District Waste Management Statement	115
Draft Essex Social Organisation Plan 1999 – 2004	320
Draft Health Improvement Programme	11
East of England Local Government Conference	404
Election of the Chairman of the Council for 1999/2000	165
Enhancing Local Democracy Steering Group	406
Essex Active Sport Partnership	222
Essex and Southend Waste Local Plan	30, 273,498
Essex Approach – Next Steps. Designing a 21 <sup>st</sup> Century County Council	401
Essex Local Transport Plan	449
Final Accounts 1998/99	330
Financial Contribution Towards Tribunal Costs	48
First Stage Air Quality Review	199
Food Standards Agency	90
Glebe Close/Morrins Close	361
Great Wakering Landfill Site	311
Group Leaders Panel – Terms of Reference and Operation	261
Hawkwell Recycling Trial – Update	447
High Street Great Wakering – Proposed Variation, Waiting Restrictions	37
Highways Maintenance	203
Holocaust Remembrance Day	477
Home Energy Efficiency	295
Homelessness Decisions	83
House Condition Survey	363
Housing Benefit Fraud	122, 123
Housing Benefit Inspection	188

## Minute Index for 1999

Title	Minute Number
Housing Capital Programme	355
Housing Corporation Approved Development Programme	10
Housing Investment Programme (HIP)	294
Housing revenue Account 1999/2000	16
King George's Playing Field, Rayleigh	140, 298
Licensing of Houses in Multiple Occupation – Consultation	218
Liquor Licensing and Public Entertainment Licensing Hours	357
Local Authority Cultural Strategies – Consultation on Draft Guidance	91
Local Transport Plans	111
Locally Determined Programme 1999/2000	205
Low Energy Lamps – Update	87
Magnolia Road Public Open Space	106
Meat Hygiene Service	15
Members Allowances 1999/2000	51
Mental Health and Community NHS Trust	293
Mill Hall	359
Millennium Beacon Celebrations	325
Mobile Home Owners – Update	85
Modernising Agenda – Possible New Political Structure	457
Morrins Close/Glebe Close, Great Wakering	93
National Fraud Initiative 1998	62
National Housing and Town Planning Council Conference 1998	128
National Non Domestic Rating Discretionary Rate Relief	52, 142, 474
Out of Hours Call-out	234
Outside Bodies and Organisations	173
Partnership Arrangements – Transportation	312
Periodic Electoral Review	402
Petitions	59, 110, 151, 214, 225, 257, 290
Pets in Sheltered Accommodation	12
Playing Fields Safety Arrangements	436
Playspace Rolling Programme	17, 296, 435
Playspace Swimming Provision	220
Procedures for the Administration of Meetings and Support for Members	458, 478
Process Review – Housing Grants	84
Process Reviews – Progress Report	121
Public Conveniences	18, 80, 138, 297
Public Open Spaces	187
Rate Relief for Business in Rural Areas – Rural Settlement List	141
Rayleigh Town Centre Enhancements	105
Rayleigh Town Centre Notice Board	407
Rayleigh Town Centre Proposed Variation to Existing Waiting Restrictions	201
Rayleigh Town Centre: Traffic Survey Update/Junction Study	202

## Minute Index for 1999

Title	Minute Number
Rayleigh Town Council – Millennium Events	331
Rayleigh Traffic Regulation Order – District Consultation of 500 Residents	200
Recycling Banks at St John Fisher Playing Field, Rayleigh	432
Recycling Scheme to Provide Additional Water Resources for Essex and Suffolk Water	219
Rochford District Town Trials	437
Rochford River Survey 1997 – 1998	34, 70
Rochford Town Centre Working Group	108
Royal Garden Party	73
SEEVIC College	405, 487
Setting the Council Tax Base 2000/2001	471
Setting the Level of Council Tax 1999/2000	76
Sheds on Caravan Sites	86
Single Work Focused Gateway – Presentation	136, 236
Site Visit to EDL (Operations), Ware, Hertfordshire	427
South East Essex Package	204
Southend Airport	179, 444, 500
Southend Hospital Trust	299
Special Education Needs – An Action Plan for Essex – Consultation Document	354
St Andrews and Roche Ward Community Development Worker	434
Stambridge Sewage Treatment Works	423, 488, 499
Strategic Planning Liaison Panel	422
Street Trading Consent Fees	410
Sustainability Conference	40
Swimming Scheme	366
Taxi Licensing Restriction on Plates	375
Taxi Rank – The Approach	32
Telecommunication Masts	356
Tender Returns – Playspaces Rolling Programme	365
Third Stage Air Quality Review	472
Time Capsule Discussions	486
Town & Country Financial Issues Group	475
Town and Country Financial Issues Group	49
Traffic Calming Scheme – Helena Road and Louise Road, Rayleigh Report on Results of Post-Calming Consultation Exercise	35
Travellers in Essex	137, 215, 291, 433
Treasury Management	241
Unauthorised Works to Preserve Tree at 61 Cheapside West, Rayleigh	461
Waste Contract Strategy Options	501
Waste Local Plan Enquiry	489
Waste Management Licence Consultation	314
Waste Management Seminar	376
Waste Strategy – Ecologika Draft reports	274
Waste Water Recycling Scheme	284

## Minute Index for 1999

Title	Minute Number
Whistle Blowing Policy	186
Working Groups - Protocol	421
Zebra Crossings	36



**Rochford District  
Council**

# **ROCHFORD DISTRICT COUNCIL MINUTES**

**1999**

**November (Part 1)**

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Leisure Sub-Committee

At a Meeting held on 2<sup>nd</sup> November 1999. Present: Councillors D M Ford (Chairman), J M Dickson, J E Grey, N Harris, D R Helson, Mrs S J Lemon, Mrs M J Webster and Mrs M A Weir

Apologies: Councillors P A Beckers, Mrs A R Hutchings and Mrs W M Stevenson

#### 59. MINUTES

The Minutes of the Meeting held on 8<sup>th</sup> September 1999 were approved as a correct record and signed by the Chairman

#### 60. CIRCA LEISURE MANAGEMENT REPORT

The Sub-Committee noted the report of the Head of Leisure & Client Services with regard to the latest Circa Leisure Management Report. Mrs Wendy Edwards from Circa Leisure attended the meeting to answer Members' questions relating to the report. The following points were clarified during discussion.-

##### Park Sports Centre

Members were advised that Rochford District Council were the tenants of the Park School site with Circa Leisure providing contract management. The responsibility for repairs at the site fell 50% to Essex County Council and 50% to Rochford District Council although in relation to the squash court area, Rochford District Council was a 100% responsible for all repairs. It was noted that monies identified to carry out essential repairs to the squash courts had been put on hold pending a decision from Essex County Council on the future of the former school site. It was considered appropriate for Essex County Council Members to be made aware of the difficulties with the lack of response/action from Essex County Council staff on the matter of repairs to the site and also the Authority's concern at the continued uncertainty as to the future of the site

##### Freight House

It was noted that the lighting in the building was still an issue awaiting resolution by this Authority.

##### Clements Hall Works – Contract Extension

Mindful of the refurbishment works being carried out at this site Members requested details of the programme and timetable together with health and safety risk assessments relating to the same

## **Mill Hall**

It was noted that to date no booking had been made for a Millennium Event at Freight House, although at Mill Hall, Circa were organising their own event; to date ticket sales had been slow.

## **Pricing**

Members requested that Circa incorporate on their literature the point that their pricing was not endorsed by Rochford District Council. It was further requested that the Company look at the possibility of reduced membership costs for residents of the District.

## **Impact of Acquisition by Kunic Plc**

Members noted the new name for Circa Leisure would be 'Leisure Connection Plc'.

## **RECOMMENDED**

That the report be received and the points outlined above be actioned. (131) (HLCS)

## **61 LEISURE STRATEGY (Minute 306/97)**

The Sub-Committee considered the report of the Head of Leisure & Client Services which provided a mid-term review on the progress of the leisure strategy. During detailed consideration of the update information the following points were clarified

### **Key Area 1 - Facilities**

**Point 1:** It was noted that the Sports Development Officer was in contact with the District Schools on an ad-hoc basis on matters relating to the National Junior Sports Programme and within his capacity as Chairman of the Youth Sports Development Group.

**Point 6:** Questioning the meaning of Sustrans, Members considered there should be a presentation to Members on Cycle Routes within the Rochford District.

**Point 8:** Members noted the aims of this objective was to provide a permanent indoor bowling rink

**Point 10:** This objective was considered unachievable and Members were of the opinion that it could be removed from the strategy.

**Point 21:** It was noted that all bids for inclusion within the 2000/2001 budget would be referred to the Member Budget Monitoring Group for consideration.

### **Key Area 2 – Participation**

**Point 1.** In answer to a Member's question the Sub-Committee were advised that written information was available detailing those activities available within the Rochford District; this information was updated annually

**Point 6.** It was considered appropriate for this matter to include comment from the CCT Working Party specifically relating to contract renewal.

### Key Area 3 – Young People in Sport

**Point 12:** It was noted that the information available on sporting opportunities for young people in the District was distributed to libraries, schools and both Rochford District Council Offices and Community Information Centre for public use

### Key Area 4 – Voluntary Sector

**Point 2.** Members noted that lottery grants were available in certain circumstances although the criteria for the same were extremely complex.

### Key Area 5 – Information

The Sub-Committee noted that a database was available in the Rochford District Council Offices and that a club directory was also publicly available.

**Point 4:** It was noted that the town trails would be the subject of a report to the next meeting of the Community Services Committee

In agreeing for the strategy to be allowed to run its course, Members were of the opinion that consideration of the report should be deferred to allow a report back to the Leisure Sub-Committee, which reported further on those matters outstanding and included shading (similar to that used in the Crime & Disorder Reduction Strategy Update reports) to indicate those matters which were due to be complete within six months of the meeting.

### RECOMMENDED

- (1) That the Sub-Committee allows the Leisure Strategy to run its course to 2002.
- (2) That a further report be brought back to the Leisure Sub-Committee providing further update information in relation to the Leisure Strategy (HLCS) (30700)

## 62. SUMMER HOLIDAY ACTIVITIES

The Sub-Committee considered the report of the Head of Leisure & Client Services which apprised Members of the success of the various Summer holiday activities held throughout the District. In noting the details of the swimming scheme, Members considered that with the exception of Sweyne Park School only Junior Schools should be included within the scheme for the year 2000

### RECOMMENDED

- (1) That the success of the Summer schemes held in 1999 be noted.
- (2) That the swimming initiative for Year 2000 continues on the basis outlined in the report and that £10,000 be included in the draft budget for that purpose (33556) (HLCS)

The Meeting closed at 9.30pm

Chairman .

Date ..

*D. M. Jones*  
5.1.2000

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Housing Management Sub-Committee

At a Meeting held on 3 November 1999. Present: Councillors Mrs M S Vince (Chairman), R S Allen, T G Cutmore, Mrs J Hall, N Harris, C C Langlands, Mrs S J Lemon, R A Pearson, and Mrs M A Weir.

Mr S Adger (Advisor representing Rayleigh and Rawreth Tenants Association)

Apologies: Councillors P A Beckers, D M Ford, Mrs W M Stevenson and Mrs S McPherson (Advisor representing Rochford and Stambridge Tenants' Association)

Substitutes: Councillors J M Dickson and C R Morgan.

#### 78. MINUTES

The Minutes of the Meeting held on 1 September 1999 were approved as a correct record and signed by the Chairman

#### 79. MEMBERS' INTERESTS

Councillor C C Langlands declared an interest by virtue of being a leaseholder of a former Council property

#### 80. TENANT PARTICIPATION COMPACTS

The Sub-Committee considered the report of the Head of Revenue and Housing Management on the development of tenant participation compacts

It was noted that the Government intended to allocate additional funds for compacts through the Housing Revenue Account subsidy system and that, based on current indications, Authorities such as Rochford are likely to receive a minimum of £10,000. Members endorsed the view of the Head of Revenue and Housing Management that an amount equal to the likely receipt of funds plus the regular amount for tenant participation be included in the draft budget.

#### Resolved

That £13,000 be included in the Housing Revenue Account 2000/01 draft budget for the development of Tenants Participation Compacts. (HRHM)

#### 81. REPAIRS AND MAINTENANCE MONITORING REPORT

The Sub-Committee considered the quarterly report of the Head of Revenue and Housing Management on repairs and maintenance monitoring.

It was noted that budget provision did not currently exist within the Housing Revenue Account to meet additional budget requirements relating to housing repair and maintenance and plant replacement. Additional funding was therefore sought to resolve this shortfall.

*H. S. King*  
1191

**Resolved**

That an additional budget requirement of £47,700 be met from Housing Revenue Account balances. (HRHM)

**82 HOUSING REVENUE ACCOUNT REPAIRS AND MAINTENANCE BUDGET**

The Sub-Committee considered the report of the Head of Financial Services detailing the type and nature of works and order levels within each Repairs and Maintenance category.

During debate, Members expressed their dismay at the dreadful condition of properties recovered from tenants and the associated costs. Having considered the options for future reports it was:-

**Resolved**

That the criteria for reporting be as follows:-

- Responsive work orders with a final cost of £2,500 and above
- Reports to be made retrospectively on a quarterly basis
- Reports to consist of a description of the works, the final cost of the works and relevant comments from the technical officer where appropriate. (HFS)

**83 DOOR ENTRY SYSTEM – 23-28 ESSEX CLOSE, RAYLEIGH**

The Committee considered the report of the Head of Revenue & Housing Management on the installation of a Door Entry System to 23-28 Essex Close, Rayleigh

Members recognised that, given the amount of nuisance and aggravation experienced by residents at this block of flats, it would be appropriate to give priority to the request. The fact that all respondents in the block were in favour of installation was also noted.

On a motion moved by Councillor N Harris and seconded by Councillor R A Pearson it was

**Resolved**

That the block of flats, 23-28 Essex Close, Rayleigh, be included in the 2000/01 Capital Programme under the 'Necessary' Works category, with remaining blocks listed in the report included in the 'Desirable' Works Category (HRHM)

**84. FENCING – WORCESTER DRIVE, RAYLEIGH**

The Sub-Committee considered the report of the Head of Revenue & Housing Management on the provision of fencing at Worcester Drive, Rayleigh.

Responding to Member questions, the Head of Revenue & Housing Management confirmed that fencing provision could be seen as justifiable on Crime and Disorder grounds. The Sub-Committee agreed that the work should be undertaken as early as possible and, on a motion moved by Councillor R A Pearson and seconded by Councillor T G Cutmore it was:-

**Resolved**

That the works to the value of £1,600 be funded from 1999/2000 Repairs and Maintenance

Budget (HRHM)

85 **HOUSING SERVICE SURVEY**

The Sub-Committee considered the report of the Head of Revenue & Housing Management on the Housing Survey which had been undertaken in September and the frequency of future surveys.

Members were pleased at the positive nature of the results, which would provide a useful benchmark.

Particular note was made of the emphasis which tenants had placed on the value of working to reduce crime and disorder and the quality and speed of the Repairs and Maintenance Service. In discussing the partnership aspects of the Crime and Disorder Strategy, it was agreed that it would be of value for Tenants Association advisers to be furnished with a copy of the Strategy.

**Resolved**

That a Housing Service survey feature as part of the annual report in future years. (HRHM)

86. **EVICTION – 22 SEPTEMBER 1999**

The Sub-Committee considered the report of the Head of Revenue & Housing Management detailing action taken to recover a Council property where high level arrears had existed. The Head of Revenue & Housing Management reported verbally on a second recent eviction and provided an outline of other vulnerable cases.

Responding to Member questions, Officers confirmed that evicted tenants would have their cases investigated under the 'homelessness' provisions of the Housing Act 1996 and that Social Services were involved at the early stages of vulnerability where appropriate. With reference to provision within the Crime and Disorder Act for Anti-social Behaviour Exclusion Orders, such Orders were very much tools of last resort

**Resolved**

That the approach and actions of the Head of Revenue & Housing Management be endorsed. (HRHM)

87 **REVIEW OF ALLOCATIONS POLICY**

The Sub-Committee considered the report of the Head of Revenue & Housing Management on reviewing the Policy for Housing Allocations (which was currently transfer driven with an associated points system)

Members noted that a review would need to include consultation with those on the Housing Register

**Resolved**

- (1) That the existing allocations policy and points scheme be reviewed
- (2) That the approach and timetable for review set out in the report of the Head of Revenue & Housing Management be adopted. (HRHM)

88 REVIEW OF TENANCY AGREEMENT

The Sub-Committee considered the report of the Head of Revenue & Housing Management on the current status of the revised draft tenancy agreement

Following detailed consideration of all provisions within the document and suggested amendments it was:-

**Resolved**

- (1) That the revised draft Tenancy Agreement, as amended and set out as an Appendix to these Minutes, be adopted, subject to consultation
- (2) That the Head of Revenue & Housing Management undertake comprehensive consultation with all tenants

It was further -

**RECOMMENDED**

That the following amounts relating to the revised Tenancy Agreement be included in the 2000/01 draft Housing Revenue Account estimates

Item	£
Consultation	£ 5,000
Publication (including annual report and tenants' newsletter)	£13,000 (HRHM)

The Meeting closed at 10.10pm

Chairman *D. S. Vince* .....

Date *16 December* ... *'99*....

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Transportation Sub-Committee

*At a Meeting held on 4 November 1999. Present: Councillors G Fox, J M Dickson, Mrs J E Ford, Mrs J M Giles, Mrs H L A Glynn, J E Grey, D R Helson, G A Mockford, R A Pearson, and Mrs M J Webster.*

*Apologies: Councillors D M Ford, A Hosking, and V D Hutchings*

*Substitutes: Councillors Mrs J Helson and Mrs M S Vince*

*Non-Members attending: Councillors G A Mockford, P F A Webster, Mrs M A Weir and D A Weir.*

#### 114 MINUTES

The Minutes of the Meeting held on 29 June 1999 were approved as a correct record and signed by the Chairman, subject to it being noted that the previous meeting had been held on the 25th and not 29th May 1999 as stated in the Minutes.

#### 115 MEMBERS' INTERESTS

The following non-pecuniary interests were declared in the "Presentation from Arriva" item:

Councillor J M Dickson by virtue of the fact that his daughter-in-law works for Arriva.  
Councillor Mrs J E Ford by virtue of the fact that she is a user of the service.  
Councillor G Fox by virtue of the fact that he used to be employed by Arriva.

The following non-pecuniary interest was declared in the Hackney Carriage items:

Councillor Mrs H L A Glynn by virtue of her association with taxi drivers

#### 116 PRESENTATION BY MR NEWMAN, OPERATIONS MANAGER, ARRIVA

The Chairman welcomed Mr Graham Newman, Operations Manager from Arriva, Southend, who attended the meeting to give a presentation on the Company's service within Rochford District.

Mr Newman explained that Arriva were a privately owned company. Its predecessor was Southend Transport, who were owned by the local council.

Arriva were attempting to make improvements to their services. They wished to provide their customers with a viable and reliable service. In order to do this and remain competitive, they needed to change the existing culture within the organisation. Previously, there had been no need to market the goods. In the current climate of the reliance on the motor car, it would be necessary to increase public awareness of their need to use buses in place of cars. This would be brought about by training courses for staff and making the most of marketing enterprise to the public. It was hoped that this would only take a matter of months.



Arriva aimed to employ considerate staff, who would take care of its passengers. Recently £1m has been spent on the purchase of vehicles. It was planned to spend a further £1.5m in the Rochford area by next March. Timetable changes were planned for the very near future.

Members' attention was brought to the very high cost involved in updating vehicles according to the correct specifications for the district, ie low floor, low height. Arriva have a current stock of 96 vehicles (80 are on the road at any one time) and employ 200 staff.

Mr Newman explained that Arriva looked to the District Council to help them achieve their aims. In particular it was necessary to work together to reduce the level of cars on the roads and thus ease congestion. This was a major cause of delays to services. In answer to Member questions, Mr Newman covered the following points:

- There had been a problem in contacting the bus company easily to access up-to-date timetable information or to discover the reasons for the failure of a particular scheduled bus. Mr Newman confirmed that a new telephone number would shortly become available, which should improve matters. The current problem was not helped by the fact that incoming calls currently covered other areas of Essex and not just Southend.
- It was not always easy to increase the frequency of services or shorten existing ones to achieve that end. Such factors as suitable turn-around points, lack of population of certain areas, etc. had to be borne in mind. The private operator must make a profit.
- The issue of providing timetables at all bus shelters was currently being addressed. The problem was often caused by the limited size of frames, vandalism, etc. and the possibility of installing vandal proof shelters was being investigated.
- A bus may serve several railway stations on any one route and it was difficult to set a timetable which will adequately connect with all trains. The train operator serving stations throughout the district ran bus services in direct competition with Arriva, Southend.
- Tests were currently being carried out in rural areas on the use of satellite systems being installed on buses. As technology improves, the increased availability of this form of communication should improve the information available to the passenger at the bus stop.
- Arriva would investigate the possibility of serving the Hall Road Lawn Cemetery with a bus.
- It was confirmed that Highways would assist in the matter of providing or re-instating adequate signage at bus stops.
- Arriva were putting pressure on Southend Council to clean up the Bus Station in Southend.

Mr McCullough from the County Council informed Members that regular meetings were taking place with local bus operators. All involved were encouraged by the progress made by these meetings.

Mr Newman was thanked for his contribution.



117 **CONTRACT 2000**

The Sub-Committee considered the report of the Area Manager South, County Highways concerning the rationalisation of the strategy for procuring and managing Highways and Transportation services in the Rochford district, which is due to change in April 2000. The whole of the original service would move across to this new system.

This would provide a more efficient, "user friendly" service involving a "single shop" type of contractor. The County Council were only looking at major contractors. The performance of the chosen contractor would be closely monitored and Members would have an opportunity to feedback any issues as they arose.

The role of the Client Support Consultant was clarified. The reporting of finances would continue in a similar method to the present. It was confirmed that Rochford would be solely responsible for allocating the budget for locally determined programmes and that Rochford had a greater allocation of the budget for footways than any other district. Overall more money is available in the budget to the South of the County for footways.

It was noted that there were Parish Implications for this report and that Parish Councils would be consulted with regard to the new strategy.

Members were informed that there would be an opportunity to be involved in a workshop during the early part of next year, once the Contractor had been appointed.

It was felt that a review of the structure and purpose of the Local Transportation Panel would be of merit. It would be for Rochford District Council to decide what format it would like the panel to follow.

Thanks were extended to Mr Gardner and Mr McCullough.

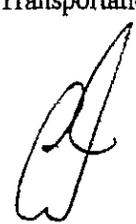
**Recommended**

- (1) That the proposed changes being made by the County Council in procuring and managing its services with effect from 1st June 2000, and the suggested links between Members and officers of the District and County Councils with regard to the delivery of the highway service in Rochford be noted.
- (2) That arrangements be made for further reports to be submitted to this Sub-Committee as the new contract arrangements are implemented. (HCPI)

118. **HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE ADVERTISING CRITERIA**

The Sub-Committee considered the report of the Head of Revenue & Housing Management which sought Members' approval to alter the wording relating to the advertising criteria contained within the Hackney Carriage and Private Hire Vehicle Licences, so that advertising does not have to be restricted solely to businesses situated within the District of Rochford.

Whilst considering the proposal to be common sense, Members were of the opinion that "advertising should not conflict with any business within the District of Rochford". Should uncertainty arise, the matter should be referred to a meeting of Urgency Transportation & Environmental Services for decision.



On a Motion put by Cllr V H Leach and seconded by Councillor Mrs J Helson it was

**Resolved**

That Conditions 3f relating to the conditions of Hackney Carriage Licence and Condition 3d relating to the conditions of Private Hire Vehicle Licence be amended to indicate that "advertising should not conflict with any business within the District of Rochford". (HRHM)

119. **REVISION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE SIZE CRITERIA**

The Sub-Committee considered the Report of the Head of Revenue & Housing Management which sought Members' views relating to the deletion of a minimum length requirement for vehicles.

**Resolved**

That the minimum length requirement within the Pre-Licensing Standards for Hackney Carriage and Private Hire Vehicles be deleted (HRHM)

120. **HACKNEY CARRIAGE STANDS**

The Committee considered the report of the Head of Revenue & Housing Management which sought Members' approval to the siting of three Hackney Carriage Stands.

It was confirmed that the Police were happy with the new proposals for both Rayleigh and Hockley. In answer to Members' questions, the Head of Service advised that the Hackney Carriage Stand in Rayleigh High Street would be marked out as near to the entrance of Boots Lagoon as practical, to overcome the potential for obstruction of the rank.

**Resolved**

That the introduction of Hackney Carriage Stands, as detailed within the report and subject to statutory consultation be approved at:

- (1) Rayleigh High Street
- (2) Hockley, Spa Road
- (3) Hockley. (HRHM)

121. **TAXI LICENSING - RESTRICTION ON PLATES**

The Sub-Committee considered the report of the Head of Revenue & Housing Management regarding the possible relaxation of the Council's present policy of limiting the number of Hackney Carriage plates issued to an individual or company.

Members considered the restriction on plates could only be removed if those vehicles being licensed would be accessible by disabled persons.

On a Motion put by Councillor Mrs J Helson and seconded by Councillor Mrs H L A Glynn it was **resolved**

- (1) That a limit of two Hackney Carriage Plates be adopted for each Applicant without restriction as to the type of vehicle subject to compliance with the Council's Pre-Licensing Standards and Conditions.
- (2) That Hackney Carriage Plates be issued on request to:
  - (i) individual Applicants, who already hold two Hackney Carriage Plates, in respect of additional vehicles which comply with the Technical Specification for fully Wheelchair Accessible Taxis contained within the Disability Discrimination Act, 1995
  - (ii) Company Applicants, who have satisfied the Council's existing requirement that the first Hackney Carriage Plate issued be in respect of a fully Wheelchair Accessible Taxi and already hold three existing Hackney Carriage Plates, in respect of additional vehicles which comply with the Technical Specification for fully Wheelchair Accessible Taxis contained within the Disability Discrimination Act, 1995.
- (3) That the Transfer of a Vehicle and Hackney Carriage Licence Plate may only be made from the existing Holder of the Licence Plate to another qualifying person if:
  - (i) the existing Holder has held the Licence Plate for a minimum of five years.
  - (ii) the qualifying person does not hold more than one Hackney Carriage Plate unless the vehicle complies with the Technical Specification for a fully Wheelchair Accessible Taxi contained within the Disability Discrimination Act 1995.
- (4) That the minimum time criteria for applying to obtain an initial Hackney Carriage Plate remain unchanged and that for the issue of a second and subsequent Plates be extended to two years from the issue date of the initial Plate.
- (5) That the Head of Revenue & Housing Management amend the Council's Pre Licensing Standards and Conditions for Hackney Carriages to reflect the Committee's decision and undertake an early review to harmonise the Council's Pre-Licensing Standards and Conditions relating to vehicles and drivers for both Hackney Carriage and Private Hire to permit maximum flexibility with the Trade (HRHM)

## 122. CONCESSIONARY FARE - TAXI VOUCHER SCHEME

The Sub-Committee noted the report of the Head of Revenue & Housing Management which provided details of a taxi voucher scheme which was proposed to be run within Rochford District by the Essex Disabled People's Association (EDPA), following a national lottery grant.

## 123. CAR PARKING STRATEGY

The Sub-Committee considered the report of the Head of Revenue & Housing Management which dealt with:-

- Car Parks, their designation and management
- Oxford Parade Car Park and Members' Notice of Motion
- Fee structure including neutralising income foregone as a result of free Saturday afternoon parking

- Consultation with Chambers of Trade and Commerce

### Oxford Parade Car Park

Members noted the current situation with regard to this Car Park and the Notice of Motion from Council in June 1999. Questions were raised with regard to the removal of the Car Park from the District of Rochford (Off Street Parking Places) Order 1997, and the non-renewal of the Licence. Members felt that officers should begin negotiations with the current landowner in an attempt to obtain a short term Licence with a view to the site being brought back into the Car Parking Order.

Consideration of the other matters detailed in the Report was deferred for further information, and on a Motion put by Cllr Mrs J Helson and seconded by Councillor Mrs J M Giles, it was

### **Recommended**

- (1) That a report be submitted on the following points:
  - i. 'Pay on Exit' car parking with full cost implications including staffing, maintenance and insurance
  - ii. Bands relating to penalty ticket
  - iii. Usage per price band breakdown at each car park
  - iv. Net income to the Council
  - v. Whether the Council can make any savings on the cost of running the service
  - vi. How many car parking spaces are at each of our Leisure buildings
  - vii. Whether the Freight House car park could have joint usage as a 'Pay on Display' and for the use of the building
  - viii. How many Council-owned free Car Parks exist
  - ix. The cost of introducing change machines and machines that record the car's number plate
  - x. The possibility of decking any of the Council's car parks
- (2) That full consultation to any amendments to our Car Parking Strategy be referred back to the Chambers of Trade with the offer of them giving their views in person to the Council
- (3) That Officers open negotiations with the current landowner of the Oxford Road Car Park in an attempt to obtain a short term Licence with a view to the site being brought back in to the District of Rochford (Off Street Parking Places) Order as a controlled car park. (HRHM)

## 124 **CRIME AND DISORDER REDUCTION STRATEGY**

The Sub-Committee considered the report of the Head of Revenue & Housing Management which advised Members on progress on the Crime and Disorder strategy, with specific reference to those aspects for which the Sub-Committee had responsibility.

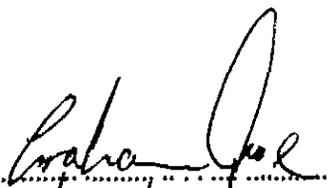
The Sub-Committee was advised that the issue of abandoned supermarket trolleys was being addressed. Members were pleased to note that the upgrading of The Approach Car Park, in terms of boundary fencing, lighting and additional patrols were felt to be contributing factors to the reduction of crime.

Members were pleased to note that the work required by the Strategy was on target.

**Recommended**

That the Community Safety Sub-Committee be advised that this Sub-Committee's work is on target (HRHM)

The meeting closed at 11.15 pm.

Chairman .....  .....

Date ..... 06/01/2000 .....

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Environmental Health Sub-Committee

At a meeting held on 9 November 1999. Present: Councillors A Hosking (Chairman), G C Angus, P A Beckers, Mrs J E Ford, J E Grey, C C Langlands, V H Leach, Mrs M S Vince, Mrs M J Webster

Apologies: Councillor D M Ford

Substitutes: Councillor J M Dickson

Advisor: Mrs J V Rigby (Rochford Hundred Association of Local Councils)

#### 81. MINUTES

The Minutes of the Meeting held on 14 September 1999 were approved as a correct record and signed by the Chairman.

#### 82. PLANETARY INITIATIVES, RECYCLING STARTER PACK

The Sub-Committee considered the report of the Head of Housing, Health & Community Care which sought to introduce Members to Planetary Initiatives, a "not for profit" organisation based in Westcliff, who aimed to promote waste recycling and sustainability in Essex.

Members welcomed Mr Ron Taylor and Mr John Booth from Planetary Initiatives who jointly gave a talk on the work being undertaken by their organisation. A Project Summary booklet and a Starter Pack were distributed to Members.

It was felt that one of the strengths in waste management is working with other local authorities and that the strongest possibility of providing funding from the Environment Trusts exists on this basis. Members were in general agreement that the work of Planetary Initiatives should be seen as complementing the work which already existed within the District.

Mr Taylor and Mr Booth were thanked for their contribution to the meeting.

#### Recommended

That the Council supports the work which is proposed to be carried out in the District by Planetary Initiatives. (HHHCC)

#### 83. DRAFT LOCAL AGENDA 21 STRATEGY

The Sub-Committee considered the report of the Head of Corporate Policy & Initiatives which sought Members' approval of a draft Local Agenda 21 Strategy as the next stage in the Local Agenda 21 preparation process. The report also sought to inform Members of the consultation process which would commence following publication of the strategy. This would include various groups and organisations, including parish councils.

During detailed discussion, it was decided that the following points (page numbers refer to report page numbers) be amended within the document:

Page 13 - Include the diagram from the Essex Sustainability Report relating to sustainable development.

Page 14 - Change second paragraph to include 'Local Transport Plans' and rephrase to say these documents should be 'internally consistent'

Page 17 - Include in paragraph 2 a comment relating to the difficulty of access to and from rural areas. Consider moving this paragraph to Chapter 3 'Transport'.

Page 18 - Add as a suggested indicator the number of houses using alternative energy (e.g. solar power).

Page 20 - Include public transport as a further section.

Page 21 - Move the indicator relating to the availability of public transport to the top of the list, and delete the indicator relating to the length of bus lane miles

Page 24 - Change the focus of some of the indicators so they relate to % rather than 'number of', and include the content of indicator one into the main text of the chapter.

Page 25 - Remove reference to an 'energy from waste plant' and add a footnote to the effect that Rochford District Council has a policy of incineration only as a very last option.

Page 26 - Include reference to continuing to investigate ways of diverting high levels of waste from final disposal.

Page 34 - Add links to planning/development control to point 4, add schools to point 6, and add the number of people pursuing organic gardening as a possible indicator.

Page 35 - Include a cross reference to chapter 2 'Energy' and chapter 7 'Natural Environment and Biodiversity'.

Page 37 - Remove 'where fights and assaults take place' from the end of the paragraph.

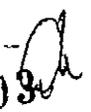
Page 38 - Remove reference to 'many pockets of poverty'; refer to there being poverty in certain wards

Page 39 - Include indicators in relation to crime and disorder (consistent with the Crime and Disorder Strategy), and include a reference to the planning of estates that 'avoid crime and disorder'.

Page 40 - Amend to read 'Improving health is both about improving health services and working on causes of ill health .....

### **Recommended**

That, subject to the amendments outlined above being included, the draft Local Agenda 21 Strategy be agreed and that arrangements be made for consultation as outlined in the report. (HCPI)

1203 

84 **RECYCLABLE MATERIALS MARKET DEVELOPMENT PROGRAMME**

Note The Chairman admitted this item of business as urgent as Essex County Council intended to initiate the project as quickly as possible following agreement by participating authorities

The Sub-Committee considered the report of the Head of Housing, Health & Community Care which sought Members agreement to the Memorandum of Understanding for the joint market development project for recyclable materials.

Members were pleased to note that under point 3 (page 62) under the heading "Our Action Plan", it was the intention to safeguard Landfill space for Essex waste only

Members were informed that, although the Council had agreed to the allocation of the January-March share of the annual contribution to the project being included in the current budget, it has now become clear that a full year contribution would be required by the end of January 2000. It was agreed that any additional expenses in excess of the Council's agreed contribution would have to be the subject of specific Committee approval and it was noted that the need for regular reporting back on progress to the funding Authorities was addressed within the proposal.

However, it was agreed that provision to be able to give reasonable notice of withdrawal from the project, for whatever reason, should be made available.

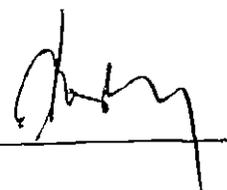
**Recommended**

That the Memorandum of Understanding for the Market Development for Recyclable Materials be agreed, subject to:

- (1) any proposal which will incur expenditure on behalf of the Council in excess of its agreed contribution being referred back to the Council for consideration prior to any commitment being entered into
- (2) provision being made available for the Council to reconsider its continued participation in the project on an annual basis, through the estimates process, and to be able to withdraw for financial reasons or if it is not satisfied with the work of the project. (HHHCC)

The meeting closed at 9.45 pm

Chairman:



Date:

12 January 2000

## **ROCHFORD DISTRICT COUNCIL**

### **Minutes of the Finance & General Purposes Urgency Sub-Committee**

**At a Meeting held on 10 November 1999. Present:** Councillors C R Morgan (Chairman), G Fox and V H Leach

**Visiting:** Councillors D E Barnes and Mrs J Helson

#### **11 MINUTES**

The Minutes of the meeting held on 20 September 1999 were approved as a correct record and signed by the Chairman

#### **12 DECLARATIONS OF INTEREST**

The Chief Executive declared an interest on behalf of himself and the Head of Administrative and Member Services, who was also present at the meeting, in Minute No. 13 (Staff Appraisals) as they were both affected by any decision that the Sub-Committee might take on the arrangements for staff appraisals

#### **13 STAFF APPRAISALS**

The Sub-Committee considered the recommendations contained in Minute No 227 of the Corporate Resources Sub-Committee dealing with the arrangements for appraisal of the performance of the Chief Executive and other senior officers. It was noted that a decision was needed urgently on these recommendations in order that the appraisals of the Council's senior managers might take place at the earliest opportunity

#### **RESOLVED:**

- 1 That the Member appraisal of management be confined to the Chief Executive only, with the Chief Executive undertaking appraisals of the Corporate Directors and the Chief Executive in association with the Corporate Directors, undertaking the appraisals of the Heads of Service
- 2 That the appraisal process be carried out at 6 monthly intervals, with interviews programmed for October/November and March/April.
- 3 That the appraisal of the Chief Executive be undertaken by a Member Appraisal Panel appointed from Corporate Resources Sub-Committee, comprising the Chairman of that Sub-Committee and one nomination from each of the main political groups. In addition, once appointed to the Panel, no Member substitution be permitted during the municipal year
- 4 That a special meeting of the Corporate Resources Sub-Committee be convened prior to the Chief Executive's appraisal taking place, to discuss and agree those issues to be taken up by the Member Appraisal Panel with the Chief Executive as part of the appraisal process, with those Chairmen of the main Service Committees not already on Corporate Resources Sub-Committee being invited to the Sub-Committee specifically for this item.
- 5 That to ensure effective feedback from the appraisal process, the Member Appraisal Panel receive details from the Chief Executive of his interviews with the Corporate Directors and those which he undertakes in association with the Corporate Directors of the Heads of Service.

6. That the agreed targets for each of the Council's senior managers be circulated to all Members of the Corporate Resources Sub-Committee (CEX)

#### **14 PARK SCHOOL JOINT MEMBER LEVEL MEETING**

The Sub-Committee considered an oral report by the Chief Executive on the need to identify members of this Council to attend a joint meeting with County Councillors to discuss the future of the Park School site. It was noted that the joint meeting was due to take place on 22 November 1999 and that the Finance and General Purposes Committee had no ordinary meeting scheduled before that date.

After discussing some of the issues that were likely to be discussed at the joint meeting,

#### **RESOLVED:**

That the Leaders of the Conservative, Labour and Liberal Democrat Groups (or their nominees) be appointed to meet with County Councillors on 22 November 1999 to discuss the future of the Park School site. (CEX)

The Meeting ended at 7.35pm.

**ROCHFORD DISTRICT COUNCIL**

**Minutes of the Member Budget Monitoring Group**

**At a Meeting held on 11 November 1999. Present:** Councillors D E Barnes (Chairman), C R Morgan, R E Vingo and P F A Webster

**Apologies:** Councillor V H Leach

**Substitutes:** Councillor Mrs J Helson.

**56. MINUTES**

The Minutes of the Meetings held on 30 September and 14 October 1999 were approved as correct records and signed by the Chairman.

It was noted that officers would approach the Chief Executive of the Essex Economic Partnership to obtain a copy of the Partnership's submission promoting upgrade of the A130 (Minute 48 refers)

**57. 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.

**58. ADVICE AND VALUATION OF THE COUNCIL'S LEISURE ASSETS**

NOTE Councillor DE Barnes declared a non-pecuniary interest in this item by virtue of his role as Chairman of Rayleigh Age Concern and membership of Rayleigh Town Council Councillor Mrs J Helson declared a non pecuniary interest by virtue of membership of Rayleigh Town Council

The Group received a presentation from Mr I Simpson of FD P Savills Property Consultants relating to valuation of the Council's leisure assets

Having outlined his brief, Mr Simpson advised on possible development options and marketability of the Council's leisure assets (Castle Hall, Park Sports Centre, the Mill Hall Complex, Rayleigh, Clements Hall Leisure Centre, Hawkwell, the Freight House, Rochford and the Great Wakering Sports Centre) At Members' request, Mr Simpson agreed to supply a separate written outline of the main points within his presentation to Members of the Group) on the understanding that figures referred to were provided in confidence and based on very broad assumptions.

Responding to questions, Mr Simpson provided advice on:-

- The possible yield value of sites to the Council's leisure contractor
- Possible alternative uses for specific sites and the nature of the leisure market in terms of areas where public body subsidy is appropriate
- The potential option of introducing a trust arrangement for non-profitable activities
- Leisure Sector conventions for the duration of operating contracts and lease arrangements, together with the factors to be considered in the determination of appropriate contracts.

In terms of moving forward, Mr Simpson advised on the importance to the Authority of being clear about the type and standard of facilities it would want to provide and maintain. On resolution of this aspect, it would be appropriate to make a decision about the future of individual sites. On the letting of Leisure Contracts, it is important to be in possession of fairly accurate information about the yield potential of sites, particularly those which are 'flagship'

In thanking Mr Simpson for his valuable presentation, Members agreed that it would be appropriate to give further consideration to the way forward after the next Group Meeting (at which the Council's Leisure Contractor would be making a presentation)

The Meeting closed at 7.24pm.

Chairman .. . . .  
Date . . . . .

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Corporate Resources Sub-Committee

At a meeting held on 11<sup>th</sup> November, 1999. Present Councillors D. E. Barnes (Chairman), R.Adams, G. Fox, Mrs. J. M. Giles, Mrs. J. Helson, C. R. Morgan, V. H. Leach, R.E. Vingoe, P.F.A. Webster, D.A. Weir and Mrs. M.A Weir

**Apologies:** Cllrs. D.R. Helson and T. Livings.

**Substitute:** Cllr. G. A. Mockford

**Visiting.** Cllr. Mrs. H.L A. Glynn

#### 278. COUNCILLOR T. LIVINGS

Members were sorry to learn of Councillor Livings' ill health, and extended their best wishes for a quick recovery.

#### 279. MINUTES

The Minutes of the meeting of 20<sup>th</sup> October 1999 were approved as a correct record and signed by the Chairman.

#### 280. MATTERS ARISING

There was one matter arising, as outlined below:-

##### Minute 277 – Staff Appraisals

The Chairman reported that the Finance and General Purposes Urgency Sub-Committee held on 10<sup>th</sup> November 1999 had endorsed the recommendations regarding staff appraisals made at the Corporate Resources Sub-Committee's last meeting, and that he had written to Members of the Sub-Committee outlining a suggested format for the Chief Executive's appraisal. Copies of that letter were circulated at the meeting.

#### 281. MEMBER'S INTERESTS

The following non-pecuniary interests were declared in the report concerning grants to outside bodies (Minute 282):

Councillor D E Barnes as Chairman of Rayleigh Age Concern

Councillor G Fox by virtue of his association with Rochford Crossroads

Councillor Mrs J M Giles as the Council's representative on Rayleigh Age Concern

Councillor Mrs H L A Glynn by virtue of her association with the Royal Association for the Deaf.

Councillor C R Morgan by virtue of his association with the Hullbridge Senior Citizens Welfare Council.

Councillor Mrs M A Weir by virtue of her association with the Rochford Old People's Welfare Committee.

#### 282. GRANTS TO OUTSIDE BODIES

**NOTE:** It was pointed out that appendix 3 should have referred to the Royal Association for the Deaf, rather than the Rayleigh Association for the Deaf, as stated

The Sub-Committee considered the report of the Head of Financial Services, which outlined suggested arrangements for the award of grants to external organisations for the next financial year. It was noted

that a letter had been sent to all organisations who received revenue support in 1999/2000 inviting applications for 2000/2001. The letter pointed out that the Council could face difficult choices regarding its budget and, therefore, it would be unlikely that all grant applications would be successful. The applications would be considered by the Sub Committee on 19 January 2000.

Members considered the following proposals for the allocation of grants:

- Grants criteria. The previously agreed funding criteria were appended and Members considered a number of possible changes, which sought to clarify the Council's priorities when assessing grant applications.

A motion by Councillor G. Fox and seconded by Councillor Mrs. M.A. Weir which proposed a number of significant revisions to the existing criteria was thoroughly debated by the Sub-Committee, and, upon a vote being taken, was declared carried. The motion is given in full in Recommendation 1 below. During discussion, a number of Members considered that the Citizens Advice Bureaux (CAB) should receive priority when consideration was being given to the award of grants, over and above the priorities identified in the motion, but an amendment to this effect moved by Councillor Mrs. J.Helson and seconded by Councillor V.H. Leach was, upon a vote being taken, declared lost. The Head of Financial Services sought to reassure Members that, under both the old criteria and those newly proposed, the CAB would be eligible for, and receive, high priority in consideration of the award of grants. Similarly, areas of social need had in the past and would continue in the future to meet the highest criteria for grant aid. It was confirmed that the Sub-Committee's recommendations in respect of revisions to the grants criteria would be considered at the next Meeting of Finance and General Purposes Committee on 30 November.

- Advertising the availability of grants. A suggested draft advertisement was appended to the report.

Members were anxious to ensure that, notwithstanding the very limited grants budget, the potential availability of grants should be widely advertised to encourage applications from organisations which had not, hitherto, received assistance. It was suggested that the December issue of Rochford District Matters would be the most appropriate and cost-effective medium for an advertisement, which could closely follow the wording of the draft appended to the report. It was suggested in addition, that the advertisement should refer to the proposal to revise the grants criteria, as outlined above, and state that the amended version, if approved by Finance and General Purposes Committee, would be available after that meeting.

- Presentation of applications. Members considered that it would be more appropriate to wait until all applications had been received before determining those organisations from which presentations would be requested.

The Sub-Committee was also reminded that a grant of £1,804 had been made to the Rayleigh Operatic and Dramatic Society (RODS) in the current financial year and that the Council would assist in their application for a grant from the Eastern Arts Board. Any grant received would be offset against that made by the Council. The Head of Financial Services informed the Meeting that, since then, however, no reply to letters to the Society from the Council had been received.

Members noted details of the grants awarded in 1998/1999 and 1999/2000, and agreed that in respect of funding paid to Circa Leisure for organisations' hire of their halls, these sums should in future comprise part of any grants made direct to the bodies concerned.

## RECOMMENDED

1. That the criteria for assessing grant applications should be as follows:-

A. Service Delivery Priority

1. Provide a cost effective community-focused service that complements the Local Authority's statutory priorities.
2. Provide a cost-effective, community-focused service that complements the Local Authority's discretionary priorities.
3. Provide a local service either solely or mainly for the following priority groups'

Elderly

Handicapped

Children

Other groups identified through the Council's policies

B. Funding Priority

1. Applications must be made each year Any organisation not submitting an application will not receive funding.
2. Totally dependent on Rochford District Council's funding.
3. Rochford District Council's funding represents greater than 50% of total funding.
4. Rochford District Council's grant is a valued contribution towards funding, and represents 10% or more of the organisation's total funding
5. Rochford District Council's grant is notional funding towards the service and represents less than 10% of the organisation's total funding.
6. The remainder of the Grants budget not awarded by the end of the financial year to be carried forward to the following financial year.

Any applications received during the year will be judged solely against the above criteria.

2. That the availability of grants be advertised in the December issue of Rochford District Matters.
- 3 That determination of any organisations that will be requested to give a presentation concerning their application be deferred pending the receipt of all applications. (HFS)

**283. GRANTS TO OUTSIDE BODIES – ROYAL BRITISH LEGION**

The Sub-Committee considered the report of the Corporate Director (Finance and External Services) concerning an application that had been received from the Hockley & District Branch of the Royal British Legion for a contribution from the Council towards the cost of adding the names of servicemen killed in the two World Wars, who were resident in Hockley, Hawkwell and Hullbridge, to the war memorial roll of honour. A copy of the application was appended On a motion by Councillor R.E. Vingoe and seconded by Councillor P.F.A. Webster, it was

**RECOMMENDED**

That a one-off donation of £300 be made to the Royal British Legion (HFS)

**284. GRANTS TO OLD PEOPLE'S WELFARE ORGANISATIONS**

It was agreed that, in view of the recommendations that had been made during discussion of the item concerning grants to outside bodies, this report should be deferred, for consideration at the next meeting of the Finance and General Purposes Committee.

**285. INFORMATION STRATEGY**



The Sub-Committee considered the report of the Head of Administrative and Member Services which outlined proposals for the preparation of an information strategy for the Council, and the associated staffing requirements.

It was noted that the information strategy would be concerned with the Council's use of information both in supporting the business of the Council and as a valuable commodity in its own right. It would identify what information is needed and why, and define values the Council will apply to the management and use of information. The Head of Administrative and Member Services informed the Sub-Committee that Vantagepoint, the Council's I.T. Consultants, had recommended the introduction of an information strategy, which would have a bearing on the I.T. contract.

It was likely that the information strategy would be prepared during the summer of 2000, enabling any implementation issues to be considered when preparing the budget for 2000/01. As it was possible that implementation would have staffing implications consideration was given to extending the contract of the existing post of GIS/data processor (Post LS11) from 11 October 2000 to 31 March 2001. On a motion by Councillor Mrs. J Helson and seconded by Councillor D.A. Weir, it was recommended that the latter matter should be considered by the Member Budget Monitoring Group

#### **RECOMMENDED**

- 1 That the Corporate Director (Law, Planning and Administration) be requested to prepare an information strategy for consideration in Autumn 2000.
2. That consideration be given by the Member Budget Monitoring Working Group to the extension of the contract for the post of GIS/data operator. (HAMS)

#### **286. COMMUNICATIONS AND MEDIA STRATEGY**

The Sub-Committee considered the report of the Head of Corporate Policy and Initiatives which sought Member's approval for the adoption and publication of a Communications and Media Strategy.

The proposed strategy would seek to formalise procedures with the aim of creating a more positive relationship between the Council and the Media and to clarify communication protocols between officers and the Media and Members and the Media. A copy of the draft Communications and Media Strategy was appended.

The Sub-Committee was broadly supportive of the strategy, viewing it as a worthwhile framework and starting point for the development of effective communication with the media, but expressed concerns about the possible financial and staffing implications of its implementation. The Chief Executive explained that whilst the main purpose of the strategy was to identify ways in which existing resources could best be used, it could also prove the basis for a future bid for additional resources which would need to be considered against other competing priorities at that time. It would also provide a useful framework for developing the work programmes of existing staff working with the media. The future of the temporary post in the media and public relations office, which was due to expire in April 2000, would be examined as part of the budgetary review process to be carried out by the Member Budget Monitoring Working Group. During discussion, a number of Members expressed the wish that Officers should consider ways in which the appropriate Committee Chairmen could be involved in, and consulted about, press releases. It was also suggested that a full review should be undertaken after 6 months.

#### **RECOMMENDED**

That the draft Communications and Media Strategy be adopted and put into operation, and that monitoring reports be prepared with a review after the strategy has been operational for 6 months. (HCPI)

287 **BEST VALUE – ROLLING PROGRAMME OF SERVICE REVIEWS**

The Sub-Committee considered the report of the Chief Executive which submitted a revised programme of Best Value service reviews as requested at Finance & General Purposes Committee on 12 October. The revised programme was appended to the report.

It was agreed that Item 33 – Treasury Management – should be brought forward from Year Three to Year One. The Rolling Programme of Service Reviews would be sent to partner organisations, the Parish Councils and other interested groups for information and comment, in due course.

~~RESOLVED~~ **RECOMMENDED**

That the revised programme of service reviews be agreed as amended. (CEX)

288. **EXCLUSION OF THE PUBLIC AND PRESS**

**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 1, 8 and 9 of Part 1 of Schedule 12A of the Act.

289. **RELOCATION EXPENSES**

**NOTE:** The Chairman agreed to admit this item as urgent business since the lodging allowance in question would be payable only until 17 November and an early decision was therefore required concerning a possible extension of the payment period.

The Sub-Committee considered the confidential joint report of the Head of Planning Services and Head of Administrative and Member Services concerning a request that had been received from a recently appointed member of staff concerning the Lodging Allowance payable. Given the circumstances of the case, it was therefore considered reasonable for the Council to agree to extend the period for which it would pay lodging allowance to the member of staff for a further six months from 17 November 1999.

**RECOMMENDED**

That the Chief Executive allows the extension for a further six months from 17 November 1999 of the payment of a lodging allowance subject to none of the other requirements being altered (HPS)

290 **OUT OF HOURS SERVICE PROVISION**

The Sub-Committee considered the confidential report of the Corporate Director (Finance and External Services) concerning the implementation of an out of hours service.

This issue had previously been examined by the Transportation and Environmental Services Committee on 19 November 1998, and a copy of the report to that Meeting was appended. Members had resolved that, subject to a report on the operation of a service being approved, £20,000 be included in the 1999/2000 estimates for this purpose. In the event, however, no provision was made in the 1999/2000 estimates as Members wished to see a wider ranging report on an out of hours service.

The Sub-Committee reviewed the potential costs of providing such a service, including the associated standby payments together with payments to other staff who were on call out. It was recognised that, should an out-of-hours service be introduced and operated by the Council's own staff, then there would be a significant impact on the Council's budget. However, it was considered possible that the service could be provided via a contractor more cost effectively.



## RECOMMENDED:

- (1) That the internal provision of an out-of-hours noise service be not pursued at this time.
- (2) That a bid for £25,000 be made for inclusion in the 2000/01 budget and if successful, quotations will be obtained from external contractors (CD(F&ES))

### 291. COMPULSORY PURCHASE OF 35, 37 & 39 WEST STREET, ROCHFORD

The Sub-Committee considered the confidential joint report of the Head of Legal Services and Head of Corporate Policy and Initiatives which sought Member's views on action that could be taken to secure the future of 35, 37 and 39 West Street, Rochford.

Members were reminded that, at its Meeting on 3 December 1996, Finance and General Purposes Committee had resolved that a Compulsory Purchase Order be served with the intention of the Council acquiring the properties for the purpose of repair (Min.575.96). The service of the Compulsory Purchase order was however made conditional upon securing a third party willing to enter into a "back-to-back deal" with the Council to acquire and repair the buildings. Since then only two positive approaches had been identified including one from the Southend and District Building Preservation Trust, and letters from both the organisations involved were attached for Members' reference.

Several options had been considered by the Member Budget Monitoring Working Group at its Meeting on 21 October 1999, which had agreed that, given the Council's financial position, it would be of value if the Southend & District Building Preservation Trust could provide a categorical statement that they would take immediate responsibility for the property should it be compulsorily purchased by the Council, together with details of their financial capacity to undertake such a project. It was agreed that there should be further communication reminding the current owner of the property that, subject to compliance with listed building regulations, conversion of the ground floor for residential use could be an option. The Head of Corporate Policy and Initiatives informed the Sub-Committee that, since preparation of the report, written confirmation had been received from the Southend and District Building Preservation Trust Ltd that they wished to proceed on the basis of a back to back Compulsory Purchase Order as per the District Valuer's valuation. A letter had also been received from the Architectural Heritage Fund confirming that the Preservation Trust would be eligible in principle to receive financial assistance from the Fund to acquire and repair the premises. As requested by the Sub-Committee, copies of the letters are attached to these Minutes. During discussion, Members were anxious to ensure that the actual capital implications of the proposal for the Council were made clear in the Sub-Committee's recommendations. On a motion by Councillor Mrs. J. Helson and seconded by Councillor V H. Leach, it was also agreed that the project should be regarded as part of the larger package of proposals for the regeneration of Rochford Town Centre.

## RECOMMENDED

- (1) That the Repairs Notice served on the owner of 35, 37 and 39 West Street, Rochford under the provisions of Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 on 27 July 1996 be withdrawn
- (2) That the District Valuer and a Surveyor be instructed to inspect the premises for the purpose of compiling a Full Repairs Notice and determining the value of such repairs and the fair market value of the property taking into account the alternative possible future uses of the property.
- (3) That in the event of the owner not allowing access to the premises for the purpose of inspection then the Council exercise its powers under Section 88 of the Planning (Listed Building and Conservation Areas) Act 1990 to gain entry for this purpose.

- (4) That the Head of Legal Services be authorised to complete a conditional contract with the Southend and District Building Preservation Trust Ltd. for the acquisition and repair of the buildings.
- (5) That the Head of Corporate Policy and Initiatives compile a list of repairs necessary for the preservation of the buildings at 35, 37 and 39 West Street and that these be included in a Full Repairs Notice.
- (6) That a revised Full Repairs Notice be served under the Provisions of Section 48 of the Planned (listed Buildings and Conservation Areas) Act 1990 requiring the buildings at 35, 37 and 39 West Street, Rochford to be repaired in accordance with the detailed schedule of repairs referred to above.
- (7) That in the event that the owner does not take reasonable steps to secure the proper preservation of the buildings in accordance with the details specified in the Full Repairs Notice, to proceed with compulsory acquisition of the properties under the provisions of Section 47 of the Planning (Listed Building and Conservation Areas) Act 1990.
- (8) That a sum of £90,000 additional spend be allocated in the Capital Programme for the project as detailed in the report, subject to any capital receipt arising therefrom being applied in full to the project, thereby giving a net impact on the capital programme of £35,000
- (9) That expenditure incurred in the compulsory purchase be regarded as part of the overall package of proposals for the regeneration of Rochford Town Centre. (HLS/HCPI)

#### 292 RE-ADMISSION OF THE PUBLIC AND PRESS

##### **Resolved**

That the public and press be re-admitted, to enable further consideration of the items concerning grants to outside bodies and grants to old people's welfare associations.

The outcome of these discussions are outlined in Minutes 282 and 284 above.

#### 293. EXCLUSION OF THE PUBLIC AND PRESS

##### **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 1,7,8,9 and 12(b) of Part 1 of Schedule 12A of the Act.

#### 294. CITIZENS ADVICE BUREAUX

The Sub-Committee considered the confidential report of the Head of Financial Services which gave preliminary consideration to the policy to be adopted concerning the Citizens Advice Bureaux (CAB) for 2000/2001

Members noted that, currently, the District is served by two bureaux, one located in Rayleigh and the other in Rochford, and details of the grants awarded to both in the current financial year, lease arrangement for the premises, the service level agreement and other sources of funding were received.

The suitability of two Bureaux serving the District was examined and it was recognised that, at present, the funding was spread between both Bureaux which restricted their development and service provision. Reference was made to the previous discussions regarding this issue, when it had been agreed that a rationalisation of the management and administrative structure of the Bureaux would

help provide a more effective use of resources, and not necessarily result in any reduction in the location of service delivery. It was noted that the Head of Financial Services was currently a member of the management board of the Rayleigh CAB, and it was suggested that he could, if relinquishing this position, be ideally placed to negotiate with both Bureaux to achieve a co-operative and shared approach to service provision

Members concurred with the Chairman that it would also be useful for Officers to establish the level of service provided in other Authorities, and report back on progress with discussions with the Bureaux in three months' time. During debate, a number of Members also expressed the view that the Bureaux should be notified that, from April 2001, the Council would only fund a single CAB organisation, for next financial year, any grant applications would be assessed on the basis of the agreed criteria.

On a motion by Councillor Mrs. J M Giles and seconded by Councillor P. F. A. Webster, and, following a vote, it was

#### **RECOMMENDED**

- 1) That notice be given to both Bureaux that, from April 2001, the Council will fund a single CAB organisation only.
- 2) That the Head of Financial Services co-ordinates negotiations with both Bureaux to achieve a single rationalised management structure for the provision of a CAB service, having first relinquished his position on the management board of the Rayleigh CAB
- 3) That a further report be submitted to the Sub-Committee in three months' time. (HFS)

Pursuant to Standing Order 24(4) Councillor D A. Weir wished it to be recorded that he had voted against the recommendation.

#### **295. CONFIDENTIAL STAFFING ISSUE**

The Sub-Committee considered the confidential report of the Corporate Director (Law Planning and Administration) which gave details of a claim of unfair dismissal that had been made against the Council and the associated financial issues, and sought authority to incur legal and/or settlement costs.

Members noted that, in legal fees, and Officer time involved in case preparation and attendance at the Tribunal to give evidence, it was unavoidable that substantial costs would be incurred by the Council to defend a claim for which the maximum potential liability would be quite modest. However, in the circumstances of the case, Members felt obliged to defend the Council's position with all vigour.

Details of the maximum compensation that the Council could be required to pay, together with the likely costs for legal representation by a firm of employment law specialists over a four day hearing were received.

#### **RECOMMENDED:**

- 1 That Messrs Wollastons be appointed to represent the Council at Tribunal, the costs to be included in the 2000/2001 budget estimates.
- 2 That Messrs Wollastons be asked to report back on the merits of any counter claim and application for costs together with the advisability to negotiate settlement to avoid unnecessary legal costs and use of Officer time. (CD(LPA)).

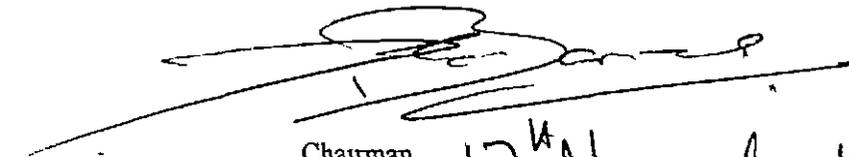
296. IT YEAR 2000 STRATEGY

The Sub-Committee considered the confidential report of the Chief Executive which had been prepared following a detailed investigation into the implementation of the Council's IT YEAR 2000 Strategy and specifically the issue of revenue expenditure on the project.

It was noted that it would be possible for the Year 2000 IT project to be implemented within the budgetary provision laid down, if a virement from capital to revenue was carried out, and a small saving be achieved. A number of issues were identified for future action, which was endorsed by the Sub-Committee.

**RECOMMENDED:**

- (1) That the additional expenditure requested in respect of PC acquisition, cabling and virus software totalling £18,000 be agreed, to be funded from the Year 2000 IT capital budget.
- (2) That the virement of £43,000 from the Year 2000 IT capital budget to revenue be agreed.
- (3) That the IT consultants be requested to expand their existing brief to examine the client side and project management aspect, at a total additional cost of £4,000, with approximately £2,000 being funded from balances at this stage, and the remainder from the £2,000 overall project savings.
- (4) That the Chief Executive's actions in respect of the budget book presentation, the internal financial monitoring, client side linkages with SEMA, and contract preparation be endorsed.
- (5) That Officers be authorised to approach those suppliers who have caused problems to the Authority with a view to attempting to secure some recompense for the additional costs incurred. (CEX)

  
Chairman 17<sup>th</sup> November 1999

Date



# THE ARCHITECTURAL HERITAGE FUND

Clareville House, 26-27 Oxendon Street, London SW1Y 4EL • Tel 0171-925 0199 • Fax 0171-930 0295  
e-mail: ahf@ahfund.co.uk • http://www.ahfund.co.uk

Our ref. SBPT/GTC/RDC

11 November 1999

The Chief Executive  
Rochford District Council  
Council Offices  
South Street  
Rochford  
Essex SS4 1BW

Dear Sir,

35-39 West Street, Rochford

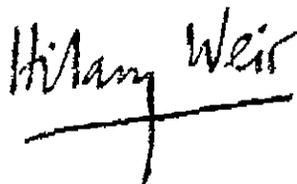
I write to you at the request of Southend & District Buildings Preservation Trust. We understand the Trust is concerned about the future of 35-39 West Street and would like to work alongside Rochford District Council in order to save these buildings.

The Trust is eligible in principle for financial assistance from The Architectural Heritage Fund (AHF) for a project to acquire and repair these buildings for re-use. The AHF offers buildings preservation trusts feasibility study grants to undertake an options appraisal and initial viability assessment; administration grants towards the non-professional costs involved in developing a project; refundable grants for specific professional work to develop the preferred option identified by a feasibility study; and low-interest loans as working capital for the acquisition, repair, rehabilitation and, if necessary, conversion of eligible buildings. An AHF loan could be contracted to enable Southend & District Buildings Preservation Trust to acquire 35-39 West Street in a back-to-back agreement with Rochford District Council, provided the AHF was satisfied that the project was viable.

We understand from the Trust that the Council has initiated statutory action with a view to compulsory purchase should the owner fail to carry out the necessary repairs and refuse to sell by negotiation. The Trust is anxious for momentum not to be lost.

I enclose some information about the AHF and would be pleased to discuss any aspect of our work.

Yours faithfully,



Hilary Weir  
Secretary

President The Duke of Gloucester

Council of Management

Sir John M. G. James KCVO OBE (Chairman) • Mrs Jane Sherman OBE (Deputy Chairman)  
Mr David Adams OBE • Mr Colin Arbery • Mr Nicholas Baring • Mr William Cobell • Mr Robert Crow • Mr Malcolm Crowder  
Sir Brian Jenkins OBE • Mr John Pavitt • Dr Roger Woods • Mr Roy Worland

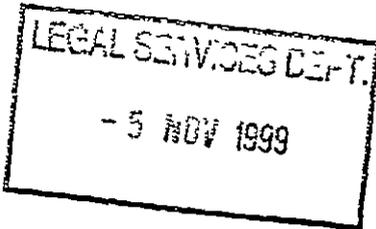
Secretary Hilary Weir OBE

Registered Charity No. 205700. Company limited by guarantee registered in England No. 1190094

**Southend & District Building Preservation Trust Ltd.**

Company Number:2884330

Registered Charity Number:1037291



425 Sutton Road,  
 Southend on Sea,  
 Essex.  
 SS2 5PQ  
 Tel: 01702 465900

Rochford District Council,  
 Council Offices,  
 South Street,  
 Rochford,  
 Essex.  
 SS4 1BW

3rd November, 1999

Dear Mr. Bugeja,

Re: 35 - 39 West Street Rochford.

In response to your letter of 22nd October, 1999 and my telephone call in response, follows as requested a letter of intent to proceed on a back to back C.P.O. as per District valuation.

Also to confirm that English Heritage/Architectural Heritage Fund will be writing directly to you to confirm their support of this project.

I trust this is sufficient for your committee members but if further confirmation is required, please feel free to contact me at the above address or via the telephone.

Yours sincerely

V. Wilkinson  
 For and on behalf of S & D B P T.

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Community Services Committee

At a Meeting held on 16<sup>th</sup> November 1999 Present: Councillors Mrs W M Stevenson (Chairman), R S Allen, P A Beckers, T G Cutmore, D F Flack, K A Gibbs, J E Grey, N Harris, Mrs A R Hutchings, C C Langlands, Mrs S J Lemon, R A Pearson, Mrs M S Vince, Mrs M J Webster and Mrs M A Weir

**Apologies** Councillors J M Dickson, D M Ford and Mrs J Helson.

**Substitutes:** Councillors Mrs J E Ford and D R Helson

**Visiting.** Councillors R Adams, D E Barnes, G A Mockford and P F A Webster.

#### 429. MINUTES

Referring to Minute 350/99 "Presentation by Essex County Council on its current proposals in relation to Care Home Provision throughout Essex", Members were advised by the Head of Housing, Health and Community Care that the County Council Social Services Committee had agreed to proceed with testing the market for the long lease of Albert Jones Court to the Private sector with the County Council reporting back on the matter to their January cycle. Members noted this with regret

With reference to Minute 364 /99 "172-174 Rochford Garden Way" Members were further advised by the Head of Leisure and Client Services that the "Street Art Project" was due to commence on the weekends of 20<sup>th</sup> and 27<sup>th</sup> November 1999.

The Minutes of the Meeting held on 16 September 1999 were approved as a correct record and signed by the Chairman

#### 430 SUB-COMMITTEE MINUTES

Members considered the following Sub-Committee Minutes and the recommendations contained therein.

- (i) **Pets in Sheltered Schemes Working Party – 22 September 1999**  
**Minute 8 – Second Survey Results**

##### **Resolved**

(1) That arrangements be made for the gradual introduction of pets to the Francis Walk/Crown Hill wardened accommodation units, providing tenants agree to sign the charter previously agreed by the Working Party.

(2) That the introduction of communal pets and PAT dogs be encouraged as appropriate.  
(HRHM)

- (ii) **Community Services Urgency Sub-Committee – 5 October 1999**

- (iii) **Street Trading Panel – 8 October 1999**

(iv) **Community Safety Sub-Committee – 21 October 1999**  
**Minutes 131 – Police Report**

**Resolved**

(1) That any decision on the purchase of further CCTV equipment be delayed until the new procedures for monitoring have been in place for a period of six months, after which time a better evaluation as to need will be available (Police).

(2) That Rochford District Council's Officers communicate with the Chief Constable of Essex Police to seek his reassurances that the Rayleigh Police Division will be retained, and that the vacant Superintendent's post will be filled as soon as possible. The communication to indicate that this Council reserves the right to pursue this matter with the Police Authority should appropriate reassurance not be forthcoming. (HCPI)

**Minute 132 – Crime and Disorder Strategy – Update 2**  
**Trolleys**

Members were advised by the Head of Revenues and Housing Management of a policy adopted by this Authority to use powers under the Local Government (Miscellaneous Provisions) Act 1982 to encourage supermarkets to collect their supermarket trolleys at the end of trading.

**Review of Council Operated Play Areas**

Further to the point in relation to the lack of response by the relevant Head of Service with regard to progress made on this project, Members noted that this would be subject of a report later in the Meeting.

**Resolved**

- (1) That the amended schedule format be agreed
- (2) That update reports be submitted to future meetings of the Community Safety Sub-Committee.

**Minute 133 – Eastwood Ward – Rochford**

It was noted that there had been some confusion as to the method of consultation for this particular Ward. The Ward Member informed the Committee that there would now be a joint survey with Essex County Council as originally planned.

**Resolved**

That arrangements be made for the Crime and Disorder survey of Eastwood Ward to be undertaken. (HCPI)

**Minute 134 – Roche and St Andrews Ward: Ward Profile**

**Resolved**

That progress on the Roche and St Andrews Ward project be noted and that further update reports be submitted to future meetings of the Community Safety Sub-Committee (HCPI)

**Minute 135 – Essex County Council Safety Fund**

**Resolved**

That the matter of a Community Development worker for the StAR project be referred to the Community Services Committee for consideration of the detailed job description, job specification, the key objectives of the post and detailing who the worker would report to. (HCPI)

- (v) **Leisure Sub-Committee – 2 November 1999**  
**Minute 60 – Circa Leisure Management Report**

**Resolved**

That the report be received and the points outlined in the Minute be actioned. (131) (HLCS)

**Minute 61 – Leisure Strategy (Minute 306/97)**

**Resolved**

- (1) That the Leisure Strategy be allowed to run its course to 2002.  
(2) That a further report be brought back to the Leisure Sub-Committee providing further update information in relation to the Leisure Strategy. (HLCS) (30700)

**Minute 62 – Summer Holiday Activities**

**Resolved**

- (1) That the success of the swimming schemes held in 1999 be noted.  
(2) That the swimming initiative for Year 2000 continues on the basis outlined in the report and that £10,000 be included in the draft budget for that purpose. (33556) (HLCS)

- (vi) **Housing Management Sub-Committee – 3 November 1999**

**Minute 88 – Review of Tenancy Agreements**

**Resolved**

That the following amounts relating to the revised tenancy agreement be included in the 2000/01 draft Housing Revenue Account estimates.

<u>Item</u>	<u>£</u>
Consultation	5,000
Publication (including annual report and Tenants newsletter)	13,000

(HRHM)

**431. OUTSTANDING ISSUES – MEETINGS OF 2 MARCH AND 13 JULY 1999**

The Committee was satisfied that all necessary action had been taken. Minutes 310 (i/98) (HRHM), 310 (ii/98) (HFS), 81 (ii/99) (HLCS) and 288 (iii 99) (HRHM) were carried forward.

432 **RECYCLING BANKS AT ST JOHN FISHER PLAYING FIELD, RAYLEIGH**

The Committee considered the report of the Head of Housing, Health and Community Care on the outcome of consultation with residents regarding the proposed relocation of the recycling banks at St John Fisher Playing Field

Noting the background to the consultation and the process undertaken by Officers to determine the most appropriate way forward, some Members expressed concern that the consultation had only given four options for the siting of the recycling facilities within the St John Fisher Playing Field Car Park. The Chairman advised that the consultation had been carried out in accordance with the Committee's instructions. Mindful of this, Members concurred with the report recommendation that Option 1 should be the most appropriate way forward and, on a show of hands, it was:-

**Resolved**

That the recycling banks be retained at current location and that a 2m anti climb fence be erected to the north, east and south boundary of the existing hardstanding, the cost being met from the existing recycling scheme budget. (HHHCC)

433 **REVISION OF THE CODE FOR TRAVELLERS IN ESSEX (Min. 165/95)**

The Committee considered the report of the Head of Housing, Health and Community Care on an addition to the criteria of the Code for Travellers in Essex to which Essex County Council had sought all District and Borough Councils endorsement.

In noting the amendment to the code, namely -

"Once the agreed period of occupation has elapsed then the distance moved should be at least two miles from the site occupied. Re-occupation of the same site should not take place within three months"

Members were of the opinion that the phrase should be strengthened with the word "should" being replaced by the word "must". Comment was further made in respect of the code not being enforced by the County Council and it was requested that Members concern with this regard be forwarded to the relevant County Officer.

**Resolved**

1. That Essex County Council be informed that this Authority endorses the proposed additional wording to the Code for Travellers in Essex as amended with the word "should" being substituted by the word "must".

2. That Essex County Council be informed of this Authority's concerns at the apparent lack of enforcement of the adopted Code by Essex County Council. (HHHCC)

434 **ST ANDREWS AND ROCHE WARD COMMUNITY DEVELOPMENT WORKER**

The Committee considered the joint report of the Head of Corporate Policy & Initiatives and the Head of Housing, Health and Community Care which informed Members of funds available from Essex County Council Community Safety Department for allocation to District Crime and Disorder Reduction Partnerships and sought Members' approval for a bid from those funds and approval for funds to be made available from the Crime and Disorder Budget as part of the matched funding required when bids are submitted to Essex County Council

Noting the background to the project and the details of the role of the Community Development Worker, the Partnership funding and the proposed management arrangements, Members endorsed the way forward and, on a show of hands, it was.-

**Resolved**

(1) That a bid of £7,300 be made from Essex County Council Community Safety Budget for a Community Development Worker for the StAR project.

(2) That approval be given for funding of £10,000 towards the cost of the post, to be met from the provision for Crime and Disorder Budget. Such contribution to be made available if the balance of partnership funding for Year 2 (2001/2002) of the project is secured. (HCPI)

**435 PLAYSACES ROLLING PROGRAMME (2000/2001)**

The Committee considered the report of the Head of Leisure and Client Services on the next stage of the Playspaces Capital Rolling Programme which commenced in 1999/2000 and sought Members' agreement to the priority listing

Whilst endorsing the revised priority listing of the sites, Members expressed concern at the fencing costs being met from the Playspace Budget, considering there were more appropriate budgets to be utilised for this purpose. The Head of Service advised that it was not the intention to down-grade Fyfield Path, merely to delay the works, pending the outcome of the Grange and Rawreth Ward profile being undertaken as part of the Crime and Disorder Reduction Strategy.

**Resolved**

(1) That the priority listing for the six Playspaces be agreed.

(2) That Officers proceed to implement the programme in 2000/2001 from the priority list subject to budgetary provision being sought and with the matter of fencing being applied to the most appropriate budget (HLCS)

**436. REVIEW OF PLAYING FIELDS SAFETY ARRANGEMENTS**

The Committee considered the report of the Head of Leisure and Client Services on the review of management in emergency procedures in all of the Council's playing fields. Noting the background to the review and the general issues raised, Members considered it appropriate to proceed with the summary of recommendations, namely:-

Enclose electricity meters and fuse boxes in changing areas of Rochford and Hullbridge Pavilions.

Supply of parking advisory notices/signs or request the introduction of parking restrictions on adjacent highway where appropriate.

Install 5 locking posts where recommended within the Risk Assessments,

Create additional access to Rawreth Playing Field

Install Information Boards, 31 in total, in all of the playing fields where indicated in the Risk Assessments.

**Resolved**

That Officers proceed with the implementation of the recommendations as suggested above.  
(HLCS)

437 **ROCHFORD DISTRICT TOWN TRAILS**

The Committee considered the report of the Head of Leisure and Client Services which sought Members endorsement of Town Trail leaflets following Town and Parish Council consultation of their contents.

Mindful of the updated format, Members considered there still to be a number of minor errors and omissions, and considered that the matter should be deferred to the next Meeting of the Community Services Committee for Members to raise with the Head of Service the necessary final amendments.

**Resolved**

That the matter be deferred to the next Meeting of the Community Services Committee.  
(HLCS)

The Meeting closed at 9.20 p.m.

Chairman .....

Date .....

**ROCHFORD DISTRICT COUNCIL**

**Minutes of the Corporate Resources Sub-Committee**

At a Meeting held on 17 November 1999. Present: Councillors D E Barnes (Chairman), R Adams, Mrs J M Giles, Mrs J Helson, C R Morgan, V H Leach, Mrs W M Stevenson, R E Vingoe, and P F A Webster.

Apologies: Councillor T Livings.

Visiting: Councillor N Harris (by invitation).

**297. MINUTES**

The Minutes of the Meeting held on 11 November 1999 were approved as a correct record and signed by the Chairman subject to the amendment of Minute No 287 (Best Value – Rolling Programme of Service Reviews) by the deletion of the word “Resolved” and the addition of the word “Recommended”.

**298. DATE OF NEXT MEETING**

The Chairman of the Sub-Committee informed the meeting that the Urgency Sub-Committee (Finance and General Purposes) had agreed to this Sub-Committee’s recommendation that only the performance appraisal of the Chief Executive should be undertaken by Members. Accordingly, the meeting of this Sub-Committee to undertake staff appraisals and previously scheduled for 24 November 1999 would now be cancelled.

**299. EXCLUSION OF THE PUBLIC AND PRESS**

Resolved

That the public and the press be excluded from the Meeting for the following item of business on the grounds that it involved the likely disclosure of Exempt Information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

**300. APPRAISAL OF THE CHIEF EXECUTIVE**

(1) Further to Minute No 13 of the meeting of the Urgency Sub-Committee (Finance and General Purposes) held on 10 November 1999, the Sub-Committee

**RESOLVED**

That a Member Appraisal Panel be appointed for the remainder of this Municipal Year to appraise the Chief Executive, the Panel to comprise

The Chairman of this Sub-Committee (Councillor D E Barnes)  
Councillor Mrs J Helson  
Councillor C R Morgan  
Councillor R E Vingoe  
Councillor P F A Webster

(At this point, the officer present left the room. On his return, the following decisions were taken)

(2) RESOLVED

- (a) That the Panel be asked to undertake a performance appraisal of the Chief Executive in early December 1999 with the possibility of further appraisals being undertaken at 4 monthly intervals
- (b) That the format to be followed at the appraisal of the Chief Executive be as set out in the appendix to these minutes, the same format also to be followed at the Chief Executive's appraisal of Corporate Directors and at the joint appraisal by the Chief Executive and Corporate Directors of individual Heads of Service.
- (c) That the targets to be set for the Chief Executive be as set out in the exempt appendix to these minutes

The Meeting closed at 7.55pm.

Chairman .....

Date .....

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Member Budget Monitoring Group

At an Adjourned Meeting held on 18 November 1999. Present: Councillors D E Barnes (Chairman), C R Morgan, R E Vingoe and P F A Webster.

Apologies. Councillor V H Leach.

Substitutes: Councillor Mrs J Helson.

#### 59. MINUTES

The Minutes of the Meeting held on 11 November 1999 were approved as a correct record and signed by the Chairman

#### 60. MEMBERS' INTERESTS

The following non-pecuniary Interests were declared:

Councillor D E Barnes in the report concerning the re-roofing of Fairview and King George's Pavilions (Minute 62) by virtue of his membership of Rayleigh Bowls Club. Councillor R E Vingoe in the presentation by the leisure contractor (Minute 65) by virtue of being a governor at the Greensward School in Hockley

#### 61. INSTALLATION OF FIRE ALARM AT THE FREIGHT HOUSE, ROCHFORD

The Working Group considered the report of the Head of Leisure and Client Services regarding the proposed installation of a replacement fire alarm at the Freight House, Rochford. The report was in response to a request made at the Working Group's Meeting on 1 July 1999 for confirmation to be provided of the necessity for a new alarm.

Members were informed that the managers of the Freight House, Leisure Connection Plc, had reported that problems were being encountered with the current arrangements, such as an inability to hear the alarm when loud music was played. The existing system was unrepairable, as parts were no longer available. A risk assessment of the building had been carried out which had indicated that public safety could be compromised without an up-to-date alarm system.

It was confirmed that the scheme could be completed within the budget of £10,000 allocated in the current year's programme

#### RECOMMENDED

That the budgeted funds allocated for the installation of a fire alarm at the Freight House, Rochford, be released to enable the scheme to proceed (HLCS)

#### 62. RE-ROOFING OF FAIRVIEW AND KING GEORGE'S PAVILIONS

The Working Group considered the report of the Head of Leisure and Client Services regarding proposals to re-roof the pavilions at Fairview and King George's playing fields. The report was in response to a request made at the Working Group's Meeting on 1 July 1999 for confirmation of the necessity for the work to be carried out.

Members noted that the roof to Fairview Pavilion had generated seven call-out repairs since April 1999 to deal with leaks. This was likely to continue if the roof was not totally replaced. The Pavilion had not been re-roofed since construction of the building in 1965, although some repairs had been carried out.

The roof to King George's Pavilion had suffered one leak since April, which could not be remedied unless the whole roof was replaced. The leak was causing danger as the water was affecting the electrical system in the building. The Pavilion had not been re-roofed since its construction in 1960.

It was confirmed that both schemes could be completed within the budget of £4,500 for each Pavilion allocated in the current year's programme.

#### **RECOMMENDED**

- (1) That the budgeted funds for the replacement of the roof of Fairview Pavilion be released to allow this scheme to proceed.
- (2) That the budgeted funds for the replacement of the roof of King George's Pavilion be released to allow this scheme to proceed. (HLCS)

#### **63. RE-ROOFING OF FLAT ROOF - CIVIC SUITE, RAYLEIGH**

The Working Group considered the report of the Head of Leisure and Client Services regarding the proposed renewal of the flat roof of the office accommodation at the Civic Suite in Rayleigh. The report was in response to a request made at the Working Group's Meeting on 1 July 1999 for reconsideration of the method by which the refurbishment could be effected.

It was noted that although a number of patch repairs had been carried out in the last two years the roof was now past its optimum life expectancy. Following re-examination of possible alternative methods of re-roofing, it had become clear that there were no other options that could be carried out within the budget. Other alternatives were estimated to have a shorter life expectancy or were considered inappropriate to the building. It was confirmed that the scheme could be completed within the budget of £20,000 allocated in the current year's programme.

#### **RECOMMENDED**

That the budgeted funds allocated for replacing the flat roof at the Civic Suite, Rayleigh, be released to allow the scheme to proceed. (HLCS)

#### **64. EXCLUSION OF THE PUBLIC AND PRESS**

##### **Resolved**

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the Meeting for the following item of business on the grounds that it involved the likely disclosure of Exempt Information as defined in Paragraph 9 of Part 1 of Schedule 12A of the Act.

#### **65. PRESENTATION BY THE LEISURE CONTRACTOR**

The Chairman introduced and welcomed to the Meeting Peter Johnson and Wendy Edwards from the Council's Leisure Contractor, Leisure Connection Plc, who had been invited to give a presentation concerning specifically the Mill Hall Complex at Rayleigh and more generally the leisure contract, which would determine the future use of the Authority's sports and leisure facilities. These considerations tied in closely with the Group's ongoing review of the Council's property assets.



During subsequent discussion concerning the Mill Hall complex, the following points arose:

- Of the possible complementary uses for the Sports and Social Club, the contractors' view was that only the cybercafe represented a commercially viable proposition, for which part of the Club premises could be franchised.
- Whichever option was finally chosen for the Mill Hall complex redevelopment, the scheme should seek to "open up" the site to enhance visibility of the windmill; examine ways of realising the considerable potential of the terrace bar at the Mill Hall; and should consider the possibility of partitioning the main hall to encourage its use for smaller group activities whilst at the same time retaining the option for the entire hall to be used, if required. The development of the Mill Hall should also, it was thought, aim to increase its use as a community facility, rather than solely as a function suite. The plasma screen would, it was hoped, provide a facility that would attract local youngsters, both in the evenings and on Saturday mornings.
- Option 5, involving the demolition of the Sports and Social Club, would enable the vista of the site to be enhanced and could potentially release funds for upgrading and improving the Mill Hall that had previously been set aside to pursue the alternative options.

The Working Group also considered the issues raised by the contractors in relation to the Council's leisure contract, as follows:

- The need to provide a high quality leisure service to modern-day standards was considered by the contractor to be the Council's ultimate goal and it was recognised that the proposed new Virgin Leisure Complex in Thundersley would quickly become the benchmark by which all other leisure facilities would be judged.
- The Park School site was identified by the contractor as a key component of the Council's strategy for leisure provision, particularly in view of its location close to areas of new housing developments. It was recognised, however, that while the existing facilities at this sports centre were well-used, they were now somewhat dated and their layout was far from ideal. Careful consideration would need to be given as to whether it would be more cost-effective to demolish and re-build the Sports Centre or to carry out the necessary adaptations to modernise the facilities, taking into account the maintenance costs of the existing accommodation.
- Members suggested that additional, more specialist, sports facilities might be provided at some of the Council's leisure centres, for example running/cycle tracks, roller/ice skating and indoor karting or that outdoor concerts and other entertainment could be hosted at these venues. The contractors considered, however, that these proposals would not be practicable or profitable in view of the low capacity at the proposed locations and the attraction of competing facilities in the neighbouring areas.
- In reply to a question from the contractors, the Corporate Director (Finance and External Services) advised that, in order to meet the requirements of Best Value, any contract for the future development of the Council's leisure strategy and facilities would need to be open to competition, although it was recognised that some Authorities were preparing contracts with a preferred partner. The timescale for the implementation of particular projects could be included within the contract.

It was then agreed to adjourn the Meeting until 25 November 1999 to enable further consideration to be given to the future use of the Sports and Social Club building, the Council's leisure contract and leisure sites. The Chairman thanked Mr Johnson and Mrs Edwards for a most interesting and informative presentation



1230

The Meeting adjourned at 7.40pm

*[Handwritten signature]*  
CHAIRMAN  
3/2/2000

ROCHFORD DISTRICT COUNCIL

A  
DRAFT  
PROPOSAL

POLICY FOR PROSECUTION  
OF OFFENCES  
INVOLVING HOUSING AND COUNCIL TAX BENEFIT

As an Administrative Authority Rochford has to consider prosecuting all types of benefit fraud ie, rent rebate, rent allowance and council tax benefit. The council has also to consider prosecuting for offences committed at the start of the claim linked to residency, tenancy, and personal circumstances and for failures to report changes or giving false information about changes.

To prosecute in cases where there is considered sufficient evidence (cases proved beyond reasonable doubt) that fraud has been committed.

To prosecute where the offender chooses not to accept an administrative penalty.

#### **CASES CONSIDERED APPROPRIATE FOR PROSECUTION.**

- In respect of a fraudulent overpayment which accrued after the 18<sup>th</sup> December 1997, in accordance with Section 15 of the Social Security Administration (Fraud) Act 1997 and the Social Security (Penalty Notice) Regulations 1997
- Where the recoverable overpayment caused by the alleged offence is substantial (£1,500+)
- Where the offence has continued over a period of 9 months
- An offence of dishonest representation for obtaining benefit
- Where an offence has arisen because of the involvement of a collusive landlord and amounts to a serious fraud
- Where an offence has arisen because of the involvement of a collusive employer and amounts to a serious fraud
- Where the fraud was calculated and deliberate (planned from the outset)
- The offender has a previous history or convictions for Local Authority or Benefit Agency fraud
- Where a breach of the Administrative Penalty agreed on a previous offence is not being honoured
- Where the offender was in a position of trust (eg a member of staff)
- To prosecute in every case where the offender is a member of staff or Councillor
- Other cases considered on their own merits on completion of an investigation

Cases that meet the criteria for prosecution will be referred to the Benefits Manager for approval.

As part of the Council's Customer Care Policy the offenders' background and circumstances will be taken into consideration before a final decision to prosecute is taken

Members would need to be informed about sensitive prosecutions and cases likely to arouse public interest

Cases where there is an alleged offence involving Local Authority and Benefit Agency awards of benefit, the council will liaise with the Benefit Agency to co-ordinate criminal proceedings or the offering of the penalty as a preferred option.

## CASES CONSIDERED INAPPROPRIATE FOR PROSECUTION

- Where there is evidence that the offender is mentally disordered or mentally incapable of understanding either the significance of questions put to them or their replies
- Where the offender is terminally ill
- Where the offender is over 65 years of age and in frail health
- Where it is considered that the offender was misled and acted in ignorance
- Where extenuating circumstances existed and were so exceptional that had they not been inflicted on the offender, the offence would not have been committed
- Where the amount concerned would be so small as to constitute a waste of public funds

The exceptions are circumstances that need to be applied unless the offence is a second offence or premeditated.

## **BENEFITS OF A PROSECUTION POLICY**

With the implementation of a prosecution policy the council will have powers to be able to offer offenders an alternative to prosecution by paying a penalty on an overpayment arising from a fraudulent claim. The penalty is equal to 30% of the overpayment and there is a signed contract between the council and the offender. However, before this alternative can be offered there has to be sufficient evidence (cases proved beyond reasonable doubt) that fraud has been committed and it is the intention of the council to prosecute. Also consideration has to be given to the offender's ability to pay.

Where the offender has agreed to sign the contract, they have not only committed themselves to repay the overpayment but have committed themselves to paying the penalty, an income to the council. This contract will replace the present practice on relying on the offender to repay any fraudulent overpayment based on their goodwill to pay.

Placing offenders before the courts will not reward the council in monetary terms but can be a deterrent and a warning to others by the use of publicity.

## **THE LEGAL PROCESS**

### **ESSEX POLICE AND CROWN PROSECUTION SERVICE (CPS)**

- There is a local agreement between the council and a contact officer at Rochford police station
- Cases are presented to the police fully documented, ready for consideration to prosecute
- On average the time taken to prepare a case file for prosecution is a day
- Where cases are accepted, they are passed to the CPS
- The council has no further involvement in the legal process
- There is no cost to the council for solicitors, barristers or court time
- The police press office deals with publicity

### **IN-HOUSE LEGAL DEPARTMENT**

- It has been established after discussions with the Head of Legal Services that his department does not have the resources to deal with prosecutions under the Theft Act or The Social Security Administration Act
- The department has no financial resources available to employ a solicitor with the required expertise
- The council would have direct involvement in the instructing of a prosecution
- Staffing, barristers or court time costs incurred would not be recoverable, therefore placing a burden on the council's financial resources
- An example estimated costs quoted:-
- Magistrates Court from £1,000+ per day
- Crown Court from £3,000+ per day
- Council will have control of its own publicity

## USE OF OUTSIDE FIRM OF SOLICITORS

- The Head of Legal Services would have to give guidance
- The 'going rate' per hour for a solicitors time is around £100 plus VAT
- Solicitors fees could be made negotiable by agreeing a contract
- Barristers and court costs would be charged on and above the solicitors fee

## BENEFITS FRAUD INVESTIGATIONS SERVICE (BFIS)

- BFIS is a separate section within the Benefit Agency dealing with the Department of Social Security (DSS) fraud claims
- The council and BFIS already work together under the terms of the Service Level Agreement, this agreement suggests that both parties should work together on a joint prosecution procedure
- The council will investigate cases to the point of the Interview Under Caution.(IUC)
- The IUC will be conducted by BFIS with the council present as second interviewing officer, free to question the interviewee
- BFIS will submit prosecution cases to the DSS Central Prosecution Unit under the present guidelines issued by the DSS solicitors office
- The guidelines are:-
- A fraudulent overpayment of between £100 to £400 a caution is given
- A fraudulent overpayment of between £400 to £1,500 a caution and the Overpayment penalty
- A fraudulent overpayment over £1,500, prosecution
- Accepted cases are then passed to the DSS solicitors branch
- DSS solicitors will only accept cases involving fraudulent housing/council tax benefit claims where DSS benefits are the first benefits in payment
- Use of BFIS will not involve the council in solicitors, barristers or court costs, as the DSS are bringing the case to court
- BFIS have agreed that in all prosecutions the court list of offences will include those committed against the council. The council will be named in open court
- BFIS have agreed that the council will deal with publicity in appropriate cases

## DIRECT USE OF DSS SOLICITORS

- A pilot scheme was announced in November 1998 for 43 selected authorities to use the services of DSS solicitors free of charge to prosecute cases of local authority fraud
- The pilot will run until funds run out or the end of this financial year, whichever ever comes first.
- A full report is expected in May 2000

## THE ADMINISTRATIVE PENALTY

### ALTERNATIVE TO PROSECUTION.

Section 15 of the Social Security Administration (fraud) Act 1997 and the Social Security (penalty notice) Regulations 1997, allow Local Authorities to consider the offer of an Administrative Penalty to the offender as an alternative to being prosecuted. The penalty being 30% of the determined overpayment arising from a fraudulent claim accrued after the 18<sup>th</sup> December 1997.

The penalty can only be offered to the offender as an alternative to prosecution where the evidence proves the case 'beyond reasonable doubt'. Cases where the penalty would be considered.

- A recoverable overpayment as a result of a fraudulent act
- When an overpayment is under £1,500
- Where prosecution is possible but not the preferred option with regard to the individual merits of the case (see listed exceptions)

An Administrative Penalty will not be offered where a prosecution is not being instigated for the reason that it is unlikely to succeed in court. Any action under these guidelines must satisfy the criteria that there is sufficient evidence to prove the case 'beyond reasonable doubt'. Each case will be considered on its own merits.

The offer and acceptance of an Administrative Penalty will not give immunity from considering criminal proceedings for a different alleged offence

If an Administrative Penalty is appropriate and is offered and agreed to by the offender, then recovery will be by the same method as the overpayment.

In a case where there is an alleged offence involving Local Authority and Benefit Agency awards of benefit, the council will liaise with the Benefits Agency to co-ordinate the offering of the penalty or, criminal proceedings if the extent of the offence warrants it.

Any offer of an Administrative Penalty as an alternative to prosecution, will initially be made in writing and the letter will contain the mandatory information (see appendix 1), which invites the offender to attend an interview. The Penalty Notice will also be enclosed (see appendix 1a).

The interview will be conducted in accordance with the 'Record of Penalty Interview' (see appendix 2) At no time is pressure to be put on a person to either agree to, or decline the offer of a penalty

When an Administrative Penalty has been agreed, the manner of the agreement to a penalty must be on a prescribed form set by Rochford District Council, signed in front of a witness from Rochford District Council (see appendix 3)

If a person wishes to withdraw their agreement to a penalty within the 28 days allowed, they must do so using Rochford District Councils prescribed form (see appendix 4) It must be explained to the offender that the council may take criminal proceedings against them for the alleged offence. The offender will be asked to sign Rochford District Councils form 'Non Acceptance of Administrative Penalty' (see appendix 5)

The decline of an offer to pay the penalty will result in papers being passed for prosecution, unless an exception, as stated at the start of this draft document, has since become applicable

Dear

**RE: Housing and Council Tax Benefit.**

On the . . . . this office informed you of an overpayment of . . . . . Benefit, from . . . . . to . . . . . amounting to £ . . . . .  
You were also informed that this amount was recoverable and that you had the right to appeal against the decision.

Because of the circumstances of your case, Rochford District Council considers that criminal prosecution proceedings can be taken against you. As an alternative, legislation allows me as the Benefits Manager to offer you the opportunity to agree to pay an administrative penalty in respect of this overpayment, in the manner specified by the Council. As required by legislation, I enclose a formal penalty notice on behalf of the Council.

As you are aware, the benefit overpaid to you is recoverable, the administrative penalty is a fixed penalty of 30% of the overpayment. To help you, the total penalty rounded down to the nearest penny amounts to £ . . . . . If you agree to pay a penalty the total amount due from you, including the overpayment, will be £ . . . . .

Please note you are not under any obligation to pay a penalty.

So that my Officers can explain fully to you the effects an administrative penalty and answer any questions you may have, an appointment has been made for you to attend an interview at the Council Offices, 7 South Street, Rochford on . . . . . at . . . . . Please call at the reception desk and ask for . . . . . You may bring a friend, relative or advisor with you to the interview. If you need any further assistance then contact the above named officer on extension . . . . . If this appointment is not convenient for you, I will arrange an alternative appointment. It is important that you attend an interview so that the administrative penalty provision can be explained. If you fail to attend an interview, your case will be referred for prosecution without the further option of accepting the administrative penalty.

You may like to consider seeking advice from a solicitor or the Citizens Advice Bureau before the interview. The interviewing officer cannot provide you with advice on whether or not it is in your best interest to agree to pay an administrative penalty.

At the end of the interview, if you agree to pay a penalty as an alternative to prosecution, you will be asked to sign a penalty agreement form.

Yours sincerely

**APPENDIX 1**

*N/A*

## PENALTY NOTICE

Rochford District Council under section 115a(2) of the Social Administration Act 1992 gives this penalty notice to you

You may be invited to agree to pay an administrative penalty. If you agree in the manner as given below by Rochford District Council, no proceedings for an offence relating to the overpayment will be taken against you.

You can only pay a penalty in respect of any overpayment that is recoverable under section 71, 71a, 75 or 76 of the Social Security Administration Act 1992

The penalty only applies where it appears to Rochford District Council that the overpayment is of your own making and was attributable to an act or omission by you and that there are grounds for instituting proceedings for an offence relating to the overpayment.

The penalty is 30% of the amount of the overpayment of benefit and is payable in addition to the overpayment of benefit. The penalty is recoverable in the same way that overpayment of benefit is recovered.

You may withdraw any agreement that you have signed agreeing to pay a penalty within 28 calendar days (including the date of the agreement) by notifying Rochford District Council in the manner as specified below. In these circumstances, any penalty that has been recovered will be repaid and you will no longer be immune from proceedings for an offence relating to the overpayment.

*If it is decided at a later date on review (or in accordance with regulations), that the overpayment of benefit is not recoverable or due, then so much of the penalty that has been recovered will be repaid. If on review (or in accordance with regulations) the overpayment is revised, a new agreement is required to pay the revised penalty. If you agree to sign a new agreement no proceedings for an offence relating to the overpayment will be taken against you.*

The payment of a penalty does not give you any immunity from prosecution in relation to any other overpayment or any other offences not related to this overpayment.

APPENDIX 1A

**NOTICE TO CLAIMANT**

**AGREEMENT TO PAY A PENALTY**

**THE SPECIFIED MANNER**

The specified manner of an agreement to pay a penalty is that the agreement must be:

- a) In writing
- b) On the form provided for the purpose by Rochford District Council.
- c) The form is signed in front of a witness from Rochford District Council.
- d) The form is given at, or following, an interview with an officer from Rochford District Council where an invitation to pay an administrative penalty is given on behalf of Rochford District Council.

**(APPENDIX 3)**

**WITHDRAWAL OF AGREEMENT**

**THE SPECIFIED MANNER**

The specified manner of notifying withdrawal of the agreement to pay a penalty is that the notice must be:

- a) In writing
- b) On the form provided for the purpose by Rochford District Council.

**(APPENDIX 4)**

AIDE – MEMOIRE AND

RECORD OF PENALTY INTERVIEW

HB Ref.	
Surname	First name
Address	
Date of birth	National Ins No

Tick here

- Tell claimant that we believe they have committed an offence
- What offence has been committed
- Evidence shown to claimant
- Remind claimant, if appropriate, that they admitted the offence during an Interview Under Caution

**Seriousness of the offence:**

- Defrauding the Council is a serious offence

**Sufficient evidence to prosecute:**

- Tell the claimant that there is sufficient evidence upon which to base a prosecution

**Explanation of an administrative penalty:**

- Is a financial penalty that can be offered to a claimant if they caused an overpayment
- Legislation governs when a penalty can be offered  
Section 115A of the Social Security Act 1992

SIDE 1

APPENDIX 2

1241

Tick here

- Penalty can be offered to this claimant because we believe they have committed an offence:
- Legislation lays down that the penalty must be 30% of the overpayment decided by Rochford District Council:
- If the penalty is accepted, it will be recovered in the same way as the overpayment and on completion of full payment of the overpayment:
- Recovery process for persons who have ceased claiming benefit:
- Claimant not obliged to accept penalty but if declined, Rochford District Council will consider prosecution:
- Show claimant penalty acceptance form:
- If penalty is accepted, Rochford District Council will not prosecute in respect of this overpayment:
- Rochford District Council may prosecute any other overpayments:
- Claimant has 28 days cooling off period if the penalty is accepted claimant can withdraw their acceptance if they want:
- If claimant withdraws their acceptance, Rochford District Council will consider prosecution:
- Claimant can seek advice from a solicitor, the Citizens Advice Bureau or other welfare or advisory service during the 28 days:
- The claimant has no Right of Appeal against the penalty offer and the imposition of the penalty, if accepted:

**Claimants comprehension:**

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| Does the claimant understand everything?                                       | <input type="checkbox"/> | <input type="checkbox"/> |
| Did you need to expand on any of the questions for the claimant to understand? | <input type="checkbox"/> | <input type="checkbox"/> |
| Does the claimant want to ask questions or go over any points again?           | <input type="checkbox"/> | <input type="checkbox"/> |

**Offering the penalty:**

- |   |                          |                          |
|---|--------------------------|--------------------------|
| Does the claimant want to accept the penalty? | <input type="checkbox"/> | <input type="checkbox"/> |
| Has the penalty acceptance form been signed?  | <input type="checkbox"/> | <input type="checkbox"/> |
| A copy given to the claimant                  | <input type="checkbox"/> | <input type="checkbox"/> |

**ADMINISTRATIVE PENALTY AGREEMENT**

HB Ref	
Surname	First name
Address	
D.o.b	National Ins No

It has been explained to me that Rochford District Council has grounds for instigating legal proceedings against me in respect of an offence relating to an overpayment of £ ..... notified to me in a letter dated .....

I agree to pay an administrative penalty of £ ..... This being 30% of the overpaid benefit. This penalty is offered to me under Section 115A of the Social Security Administration Act 1992.

I understand and accept that by signing this agreement to pay a penalty, Rochford District Council undertakes not to refer the matter of the overpayment for prosecution against me in relation to the £ ..... benefit overpaid to me

I also understand and accept that I may withdraw this agreement to pay a penalty of £ ..... within 28 calendar days of this notice

I understand and accept that if I withdraw my agreement to pay a penalty, Rochford District Council may take criminal proceedings against me.

Claimants signature: \_\_\_\_\_

Print name: \_\_\_\_\_

Date: \_\_\_\_\_

Interviewing officer \_\_\_\_\_

Print name: \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX 3**

**WITHDRAWAL OF AGREEMENT TO PAY AN ADMINISTRATIVE PENALTY**

HB ref	
Surname	First name
Address	
D.o.b	National Ins No

Date of Penalty Agreement:

I have received and understood a full explanation about administrative penalties and how a penalty would affect me.

On ..... I agreed to pay an administrative penalty of £ .....

I now wish to withdraw my agreement to pay an administrative penalty. I understand that as a result of my withdrawing my agreement, Rochford District Council may take criminal proceedings against me.

Claimants Signature \_\_\_\_\_

Print name: \_\_\_\_\_

Date \_\_\_\_\_



**NON ACCEPTANCE OF THE  
ADMINISTRATIVE PENALTY**

HB ref	
Surname	First name
Address	
D.o.b	National Ins No

It has been explained to me that Rochford District Council believes it has grounds for instigating legal proceedings against me in respect of an offence relating to an overpayment of £ ..... notified to me in a letter from the councils Housing Benefits Office dated ..... ..

I have received and understood a full explanation about Administrative Penalties and how a penalty would affect me.

I also understand that the Rochford District Council may take criminal proceedings against me.

Claimants Signature \_\_\_\_\_

Print name: \_\_\_\_\_

Date \_\_\_\_\_

If this form was completed during the interview-

Interviewing officer signature \_\_\_\_\_

Print name: \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX 5**

*NSA*

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Transportation & Environmental Services Committee

At a meeting held on 18 November 1999. Present: Councillors V H Leach (Chairman), R Adams, R S Allen, G C Angus, C I Black, Mrs J E Ford, D M Ford, Mrs J M Giles, J E Grey, D R Helson, A Hosking, V D Hutchings, C C Langlands, R A Pearson, Mrs M S Vince,

Apologies: Cllrs P A Beckers, J M Dickson, Mrs H L A Glynn, D E Barnes, and D A Weir

Substitutes: Cllrs T G Cutmore, Mrs J Helson, and Mrs M A Weir

Non-Members attending: Cllr Mrs A R Hutchings, and P F A Webster

#### 438. MINUTES

The Minutes of the Meeting of 23 September 1999 were approved as a correct record and signed by the Chairman.

#### 439. MEMBERS' INTERESTS

Cllrs V D Hutchings and Mrs A R Hutchings both declared a non-pecuniary interest in item 8(iv) by virtue of car parking in Hockley. Cllrs D M Ford, Mrs J E Ford, V H Leach and Mrs M A Weir each declared a non-pecuniary interest in item 9 by virtue of being members of Hawkwell Parish Council.

#### 440. OUTSTANDING ISSUES

Clarification was sought on the latest position with regard to the Traffic Calming Scheme - Helena Road/Louise Road Mr McCullagh, District Manager, Transportation & Operational Services, Essex County Council indicated that monies were now available and that the County were in the process of consulting residents with current proposals.

Minutes 326/98 (HCPI), 500/98 (HCPI), 110/99 (HCPI), and 311/99 (HCPI) were carried forward.

#### 441. SUB COMMITTEE MINUTES

The Committee considered the Sub-Committee Minutes and the recommendations contained therein.

##### (i) Stambridge Sewage Treatment Works Working Party - 21 October 1999

It was noted that Cllr A Hosking was present at this meeting.

##### (ii) Urgency Sub-Committee - Transportation & Environmental Services - 21 October 1999

##### (iii) Planning Policy Sub Committee - 26 October 1999

  
21.12.99

### **Minute 73 - Local Plan Environmental Appraisal**

#### **Resolved**

That the proposed framework for undertaking an environmental assessment of the emerging Local Plan be adopted, and that a full assessment be reported back to this Sub-Committee once the draft Local Plan policies and proposals have been prepared. (HCPI)

### **Minute 74 - Regional Planning guidance for the South-East Panel Report**

#### **Resolved**

- (1) That, at this stage, the Panel report on the SERPLAN strategy be noted.
- (2) That Full Council considers its response to the implications of the Panel's report. (HCPI)
- (iv) **Transportation Sub Committee - 4 November 1999**

### **Minute 117 - Contract 2000**

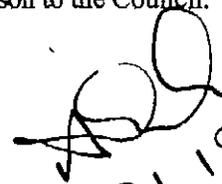
#### **Resolved**

- (1) That the proposed changes being made by the County Council in procuring and managing its services with effect from 1st June 2000, and the suggested links between Members and officers of the District and County Councils with regard to the delivery of the highway service in Rochford be noted
- (2) That arrangements be made for further reports to be submitted to this Sub-Committee as the new contract arrangements are implemented. (HCPI)

### **Minute 123 - Car Parking Strategy**

#### **Resolved**

- (1) That a report be submitted on the following points:
  - (i) 'Pay on Exit' car parking with full cost implications including staffing, maintenance and insurance
  - (ii) Bands relating to penalty ticket
  - (iii) Usage per price band breakdown at each car park
  - (iv) Net income to the Council
  - (v) Whether the Council can make any savings on the cost of running the service
  - (vi) How many car parking spaces are at each of our Leisure buildings
  - (vii) Whether the Freight House car park could have joint usage as a 'Pay on Display' and for the use of the building
  - (viii) How many Council-owned free Car Parks exist
  - (ix) The cost of introducing change machines and machines that record the car's number plate
  - (x) The possibility of decking any of the Council's car parks
- (2) That full consultation to any amendments to our Car Parking Strategy be referred back to the Chambers of Trade with the offer of them giving their views in person to the Council.

  
21.12.99  
1247

- (3) That Officers open negotiations with the current landowner of the Oxford Road Car Park in an attempt to obtain a short term Licence with a view to the site being brought back in to the District of Rochford (Off Street Parking Places) Order as a controlled car park. (HRHM)

**Minute 124 - Crime and Disorder Reduction Strategy**

**Resolved**

That the Community Safety Sub-Committee be advised that this Sub-Committee's work is on target. (HRHM)

- (v) **Environmental Health Sub Committee - 9 November 1999**

**Minute 82 - Planetary Initiatives, Recycling Starter Pack**

**Resolved**

That the Council supports the work which is proposed to be carried out in the District by Planetary Initiatives. (HHHCC)

**Minute 83 - Draft Local Agenda 21 Strategy**

**Resolved**

That, subject to the amendments outlined above being included, the draft Local Agenda 21 Strategy be agreed and that arrangements be made for consultation as outlined in the report. (HCPI)

**Minute 84 - Recyclable Materials Market Development Programme**

**Resolved**

That the Memorandum of Understanding for the Market Development for Recyclable Materials be agreed, subject to:

- (1) any proposal which will incur expenditure on behalf of the Council in excess of its agreed contribution being referred back to the Council for consideration prior to any commitment being entered into
- (2) provision being made available for the Council to reconsider its continued participation in the project on an annual basis, through the estimates process, and to be able to withdraw for financial reasons or if it is not satisfied with the work of the project. (HHHCC)

**442. CAR PARKING STRATEGY**

The Committee considered the Report of the Head of Revenue and Housing Management which dealt with the additional information which had been requested by Members at the Transportation Sub-Committee on 4 November 1999.

  
21/12/99  
1248

It was agreed on a show of hands that, as an exception on this occasion and in order to facilitate a full debate on this subject, representatives from the Chambers of Trade would be invited to address the meeting. A handout was circulated from Rayleigh and District Chamber of Trade.

In response to Members' questions officers indicated that:

- the figure mentioned in Appendix 4 to the report was the up-to-date figure for the total income for 1999/2000.
- a number of contractors had been approached with regard to costings for conversion to 'pay on exit' car parks, but many were reluctant to bid for smaller car parks; Websters Way Car Park being the only practical possibility in their opinion. Full costs would be available for Full Council, based on a telephone enquiry and not a site survey
- Ashingdon Memorial Hall (King George's Playing Field, Ashingdon Road) and King George's Playing Field, Rayleigh car parks had been omitted from the schedule and that this would be rectified for Full Council
- British Rail have right of way across part of the Freight House car park in order to gain access to the track.

Members then asked for some supplementary information to be provided at Full Council, as follows:-

- a plan of Freight House Car Park setting out the possible layout for pay and display
- a full costing of Freight House Car Park being upgraded to Pay and Display including resurfacing, parking bays marked out, drainage, lighting, signs and ticket issuing machines and that three quotations be obtained for the engineering works.
- that the Community Liaison Officer obtain the Home Office views on manned car parks as opposed to automatic barrier car parks
- that officers obtain quotations for a security firm to empty cash boxes from car parks in view of the risk to staff
- that information be obtained from other Essex authorities as to the cost of running the service on a cost per space basis
- that the Head of Leisure and Client Services and Head of Revenue and Housing Management explore disposal of non-fee paying car parks and open spaces car parks to the Parish Councils

The Committee concurred with the view of the Chairman that this matter should be referred to Full Council for consideration and it was:-

#### **Resolved**

that the Addendum Report of the Head of Revenue & Housing Management on Car Parking Strategy be referred to the next meeting of Full Council. (HRHM)

#### 443 **NOTICE OF MOTION**

The Committee considered the Report of the Head of Administrative & Member Services, relating to the following Motion, which had been referred by Full Council, standing in the names of Councillors V H Leach, Mrs H L A Glynn and B R Ayling.

*Handwritten signature*  
21.12.99-  
1249

"Council requests that the area in Hawkwell East bounded by Rectory Road, Clifton Road, Rectory Avenue and Ashingdon Road be considered as a twenty miles per hour zone on the grounds that the streets within those confines, including Rectory Avenue and Clifton Road, are often used as "rat runs" to the risk and detriment of local residents."

During debate, it was confirmed that no part of Ashingdon Road or Rectory Road were involved in the proposal. In answer to a Member's question, it was confirmed that power to confer these traffic calming measures had been delegated to the County Council.

It was proposed by Cllr V H Leach and seconded by Cllr Mrs D Helson that a small working party be convened to look at this matter. The conclusions of such a Working Party could be of benefit to other wards and could include consultation with a percentage of residents.

**RESOLVED**

That a small Working Party be convened to consider all possible options relating to the above Motion, the Working Party to include Ward Members and relevant invitees from police, county and parish. (HCPI)

**444. SOUTHEND AIRPORT - AIRPORT TRANSPORT FORUM**

The Committee considered the Report of the Head of Corporate Policy & Initiatives which sought member nomination to attend the Air Transport Forum meeting which had been set up to consider airport surface access strategies.

During discussion, Members referred to the Southend Airport Consultative Committee which already existed but were assured that this forum would not duplicate the work of this body

It was agreed that an officer should attend this first meeting, with a view to claiming three additional places for Members.

**RESOLVED**

- (1) that an officer would attend the first meeting with a view to claiming 3 additional places for Members
- (2) that attendance at meetings of this forum would be an appointed duty for the purposes of members' attendance allowance. (HCPI)

**445. DOWNHALL ROAD, RAYLEIGH - PROPOSED VARIATION TO EXISTING WAITING RESTRICTIONS - INTRODUCTION TO LIMITED WAITING BAYS**

The Committee considered the Report of the Area Manager South (Essex County Council) which related to a proposal to introduce a waiting bay, following objections which had been received.

It was proposed by Cllr C I Black and seconded by Cllr Mrs J M Giles that the County Council continue to strive to get the waiting restrictions lifted.

**Resolved**

that the County Council continue to strive to get the waiting restrictions lifted (Area Manager South, ECC)

*ASG*  
21.12.99 1250

446 **DETR CONSULTATION REPORT - LIMITING LANDFILL**

The Committee considered the Report of the Head of Corporate Policy & Initiatives which outlined the contents of the Government's consultation paper "Limiting Landfill", a copy of which had been placed in the Members' Room.

During debate, officers confirmed that:-

- the control options in the document were targetted at landfill operators and there was no option in the document for collection authorities to be responsible for managing tradable permits.
- disposal authorities have the responsibility for ensuring all collected waste can be disposed of.

**Resolved**

that this report form the basis of a response to the DETR on the consultation document 'Limiting Landfill' (HCPI)

447. **HAWKWELL RECYCLING TRIAL - UPDATE**

The Committee considered the Report of the Head of Housing, Health & Community Care which sought to update Members and considered the way forward for this trial.

Members asked that congratulations be passed on to the staff who had been involved in this trial and on the high diversion bid for Rayleigh.

During debate, the following matters were raised:-

- most residents had taken part in the trial and the results were encouraging
- the Public Relations exercise needed to be right
- the Committee endorsed the view of a Member to hold back a decision on stopping the Hawkwell trial, if the Rayleigh High Diversion bid were successful
- the CCT Panel were currently reviewing the refuse contract and it might be possible to ask for their assistance with recycling education
- a composting credit was received from County and officers had raised with County the possibility of waste being recycled at more localised sites
- it might be possible to collect dry recyclables in sacks which the collection contractor then emptied into a vehicle, but this would be labour intensive
- communication would be made with Members regarding the detailed arrangements for this year's Christmas/New Year waste collection in the remainder of the District
- that if a large proportion of households in the trial area were provided with a second bin, the recycling rate would be reduced

In response to Members' questions, officers confirmed:-

- the details relating to contamination of the dry recyclables bins
- the high costs associated with the use of bio-degradable plastic bags for collecting green waste

*WAO*  
21.12.99  
1251

- that the collection contractor was being charged higher costs than anticipated for sorting the collected material
- that the trial could be adapted as outlined in the report to collect three waste streams, but that this might incur additional expenditure which would not be known until tenders were received. Also, negotiations would be required with Serviceteam to amend the existing bin collection contract in the trial area.

Following a Motion moved by Councillor Mrs J Helson and seconded by Cllr V H Leach relating to green waste collection, it was -

**Resolved**

- (1) that the Hawkwell Recycling trial continue as originally planned regardless of the outcome of the Rayleigh High Diversion trial bid
- (2) that, subject to financial considerations and satisfactory negotiations with Serviceteam, the Hawkwell Recycling Trial be adapted to collect three waste streams:
  - (i) a box collection of dry recyclables on a weekly basis
  - (ii) compostable waste collected on alternate weeks to residual waste, using the 120 litre green wheeled bins
  - (iii) residual refuse collected on alternate weeks using the 240 litre grey wheeled bins
- (3) that the provision of additional grey bins be held in abeyance for the time being to assess the effect of removing green waste
- (4) that £500 be used from the Recycling Budget for the collection of general refuse on the 29 December 1999 in the trial area
- (5) that a letter be written to County requesting clarification regarding the delay in processing weighbridge tickets
- (6) that the Head of Leisure & Client Services advise Members of the Christmas collection arrangements in the remainder of the District. (HHHCC) (HLCS)

**448. CONTAMINATED LAND**

The Committee considered the Report of the Head of Housing, Health & Community Care on a Draft Statutory Guidance Circular, 'Contaminated Land' and Draft Regulations, 'The Contaminated Land (England) Regulations' which had recently been issued by the DETR.

The Council would be required to provide a written strategy on how it intended to implement the regime. If areas of contaminated land were identified, this would involve protracted investigations and financial costs

**Recommended**

that a sum of £9000 be included within the draft budget for 2000/2001 to cover the initial costs of producing the Council's contaminated land strategy. (HHHCC)

*JAL*  
21.12.99  
1252

449. **ESSEX LOCAL TRANSPORT PLAN**

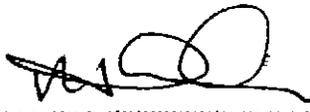
Note: The Chairman admitted this item of business as urgent in view of the timescale.

The Head of Corporate Policy & Initiatives reported that a seminar on the Essex Local Transport Plan was to be held at the Waterfront Place Restaurant in Chelmsford on 7th December and that five Member places were available.

**Resolved**

that Councillor R A Pearson together with further nominees (to be advised) be appointed to attend this meeting. (HCPI)

The meeting closed at 9.55 pm

Chairman  .....

Date . . . 21.12.99 .....

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Audit Services Committee

At a Meeting held on 23 November 1999 Present. Councillors N Harris (Chairman), P A Beckers, G Fox, Mrs J Hall, G M Mockford, C R Morgan, P D Stebbing, R E Vingoe and P F A Webster.

Apologies Councillors C I Black and T Livings

Substitute: Councillor C C Langlands

#### 450 MINUTES

The Minutes of the Meeting held on 29 September 1999 were approved as a correct record and signed by the Chairman

#### 451 OUTSTANDING ISSUES: MEETINGS OF 6 APRIL AND 6 JULY 1999

The Committee was satisfied that all necessary action had been carried out

#### 452 EXCLUSION OF THE PUBLIC AND PRESS

##### Resolved

That under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the Meeting for the following items of business on the grounds that they involved the likely disclosure of Exempt Information as defined in Paragraph 14 of Part 1 of Schedule 12A of the Act.

#### 453 PROSECUTION POLICY IN RESPECT OF FRAUDULENT BENEFIT CLAIMS

The Committee considered the confidential report of the Corporate Director (Finance and External Services) which sought Members' agreement to the adoption of a formal prosecution policy, and the procedure for the imposition of administrative penalties, for instances of benefit fraud. A draft policy was appended to the report

Members noted that it was the Audit Commission's view that all Authorities should have such a policy in place, and should also consider the use of administrative penalties. Details of existing legislation under which prosecutions could be mounted were received.

The Committee examined the draft prosecution policy and considered the advantages and disadvantages of the imposition of administrative penalties. During discussion the following main points arose:-

- In-house prosecutions. The Corporate Director informed Members that he had, since preparation of the report, received the preliminary report from the Benefit Fraud Investigation Service, (BFI) which recommended that authorities should make the necessary arrangements to mount prosecutions in-house. Nevertheless, the Committee concurred with, and supported, the Corporate Director's view that it would not be cost-effective for the Authority either to mount in-house prosecutions or use external solicitors. However, the Police, Crown Prosecution Service and the Benefit Fraud Investigation should, it was agreed, continue to be used when appropriate and the possible use of DSS solicitors would be reviewed once the results of the trial were published in the New Year
- The Committee agreed that any Officer or Member should be prosecuted for benefit fraud,

regardless of the sum involved, as suggested in the draft prosecution policy.

### **Resolved**

- (1) That a prosecution policy (a copy of which is attached to the signed copy of these Minutes) for offences involving housing and council tax benefit as set out in the Corporate Director's report be adopted.
- (2) That prosecutions be referred to the Police or Benefit Fraud Investigation Services as appropriate.
- (3) That, notwithstanding the BFI recommendations, no prosecutions, either in-house or by external Solicitors be mounted.
- (4) That a review be undertaken at the earliest opportunity concerning the viability of referral to DSS Solicitors.
- (5) That administrative penalties be offered in appropriate circumstances as set out in the draft policy document. (CD(F&ES))

### **454 COUNTERING HOUSING BENEFIT FRAUD**

The Committee considered the confidential report of the Corporate Director (Finance and External Services) which was the fifth in a series that had been agreed at a previous meeting. It examined data matching, the recovery of overpayments and the use of prosecution and administrative penalties, and included a 'Checklist for Action' taken from the Audit Commission Handbook. Against each of the Handbook's recommendations was shown an indicator of the extent of the Authority's existing compliance.

During discussion, Officers advised as follows in reply to Member questions and observations:

- It was suggested that people with financial difficulties could be referred by the Council to the Citizens Advice Bureau, for debt counselling, in preference to other advice agencies.
- The amendment of computer systems would, where necessary, be carried out under the terms of the existing contract with the computer providers
- Currently, the oldest instances of benefit fraud were pursued first, but a comprehensive debt collection policy was being developed to address all types of cases.
- Write-off procedures had been comprehensively reviewed by internal audit, which had revealed few errors, thorough monitoring would, however, continue.
- It was the Council's policy to pursue all cases of fraud, regardless of size. The Corporate Director undertook to provide Members with details of cases involving substantial fraud.
- Cases of fraud by Council employees would be pursued using both the prosecutions policy and staff disciplinary procedures.
- The value of publicising successful prosecutions was considered to be significant, both as a deterrent and to inform ratepayers of the action that the Council was taking in addressing the problem. It was recognised that there was scope for giving increased publicity to the Authority's work in countering fraud.

## Resolved

That action concerning the Audit Commission's recommendations regarding data matching, recovering overpayments and the use of prosecution/administrative penalties as outlined in the Corporate Director's report and reflecting the views expressed by the Committee, be taken. (CD(F&ES))

## 455 INTERNAL AUDIT REPORTS

The Committee considered the confidential report of the Chief Executive which included the following.-

- Summaries of three internal audit reports, concerning Health and Safety(4), Business Rates (1) and Central Services (4). The first of these had been included in the 1998/99 Audit Plan and had been updated to reflect new arrangements. The Central Services Audit had revealed the need for a number of measures, which were currently being implemented, as outlined in the summary report.
- The current copy of the monitoring document for the audit report recommendations.
- Summaries of further Audit Commission documents as follows:
  - "Stock in Trade" outlining good practice in business planning for stock transfers.
  - A Life's Work – Local authorities, economic development and economic regeneration.
  - The Price is Right? – Charges for Council services In reply to a Member question, the Corporate Director confirmed that the report concerning annual charges would reflect many of the issues highlighted in this publication.
  - It's a Small World – a review of progress in environmental stewardship. It was acknowledged that the scope to make charges for discretionary services was limited
  - On Merit – A review of progress on Local Authority recruitment training
- The monitoring report outlining progress with recommendations contained within Audit Commission publications.

During discussion, Members expressed their concern that staff could, under present arrangements, visit potentially violent clients without necessarily being aware of possible danger. There was, consequently, an urgent need to develop a central data base which would bring together all known information about violent customers. The Corporate Director informed the Committee that an Officer had been identified to work specifically on this project. On a Motion by Councillor R E Vingoe and seconded by Councillor N Harris, it was unanimously agreed that high priority should be given to ensuring officer safety when they were working away from the office.

As far as addressing health and safety issues within the Council's offices was concerned, Officers confirmed that the need to develop a corporate policy, incorporating current examples of best practice from across all Departments, had been identified and would be effected as soon as possible.

