

## Council – 7 September 2023

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Minutes of the meeting of **Council** held on **7 September 2023** when there were present:-

Chairman: Cllr J L Lawmon  
Vice-Chairman: Cllr Mrs S J Page

Cllr Mrs D L Belton	Cllr E O K Mason
Cllr N J Booth	Cllr J R F Mason
Cllr E L Brewer	Cllr Mrs J E McPherson
Cllr Mrs L A Butcher	Cllr J E Newport
Cllr M R Carter	Cllr L J Newport
Cllr R P Constable	Cllr D W Sharp
Cllr J E Cripps	Cllr Mrs L Shaw
Cllr A G Cross	Cllr D J Sperring
Cllr D S Efde	Cllr Mrs D P Squires-Coleman
Cllr A H Eves	Cllr C M Stanley
Cllr Mrs E P Gadsdon	Cllr M J Steptoe
Cllr J N Gooding	Cllr I H Ward
Cllr Mrs J R Gooding	Cllr A L Williams
Cllr M Hoy	Cllr S A Wilson
Cllr Ms T D Knight	Cllr Mrs V A Wilson
Cllr R Lambourne	Cllr S E Wootton
Cllr R C D Linden	
Cllr Mrs C M Mason	

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs I A Foster, R Milne and G W Myers.

### OFFICERS PRESENT

J Stephenson	- Chief Executive Officer
E Yule	- Strategic Director
P Barnes	- Director, Assets & Investments
S Bennett	- Director, Customer & Data Insight
G Campbell	- Director, Policy & Delivery
M Hotten	- Director, Environment
T Lilley	- Director, Communities & Health
N Mann	- Joint Director, People & Governance
C Mayhew	- Joint Director, People & Governance
D Goodman	- Team Leader, Strategic Planning & Economic Development
W Szyszka	- Democratic Services Officer
V Meanwell	- Democratic Services Officer

### 153 MINUTES

The Minutes of the meeting held on 28 June 2023 were agreed as a correct record and signed by the Chairman.

### 154 DECLARATIONS OF INTEREST

Cllr J L Lawmon moved a Motion, seconded by Cllr S E Wootton, that the order of the agenda be varied to agenda Item 16 being considered upon the conclusion of agenda Item 7.

(This was unanimously agreed.)

### 155 ANNOUNCEMENTS FROM THE CHAIRMAN, LEADER OR HEAD OF PAID SERVICE

The Chairman of the Council, Cllr J L Lawmon announced that since the last Full Council meeting on 28 June, he had attended 17 functions for various schools and charities which he thoroughly enjoyed.

The Head of Paid Service made the following announcement:-

“Following the Government’s announcement last week on Reinforced Autoclaved Aerated Concrete (RAAC) in schools, I have asked officers to review the Council’s assets and provide reassurance to myself, and all Members that there is no issue with our buildings.

We have already reviewed the information and surveys on record, and we are confident that none of the assets we own within our estate are impacted.

Though, with the announcement last week, and on consultation with the Leader and the Council’s Administration, a review will be carried out and the outcome will be reported back to all Members of the Council as soon as possible.”

### 156 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS HELD BETWEEN THE PERIOD 23 MAY 2023 TO 21 AUGUST 2023

Council received the Minutes of Executive and Committee meetings held between the period 23 May 2023 to 21 August 2023 and these Minutes were noted.

### 157 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

Pursuant to Council Procedure Rule 10, the following question on notice had been received:-

#### (1) From Ms Jill Waight to the Leader of the Council

“You personally have championed transparency and openness. On what basis do you believe the public interest in maintaining the exemption outweigh the public interest in disclosing the information?”

The Leader, Cllr J R F Mason responded as follows:-

“Ms Waight, thank you for your question which rightly holds the Joint Administration to account on our pledges for openness and transparency. You will hear shortly in my introduction to the next item the reason why this item must be held in closed session.

However, in response to your specific question, the Council has received legal advice that the Council’s commercial position could be disadvantaged if the item is discussed in public and therefore, there is a distinct public interest in withholding disclosure at this point in the process.”

### **158 THE MILL ARTS & EVENTS CENTRE (THE MILL HALL)**

Council considered the report of the Director of Assets & Investments, seeking Council’s approval to formalise the end of the expressions of interest process in respect of the operation of the Mill Arts & Events Centre and to confirm clear objectives for the Centre going forward.

Cllr Mrs V A Wilson moved a Motion, seconded by Cllr M Hoy that the Recommendations, as set out on pages 7.1 to 7.2 of the Report be approved.

Cllr I H Ward moved a Motion, seconded by Cllr Mrs E P Gadsdon that Recommendation 1 be amended to refer to the Mill Arts & Events Centre as the Mill Arts, Events & Community Centre and that within part b of Recommendation 1, the first ‘the’ be amended to ‘any’.

On a requisition to Council Procedure Rule 17.4, a recorded vote was taken as follows:-

For (11) Cllrs Mrs D L Belton; Mrs L A Butcher; M R Carter; R P Constable; D S Efde; Mrs E P Gadsdon; Mrs L Shaw; D J Sperring; M J Steptoe; I H Ward and S E Wootton.

Against (25) Cllrs N J Booth; Mrs E L Brewer; J E Cripps; A G Cross; A H Eves; J N Gooding; Mrs J R Gooding; M Hoy; T D Knight; R Lambourne; J L Lawmon; R C D Linden; Mrs C M Mason; E O K Mason; J R F Mason; Mrs J E McPherson; J E Newport; L J Newport; Mrs S J Page; D W Sharp; Mrs D P Squires-Coleman; C M Stanley; A L Williams; S A Wilson and Mrs V A Wilson.

This Motion was declared lost.

Cllr D J Sperring moved a Motion, seconded by Cllr Mrs D L Belton that Recommendation 2 be amended: “That the Community Expression of Interest Process is formally concluded with neither preferred partner being awarded a contract with no financial liability to either party.”

This Motion was declared lost.

(11 Members voted in favour, 24 Members voted against and 1 Member abstained.)

Cllr Mrs E P Gadsdon moved a Motion, seconded by Mrs L Shaw that Recommendation 3 be amended: "That officers conduct a commercial soft market testing exercise for the operation of the café at the Mill Arts & Events Centre to be completed within a three month period."

The Motion was declared carried.

(21 Members voted in favour, 4 Members voted against and 11 Members abstained.)

Cllr Mrs D L Belton moved a Motion, seconded by Cllr M J Steptoe that Recommendation 4 be amended: "That a budget of up to £6500 is allocated to support the re-opening of the bars for events at the Mill Arts & Events Centre."

This Motion was declared lost.

(15 Members voted in favour, 20 Members voted against and 1 Member abstained.)

Cllr M J Steptoe moved a Motion, seconded by Cllr S E Wootton that Recommendation 4 be deferred.

This Motion was declared lost.

(11 Members voted in favour, 23 Members voted against and 2 Members abstained.)

Cllr Mrs J E McPherson moved a Motion, seconded by Cllr Mrs E P Gadsdon that Recommendation 5 be amended: "That a budget of up to £10,000 is allocated for a structural survey of the roof of the Mill Arts & Events Centre."

This Motion was declared lost.

(13 Members voted in favour, 22 Members voted against and 1 Member abstained.)

Cllr D S Efde moved a Motion, seconded by Cllr D J Sperring that Recommendation 6 be amended: "That the draft Market Research objectives and a budget of £50k are approved enabling officers to procure and conduct the research."

This Motion was declared lost.

(11 Members voted in favour, 25 Members voted against and 0 Members abstained.)

### Resolved

- (1) That the objectives for the Mill Arts & Events Centre are agreed as follows:-
- a) That the Mill Arts & Events Centre's primary function is to support the Arts and Events sector.
  - b) That the food and drink offering at the Mill Hall Arts & Events Centre supports the events and is a commercial, competitive offering.
  - c) The operating model of the Mill Hall Arts & Events Centre must strive to be commercially viable reducing the level of subsidy the Council is required to provide.
  - d) Ensure that the asset is environmentally sustainable.

On a requisition to Council Procedure Rule 17.4, a recorded vote was taken as follows:-

For (24) Cllrs N J Booth; Mrs E L Brewer; J E Cripps; A G Cross; A H Eves; J N Gooding; Mrs J R Gooding; M Hoy; T D Knight; R Lambourne; J L Lawmon; R C D Linden; Mrs C M Mason; E O K Mason; J R F Mason; Mrs J E McPherson; J E Newport; L J Newport; Mrs S J Page; D W Sharp; Mrs D P Squires-Coleman; C M Stanley; S A Wilson, and Mrs V A Wilson.

Against (0)

Abstained (12) Cllrs Mrs D L Belton; Mrs L A Butcher; M R Carter; R P Constable; D S Efde; Mrs E P Gadsdon; Mrs L Shaw; D J Sperring; M J Steptoe; I H Ward; A L Williams, and S E Wootton.

- (2) That the Community Expression of Interest Process is formally concluded with neither preferred partner being awarded a contract.

(23 Members voted in favour, 11 Members voted against and 1 abstained.)

- (3) That officers conduct a commercial soft market testing exercise for the operation of the café at the Mill Arts & Events Centre to be completed within a three month period.

(27 Members voted in favour, 0 against and 9 Members abstained.)

- (4) That a budget of £6,500 is allocated to support the re-opening of the bars for events at the Mill Arts & Events Centre. The bar is to be operated by a third party, Eternity Events.

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

- (5) That a budget of up to £10,000 is allocated for a structural survey of the Mill Arts & Events Centre.

(24 Members voted in favour, 6 Members voted against and 6 Members abstained.)

- (6) That the draft Market Research objectives are approved enabling officers to procure and conduct the research.

(This was unanimously agreed.)

- (7) That, following the conclusion of the market research, engagement activity and structural survey, operation of the Mill Arts & Events Centre are presented back to the Full Council with a supporting business case.

(This was unanimously agreed.)

Cllr J L Lawmon moved a Motion, seconded by Cllr Mrs C M Mason that according to the Council procedure Rule 14 (n), to extend the meeting beyond the 2 ½ hours for as long as necessary in order to complete the remaining business.

(23 Members voted in favour, 12 Members voted against and 1 Members abstained.)

### **159 EXCLUSION OF THE PRESS AND PUBLIC**

The Leader of the Council made the following announcement:-

“Thank you, Chairman.

Members, I am sure, like me, you would have very much hoped that this important debate on the future of our strategic assets could have been held in public session.

However, we have received legal advice which has advised us in the strongest terms to consider this whole report in closed session as it contains sensitive commercial information.

In order to protect the Council's interests, and ultimately those of our residents, I believe we must follow this advice. However, this joint administration has made a commitment to open and transparent democracy and I will personally ensure that the public are kept informed about our proposals as soon as it is possible to do so.

On that basis, Chairman, I so move the exclusion of the press and public.”

Cllr J R F Mason, moved a Motion, seconded by Cllr J Newport, that the press and public be excluded from the meeting for the remaining business on the

grounds that exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

### **Resolved**

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

(24 Members voted in favour, 10 Members voted against and 2 Members abstained.)

Cllr A L Williams retired from the meeting.

### **160 ASSET DELIVERY PROGRAMME**

Council considered the exempt report of the Director of Assets & Investments in relation to the Council's Asset Delivery Programme.

Debate of this item is set out in the exempt appendix to the Minutes.

Cllrs Mrs D L Belton, Mrs L A Butcher, M R Carter, Mrs E P Gadsdon, Mrs L Shaw, D J Sperring, I H Ward and S E Wootton retired from the meeting.

### **161 READMITTANCE OF THE PRESS AND PUBLIC TO THE MEETING**

The Chairman readmitted the press and public to the meeting.

Cllrs Mrs J E McPherson and T D Knight retired from the meeting.

### **162 REVIEW OF THE FLOOD ADVISORY GROUP**

Council considered the report of the Strategic Director seeking Council's approval to dissolve the existing Flood Advisory Group, approve new terms of reference and appoint three Members to the Working Group.

Cllr C M Stanley moved a Motion, seconded by Cllr Mrs C M Mason that the Recommendations as set out on page 11.1 of the report be approved.

### **Resolved**

- (1) That the existing Flood Advisory Group be dissolved.
- (2) That a new Flood Working Group be constituted with the new terms of reference.
- (3) That Cllr Mrs C M Mason, Cllr C M Stanley and Cllr S E Wootton be appointed to the Flood Working Group.

(This was unanimously agreed.)

**163 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL**

**(1) Report of the Overview & Scrutiny Committee – Overview & Scrutiny Annual Report 2022/23**

Council considered the report of the Overview & Scrutiny Committee recommending to note the contents of the O&S Annual Report 2022/23.

**Resolved**

To note the Overview & Scrutiny Committee Annual Report for the 2022/23 Municipal Year.

**(2) Report of the Overview & Scrutiny Committee – Treasury Management Annual Review 2022/23**

Council considered the report of the Overview & Scrutiny Committee recommending to note the contents of the Treasury Management Annual Review 2022/23 Report.

**Resolved**

To note the contents of the Treasury Management 2022/23 Annual Report.

**(3) Report of the Planning Policy Committee – Local Plan Development Scheme 2023-25**

Council considered the report of the Planning Policy Committee recommending that the Local Plan Development Scheme 2023-25 be adopted and published on the Council's website.

**Resolved**

That the Local Plan Development Scheme 2023-25 be adopted and published on the Council's website.

(22 Members voted in favour, 0 against and 1 Member abstained.)

**(4) Report of the Standards Committee – Standards Committee Working Group**

Council considered the report of the Standards Committee recommending that Council appoints a Standards Committee Working Group comprising of four cross party Members of the Standards Committee.

**Resolved**

- (1) To appoint a cross party Standards Committee Working Group consisting of Cllrs J L Lawmon, R C D Linden, D W Sharp and D J Sperring.

- (2) That the terms of reference for the Working Group be as follows:-

To determine the Member Training Programme for the 2024/2025 Municipal Year and circulate a report with the agenda for the Standards Committee to be held by year end.

- Consideration given to Member feedback.
- Determine any special requests from Members and incorporate as appropriate.
- Incorporate a mix of remote and in-person sessions as best suited to the subject matter.
- Set appropriate provisional dates so that Member Services can include these in the 2024/25 timetable with regard to the established procedure of one morning/afternoon session and one evening session wherever possible.
- To take account of the importance of the regulatory committee requirements.
- Using LGA trainers as far as practicable with in house training and other external trainers as needed, taking into account both demands on staff time and budget.
- Arrange for officers to provisionally book external trainers to ensure availability.

(23 Members voted in favour, 0 against and 1 Member abstained.)

### **164 VERBAL UPDATE ON THE CONSTITUTION WORKING GROUP**

Council received the following verbal report from Cllr J E Newport on the Constitution Working Group:-

"As Chairman of the Constitution Working Group, I am pleased to update Members on the work we have undertaken so far to develop a proposal for a Committee structure and to fully review the Constitution.

We have held two meetings and have our third meeting scheduled for next week.

The Working Group has already produced a proposed Committee structure which includes a number of regulatory Committees, a Scrutiny Committee, and Policy Committees and are developing terms of reference for each of these Committees.

We have also reviewed Part 2 of the Constitution – the Articles, and have provided the Monitoring Officer with a steer to redraft Part 3 of the Constitution

– Responsibility for Functions – this includes the scheme of Officer Delegations.

Chairman, the Working Group is on track to meet the deadlines set out by the Full Council and in our work programme. Namely, that the Committee structure will be brought before Council for agreement in December 2023 and that the revised complete Constitution will be brought forward for approval in February 2024. We will be considering how we engage and brief Members on the proposals ahead of those meetings.

This review is an intensive piece of work, at pace, which requires a lot of input both at the meetings and as “homework”. I would like to thank my fellow Working Group Members for the time they have committed to this important piece of work and their valued contributions.”

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

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

“Members, I am pleased to give you a brief report on the work of the Executive:-

Executive – 21 September 2023:-

- Castle Hall
- Quarterly Budget Monitoring
- Modern Slavery Act
- Environmental Service Plan
- CCTV Rayleigh

Executive – 18 October 2023:-

- Voluntary Sector Grants Cross Party Members Panel Decision
- Christmas Parking
- Skateboard Facilities

Executive – 16 November 2023:-

- Development of 3G Pitches

Cllr A L Williams is working with Customer Service Director, Sarah Bennett on Complaints Handling Procedures and using complaints to generate service improvement.

Preparation for a New Leisure Contract is going forward with consultants researching Feasibility and Procurement together with a Member Workshop being organised by Cllr Mrs J R Gooding.

Cllr M Hoy is organising the Budget Survey and Budget Workshops for all Members.

The Planning Policy Committee, led by Cllr J E Cripps has undertaken a Workshop to identify opportunities on Brownfield Sites.

Rochford's #ByYourSide Cost of Living Community Event on Saturday 30 September will be taking place at the Mill Arts & Events Centre in Rayleigh between 11.00am and 3.00pm.

Pan-Essex Essex Devolution briefings are being organised for 14 and 22 September and Member Services will communicate.”

The meeting closed at 11.17 pm.

Chairman .....

Date .....

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