

Council – 24 October 2000

Minutes of the meeting of **Council** held on 24 October 2000 when there were present:

Cllr Mrs W M Stevenson

Chairman

Cllr R Adams
Cllr R S Allen
Cllr R A Amner
Cllr C I Black
Cllr Mrs R Brown
Cllr P A Capon
Cllr T G Cutmore
Cllr Mrs J E Ford
Cllr G Fox
Cllr K A Gibbs
Cllr Mrs J M Giles
Cllr Mrs H L A Glynn
Cllr J E Grey
Cllr D Helson
Cllr Mrs J Helson
Cllr Mrs L Hungate
Cllr C C Langlands

Cllr V H Leach
Cllr Mrs S J Lemon
Cllr T Livings
Cllr J R F Mason
Cllr C R Morgan
Cllr P J Morgan
Cllr R A Pearson
Cllr R F Powell
Cllr S P Smith
Cllr M G B Starke
Cllr P D Stebbing
Cllr R E Vingoe
Cllr Mrs M J Webster
Cllr P F A Webster
Cllr D A Weir
Cllr Mrs M A Weir

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs D M Ford, Mrs J Hall, A Hosking, G A Mockford and Mrs L I V Phillips

OFFICERS PRESENT

P Warren – Chief Executive
R J Honey – Corporate Director (Law, Planning and Administration)
R Crofts – Corporate Director (Finance and External Services)
G Woolhouse – Head of Health, Housing and Community Care
A Smith – Head of Administrative and Member Services
J Bostock – Principal Committee Administrator

340 DECLARATIONS OF INTEREST

Councillor D R Helson declared a non pecuniary interest in the Community Services Committee recommendation on meeting with Rayleigh Town Council and Rochford Sports Council by virtue of being a member of Rochford Sports Council.

341 MINUTES

The Minutes of the following Meetings were approved as correct records and signed by the Chairman:-

25 July 2000

31 August 2000 (Extraordinary)

28 September 2000 (Extraordinary)

342 CHAIRMAN'S ANNOUNCEMENTS

At this stage in the Meeting there were four presentations:-

- (1) Presentation of the Salvation Army Clothing Bank Scheme Recycling Award 1999/2000
- (2) Presentation of a Bible by the South East Essex Branch of Gideons International
- (3) Presentation of a Long Service Award to Diana Ward, one of the Council's Sheltered Scheme Managers who had recently retired after 21 years service with the Council
- (4) Presentation of a Chairmans charity sponsorship cheque by Cllr Mrs J E Ford on behalf of her husband for sponsorship monies raised by Councillor D M Ford

The Chairman extended best wishes to Cllr D M Ford for a speedy recovery from current ill health.

The Chairman had undertaken many recent engagements. Specific reference was made to the Civic Service at Our Lady of Ransom Church and the contribution of Father Dorricott. The Chairman wished to extend thanks to all Members who had assisted with raising money for the Chairman's charity in recent weeks. Mention was made of the next main Charity event on 24 November, to which all Councillors would be invited.

343 PETITION

Pursuant to Standing Order 11, Council received a petition from Ms Mandy Nunley on behalf of residents of the Ashingdon Block Estate, Rochford relating to shotgun fire disturbance – Rochford Gun Club.

Ms Nunley confirmed that the petition, containing 26 signatories, related to shotgun noise emanating from the field behind the railway line close to the estate early on Sunday mornings, which residents found of great annoyance and nuisance and would like terminated as soon as possible.

The Chairman confirmed that the petition would be referred for consideration to the Council's Transportation and Environmental Services Committee.

344 MINUTES

Resolved

- (1) That, subject to any amendments below, the Minutes of Committees be received and the recommendations contained therein adopted.
- (2) That the common seal of the Council be affixed to any document necessary to give effect to decisions taken or approved by the Council in these Minutes.

Committee	Date	Minute No.
(1) PLANNING SERVICES	27 July 2000	262-268
(2) PLANNING SERVICES	31 August 2000	271-273
(3) TRANSPORTATION & ENVIRONMENTAL SERVICES	21 September 2000	274-287

Minute 277 – Southend-on-Sea Borough Council – Outer Bypass

The Transportation and Environmental Services Committee had referred this item to Full Council allowing time for Officers to gain more information about the proposals.

By way of update, the Chief Executive indicated that, whilst there had been much media interest in the subject, there were no bypass related proposals in the Council's adopted Local Plan, the modified Structure Plan or the Local Transport Strategies relating to Rochford or the Southend-on-Sea Borough area. It was clearly important to ensure the District Council took every opportunity to ensure its own opposition to any bypass proposals was consistently relayed.

Whilst the District remained totally opposed to any proposals for an outer bypass, it was recognised that Southend-on-Sea had traffic congestion problems for which alternative solutions would need to be identified.

Minute 286 – Arrangements for Town Centres/Advisors to Working Groups

NOTE: Councillor Mrs J E Ford declared a non-pecuniary interest in this item by virtue of her spouse's employment on Foulness Island.

The Proper Officer reported that, pursuant to Standing Order 18(6), a requisition had been received in the names of Councillors D A Weir, Mrs J E Ford and D M Ford requiring that Minute 286 be referred to Full Council for decision.

A number of Members commented on the spirit of partnership and the value of ensuring an appropriate level of adviser representation from the community, particularly Parish Councils. The Head of Administrative and Member Services referred Members to an associated recommendation from the last meeting of the Partnership Sub-Committee that consideration be given to appointing the same number of Parish Council Advisers to Town Centre Working Groups as there are District Councillors.

During debate reference was made to the value of being mindful of the observations of the Parishes on representation. A Member wished to comment specifically on the possibility that the Rochford Town Centre Working Group could benefit from including adviser representatives from the Star Project and the Stambridge and Hawkwell Parish Councils. A Member of the Transportation and Environmental Services Committee commented on his understanding that the Committee's intention with the Foulness Working Group was that, of two parish advisers, one would be from Barling Magna and the other from Great Wakering Parish Council. This aspect of the minute could be considered at the next meeting of the Transportation and Environmental Services Committee when the minutes were submitted for ratification.

A Member queried whether, given recent Council decisions in respect of the protocol for Working Groups, amendments along the lines being suggested could be considered. The Corporate Director (Law, Planning and Administration) advised that, in his opinion, certain amendments were possible.

Following a Motion moved by Councillor G Fox and seconded by Councillor Mrs J M Ford relating to the delegation of authority to Working Groups it was:-

Resolved

- (1) That authority be delegated to Working Groups to determine their advisers and that the Protocol for Working Groups be adjusted accordingly.
- (2) That the Hullbridge Town Centre Working Group be formed. (HAMS)

(4)	PLANNING SERVICES	28 September 2000	289-295
(5)	APPEALS PANEL	4 October 2000	295A-295B
(6)	AUDIT SERVICES	5 October 2000	296-300

(7) COMMUNITY SERVICES 10 October 2000 301-322

Minute 305(2) Relating to Leisure Sub-Committee Minute 87 – Meeting with Rayleigh Town Council and Rochford Sports Council

The Proper Officer reported that, pursuant to Standing Order 18(6), a requisition has been received in the names of Councillors D R Helson, V H Leach and Mrs S J Lemon requiring that Minute 305(2) relating to Leisure Sub-Committee Minute 87 be referred to Full Council for decision.

The reasons for reference up were stated as:-

- (1) There is no urgency for a meeting as the next Festival of Sports Finals Day is not until July 2001.
- (2) In July 2001 responsibility for the hire and maintenance of King George's Playing Field, Rayleigh will rest solely with Rayleigh Town Council. In this respect, it is understood that Rayleigh Town Council have agreed to issue invitations to both Rochford Sports Council and Rochford District Council to discuss next year's Festival of Sports Finals Day.
- (3) An Agenda is necessary so that all parties are clear on the items under discussion.

On a motion, moved by Councillor D R Helson and seconded by Councillor V H Leach, it was:-

Resolved

That should a Meeting be arranged between Rayleigh Town Council and Rochford Sports Council to discuss next year's Festival of Sports Finals Day on King George's Playing Field, Rayleigh and this Authority were invited to attend, that this Authority's representatives be the Chairman of Leisure Sub-Committee and the Corporate Director (Finance & External Services). Furthermore, any Meeting should be agenda based to show the matters to be discussed. (CD(F&ES))

Minute 314 – Memorandum of Understanding for Traveller Encampments

The Community Services Committee had referred the proposal for signing the proposed Memorandum of Understanding to Full Council for consideration.

Responding to Member questions, the Head of Health, Housing and Community Care indicated that:-

- He understood from recent records that there had been two unauthorised encampments within the Rochford District in recent months.
- The proposed code included a number of circumstances under which the police might take action.
- The objective of proposals was to strengthen existing controls.
- Officers would invite the County Council's Gypsy Manager to attend a future Meeting of the Community Services Committee to provide an update on their work.
- It was for affected landowners to instigate appropriate civil action.

Resolved

That the Memorandum of Understanding be agreed, subject to the full version of the Code for Travellers in Essex replacing the summary Code included in the report. (HHHCC)

(8) FINANCE & GENERAL
PURPOSES

12 October 2000 323-339

Minute 327(4) Relating to Structural and Procedural Review Sub-Committee Minute 64 – Substitutes

Resolved

That the first part of Standing Order 12(13)(e) be adjusted to read:-

“A list of substitutes nominated in accordance with paragraph 12(13)(a) should be supplied to the Proper Officer at any time up to the commencement of the Meeting to which it relates.....”

Minute 327(4) Relating to Structural and Procedural Review Sub-Committee Minute 65 – Referencing Up of Decisions

Resolved

That Standing Order 18(6) be adjusted to read:-

“(6) Delegated decisions of a Sub-Committee or Committee other than the Planning Services Committee or when acting in a quasi-judicial capacity shall be deemed to have been resolved four working days after the date of the Meeting, unless a Member(s) has provided the Proper Officer with the names of three Members of the Council who require the relevant Minute to be referred to the Full Council for decision. If such a request is received the Minute will be included for debate at the next Full Council Meeting.” (HAMS)

Minute 327(5) – Relating to Corporate Resources Sub-Committee Minute 358 – Position of Chief Executive

Resolved

That the Council offer the permanent position of Chief Executive to Mr Paul Warren on expiry of his current contract with the Council.
(CD(L,P&A))

**Minute 327(5) – Relating to Corporate Resources Sub-Committee
Minute 359 – Position of Head of Planning Services**

Resolved

That the Head of Corporate Policy & Initiatives be confirmed in the post of Head of Planning Services on a permanent basis with the Local Plans Unit transferring back to the Planning Services Division under his control. (CE)

**Minute 327(7) – Relating to Member Budget Monitoring Sub-Committee
Minute 97 – Budget Strategy**

The Chief Executive advised that further consultation with the media had established that a newspaper had not received a paper-based version of an exempt report. The newspaper concerned was unwilling, however, to disclose its source of information.

In association with Minute 97, Council received a report from the Corporate Director (Law, Planning & Administration) on the legal position regarding disclosure of exempt and confidential information. In presenting the report, the Corporate Director wished to emphasise the serious nature of breaches of confidentiality.

During discussion, a number of Members wished to emphasise the importance of all Members respecting the conventions associated with confidential items.

Resolved

That the report be received and noted. (CD(LPA))

**Minute 336 – Contract Standing Orders – Monitoring Report –
Financial Services Division**

The Head of Administrative and Member Services advised that the recommendation needed amendment to accord with the decision of the Finance & General Purposes Committee and it was:-

Resolved

That contract Standing Order 22.4 be adjusted to read:-

22.4 Each Corporate Director shall record all contracts awarded by the Department, including the nature of the goods, works, services or concession for which the contract has been awarded, the value of the contract, the difference in the tenders and the name of the contractor and shall supply details to the appropriate Service Committee at least once every six months in respect of all contracts exceeding £5,000 in value (HLS)

345 NOTICES OF MOTION

(1) From Councillor J R F Mason

The Proper Officer reported that the following Notice of Motion had been received from Councillor J R F Mason:-

“Acknowledging that dog fouling is unpleasant and a nuisance with additional associated health issues that are of particular concern with regard to children and users of recreational spaces that this Council considers adoption of the Dogs (Fouling of Land) Act 1996. Council refers such proposal to the Community Services Committee to obtain a report to be submitted to Full Council within three months.”

On a Motion moved by Councillor J R F Mason and seconded by Councillor R S Allen it was:-

Resolved

That the Motion stands referred to the Community Services Committee. (HAMS)

(2) From Councillor Mrs H L A Glynn

The Proper Officer reported that the following Notice of Motion had been received from Councillor Mrs H L A Glynn:-

- "1. That this Council considers an alternative access for King Edmund School, Rochford at the next meeting of Community Services.
2. That the Officers prepare a report for the Community Services meeting in respect of item 1.

This motion to stand referred to Community Services.”

Responding to Member questions, the Chief Executive confirmed that, in the first instance, it would be appropriate for a background report to be submitted to the next meeting of the Community Services Committee, as a representative from County Learning Services would be in attendance to discuss the schools operation plan. The report could clarify the current position in terms of planning policy and site

history/background. The Community Services Committee would need to refer the item onto other Committees of the Council as appropriate.

On a Motion moved by Councillor Mrs H L A Glynn and seconded by Councillor Mrs J M Giles it was:-

Resolved

That the Motion stand referred to the Community Services Committee in the first instance. (HAMS)

(3) From Councillor D R Helson

The Proper Officer reported that the following Notice of Motion had been received from Councillor D R Helson:-

- "1. That the informal five-a-side football area in Fairview Playing Field, Rayleigh be surfaced and laid out as a five a-side football pitch.
- 2 In addition, two basketball goals be sited within this area from the bid made to the English Basketball Association under Minute 81 of the Leisure Services Sub-Committee held on 13th June 2000, and Minute 196 of the Community Services Committee held on 27th June 2000."

On a motion moved by Councillor D R Helson and seconded by Councillor V H Leach it was:-

Resolved

That the motion stands referred to the Community Services Committee. (HAMS)

346 ESSEX AND SOUTHEND WASTE LOCAL PLAN – INSPECTOR’S REPORT

Council considered the report of the Head of Corporate Policy and Initiatives summarising the contents of the Inspector’s report into the Essex and Southend Waste Local Plan, outlining the next steps in the process towards final adoption of the Plan and setting out the recommendations of the Essex Consortium.

During debate Members agreed a Motion moved by Councillor R S Allen and seconded by Councillor V H Leach on the use of appropriate local composting facilities for green waste.

Specific concern was raised at the possibility that incineration was still not discounted from proposals and to indications that some County Council Members had received advice from County Legal Officers to

the effect that this subject could not be discussed. A Member made reference to the inaccuracy of Waste Plan documentation in identifying Stewart's Yard as in Shoebury, rather than Great Wakering.

Responding to Member questions, Officers indicated that:-

- A substantial proportion of waste coming into the County was imported and that precise details on amounts would be detailed in a future Member's Bulletin.
- A check would be made of the position with regard to Stewart's Yard, Great Wakering, including ascertaining the planning permission associated with the site and ensuring appropriate agencies are aware of its actual position.

Resolved

- (1) That the Consortium's recommendations be agreed and that further detailed reports on the implications of the Inspector's recommendations on the Essex and Southend Waste Local Plan be submitted in due course.
- (2) That whereas this authority is presently being made to transport green waste out of the District to Pitsea, the Council urges Essex County Council to allow Rochford District Council to use appropriate local composting facilities for its green waste when the present contract expires, so as to meet with the Inspector's recommendations and the Councils Best Value Policy.
(HCPI)(HHHCC)

347 PARTNERSHIP SUB-COMMITTEE

Council considered the report of the Head of Administrative and Member Services setting out recommendations from the Meeting of the Partnership Sub-Committee held on 19 October 2000.

The recommendation relating to the appointment of advisers to Town Centre Working Groups had been considered earlier in the Meeting (Minute 344(3) refers)

With regard to the Periodic Electoral Review, the Head of Administrative and Member Services advised on the latest communication from the Local Government Commission indicating that there would now be full public consultation on proposals between 28 November 2000 to 8 January 2001. A Notice would be published in a local newspaper. The public would be alerted to revised proposals via the Council's newspaper "Rochford District Matters".

Resolved

- (1) That the Rochford Consultative Charter and Code of Practice on consultation with Local Councils be reaffirmed subject to minor amendment to take account of change in job titles of the Officers referred to in the documents.
- (2) That the use of email to communicate with Parish Councils and Parish Councillors, and the possible creation of a website for District/Parish issues, be considered as part of the Council's IS/IT Strategy.
- (3) That a letter be sent to the Chief Executive of the Local Government Commission in the terms suggested, this letter to be signed by the Chairman of the Sub-Committee on behalf of its Members. (HAMS)

348 MEMBER BUDGET MONITORING SUB-COMMITTEE

Council considered the Minutes of the Meeting of the Member Budget Monitoring Sub-Committee held on 17 October 2000 and the Recommendations contained therein.

Minute 102 – Staffing and Resource Proposals

Resolved

- (1) That the reporting structures within the Law, Planning and Administration Directorate be amended forthwith with the Personnel Manager reporting directly to the Corporate Director (Law Planning and Administration) rather than through the Head of Service as at present.
- (2) That the Chief Executive present a revised report, taking on board the Sub-Committee's comments, to an Extraordinary Meeting of Full Council to be arranged in November. (CE)

349 COUNTY COUNCIL BEST VALUE REVIEW OF MEALS ON WHEELS SERVICE

NOTE: The Chairman admitted this item of business in view of the timescale for making an appointment.

The Corporate Director (Finance & External Services) reported on a communication from the County Council inviting a District Council Member to be involved with the County Council's Best Value Review of the Meals on Wheels Service. The first Meeting would be on the evening of Tuesday 31 October.

Resolved

- (1) That the Chairman of the Community Services Committee, Councillor Mrs M A Weir, be appointed as this Council's representative to the County Council's Best Value Review of the Meals on Wheels Service.
- (2) That attendance at Meetings be an approved duty for the purposes of payment of travel and subsistence allowance.
CD(FES)

350 ESTABLISHMENT OF PRIMARY CARE TRUST - CONSULTATION

NOTE: The Chairman admitted this item as urgent in view of the availability of additional information and an early consultation process deadline.

Council noted that, since the Community Services Committee had considered proposals for establishment of a primary Care Trust (minute 309 refers), the results of a General Practitioner (GP) ballot had been published which indicated that the majority of GP's within the Rochford District were unhappy with proposals. The South Essex Health Authority, responsible for the consultation process, would be considering these results at a meeting on 16 November.

During debate, reference was made to the detail of Community Services minute 309. In terms of resolution (1) of the minute, a number of Members who served on the Community Services Committee felt that the first line stating 'That the establishment of a Primary care Trust for Castle Point and Rochford be supported' was not an accurate record and that its accuracy should be considered when the minutes are submitted for confirmation to the next meeting of the Committee.

A motion that the complete minute be referred back for clarification, moved by Councillor G Fox and seconded by Councillor PD Stebbing, was lost on a show of hands. A motion that the first line only be referred back for clarification, moved by Councillor PFA Webster and seconded by Councillor T Cutmore, was won on a show of hands.

At this point in the meeting there was a five minute recess to enable copies of the latest information to be made available to all Members present.

On reconvening, Members had before them a copy of the results of the GP ballot as supplied by the Health Authority Returning Officer together with an associated Health Authority News Release. Council agreed a motion moved by Councillor PFA Webster and seconded by Councillor Mrs J Helson, and it was:-

Resolved

(1) That, in view of additional information now available on the GP's ballot, the Council re-inforces its earlier comments in respect of service and resource provision and seeks further clarification on the GP's concerns.

(2) That the first line of resolution (1) of Community Services minute 309 be referred back to the Community Services Committee for clarification of accuracy (HHHCC/HAMS)

NOTE: Councillors G Fox and PD Stebbing wished it to be recorded that they had voted against resolution (2) above.

The meeting closed at 10.19pm

Chairman.....

Date.....