

Council - 29 July 2004

Minutes of the meeting of **Council** held on **29 July 2004** when there were present:-

Cllr Mrs R Brown (Chairman)
Cllr P F A Webster (Vice-Chairman)

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

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs C A Hungate, Mrs L Hungate, C J Lumley, Mrs J R Lumley, J R F Mason and D G Stansby.

OFFICERS PRESENT

P Warren - Chief Executive
R Crofts - Corporate Director (Finance & External Services)
A Bugeja - Head of Legal Services
D Deeks - Head of Financial Services
J Bostock - Principal Committee Administrator

355 MINUTES

The Minutes of the meeting held on 29 June 2004 were approved as a correct record and signed by the Chairman.

356 DECLARATIONS OF INTEREST

Councillor Mrs H L A Glynn declared a personal interest in the report of the Community Overview & Scrutiny Committee on a housing applicant by virtue of involvement with a charity with which the applicant was connected and took no part in the decision thereon.

357 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman was pleased to announce that the Cleft Lip and Palate Association (CLAPA) Essex was her chosen charity.

The Chairman had recently attended several events at which schools and colleges had been celebrating end of year success. The period had also seen attendance at the opening of the new NHS unit in Rawreth Lane, Rayleigh.

On the permission of the Chairman, the leader of the Council extended thanks to the Council for having provided the opportunity for himself and a fellow Councillor to attend a recent Royal Garden Party. Particular thanks were extended to the Civic Chauffeur, Ian Copland, for such effective assistance to and from the event.

358 COMMITTEE MINUTES AND REPORTS

Council received the Minutes of Committees and considered Committee reports as follows:-

	Committee	Date	Minute No.
(1)	Planning Services	30 June 2004	273-278
(2)	Community Services	1 July 2004	279-288
(3)	Environmental Services	6 July 2004	289-298
(4)	Policy and Finance	8 July 2004	299-311
(5)	Standards	13 July 2004	312-316
(6)	Community Overview & Scrutiny	15 July 2004	317-325

(a) Housing Applicant

Council considered the report of the Community Overview & Scrutiny Committee on an application for housing.

Resolved

That, in this particular case and providing the matter is dealt with as a one-off departure from policy, the applicant detailed in the exempt report be offered the tenancy of the property identified in the report.
(HRHM)

(b) Housing Needs Study

Council considered the report of the Housing Management Sub-Committee relating to the Housing Needs Study.

Resolved

- (1) That, subject to the specific questions listed in the report, the draft housing needs study specification be agreed.
- (2) That the other partner Authorities within the Thames Gateway South Essex Sub Region and the Local Government Association be provided with this Authority's supplementary questions relating to the Housing Needs Study.
- (3) That this Council participates in a joint Study with the other South Essex Local Authorities, subject to (1) above.
- (4) That the consultants be invited to attend a meeting of the Sub-Committee in order to outline their proposed methodology in conducting the Study. (HHHCC)

Committee	Date	Minute No.
(7) Environment Overview & Scrutiny	20 July 2004	326-333

(a) Minute 329 - Bus Routes within Rochford District - Liaison Issues

It was noted that the word "stakeholders" in the sixth paragraph of page 2 of the Minutes should be replaced with the word "shareholders". This could be adjusted at the next meeting of the Committee.

(b) Taxi Tariff Review

Council considered the report of the Taxi Licensing Sub-Committee on the Taxi Tariff Review.

The Chairman of the Sub-Committee re-affirmed the background to adjournment of the 20 July meeting, as set out in the report.

It was acknowledged that all Members of the Council were supportive of the current taxi voucher scheme.

For the purposes of clarification, the Corporate Director (Finance & External Services) confirmed that the percentage figure referred to in the report for fare increases associated with journeys of up to one mile was the lowest of the increases across the bands. Percentage increases taking the period of four years from 2000 could be identified as follows:-

Distance in Miles	Percentage Increase
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1	3.57
2	5.13
3	6.00
4	6.55
5	8.00
6	7.77
7	7.61

Resolved

- (1) That for 2004/05 an increase of 4% (or the nearest possible percentage point) be applied over all aspects of the existing fare structure.
- (2) That there be no alterations to any of the specific features of the current fare structure (i.e. the extra charges to continue to be identified separately and the night rate to continue to start at 10.30pm).
- (3) That officers provide a detailed paper on the deregulation of an authorised fare tariff by the end of October 2004. The paper to include information on:-
 - The advantages and disadvantages of deregulation for drivers and circuit owners.
 - The implications for Rochford District Council staff (including financial).
 - The impact on the present Taxi Voucher Scheme.
 - Details on the approach of other Essex authorities to deregulation and the views of other Essex authorities on the advantages/disadvantages of deregulation, together with any other comments that they may wish to make.
 - The potential impact deregulation could have on District residents that use the taxi service (shoppers, commuters, week-end users and so on).

Committee	Date	Minute No.
(8) Finance & Procedures Overview & Scrutiny	22 July 2004	334-343

(a) Code of Corporate Governance

Council considered the report of the Finance & Procedures Overview and Scrutiny Committee on the annual assessment of the Council's Local Code of Corporate Governance.

Resolved that the annual assessment of the Council's Local Code of Corporate Governance be agreed. (CD(F&ES))

Committee	Date	Minute No.
(9) Appeals & Licensing	23 July 2004	344-346
(10) Planning Services	27 July 2004	347-354

359 MOTION ON NOTICE

The Proper Officer reported that, pursuant to Council Procedure Rule 12, the following motion had been received from Councillors C I Black and R A Oatham:-

"That this Council introduces public speaking at Planning Meetings, on the same basis as proposed at the Environment Overview & Scrutiny Committee 19 September 2002."

In presenting the motion, Councillor Black referred to the potential value of a public speaking facility in helping Members to reach fair and informed decisions. Councillor Black felt that there had been times when he would have valued hearing from a member of the public or a planning applicant. The provision of an opportunity for public speaking could help engender public confidence in the system and, now that there tended to be a lower number of applications on planning agendas, the introduction of a speaking facility should be administratively practicable. In seconding the motion, Councillor Oatham referred to the possibility that public speaking could mean that Councillors can be aware of all salient features at the point when a decision is made.

In favour of the motion, it was observed that public questions were allowed at Council meetings and that views on the perceived ability of residents to understand the planning process or the lengthening of meetings should not come in the way of introducing public speaking.

Against the motion, reference was made to the fact that the Council would have to review the question of public speaking within the context of the CPA process and that it would be inappropriate to make a quick decision in advance of review. In terms of specific arguments, it could be observed that the introduction of an opportunity for public speaking did not mean that the facility would be automatically used by all who had a right to use it and it

would be important to guard against advantage being taken by a verbal minority. A Member observed that there are times when planning applications lead to neighbour disputes and that there is a possibility that the introduction of public speaking could exacerbate some of these. Reference was made to the Council's record with regard to planning appeals, which could be seen as an indicator that the Council already took well informed decisions.

The motion was lost on a show of hands.

360 DRAFT FINANCIAL STATEMENT 2003/04

Council considered the report of the Head of Financial Services on the Draft Financial Statement 2003/04.

In presenting the report, the Head of Financial Services highlighted the key points. Responding to questions, officers advised that:-

- Based on recent meetings with the County Council's actuaries it was understood that the level of contributions associated with the deficit in the pension fund managed by Essex County Council would be known in October. The County had issued a consultation paper setting out options for addressing the deficit. It was understood that the County may be happy to take a 20 year view. At this point in time there had been no indication that future consideration was to be given to changing the final salary basis of the current pension fund or the level of employee contributions. This is the first time that there had been a requirement to include Financial Reporting Standard 17 (the view of assets and liabilities relating to Rochford District Council within the total pension fund managed by the County Council) within the accounts.
- Information on the precise nature of the community assets heading in the balance sheet would be confirmed.
- The authority would retain the monies associated with the West Street, Rochford compulsory purchase order pending its payment to the claimant when compensation is settled. Any interest attracted by the money is payable to the claimant.

Resolved

- (1) That the Financial Statements be approved and signed by the Chairman.
- (2) That the accounts be agreed for submission to the external auditors. (HFS)

361 CAPITAL PROGRAMME

Council considered the report of the Head of Financial Services which reviewed the current Capital Programme following closure of the accounts for 2003/04.

Responding to questions, the Head of Financial Services confirmed that the inclusion of monies for work to the schools/pedestrian crossings at Holt Farm and the Down Hall/London Road junction was associated with District Council proposals.

The Corporate Director (Finance & External Services) referred Members to the £50,000 currently included in the 2004/05 estimate for repairing the Clements Hall pool leak. It was now likely that the cost for this repair work would actually be £19,000. The Corporate Director also drew Members attention to an issue that had just arisen which regard to a faulty damp proof membrane under the flooring of the old Clements Hall gym, which was being converted to squash courts. The cost of repairing the membrane, which would be necessary for work to continue, was likely to be approximately £50,000. The work had not been identified at the time when an independent surveyor had undertaken a comprehensive building survey of the Clements Hall property. This was prior to the leisure contract with Holmes Place, so the leisure contractor had made no financial provision for the work.

Discussion with Holmes Place had established that the contractor could only afford to fund work to the membrane by reducing the overall building specification. As an option, this could be seen as non-beneficial to the Council in that fewer customers are likely to be attracted and there could be an adverse impact on the profit share arrangement. Discussions had, however, established that Holmes Place would be prepared to enter into an arrangement whereby membrane costs are funded from future profit share. The contractor was currently confident that a profit share would start to occur during the next financial year and such an approach to membrane works would mean that they would be sharing half the overall costs with the Council. It was felt that, given that it is not possible to be precise about the exact time when profit share will activate, it would be prudent to retain the surplus monies associated with the pool leak provision in abeyance in case it needs to be applied to aspects of this issue.

Officers confirmed the background to the leisure contractor being required to take responsibility for repairs and maintenance identified when the contract was let and the level of the proposed expenditure in the context of the overall contract value.

Responding to questions, the Corporate Director advised that:-

- The need for membrane works had been identified by a firm of independent surveyors appointed by Holmes Place and the works would be undertaken by independent building contractors.

- The works would have to be undertaken immediately to prevent overall project delay.
- When the Clements Hall building was originally surveyed the membrane would not be able to be identified from a visual inspection.

During debate it was observed that Holmes Place should be thanked for working closely with officers in developing effective proposals for resolving the membrane issue and that this was a good example of partnership working. Reference was made to the value of endeavouring to complete the Clements Hall project on time.

It was agreed that the proposed solution to the membrane issue should be endorsed.

Resolved

- (1) That, subject to (2) below, the revised Capital Programme be agreed.
- (2) That work to the leaking membrane under the former gym floor at Clements Hall Leisure Centre proceed on the basis that the approximate cost of £50,000 will be funded via the profit share arrangement with Holmes Place, the monies now available by virtue of the under spend on the Clements Hall pool leak to be held in abeyance in case it needs to be applied to aspects of this issue. (HFS)

362 LONG-TERM VISION FOR LOCAL GOVERNMENT

Council considered the report of the Chief Executive which formally introduced two consultation papers; one produced by the Deputy Prime Minister called "The Future of Local Government" and one produced by the Local Government Association called "Independence, Opportunity, Trust - An Agenda for Local Communities".

During debate, Council concurred with the observation of the Leader that the make-up of regional bodies meant that they could be seen as undemocratic and unaccountable. The membership of the East of England Regional Assembly was cited as an example of this. Assemblies effect the ability of Council's to be responsible for their own destiny and could be seen as vehicles for the affirmation of Government policies.

Reference in the LGA paper to the Government not claiming to know better than local communities what is best for them did not sit well with some of the Council's experiences. The same could be said for the observation in the paper that Council's need to be free to respond to local priorities, not restricted by national targets and earmarked funding streams.

In terms of specifics, the levelling off of divorce rates cited in the LGA paper may well be associated with a lower number of marriages. Adjustments to funding whereby at least 75% of a Council's income is raised locally could lead to significant tax increases.

On a motion, moved by Councillor T G Cutmore and seconded by Councillor P A Capon, it was:-

Resolved

That Council note the publications on the future of Local Government now produced by the Office of the Deputy Prime Minister and the Local Government Association and participates at Member level at appropriate national and regional events. (CE)

363 APPOINTMENT TO OUTSIDE BODIES AND COMMITTEES

Council considered the report of the Head of Administrative & Member Services on appointing to remaining vacancies on Outside Bodies and an Overview & Scrutiny Committee, appointing to the Southend Hospital NHS Foundation Trust and endorsing the role of the Leader of the Council, or his nominee, in attending the County Council's South Essex Area Forum and the Rochford Local Strategic Partnership.

Council agreed that it would be appropriate to leave the vacancy on the Finance & Procedure Overview & Scrutiny Committee pending Council's review of the workings of Overview & Scrutiny within the context of the CPA Improvement Plan. Council also agreed that it would be appropriate to appoint to the Southend Hospital NHS Foundation Trust Board of Governors.

Resolved

- (1) That representatives be appointed to Outside Bodies for the remainder of the municipal year 2004/05 as follows:-

Body	Appointee/s
Stambridge Sewage Treatment Works Liaison Committee	Councillors R A Amner and Mrs M S Vince
Southend Hospital NHS Foundation Trust	Councillor K A Gibbs
Warehouse Centre, Active Christian Trust	Councillor T Livings

- (2) That the vacancy on the Finance & Procedures Overview & Scrutiny Committee should remain pending Council's review of the workings of Overview & Scrutiny within the context of the CPA Improvement Plan.

- (3) That the attendance of the Leader of the Council (or his nominee) as the Council's representative at meetings of the County Council's South Essex Area Forum and at meetings of the Rochford Local Strategic Partnership be endorsed. (HAMS)

The meeting closed at 8.57pm.

Chairman

Date