



**Rochford District  
Council**

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**1998**

**January - December**

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**Rochford District  
Council**

# **ROCHFORD DISTRICT COUNCIL MINUTES**

**1998**

**November**



# Committee Report

8(i)



Rochford District Council  
To the meeting of

## COMMUNITY SERVICES

On: 17TH NOVEMBER 1998

Report of. HEAD OF MEMBER SERVICES

Title. MINUTES OF THE LEISURE SUB-COMMITTEE

Author.

A. Wyatt

Report Approved By: *[Signature]*

At a Meeting held on 3rd November 1998. Present: Councillors E L Francis (Chairman), P.A Beckers, Mrs. J Hall, N Harris, D R Helson, Mrs S.J Lemon, Mrs M.J. Webster and Mrs M.A Weir.

Co-opted Member attending: Mrs M. Liles: Rochford Hundred Association of Local Councils

Apologies: Councillors K.A Gibbs and Mrs A R. Hutchings

### 38 MINUTES

The Minutes of the Meeting held on 9th September were approved as a correct record

Under Minute 37 "Former Park School, Rayleigh" Members were advised that, to date, a response had not been received from Essex County Council regarding arrangements for an urgent meeting about the future of the above site. The Sub-Committee requested that a further letter be sent to Essex County Council seeking their early reply on the matter.

### 39 CIRCA LEISURE MANAGEMENT REPORT

The Sub-Committee considered the report of the Head of Leisure and Client Services regarding the latest Circa Leisure Management report Mrs Wendy Edwards from Circa Leisure attended the meeting to answer Members' questions relating to the report.

In noting a revision to '3970' for the figure for July/September 1998, five/aside at Clements Hall, Members were advised that the condition of the Astro Turf was the primary reason for the reduced usage in comparison to the same period in 1997

Members questions were answered specifically in relation to swimming trends at Clements Hall, in particular, the use of facilities by direct debit option. Members were advised that the possibility of updating existing computer software was being investigated (to include swipe cards, use of bar coding) to enable calculation of accurate usage figures, although such measures would not be implemented in the near future. School usage of the swimming pool was also raised during debate

The issue of the Park School and the continuing decline in overall usage was raised and it was noted that Circa was only made aware of developments with the site through discussions with

Rochford District Council Officers. Members were also advised of the positive response to the recent "Leisure Plus" newsletter, particularly in relation to an osteoporosis article.

**RECOMMENDED**

That the report be noted (HLCS)

40 **CHAIRMAN'S ITEM OF BUSINESS**

The Sub-Committee were advised of a recent letter sent to Circa Leisure Plc detailing complaints from Rayleigh Operatic and Dramatic Society in relation to fixtures and fittings at the Mill Hall.

41. **MRS. WENDY EDWARDS**

The Sub-Committee wished to congratulate Mrs. Edwards for her achievements in a recent Manager of sports centre competition and also for the runner-up prize received in respect of sports centres for Clements Hall Leisure Centre

42. **ROCHFORD DISTRICT TOWN TRAILS**

The Sub-Committee considered the report of the Head of Leisure and Client Services regarding one of the objectives of the Rochford District Leisure Strategy, to "produce a series of Town and District trails as a means of promoting the District's heritage and identifying the different communities". In noting the proposed form, cost and distribution of the leaflets, Members endorsed the proposal, and requested that Officers investigate the Parish Paths Partnership with Essex County Council with a view to seeking the Parishes' involvement in the marking out of the trails in line with the leaflets.

**RECOMMENDED**

(1) That Members approve production of five Town trails and one District trail as outlined in the report.

(2) That Officers investigate the County Council's Parish Paths Partnership with a view to seeking the Parishes' involvement in the marking out of the trail routes in line with the leaflets. (HLCS)

43 **CORPORATE IDENTITY - CLEMENTS HALL LEISURE CENTRE**

The Sub-Committee considered the report of the Head of Leisure and Client Services which sought Members' approval to fix the Council's Coat of Arms and lettering reading 'Rochford District Council' to the exterior of Clements Hall Leisure Centre. In agreeing the proposal and endorsing the option for metal letters to be used, Members considered that the siting of both the armorial shield and lettering should be determined at a future meeting, when Officers had investigated and reported back on possible alternative sites

**RECOMMENDED**

(1) That Members agree in principle to the armorial shield and appropriate lettering being mounted at the Clements Hall site, pending a report back from Officers on alternative siting for the same

(2) That metal lettering should be used

(3) That the Community Services Committee be requested to consider this as part of the budget process for the forthcoming financial year (HLCS)

44 **YOUTH ARTS PARTNERSHIP**

**NOTE:** The Chairman admitted this item of business as urgent as proposed deadlines for responses to Essex County Council would not admit delay.

The Sub-Committee considered the report of the Head of Leisure and Client Services which advised Members of Essex County Council's review of Youth Arts Partnerships (YAPs) in the County, in particular, the 53% cut of Rochford's YAP budget from £21,234 to £9,980 for the current financial year. In noting the tabled paper (appended), which set out the plan of the County Council's Heritage and Culture Committee, Members expressed extreme concern at the proposal and requested that a letter be sent to the County, without delay, detailing this Authority's objection to the review of Youth Arts Partnerships. Members noted that the Head of Leisure and Client Services would also take on board specific comments raised by Members to the proposal providing they were received in the office by the 11th November 1998.

On a motion put by Councillor D R. Helson and seconded by Councillor N. Harris, it was

#### **RECOMMENDED**

That this Council informs Essex County Council of its objections to the review of Youth Art Partnerships, bearing in mind the impact it would have on the youths of the District and the possible Crime and Disorder Implications such a proposal would have, and that whilst this Authority understands the financial situation of the County Council, they be requested to finance the shortfall from the County's Crime and Disorder budget. Also, that this Authority raises objections to the unreasonable timescale allowed in respect of the consultations for this proposal (HLCS)

#### **45. 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.

#### **46. UPGRADE OF FACILITIES - GREAT WAKERING SPORTS CENTRE (Minute 381/98)**

The Sub-Committee considered in confidence the report of the Head of Leisure and Client Services which provided further detailed costings for the proposals for the provision of a fitness suite in place of the weight room at Great Wakering Sports Centre. In noting the overall cost of the scheme, including provision of the facilities, provision of air conditioning and also extended warranties, Members recollected the origins of the proposal and considered the costs prohibitive. Furthermore, Members requested that the proposals proceed no further and that Officers provide a report detailing costings of improvements to the existing weights room in line with the original proposal for the extension of the children's party area.

#### **RECOMMENDED**

That Officers report back to a future meeting, detailing costs of improvements to the existing weights room in line with the original proposal for the extension of the children's party area. (HLCS)

The meeting closed at 9 15 p m

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## YOUTH ARTS PARTNERSHIPS POLICY AND STRATEGY DOCUMENT

### 1 Introduction

This paper sets out the plan, accepted in principle by the Heritage and Culture Committee on October 13<sup>th</sup> for the redevelopment of the Council's youth arts service provision. It sets out the background to the decisions taken and is intended to provide information to partnerships and other stakeholders regarding the new policy and proposed implementation. It sets out to answer some of the questions raised at a meeting between the Council and representatives of the Youth Arts Partnerships and District Councils.

Members would welcome comments and feedback on the policy and particularly about how the policy should be implemented locally.

Feedback should be received by 16<sup>th</sup> November, final decisions on the proposed changes will be made by Members on 20<sup>th</sup> November.

Comments should be addressed to Councillor Chris Manning-Press, Chairman Heritage and Culture Committee, Essex County Council, PO BOX 47, County Hall, Chelmsford CM1 1LD and copied to Tim Freathy, Cultural Services Manager at the same Address.

### 2 Background

In January 1995 the Education Committee agreed to introduce a new pattern of provision for Music and Youth Arts from April 1996. Fifteen Youth Arts Partnerships were formed to provide Music and Youth Arts in Essex with a broader remit than had previously been the case, retaining the function of the Area Music Schools whilst opening up opportunities for young people through the arts generally. The Youth Arts Partnerships were set up between the County Council and other organisations to deliver the County's youth arts specification through a local Management Committee. They were to be funded by the County Council through an agreed formula but would also attract contributions from the other Partners.

In March 1998, the Education Committee decided, as part of its 1998/99 budget setting process to cut grant aid to non-statutory functions which meant that the Youth Arts Partnerships were cut by 50%. The Youth Arts Development budget was removed entirely. This was on top of the 20% cut resulting from Local Government Reorganisation. This resulted in a total reduction of some £370,000.

From April 1998, following restructuring after Local Government Reorganisation, responsibility for the Youth Arts Partnerships, with its reduced budget, was given to the newly formed Heritage and Culture Committee, to be managed by the newly formed Cultural Services.

In April 1998 a review of the operation of the Youth Arts Partnerships and the services they provide was authorised by the Heritage and Culture Committee for the following reasons

- The recent budget decisions made it impossible for the Youth Arts Partnerships to deliver the current specification.
- Discussions held between the Cultural Services Manager and a number of the current stakeholders revealed a certain amount of dissatisfaction with the current form of the Youth Arts Partnerships
- The recent appointment of the Cultural Services Manager enabled a new perspective to be taken on their structure, their function and the "added value" they bring to the arts in Essex.
- There had been significant developments in the circumstances surrounding the Youth Arts Partnerships and, after three years, it is timely to review their organisation, development and structure.

Clearly the Youth Arts Partnership's are in difficulty. This is due mainly, though not entirely, to the recent budget cut, a crisis had been precipitated where once there was a difficulty already. All consultees acknowledged this and furthermore all consultees acknowledged that things have got to change if any of the work is to be preserved, let alone developed.

### 3 Options for change

Any decision regarding changes to the delivery mechanisms for youth arts are urgent because

- a) Some YAPs are already closing music schools and one has already tendered its resignation
- b) Decisions regarding any potential redundancies from April 1999 need to be made by the end of November in order to consult with the Unions and satisfy employment law

At their Committee meeting on 13<sup>th</sup> October, Members considered these three options

#### A Do nothing

This course of action would result in the Youth Arts Partnership's collapsing, any current activity stopping and the Music Schools being closed. Some Youth Arts Partnership's may be salvaged by local fundraising and by District Councils intervening. However, that will certainly not happen in all cases. In this scenario nothing may be salvaged

#### B Reinstate the £370,000 Funding cut

If the funding were to be reinstated, the the management and structure of the Partnerships, would need be reviewed, ensuring that they are properly constituted organisations, for example. However, in the light of the current financial climate it is unlikely that the Corporate Strategy Committee would agree to such an approach, there is no funding elsewhere within Heritage and Culture Committee's budget

### C     Develop a new model for delivering quality arts activity

Such a model would have to be a significant improvement on the status quo. It would not be an easy task, the County Council may still be held responsible for disruption to current delivery systems but much could be salvaged and new money could be found for the arts in Essex. Such a course could ultimately enhance the quality of the arts in Essex and the reputation of the Authority.

A new system for delivering the activity currently delivered by the Youth Arts Partnerships would have to fulfil the following criteria:

#### Increase access to quality arts activity in the County.

Resources are not equitably distributed across the county and the Music Schools in particular are very poorly geographically distributed. It is a false economy to promote access at the expense of quality or breadth of provision. Resources could be directed less thinly to fewer centres of true excellence, whilst maintaining a broad geographical spread of such centres.

#### Strengthen Essex Links

The current Youth Arts Partnership activity owes little to local arts development plans and strategies. To operate at optimum, any arts activity should be part of a co-ordinated strategy, not competing with it. Any new scheme should involve the District Councils to ensure that local needs are met and that activity is integrated into local policy

#### Release new money for the arts in Essex

Strategic alliances should be sought where agendas can be fulfilled through joint activity. Financial partnerships should be sought with Eastern Arts Board and the District Councils in particular. Thus new money could be attracted into the County for arts activity

#### Invest in a sustainable infrastructure

Any scheme should not re-invent the wheel but support and develop the existing infrastructure. Basing activity in local delivery mechanisms promotes sustainability and reduces risk since proven models are being developed. In addition the scheme should recognise that different communities have different needs and that any model developed needs to be flexible enough to reflect local circumstances.

#### Clarity of management, responsibilities and roles and offer value for money

Local arts activity designed for local people should be managed and delivered locally. However, any new scheme must use clear and appropriate management methods, it should offer significant improvements in terms of monitoring and evaluation mechanisms and be thoroughly accountable to Essex County Council's tax payers through Service Level Agreements

## 4 Adopted Plan of action

Members decided to address the situation and opt for developing a new model of delivery. Taken as a whole the proposed scheme will endeavour to

- Maintain and develop existing good practice
- Deliver access to excellence
- Bring new money into the County for the arts
- Strengthen the Councils alliances with District Councils
- Invest in quality Music Schools

### Summary of the Scheme

1. Remove the Music Schools from the control of the Youth Arts Partnerships and place them within the management of Music Services who would develop local alliances with individual venues and local providers
2. Forge alliances with District Councils to deliver the other art form activity through working with local Arts Development Officers, their policy and practice.
3. Where Arts Development Officers are not present, District Councils should be encouraged to appoint them, in partnership with Eastern Arts Board and this Authority. This could be achieved through an incentive scheme.
4. Allow those Youth Arts Partnerships that are sustainable to remain
5. Restructure the Music Schools such that they are not duplicating other existing services and are more equitably distributed across the County.

## 5 Music Schools and Youth Arts Partnerships

At present, Youth Arts Partnerships receive a grant from this Authority, the majority of which, in most cases, goes to provide the Music Schools. The remainder, together with any local contributions, promotes activities for young people in other art forms.

All the Youth Arts Partnerships contract Essex Music Services to employ the music teachers in the Music Schools. The Music School staff are thus employed by this Authority but managed by the Youth Arts Partnership. Removing the Music Schools from the management of Youth Arts Partnership and placing them firmly with EMS clarifies and simplifies the management of the Music Schools considerably. It will also enable all the Music Schools to be co-ordinated and developed together. This may become particularly important as the Government's new Fair Funding legislation is implemented.

The County Council does not wish to control the music schools entirely from the centre, that would neither be practical or desirable. What is envisaged is a system whereby the music school is managed locally by a steering group made up of local representatives from the host venue, parents of participants at the school, participants themselves and other local stakeholders. A representative from Essex Music Services would sit on that steering group also.

The Music School would be managed by developing the role of the current Teachers in Charge into the role of Music School Directors.

## 6 Restructuring Music Schools

There are currently 32 Music Schools in the County. There is no uniformity of service delivery. Over recent years they have seen a significant reduction in the resources that are available to them. It could be argued that both quality and the breadth of provision has suffered as a result.

- Many have falling numbers of pupils enrolling.
- Most are offering only the very basics in musical tuition leading toward the ABRSM graded exams
- Music tuition through the grades system is provided elsewhere in the County, in schools for example, either through the County Council's Music Services or through private arrangements with schools
- Having been delegated out to the Youth Arts Partnerships the Music Schools have been removed from any possible co-ordinated plan of improvement being applied across the County.
- In some instances the Music Schools are simply being used to provide the music element of the National Curriculum at a subsidised rate.
- There are many parts of the County that do not have access to a Music School at all, equally there are areas that are over provided for.

If left unchanged the Music Schools will continue to decline, quality and breadth of provision will continue to fall, and the hard won reputation of Essex as a County of excellence for music will no longer be upheld. In addition, the new opportunities that will be available to us through the new lottery schemes and any impending changes to school's funding for music may be lost to us.

In order to provide much needed investment for the Music Schools they should be restructured. The total number of Music Schools should be reduced through a series of planned mergers, resulting in up to 20 music schools County wide

- Clear guidelines would be produced defining the role of the new music schools focussing on ensemble playing, broadening opportunities, special projects, advanced tuition.
- Music schools would be integrated into a coherent plan for music Development County wide.
- Any duplication of services between teaching within the formal education system and music schools should be addressed.
- Investment in Music Schools will be strategic and equitable.

### Criteria for merger of music schools

- a) Music schools would be merged such that there is one per current YAP area.
- b) Where there is only one music school in a YAP area, it shall remain in that area.
- c) Where ever possible, the new music school in an area will be sited at the venue where the teaching hours delivered is the highest (ie the smallest shall merge with the largest)
- d) The geographical spread of music schools and the local demography will be considered.
- e) The number of hours of music tuition delivered in an area during the formal school day shall also be considered.

The importance of local partnerships would remain, and the availability of local partners will clearly be a factor when siting the new music schools



As Music Schools merged, this would result in making some Teachers in Charge and some music teachers redundant. Such action would need to be in full consultation with the Unions and comply with employment law, particularly with regard to notice periods and redundancy settlements. **Essex County Council would be liable for any redundancy payments to staff employed by them.**

### Twilight Music Tuition

Essex Music Services will offer a new service to those venues who have lost their music school through offering after school tuition sessions. Schools would be free to buy into this new service on the same basis as the current daytime provision. Alternatively schools may, of course, choose to make their own provision.

## **7 Developing the other art forms**

### A Forging alliances with Arts Development Officers and District Councils

In order to develop the other art forms, in those authorities where the arts are being actively developed through strategic implementation of an arts policy, this authority should work with that policy wherever possible, through their Arts Development Officer. The District Council or their nominated body could be used to deliver the work currently provided by the Youth Arts Partnerships. The work would be supported by grant aiding the District Council, through a needs led service level agreement and given, subject to availability, over a three year period on the understanding of clear and stated targets being met.

### B Encourage the establishment of a complete network of District based Arts Development Officers

Half the Districts in Essex do not have an Arts Development Officer. The use of Arts Development Officers is widely acknowledged as one of the best ways of developing local arts activity. Essex County Council should strengthen its strategic role as an enabling authority supporting others to deliver work by advocating that District Councils should appoint Arts Development Officers. This could be done through an incentive scheme in partnership with Eastern Arts Board.

Eastern Arts Board will support Districts in appointing Arts Development Officers through offering financial assistance for such posts over a three year period. They are keen to promote the scheme in Essex, since most of the Districts elsewhere in the Region already are reaping the benefits of the scheme. Districts would be further encouraged to take part in the scheme by the County Council offering financial assistance towards an arts development budget, on a diminishing basis over three years (£10k in year 1, £7k in year 2, and £3k in year 3).

District Councils would be expected to provide the balance of funding to participate

The table below illustrates how the scheme may operate.

Year	ADO Post			Arts Dev Budget		
	EAB	DC	total	ECC	DC	total
1	10,000	10,000	20,000	10,000	10,000	20,000
2	7,000	13,000	20,000	7,000	13,000	20,000
3	3,000	17,000	20,000	3,000	17,000	20,000
Totals	20,000	40,000	60,000	20,000	40,000	60,000

### C Bridging the Gap

There will inevitably be some gaps in provision in some areas as the new scheme is put in place, before a local Arts Development Officer is appointed. In order to mitigate against this and to support needs led arts activity for young people, a special support fund would be set aside. The fund would be bid into on a project by project basis. In so doing, sustainable activity which is currently being supported by the YAPs may be able to continue whilst an Arts Development Officer post is being developed in that locality.

## **8 Implications of the above scheme for existing Youth Arts Partnerships**

### A Strengthening sustainable Youth Arts Partnerships

The Youth Arts Partnerships should be allowed to remain where:

- the music school and other art form developments are fully integrated
- the local District Council has identified a role for them
- there is an Arts Development Officer available to monitor and evaluate their work
- the Youth Arts Partnership has raised significant additional funds

However, they should be established either as part of an existing body corporate (e.g. within a local College or District Council) or as a properly constituted independent arts organisation. Such Youth Arts Partnerships would have to have the support of their local District Council and their work be supported and integrated into the local plan for arts development. In such situations it may well be more appropriate to allow the Youth Arts Partnership's to continue to deliver the music schools albeit on a reformed management basis. This scheme is only likely to be viable in Colchester and Chelmsford.

To ensure an equitable distribution of resources in these cases, additional resources for arts development would not be available to the District Council.

## B Some other options available for Youth Arts Partnerships

- i) Those Districts that have Arts Development Officers, in receipt of the funding outlined in section 7, B above, may choose to deliver arts services, other than those provided through the Music Schools, through the existing partnership in line with their local arts development plan.
- ii) Alternatively they could be developed into local Arts Fora, linking into the Essex Arts Forum which in turn is linked to Eastern Arts Board. Such a scheme could bring benefits to local artists and arts providers and would strengthen the connections of local people with Eastern Arts Board.
- iii) Some Partnerships may be dissolved altogether, with the provision provided through the model described above. As Youth Arts Partnerships closed, this would result in making some of the Youth Arts Partnership Director's posts redundant. Such action would need to be in full consultation with the Unions and comply with employment law, particularly with regard to notice periods.  
Essex County Council will consider whether it is able to meet the redundancy costs associated with Youth Arts Partnership Managers.

## **7 Financial implications**

If the current level of funding available to the Youth Arts Partnerships is maintained into future years and the music schools were restructured as above, then the recommended package of measures could be delivered on existing resources. It is not possible to present exact figures at this stage since the resources that could become available will depend on the reorganisation of the current Youth Arts Partnership's structure and decisions as to which Music Schools are to be merged with which.

In summary it is anticipated that there would be the following budget scheme to support the above proposals:

- 1) Funding to support music schools
- 2) Funding to support remaining YAP's on a diminishing sliding scale
- 3) Funding to support non-music school activities through Districts with Arts Development Officers. Funding would be on a sliding scale
- 4) Funding to support Districts appointing Arts Development Officers in partnership with Eastern Arts Board on a sliding scale
- 5) Special funding for activity in areas yet to appoint an arts development officer

## Restructuring Music Schools and Youth Arts Provision

### Action Plan

- 13th October Members agree in principal to the proposals for restructuring the YAPs and Music Schools
- 15th October Letters, informing of policy and criteria to the following: Unions, music teachers (through the teachers in charge), teachers in charge
- 15th October Letters to YAP partners (through YAP managers) and YAP managers informing of decision and inviting to meeting on 21st
- 21st October Consultation meeting with all partners explaining policy, criteria and likely outcomes.
- 5th November Meetings for music teachers and all teachers in charge - Wilson Marriage Centre, Colchester
- 6th November Meetings for music teachers and all teachers in charge - County Hall, Chelmsford
- 19th Nov Consultation with Unions
- 20th Nov New final delivery mechanisms and list of new music schools agreed with Members
- End Nov Complete new post structure  
Complete job descriptions and person specifications  
Grade new posts if necessary  
  
'At risk' letters to all music teachers and teachers in charge  
  
Devise specification for new Music Schools
- by 23rd Dec Appoint new Music School Directors (all music teachers and Teachers in Charge eligible to apply)
- by 26th March Appoint music teachers to New Music Schools (all music teachers eligible to apply)
- 12th April New music schools open

Chairman: *S. J. Lemon*

Date: 21-1-99.

# Committee Report

8(ii)



Rochford District Council  
To the meeting of

## TRANSPORTATION & ENVIRONMENTAL SERVICES

On: 19TH NOVEMBER 1998

Report of HEAD OF MEMBER SERVICES

Title: MINUTES OF THE TRANSPORTATION SUB-COMMITTEE

Author: P J. Dixon

Report Approved By. *[Signature]*

At a Meeting held on 5th November 1998. Present: Councillors Mrs. J.M. Giles (Chairman), M.C. Brown, Mrs. J.E. Ford, Mrs. H.L.A. Glynn, V.D. Hutchings, R.A. Pearson, T.A. Powell, S.R. Tellis and Mrs. M.J. Webster

Apologies: Councillors G.C. Angus, D.M. Ford and G. Fox.

Substitutes: Councillor C.R. Morgan and Mrs. M.A. Weir

Non-Members Attending: Councillor Mrs. J. Helson.

### 92. MINUTES

The Minutes of the Meeting of 10th September 1998 were approved as a correct record.

### 93. THE APPROACH CAR PARK, RAYLEIGH

The Sub-Committee considered the report of the Head of Revenue Services, setting out the case for requesting funding for environmental and safety improvement works in The Approach Car Park, Rayleigh

Members were pleased to discover that, since production of the report, Railtrack had agreed to fund and erect replacement boundary fencing (commencing 9th November 1998), thus reducing the Council's projected costs by approximately £12,000

Officers were asked to investigate with Railtrack the viability and estimated cost of extending CCTV into The Approach Car Park. Members were also keen to see crime figures fed back to the Sub-Committee, for the car park to be patrolled regularly and signs to be displayed advising the public of this arrangement.

On a Motion by Councillor Mrs. H.L.A. Glynn and seconded by Councillor S.R. Tellis it was:

### RECOMMENDED

That the Transportation and Environmental Services Committee be requested to:

- (i) Meet from the "Special Initiatives" fund of the Safer Communities Budget £2,000 for fencing and £600 to improve the standard of lighting in The Approach Car Park, Rayleigh.
- (ii) Approve as a special item in the 1999/2000 Budget expenditure on boundary enhancement, resurfacing and lining at The Approach to an estimated value of £15,000

94 **CONCESSIONARY FARES - TAXI VOUCHER SCHEME**

The Sub-Committee considered the report of the Head of Revenue Services, summarising the proposed qualifying criteria for the running of a Taxi Voucher Scheme in the Rochford District.

On a Motion by Councillor Mrs. H.L.A. Glynn and seconded by Councillor S.R. Tellis it was

**Resolved**

- (1) That the qualifying criteria for the basic scheme as set out in the report be accepted
- (2) That consideration be given to an extension of the basic scheme to provide a reduced allocation of vouchers to those who would otherwise qualify but for the fact that they are Orange Badge holders, after the first year of operation.
- (3) That the scheme be identified separately in future budgets.

95 **WHEELCHAIR ACCESSIBLE TAXIS**

The Sub-Committee considered the report of the Head of Revenue Services, proposing a means of administering a Wheelchair Accessible Taxi Grant Pool. The aim would be to provide upwards of four or five vehicles to service the District, funding for which was assured for the next 3 years.

Members were impressed by the commitment to the scheme, both financial and otherwise, shown by local taxi firms. It was suggested that a statement expressing Members' gratitude be placed in the next issue of "The Knowledge". Members were advised that a photo call with the Press had already taken place and that arrangements were in hand for a Press Release to be carried by trade journals. Officers to consider further ways of promoting the scheme which, where possible, involve the taxi trade.

**Resolved**

That the Wheelchair Accessible Taxi Grant Pool be administered on the lines set out in the report.

96 **TAXI DRIVER DISCIPLINARY CODE**

The Sub-Committee received the report of the Head of Revenue Services, detailing proposals for the administration of a Taxi Driver Disciplinary Code and setting out a Penalty Points Scheme against which drivers and their vehicles would be judged.

Members were asked to agree the proposals in principle so that further discussions could take place at the next Taxi Trade Forum

After some debate it was

**Resolved**

- (1) That the disciplinary code for Licenced Hackney Carriage and Private Hire Vehicle Drivers be agreed in principle.
- (2) That the table of penalty points be agreed subject to the following amendments:



- |     |                              |   |          |
|-----|------------------------------|---|----------|
| (a) | No fire extinguisher         | - | 6 points |
| (b) | Fire extinguisher defective  | - | 6 points |
| (c) | No notification of accidents | - | 6 points |

(3) That a system be built into the Penalty Points Scheme to prevent taxi drivers from continually gaining a high number of points but which fall short of 12 within a 12 month rolling period.

(4) That a report be submitted to the next Meeting of the Sub-Committee following discussions at the Taxi Trade Forum.

The Meeting closed at 8 55pm

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Chairman



date: 28.9.99

# Committee Report

10(i)



Rochford District Council

To the meeting of

**FINANCE & GENERAL PURPOSES**

On,

**1ST DECEMBER 1998**

Report of,

**HEAD OF MEMBER SERVICES**

Title

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author:

P J Dixon

Report Approved By.

*J. L. L.*

At a Meeting held on 12th November 1998. Present: Councillors D.E Barnes (Chairman), Mrs. J.M Giles, Mrs J Helson, V.H. Leach, Mrs. S.J Lemon, C.R. Morgan, R.E. Vingoe, P F.A. Webster, D.A Weir and Mrs M A. Weir

**Apologies:** Councillors G Fox and Mrs H.L.A Glynn

**Substitutes:** Councillors J.M. Dickson and T.A. Powell.

## 177. MINUTES

The Minutes of the Meetings of 29th September and 7th October 1998 were approved as correct records

## 178. 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 likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Act.

## 179 RAYLEIGH CITIZENS ADVICE BUREAU - RESULT OF INDEPENDENT AUDIT

In light of the untimely closure of the Rayleigh CAB on 11th November and resulting media coverage, the Chairman agreed to bring forward this item of business.

In attendance at the Meeting were Mr Julian Francis (External Auditor), Mr Cooper (representing the National Association of Citizens Advice Bureaux (NACAB)) and Mr John Edwards (Management Board member and adviser to Rayleigh CAB)

The Sub-Committee considered the confidential report of the Corporate Director (Finance & External Services), detailing the requirements and findings of the independent examination of the Rayleigh CAB. By way of introduction, Mr Francis outlined the main issues raised by his report and clarified points upon which Members were unclear.

Following the presentation, Mr Cooper explained the relationship between NACAB and local Bureaux, with particular reference to Rayleigh CAB. Questions were raised regarding the mechanics of the relationship and NACAB policies on recruitment, staff training, advice, financial support and standards of conduct. Members were concerned to hear that indemnity



insurance was not provided for at a national level, and also by NACAB's lack of financial commitment to local Bureaux. Additionally, Members expressed a desire to see NACAB take responsibility for the division of funds between the Bureaux within Rochford District.

Mr John Edwards spoke next regarding the events which led up to the closure of the Rayleigh CAB on 11th November 1998

Members questioned Mr Edwards at length and in some depth regarding the situation and how he would provide for the successful management of the CAB in future, should funds be made available to make it solvent again.

There followed a lengthy discussion on the formulation of a plan of action.

On a motion by Councillor D.E. Barnes and seconded by Councillor Mrs. J Helson, on the condition that Mr Edwards agreed (a) to the proposals and (b) to the issuing of a joint press statement with Rochford District Council, the Sub-Committee unanimously

#### RECOMMENDED

(1) That due to the Rayleigh CAB overspending its budget, and after considering the report of the external auditor, Rochford District Council provide a financial package to allow the CAB to remain open on the conditions set out below:

- (i) Rochford District Council retain ownership of the computer equipment, and allow the Bureau full use of that equipment free of charge but future maintenance and replacement be the responsibility of the Bureau. The Council would expect Rayleigh CAB to set up a repair and replacement fund.
- (ii) The Domestic Violence Co-ordinator be removed from the Bureau and be employed direct by the Council.
- (iii) The Council release the final quarter's grant of £6,800 and the home visiting grant of £4,000
- (iv) An additional sum of £2,000 be paid to the Bureau on the understanding that the core grant for 1999/2000 and 2000/2001 will be reduced by £1,000 in each year
- (v) The Council requires a service level agreement in respect of the core services and the home visiting service to take effect from 1st January 1999 and future funding will be dependent on the signing of the agreement.
- (vi) The Bureau to provide the Council with quarterly reports showing compliance with the budget as set out in the auditor's report and detailing external finances received
- (vii) The Bureau to accept two Council representatives on the Management Board, the representatives to be one Member and one Officer.
- (viii) As Mr. John Edwards is taking ownership of the proposed budget, the above offer is conditional upon him being Chairman of the Rayleigh CAB
- (ix) That arrangements be made under Standing Order 17 to enact the above as urgent business

(2) That the Council welcomes the generosity of the Lions Club of Rayleigh and their acknowledgement of the support given to the Rayleigh CAB by Rochford District Council.

(3) That the Council believes NACAB have a financial responsibility to assist in Rayleigh or any other CAB in financial difficulties.

The Sub-Committee considered the report of the Head of Environmental Policy & Initiatives, providing an update on the current review of areas designated for Assisted Area status which was taking place in response to new European Commission guidelines for regional aid

**RECOMMENDED**

(1) That the comments submitted by Officers in respect of the Assisted Area Review consultation document, as outlined in the report, be endorsed.

(2) That the Eastern Region response, co-ordinated by Southend Borough Council, be endorsed. (TP) (HEPI)

181 **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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

182. **PROPOSED ORGANISATIONAL STRUCTURE - STAFFING MATTERS**

**NOTE:** The Chairman admitted this item of business, on the basis that it was a staffing matter affecting the current proposals for reorganisation.

The Sub-Committee considered the confidential report of the Chief Executive (Designate), on discussions he had had with one Officer affected by the proposed reorganisation.

**RECOMMENDED**

That Members instruct the Chief Executive (Designate) to conclude negotiations along the lines suggested subject to the Council agreeing to the revised structure for the Authority at its Meeting in December (CE(D))

183. **CONDITIONS OF SERVICE - MEDICAL INSURANCE**

**NOTE:** The Chairman admitted this item of business, on the basis that it was a staffing matter affecting the current proposals for reorganisation

The Sub-Committee considered the confidential report of the Corporate Director (Law, Planning and Administration) on the current situation with regard to medical insurance provided for some officers

**RECOMMENDED**

That the matter of policy, private medical insurance be withdrawn by negotiation on the basis that this is at no additional overall cost to the Council. (CE(D))

In view of the lateness of the hour it was agreed that the Meeting should be adjourned and reconvened on Wednesday 18th November 1998, in order to discuss outstanding items of business

The adjourned Meeting closed at 10 30pm.

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Rochford District Council  
To the meeting of:

**FINANCE & GENERAL PURPOSES**

On.

**1ST DECEMBER 1998**

Report of:

**HEAD OF MEMBER SERVICES**

Title.

**MINUTES OF COMPULSORY COMPETITIVE TENDERING PANEL  
HELD ON 12TH AND 13TH NOVEMBER 1998**

Author:

G Brazendale

Report Approved By:

At a Meeting held on 12th November and 13th November 1998. Present: Councillors  
Mrs. J Helson (Chairman), D E. Barnes, J.M. Dickson, V.D. Hutchings and P.F.A. Webster.

Apologies: Councillor C.R. Morgan.

### 55. MINUTES

The Minutes of the Meeting held on 22nd September 1998 were approved as a correct record.

### 56. CONTRACT RENEWAL - CONSULTATION WITH THE PUBLIC

The Panel considered the report of the Director of Corporate Services giving the results of the public consultation seeking views on the level of service currently provided for refuse collection, street sweeping and parks maintenance and upon the possible introduction of waste recycling. The consultations had been conducted by means of a questionnaire in Rochford District Matters, the results of which were not yet available, and a random sample of 500 households throughout the District. The following conclusions from the responses received were noted:

1. There is a high level of satisfaction with the current Refuse Collection service but lower levels of satisfaction with Parks Maintenance and Street Cleaning Services.
2. Most residents would not be prepared to pay extra for a higher standard of service, nor would they wish to see a lower standard of service being provided at a lower cost.
3. Whilst the majority of respondents indicated a willingness to participate in a doorstep recycling scheme if introduced, only 36.7% would be prepared to pay an additional sum for such a service.

The current recycling service represents a net cost to the Authority but, in reply to a Member question, it was confirmed that the waste recycling credit system is likely to be retained for at least the duration of the new contract. With regard to can banks, it was suggested that schools and sports centres would be suitable additional locations

### RECOMMENDED

That Members consider the findings of the survey in determining the new contract specifications. (DCS)

## CONTRACT RENEWAL - CONSULTATION WITH PARISHES AND RAYLEIGH TOWN COUNCIL

**Note:** Councillor D.E. Barnes declared a non-pecuniary interest in this matter by virtue of his position as Chairman of Rayleigh Town Council.

The Panel considered the report of the Director of Corporate Services giving the views of the Parishes and Town Council concerning the service specifications for refuse collection, street cleansing and grounds maintenance contracts. A letter from Hullbridge Parish Council received since the report had been prepared was circulated at the Meeting for Members' information.

It was concluded that it was appropriate for refuse collection and street cleansing to remain functions for the District Council to continue to carry out, but that responsibility for grounds maintenance could best be determined by the ownership of the site(s) in question.

The Panel noted and concurred with the request from Hockley Parish Council that the maintenance of Plumberow Mount Open Space be incorporated in the new contract specification

### RECOMMENDED

*That a specification for the maintenance of Plumberow Mount Open Space be incorporated in the Grounds Maintenance Contract. (DCS)*

## REFUSE COLLECTION CONTRACT

Members received and considered in detail the draft refuse collection contract for April 1999 - March 2004, which had been drawn up by the Head of Leisure and Client Services. A number of specific questions were raised, and revisions to the document, which were agreed unanimously by the Panel, put forward, as summarised below.

### Instructions to Tenderers

Para.5.1 - Rates. It was agreed that Members would be informed after each April of the figure included in the Council's budget for the rates to be paid to the contractor. It was also considered essential that the type of retail price index which would be used to assess any variation to the rates should be agreed in advance with the contractor.

Para.10 - Enquiries and Explanations. The Panel considered that such enquiries should be addressed to the appropriate designation (Head of Leisure and Client Services) rather than a named Officer.

Para.12 - Sub-Contracting. The Panel requested that clarification of the authority to consent to the use of, and approve, sub-contractors be provided. Some Councillors considered that such authority should be retained at Member level. It was agreed that this issue would be addressed as part of the current review of the scheme of Delegated Powers.

Para.17 - Submission of Tender. Members requested that the wording of Sections 17.5 and 17.6 be reconsidered, in particular the need for tenders to be received by noon.

Para.22.1 - Award of Contract. The Panel asked that consideration be given to including an earlier date (for example 31st December 1999) as the final deadline for the Council to award the contract; 31st March 2000 was considered too late.

Para.23 - Commencement of Contract. Some concern was expressed about inclusion of the caveat "unless otherwise agreed", but it was explained that this wording is designed to cover an instance where the contractor is unable to commence on 1st April 2000 but where action for breach of contract is inappropriate

Para.24 - Ombudsman. Delete "may" and replace with "will".

Section B1 - Definitions. It was suggested that a definition of a "Company" could be included in this section. The information included on page 91 of the agenda could also most appropriately be brought forward to Section B.

The designation of the "Supervising Officer" will be revised to reflect new post titles in the Council's revised management structure.

Section B13 - Interest on Overdue Payments. Delete "Barclays Bank plc" and replace with "the Council's Bankers".

Section B18 - Premises. The Panel considered that the licence necessary where the Council's own premises are occupied by the contractors should include a full maintenance requirement. It was agreed that Officers would investigate the legal implications.

Section B 31.2 - Default Notices. The Head of Leisure and Chent Services undertook to provide the Panel with specific information concerning the "further specified period of time", and the sums to be included in paragraph (d) at its next Meeting.

Section B38 - Programme of Work. It was confirmed that the annual information required from the contractor would first be due at the end of June 2001, 18 months after the date of commencement. It was agreed that the contractor should be requested to give a presentation to Members bi-annually, to coincide with the statistical report at the end of June and budget setting.

#### Section C - Contract Specification

During consideration of the draft specification for the refuse collection contract, it became clear that there were a number of issues for which the Council's policies needed reviewing. These were as follows:-

- bulk collections
- availability of additional refuse bins
- refuse collection from non-residential establishments
- green waste collection

The Panel agreed to discuss these points in more detail, accompanied by further information provided by Officers, on the second day of its meeting. These are outlined in Minute 59 below. It was recognised that decisions made in respect of these components of the refuse collection service could ultimately determine the content of parts of the contract, but it was agreed that the Panel should continue to consider the specification, including appropriate caveats where necessary.

Section C(2.2) Statutory Requirements. At a Member's suggestion it was agreed to include the Fire Precautions Act (1972) as one of the statutes to which the contractor would be expected to adhere.

Section C (3.1b) Refuse Disposal. It was agreed to revise this paragraph, with the suggested deletion underlined -

Whilst no change of disposal site is anticipated during the term of the contract, the contractor will make no additional charges in respect of any additional costs subsequent to any change of disposal point.

#### Section C(4) Type of Refuse to be collected

The Panel discussed the possibility of implementing a "green" refuse collection in order to reduce the tonnage of existing collections, and the possibility of making a charge for such a service. Clearly, such an initiative would require a policy decision and it was therefore agreed to reword

Section 4.5 to keep open the option of a policy change. The suggested revision (with additions shown in italics) was as follows:

With the wheeled bin service, the Authority's *current* policy is that the householder may include any non-domestic refuse such as garden or DIY waste within the receptacle for collection by the contractor, provided that;

- (i) the wheeled bin up the capacity of 240 litres can be moved by one operative.
- (ii) the wheeled bin is safe to both move and empty.

*As recycling initiatives are progressed, however, the Council reserves the right to alter the categories of material that will be collected by the wheeled bin service."*

The following alterations to paragraph 4.3 (shown in italics) in respect of refuse collection from a range of additional sites throughout the District, were also agreed pending any change of policy.

In addition to 4.1 above, the contractor *will* be required to make collections as necessary from Local Authority owned or operated sites such as depots, offices, leisure centres, welfare centres, day nurseries and also charitable organisations, police stations, fire stations, churches, church halls and community centres, *as directed by the employer.*

Sections C4.5 and 5 It was agreed that references to the "authorised" Officer should be amended to "supervising" Officer.

Section C6 - Working Times. A Member referred to the potential disruption that could be caused by carrying out refuse collections during the morning rush hour. It was indicated that such matters were controlled by the County Council as Highways Authority, and it was suggested therefore that Section 6 should include a requirement for the contractor to adhere to the appropriate highways schedule.

Section C7 - Missed Collections. It was considered important to define "missed collections" Paragraphs C22 (Bank and other Public Holidays) and C23 (inclement weather) could most appropriately be included after "missed collections".

Section C11 - Pull Outs. Officers clarified that the sole criterion for receiving a pull out service was a resident's physical frailty. The Panel considered that whilst it is important to ensure that the existence of, and access to, such a service is widely known, equally it is necessary to check that individuals included on the "pull out" schedule due to injury continue to qualify. It was agreed that a periodic "audit" of the "pull out" schedule should be carried out.

Section C16 - Quality of Service. It was suggested that details of the streets that had been monitored, and the results, could be included approximately quarterly within the Chief Executive's Newsletter.

Section C19 - Totting A Member questioned the necessity for paragraph 19.2, given the content of the preceding paragraph. The views of the Legal Services Division would be sought.

Section C26 - Special Collection. The Panel suggested that paragraph 26.2 should be reworded to allow for a change of policy for the collection of bulky domestic items during the period of the contract.

Section C27 - Draft Specification for Kerbside Recycling Collections. The Panel was informed that it was intended to seek a separate cost for providing a kerbside recycling collection service, to determine the possibility of its implementation, and to allow future budgets to be set. Some Members were of the opinion that a commitment to carry out kerbside recycling for even a three year period would be inadvisable given the uncertainty over future years' budgets. It was suggested therefore that Sections 28 and 29 should be revised in order that the Council would not

necessarily be obliged to provide this service. Members felt that the option of introducing a recycling service over four years was preferable to the three year period indicated in the draft

Section C30 - Collection of Material. Members asked that the specification includes the requirement to replace all recycling containers to the point of collection.

Section C31 - Missed Collections. It was agreed that this section should clearly apply only to those containers missed by the contractor.

#### RECOMMENDED

That the Committee notes the Panel's report concerning the draft refuse collection contract and endorses the suggested revisions (HL&CS)

#### 59. REFUSE COLLECTION - POLICY ISSUES

Members discussed in detail four main policy issues on the second day of its meeting, taking into consideration information provided orally by Officers.

##### (i) Bulk Collections

Members were informed that, at present, bulk collections of two categories of items, furniture and white goods, are provided free for up to two collections per household per category each year. The budgetary allocation for this service in 1998/99 is £32,300 (excluding administration costs) of which approximately £22,000 has already been spent, as follows:

White goods	895 items	£6,793
Furniture	2,036 calls	£15,453

In view of the level of expenditure already incurred, a virement to increase the budget to £38,000 will be sought. The Panel expressed surprise at the cost of this service and suggested that possible ways of reducing these costs could be examined. Nonetheless, it was appreciated that the purpose of providing a free service is to prevent fly tipping and should therefore be continued. The Panel also suggested that sinks and toilets should be included on the list of goods to be collected. On a motion put by Councillor Mrs. J. Helson and seconded by Councillor P.F.A. Webster, it was

#### RECOMMENDED

That the existing policy of providing a free bulk collection service continue unchanged. (HL&CS)

##### (ii) Availability of Refuse Bins

Officers confirmed that, in line with the Council's existing policy, there are currently 63 extra bins that have been made available to families with six or more members. These are of a smaller size (120 litres) than the standard issue. In addition, there are a further 53 bins that have been purchased by members of the public, the current price of which is £79. It was calculated that, over ten years, each bin costs the Authority £176.80 to empty

Members debated whether to continue the policy of allowing the purchase of extra bins and, if so, whether to increase the charge; and whether to continue to allocate additional bins to large families. A motion was put by Councillor D.E. Barnes and seconded by Councillor Mrs. J. Helson that the current policy of allowing householders more than one wheeled bin, either by purchase or by virtue of family size, be discontinued. Upon a vote being taken, the motion was declared carried. It was also suggested that an audit of the 63 bins already allocated to large families be carried out, to ensure that the family size criteria still applies. However, Members did agree that those currently in possession of a second or purchased bin retain them for the life of the bin

## RECOMMENDED

That the Council's existing policy of making available additional refuse bins be discontinued, and that each household should henceforth be limited to one bin only. (HL&CS)

### (iii) Collection of Refuse from Non Residential Establishments

The Panel referred to paragraph 4.3 of the draft contract specification, which states.

In addition to 4.1 above, the contractor may be required to make collections as necessary from Local Authority owned or operated sites such as depots, offices, leisure centres, welfare centres, day nurseries and also charitable organisations, police stations, fire stations, churches, church halls and community centres

Current policy is to carry out refuse collections at such sites free of charge, and Members debated whether to continue this practice for all or some of the establishments listed. It was agreed that it was difficult to determine whether to revise the policy without a definitive list of all such premises from which refuse is collected. The Head of Leisure and Client Services undertook to provide the Panel with this information, to enable a thorough review to be carried out.

### (iv) Green Waste Collection

The Head of Housing, Health and Community Care confirmed that a separate contract tendering process could be undertaken in future, in order to reduce the bulk within wheeled bins. Members agreed that a green waste collection service should not be included in this contract.

## 60. Dates of Next Meetings

26th and 27th November - to consider the street cleansing contract  
10th and 11th December - to consider the ground maintenance contract.

The Meeting closed as follows:-

12th November: 1.20pm  
13th November: 12.05pm

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## ROCHFORD DISTRICT COUNCIL

### Minutes of the Community Services Committee

At a Meeting held on 17th November 1998. Present: Councillors Mrs. J. Hall (Vice Chairman in the Chair), R.S. Allen, P.A. Beckers, D.F. Flack, D.M. Ford, E.L. Francis, N. Harris, D.R. Helson, Mrs. J. Helson, A. Hosking, R.A. Pearson, Mrs. W.M. Stevenson, Mrs. M.S. Vince, Mrs. M.J. Webster and Mrs. M.A. Weir.

Apologies: Councillors S. Cumberland, K.A. Gibbs, Mrs. A.R. Hutchings, Mrs. S.J. Lemon, and D.J. Sutton.

Substitutes: Councillors D.E. Barnes and P.F.A. Webster.

#### 469. MINUTES

The Minutes of the Meeting of 17th September 1998 were approved as a correct record and signed by the Chairman, subject, to Minute 388 "Morrins Close/Glebe Close, Great Wakering" being revised to indicate that proposals for a further public meeting had been held in abeyance pending negotiations with the Ministry of Defence.

Regarding Minute 389 "Cleaning of Public Conveniences" Members were advised that a further report would be made in January. A Member raised the point of the Crown Hill Public Conveniences being in a poor state and requested that Officers investigate as a matter of urgency.

#### 470. MEMBERS' INTERESTS

Councillor P.A. Beckers declared a non pecuniary interest in the item "Dispersed Alarm System "Carelines" (Minute 475) by virtue of his Mother being a recipient of the service.

#### 471. OUTSTANDING ISSUES

The Committee was satisfied that all necessary action had been taken. Minutes 99/98 (HEPI), 310(i)/98(CD(F&ES)), and 310(ii)/98 CD(F&ES)) were carried forward.

#### 472. SUB-COMMITTEE MINUTES

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

##### (i) Minutes of the Leisure Sub-Committee - 3rd November 1998

##### Minute 42 - Rochford District Town Trails

##### Resolved

(1) That Members approve production of five town trails and one district trail as outlined in the report to the Leisure Sub-Committee

(2) That Officers investigate the County Council's Parish Paths Partnership with a view to seeking the Parishes involvement in the marking out of the trail routes, in line with the leaflets, as outlined in the report to the Leisure Sub-Committee. (HLCS)

##### Minute 43 - Corporate Identity - Clements Hall Leisure Centre

##### Resolved

(1) That Members agree in principle to the Armorial shield and appropriate lettering being mounted at the Clements Hall site, pending a report back from Officers on alternative siting for the same.

(2) That metal lettering should be used.

(3) That this be considered as part of the budget process for the forthcoming financial year (HLCS)

#### **Minute 44 - Youth Arts Partnership**

##### **Resolved**

That this Council informs Essex County Council of its objection to the review of Youth Arts Partnerships, bearing in mind the impact it would have on the youth of the District and the possible crime and disorder implications such a proposal would have, and that whilst this Authority understands the financial situation of the County Council they be requested to finance the shortfall from the County's Crime & Disorder Budgets. Also that this Authority raises objections to the unreasonable timescale in respect of the consultations for this proposal. (HLCS)

#### **Minute 46 - Upgrade of Facilities - Great Wakering Sports Centre (Minute 381/98)**

##### **Resolved**

That Officers report back to a future meeting of the Leisure Sub-Committee detailing costs of improvements to the existing weights room at Great Wakering Sports Centre in line with the original proposal for the extension of the children's party area. (HLCS)

#### **473. CHELMER AUGMENTATION SCHEME - UPDATE (Minute 462/97)**

The Committee welcomed Mr Martin Lunn, Scientific Services Manager and Mr. Olley of Essex and Suffolk Water who had been invited to attend the meeting to give a short presentation to Members on the proposed installation of a permanent water recycling scheme as part of the company's water resource 2000 strategy.

With the aid of view foils Mr. Lunn presented to Members Essex and Suffolk Water's "Water Resource 2000 Strategy", which included the reasons for the need for extra water supply, the existing temporary measures for this increase, and the proposed scheme including the consultation which had been undertaken.

Members were advised of the treatment and sterilisation methods undertaken and that the treated effluent to be discharged to rivers was of a far greater quality than that already in rivers.

Members questions were answered specifically in relation to the following:-

- The on-cost to customers with the introduction of the scheme.
- Hormone, EColi, Coliform and Cryptosporidia extraction.
- The monitoring of fish stock in rivers.
- Water metering.
- The effect of the scheme on periods of shortage, for example hosepipe bans.

#### **474. PERFORMANCE MANAGEMENT FOR ENVIRONMENTAL HEALTH AND TRADING STANDARDS WORK - CONSULTATION**

The Head of Housing, Health & Community Care reported on a Cabinet Office Consultation Paper setting a performance management framework for the environmental health function. Members noted the background to the consultation document and endorsed the Officers response as outlined in the report.

##### **Resolved**

That the response to the Cabinet Office be as set out in the report. (HHHCC)

The Committee considered the report of the Director of Housing Operations which analysed the growth of the Dispersed Alarm System (Carelines), the cost involved and provided Members with a suggested strategy for the future. Members noted the background to the Careline system, the Council's role in the provision of the service, the current Officer workload in providing the service and also the projected growth of demand for the service. On a motion put by Councillor D.E. Barnes and seconded by Councillor N. Harris it was

**Resolved**

That a further report be made on "Careline" to a future meeting, outlining options, including the possibility of a voluntary organisation providing the service and that the report include financial breakdowns for both the existing financial costs to the Council and also a breakdown of the cost of each option.

476. **LEASEHOLD MANAGEMENT (1)**

The Committee considered the report of the Director of Housing (Operations) which detailed the complexity of leasehold management and established if and when a process review should be undertaken on the subject.

In noting the details of the report and the many processes involved in leasehold management Members considered that any process review on the matter should be of a low priority.

**Resolved**

That a process review for leaseholders be undertaken as a low priority. (DH(O))

477. **LEASEHOLD MANAGEMENT (2)**

The Committee considered the report of the Director of Housing (Operations) which proposed a plainly written guide for leaseholders on service charged and guidance on repairs and maintenance for sold flats. Members were advised of the need for guidance to be sent to leaseholders and endorsed the proposed leaflets, however, requested that their presentation be more visual. It was considered that they could be delivered to new leaseholders as well as annually to existing leaseholders with service charge bills.

**Resolved**

(1) That the leaflets attached to the report of the Director of Housing Operations be approved.

(2) That the leaflets be sent to tenants making enquiries about leasehold purchase and to all leaseholders annually. (DH(O))

478. **146-200 ROCHFORD GARDEN WAY (Minute 320/98)**

The Committee considered the report of the Director of Housing (Operations) which updated Members on the progress to date with regard to the above site and which proposed a way forward in respect of improvements to Rochford Garden Way. In agreeing the need for work to be undertaken as outlined under the comments of the Crime Prevention Officer, namely:-

- 1). The existing front wall should be retained.
- 2). A new lockable gate should be provided to the existing entrance. The style recommended "Alleygater" had been designed after detailed consultation with Crime Prevention Officers.
- 3). The front shed on each side of the entrance should be retained.
- 4). The flank walls to the remaining pram sheds should if possible be retained.
- 5). The roof and internal walls and doors should be removed.
- 6). The tops of both front walls should have a deterrent fitted e.g. cactus spikes.

- 7). The latches to the tenants' side gates should be replaced with more secure locks
- 8). Better fencing should be provided to the gardens where they abut the alleyway.

and in noting the overall cost of £12,910 Members expressed concern at the issue of the division of garden areas.

With regard to the fencing of alleyways Members expressed some concerns at the use of close boarded fencing and requested that the issue be re-visited with the Crime Prevention Officer on whether more robust chainlink fences could be used to retain visibility. Members also considered that a report should be made within six months on the works undertaken and that the issue of tenant participation should be investigated further.

The following motions:-

- (i) Moved by Councillor D.E. Barnes and seconded by Councillor N. Harris for the amount of £12,910 to be funded from the Housing Revenue Account, and for leaseholders to not be charged for the works.
- (ii) Moved by Councillor Mrs. W.M. Stevenson and seconded by Councillor Mrs M.A. Weir that recommendation 3, the division of rear gardens, be deleted pending the outcome of the crime and disorder strategy,

were overturned by a motion put by Councillor N. Harris and seconded by Councillor D.R. Helson that the report should stand deferred to full Council pending further information from Officers on the issue of the division of garden areas. On a show of hands it was

#### Resolved

That the report stands deferred to Full Council, pending a further report from Officers on the issue of the division of garden areas. (DH(O))

#### 479. DOMESTIC VIOLENCE PROJECT CO-ORDINATOR

The Committee considered the report of the Head of Leisure and Client Services which sought Members approval for funding for the domestic violence project co-ordinator post for a further year from February 1999. In noting the details of the work undertaken by Mrs Read, Members were unanimous in their wish to see the work continue. Members also wished to see increased public awareness of the post's existence. A point was raised in respect of the need for all reports concerning staffing matters to be clear as to the full or part-time nature of posts.

On a motion put by Councillor D.E. Barnes and seconded by Councillor Mrs. J. Helson it was

#### RECOMMENDED

- (1) That the post of domestic violence project co-ordinator be funded to 31st March 1999.
- (2) That Officers report back as part of the budget process on the costs, timescales and the future for the domestic violence project co-ordinator post (HLCS)
- (3) That on all future reports where staffing issues are involved, the posts status as full or part-time and proposed hours to be worked be clarified. (ALL)

#### 480. MEMBERS ITEM OF BUSINESS - WHEATLEY WOOD, RAYLEIGH

Pursuant to Standing Order 16 the following matter had been submitted by Councillor D.R. Helson as an item of business.

- 1329

SJC

## Wheatley Wood, Rayleigh - Notice Board and Sign Posting

"Wheatley Wood was given over to the Woodlands Trust by this Council. Planting of new trees has already commenced and on 7th November 1998, 2000 bluebells were planted within the new trees to be ready for the Millennium.

The only notice board showing the layout of and information on Wheatley Wood is at the entrance from the Council's playing fields land at Little Wheatleys Chase. To promote awareness of this site for the enjoyment of residents, further signage was suggested by the Woodlands Trust representative. A further notice board in the location of the car park next to the Grange Community Centre, together with direction signposting from the London Road, alongside that for the Grange Community Centre, would seem appropriate.

It is proposed that Rochford District Council advises the Woodlands Trust:

- (i) That it supports the erection of a notice board similar in design and style to that which already exists, in the vicinity of the car park at the Grange Community Centre. The location and means of fixing to be agreed by the Council.
- (ii) That if requested to do so it will seek agreement from Essex County Council Highways for direction signposting from the London Road.
- (iii) That the costs will be borne by the Woodlands Trust.

### Corporate Objectives

- (1) To increase Rochford's focus on the community in all stages of the service, planning and delivery
- (2) To promote the environment".

Members endorsed the proposal wishing to see increased awareness of the Woodland.

### Resolved

- (1) That Rochford District Council advises the Woodlands Trust that it supports the erection of a notice board similar in design and style to that which already exists in the vicinity of the car park at the Grange Community Centre. The location and means of fixing to be agreed by the Council
- (2) That If requested to do so it will seek agreement from Essex County Council Highways for direction signposting from the London Road.
- (3) That costs will be borne by the Woodlands Trust.

## 481 GATING PROJECT 43A/45 RICHMOND DRIVE, RAYLEIGH - URGENCY SUB-COMMITTEE

The Committee noted the report of the Head of Leisure & Client Services which advised Members of action taken under urgency powers following a public meeting held on 28th October 1998 in connection with the gating project at the above site. In noting that the shortfall of £300 would be funded from the Community Safety budget Members expressed concern that the process had not followed recognised Council policy

## 482. HOMELESSNESS ACTION PROGRAMME - DETR CONSULTATION

NOTE The Chairman admitted this item as urgent as the deadline for consultation would not admit delay

The Committee were advised of papers received in the office from the Department of the Environment Transport and the Regions seeking this Council's views on an

application from Southend Centre for the homeless for funding under the Government's homelessness action programme for the development for a new emergency night shelter of 14 bed spaces and an instant access hostel for young vulnerable people serving Southend, Rochford and Castle Point.

Mindful of the Council's recently adopted housing strategy which recognised under provision of housing for young single people suffering from mental illness, Members were supportive of the proposal. On a motion put by Councillor Mrs. W.M. Stevenson and seconded by Councillor R.A. Pearson for the bid to be fully supported and amended by Councillor D.E. Barnes and seconded by Councillor P.F.A. Webster for no commitment to be made for any financial support it was

**Resolved**

That the Department of the Environment Transport and the Regions be informed that this Authority supports the proposal, however, that no commitment can be made for any financial support.

**483. 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 items of business on the grounds that they involve the likely disclosure of Exempt Information as defined in Paragraphs 9 and 12 respectively of Part 1 of Schedule 12A of the Act.

**484. REPAIRS AND MAINTENANCE MONITORING REPORT**

The Committee considered in confidence the report of the Director of Housing (Operations) which advised Members of performance figures for the period April to September 1998 and advised Members of the need for the budget for adaptations for the disabled to be transferred from revenue budgets back to the capital programme for the current financial year. Members were also advised of the need to increase the budget for adaptations for the disabled and it was

**RECOMMENDED**

(1) That the cost of adaptations for the disabled be switched to the capital programme.

(2) That the budget for adaptations for the disabled be increased to £43,000.

**485. CAPITAL PROGRAMME - PROGRESS REPORT**

The Committee considered in confidence the report of the Director of Housing (Operations) which advised Members of progress to date for the capital programme 1998/99. Members were also advised of the current position on the recovery of costs incurred by the Council from one of its contractors.

**RECOMMENDED**

*That Members note the revised capital programme 1998/99. (DH(O))*

**486. EMPTY PROPERTY - EASTWOOD ROAD, RAYLEIGH**

The Committee considered in confidence the report of the Head of Housing, Health & Community Care regarding a long term empty property in Eastwood Road. In noting the background to the house and the action that had been taken to date in an attempt to remedy the situation Members endorsed the proposed action outlined in the report wishing to see a quick solution to the problems at the site.

**Resolved**

(1) That notice of intended entry under Section 197 of the Housing Act 1985 be served on the owner of the property detailed in the report.

(2) That in the event access to the property is not provided as required by the notice then prosecution proceedings be taken for obstruction.

(3) That once access to the property is obtained, a further report be made on the options available. (HHHCC)(CD(LPA)) (496)



Rochford District Council  
To the meeting of.

**FINANCE & GENERAL PURPOSES**

On.

**1ST DECEMBER 1998**

Report of

**HEAD OF MEMBER SERVICES**

Title:

**MINUTES OF THE CORPORATE RESOURCES SUB-COMMITTEE**

Author

G P Brazendale

Report Approved By

*[Signature]*

At a Re-convened Meeting held on 18th November 1998. Present: Councillors D E Barnes (Chairman), Mrs. J.M. Giles, Mrs. H.L.A. Glynn, Mrs. J. Helson, V.H. Leach, C.R. Morgan, R E Vingoe and P F A. Webster

Apologies: Councillor Mrs S J Lemon.

Substitute: Councillor D Helson

Members noted with regret that Councillor Mrs. Lemon had been admitted urgently to hospital and would not, therefore, be present at the meeting. Members expressed their sympathy and requested that a letter be sent extending best wishes for a quick recovery.

## 184. MEMBERS' INTERESTS

Councillor D.E Barnes declared a non-pecuniary interest in the report concerning community centres owned by the Council by virtue of his position as Chairman of Rayleigh Age Concern.

Councillor Mrs J M Giles declared a non pecuniary interest in the same report by virtue of her association with one of the community centres to be discussed

## 185. REDEPLOYMENT POLICY

The Sub-Committee considered the report of the Corporate Director (Law, Planning and Administration) which gave details of UNISON's suggested revisions to the Council's Redeployment Policy, following consultation with the Union's membership

The following main points arose during the discussion, and the revised policy document, showing the Sub-Committee's agreed amendments, is attached at Appendix 1 to these Minutes

### i) Continuous Service

Members agreed that the scheme should include employees with one or more years's continuous local government service with Rochford District Council in permanent employment. The "relevant date" is the date of any Council decision whereby it becomes apparent that the employee is at risk of being given redundancy.

*[Signature]*



ii) Right of appeal as to the reasonableness of any redeployment decision

It was agreed that the possibility of appeal to Members against a redeployment decision should be made available to any postholder where appointment was initially determined by Members. At present, this would include all Chief Officers or posts defined as their equivalent. The appeal would be considered by this Sub-Committee

(iii) Salary Protection

The Sub-Committee agreed that the Council's current policy, to offer pay protection up to a maximum of 150% of the salary applicable to the new post for a period of no more than two years from the date of redeployment, should be retained. It was also considered important that the Council preserves its right to move an individual to another more appropriate post at a salary commensurate to the protected salary should this become available

(iv) Periodic trawl of the workforce for volunteers for redundancy and early retirement

It was agreed that whilst this might be appropriate as part of a reorganisation, such an exercise could be potentially costly and impracticable, and should not be endorsed as an initial step in every redeployment.

(v) Procedures

The Sub-Committee had previously been given revised wording that served to clarify some of the procedures. Following discussion, the following points were agreed

- "The Personnel Officer" should be replaced by "the Officer designated for personnel issues", since, at present, there is no Personnel Officer post within the organisation, although under the proposed restructuring one will be created.
- Members were anxious to achieve a balance between the need for a re-training and potentially wasteful expenditure on excessive or special training
- For employees below Head of Service designation the "appropriate forum" would comprise an interview by the Head of Paid Service or his representative, which could include a Head of Service or Line Manager, whichever is appropriate

**RECOMMENDED**

That the amendments to the redeployment policy as put forward by this Sub-Committee, following consideration of UNISON's comments (as shown in Appendix 1 to these Minutes) be endorsed. (HAS)

186 **REVIEW OF DISCIPLINARY PROCEDURE**

The Sub-Committee considered a report by the Corporate Director (Law, Planning and Administration) which sought Members' agreement to adopt the revised Disciplinary Rules and Procedures that had been referred back by Council at its Meeting on 28th July for further consideration. Suggested revisions to the procedure that had been received from UNISON were circulated for Members' consideration.

The following main points arose during the discussion and the revised policy document, showing the Sub-Committee's agreed amendments, is attached at Appendix 2 to these Minutes.

(i) Stage 1 - Formal Investigation

Members considered that notification of cases where an Officer is to be suspended should be provided to UNISON (or other appropriate union or individual) by the Officer concerned rather than the Council.

(ii) Stage 2 - Hearing

It was considered that a period of five working days should be allowed for any exchange of documents either from the Council to employee or employee to Council

(iii) Stage 3 - Dismissal

As with suspension, Members agreed that there should be no obligation placed upon the Council to notify UNISON or the relevant union of cases of dismissal.

(iv) Stage 4 - Appeals Against Dismissal

Members were concerned to note that existing policy allows the employee to submit an appeal initially to the Corporate Management Board and then, if they so wish, to a Member Panel. On a motion put by Councillor P.F.A. Webster and seconded by Councillor Mrs H.L.A. Glynn, it was recommended that employees should henceforth be entitled to submit one appeal only, but could choose whether that should be to Corporate Management Board or to a Member Panel. Following a vote, the motion was declared carried.

(v) Gross Misconduct

The Sub-Committee agreed that discrimination on age grounds should be included in paragraph 4(10). Following a motion by Councillor D Helson and seconded by Councillor Mrs H.L.A. Glynn, it was also agreed to add two additional categories of gross misconduct:

- Harassment, either sexual, racial or bullying
- Wilful misuse of the Council's computer facilities, including E-mail and the Internet.

**RECOMMENDED**

That Council adopts the revised Disciplinary Rules and Procedures, as attached at Appendix 2 to these Minutes (HAS)

187 **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 12(ii) of Part 1 of Schedule 12A of the Act.

As a result of the interests as declared earlier in the meeting (Minute 184) Councillors D.E. Barnes and Mrs. J.M. Giles both left at this point and took no further part in the meeting. The Sub-Committee therefore appointed Councillor Mrs J Helson as Chairman for the remainder of the meeting.

188 **COMMUNITY CENTRES OWNED BY THE COUNCIL**

The Sub-Committee considered the confidential report of the Head of Legal Services providing detailed information on the premises leased by the Council to various organisations for use as community centres. The Council owns the freehold of four community centres and the surrounding land and parking area of a fifth centre, but does not own the community centre itself.

The following points arose during discussion of the details of the leases of the centres:

Centre 2 - OAP Centre, Castle Road, Rayleigh

A Member suggested that the Association had received a grant for a new kitchen within recent years, and that the information within the report concerning funding arrangements should

therefore be revised. It was confirmed that this Centre's lease was granted in 1963 for a term of 99 years

Centre 3 - Grange Community Centre, Little Wheatleys Chase

The Corporate Director (Law, Planning and Administration) informed Members that the lease for these premises is for a term of 20 years from 1st July 1987. The Sub-Committee agreed that it was important for youth clubs to have use of these premises

Centre 4 - Rochford Day Centre, Back Lane, Rochford

The Sub-Committee discussed two main issues in respect of this Centre.

- Funding. There was some concern that the level of funding appeared to be disproportionately greater than for other similar establishments, many of which are required to be self-funded. It was also noted that the Centre is included in the cleaning contract for office accommodation at Rochford, which represents an additional form of financial assistance. Members requested that a report be brought back to the Sub-Committee identifying the total value of such benefits currently allocated to the Day Centre by the Council
- Community use. The Sub-Committee considered that it is important for the lessees to be aware of the potential uses of the premises that are permitted under the terms of the lease, and that wider community use should be encouraged

Centre 5 - Car Park and Land Adjoining Hockley Community Centre

A Member suggested that the level of rent paid by the Community Centre Association in respect of the car park and field appeared to be greater, and more commercially based, than those rents paid by the other centres for their premises. The Sub-Committee requested a further report on this site to enable consideration to be given to the rental level and also to the maintenance and use of the playing field.

**RECOMMENDED**

That the Finance and General Purposes Committee authorise the Head of Legal Services to.

- (1) Grant a new lease of the Day Centre, Windermere Avenue, Hullbridge for a term of 21 years at a rent of five pence per annum and subject to such other terms and conditions as the Head of Legal Services thinks fit, the Lessees to discharge the Council's legal fees and disbursements including V A T.
- (2) Review the terms and conditions of those leases of centres 2, 3 and 4 and the car park and playing field for Centre 5 as and when those leases become due for renewal, subject to further reports concerning the Rochford Day Centre and Hockley Community Centre.
- (3) Approach the Community Association for Centre 3 with a view to local youths being included in the Centre's programme of activities, if there is no youth provision currently made (HLS)(4163)

The re-convened meeting closed at 10.05pm

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## ROCHFORD DISTRICT COUNCIL

### REDEPLOYMENT POLICY

The Council aims to maintain long-term stable employment for its staff. It will constantly attempt to plan ahead in order that wherever possible natural turnover can be used to reduce staffing numbers when this is required. However, on occasions it may prove necessary to make the required adjustments to the staffing establishment by other means. In such circumstances the Council will seek to avoid the need for compulsory redundancies by redeploying suitable staff to alternative areas of work.

#### **Application**

This policy will apply where it is determined by Council that a permanently occupied post is no longer required or when the Council's requirement for employees to carry out work of a particular kind has or is expected to cease or significantly diminish, following a review or reorganisation of a directorate, division, section, activity or individual job, involving changes in the nature of the work, location or hours.

This policy does not apply to:

- \* disciplinary matters
- \* incapacity due to ill-health
- \* under-performance or incapability
- \* ending of a temporary or fixed term contract of employment
- \* temporary or minor amendments to job descriptions, service level agreements, etc

#### **Aims**

- i. To take all reasonable steps to secure the successful redeployment of employees who are surplus to the Council's needs in their existing post, thereby protecting continuity of employment and reducing the need for dismissal, due to compulsory redundancy, for any employees the Council would wish, if possible, to retain.
- ii. To deal fairly and consistently in consultation with the individual employee and their trade union, where it is "recognised" by Rochford District Council, throughout any period of redeployment.
- iii. To provide support where employees are redeployed to a job on lower earnings, as a result of this policy, to help them adjust to this change during the initial period of redeployment.



## Scheme

Redeployment will be offered to permanent employees who (a) have one or more years' continuous local government service with Rochford District Council at the relevant date and (b) whose knowledge, skills and experience are still required by the District Council.

The "relevant date" is the date of any Council decision whereby it becomes apparent that the employee is at risk of being given notice of redundancy from Council employment.

## Terms

- 1 Redeployment will be offered between the relevant date and the expiry of any period of notice of dismissal for redundancy.
2. Any council vacancies arising during the redeployment period of staff will be examined to establish their suitability as redeployment opportunities prior to internal or external advert.
3. An employee who has not been successfully redeployed within the redeployment period will be dismissed under the terms of any redundancy agreement, legislation or regulations in force for local government employees, either locally or nationally, at the time of their departure.
4. Notice of dismissal will be given to expire at the end of the redeployment period. However, if an employee is working a "trial period" in an alternative job the notice period will be extended until the end of the "trial".
5. Appeal as to the reasonableness of any redeployment decision will be to Corporate Management Board or to Corporate Resources Sub Committee for any post falling to be appointed by Members.
6. Where scope for redeployment exists, but an alternative position is not offered to an employee at risk or under notice of redundancy, appointment to a vacant position will not be made until the employee's appeal has been heard
7. Where employees are permanently redeployed to a job with a lower salary or earnings potential than the job previously occupied, they will have not more than 2 years pay protection at up to 150% of the maximum salary applicable to the new post

Such protection shall apply from the date of the new redeployment until the period of protection expires or the maximum salary of the new post over takes that of the previous post, the employee obtains promotion, or other Council employment as a result of voluntary application or is offered a suitable equivalent post at a salary commensurate with the protected salary.

8. In appropriate cases, where employees do not meet the essential requirements of a job, they may be considered for a period of pre-training to determine whether they achieve the requirements in full. This period will count as a trial period.

Alternatively, they may be redeployed if it is determined that they can meet the full requirements within a short period of time with appropriate training.

9. Employees subject to this scheme will be granted reasonable paid time off work to look for alternative employment during the redeployment period, subject to prior agreement with their Head of Service.

## Procedure

Where it is evident that this policy is likely to be invoked the following steps will be implemented first where possible and appropriate:

- freeze on recruitment to posts which might represent redeployment opportunities for employees at risk;
- an examination of staff turnover/natural wastage in the organisation.
- reduction in the work undertaken by outside consultants or contractors;
- termination of temporary or casual appointments;
- reduction or cessation of overtime working, other than contractual or emergency overtime.

When it becomes necessary to invoke the policy the following procedure will be adopted;

- a. Employees at risk of redundancy will be advised in writing.
- b. Employees deemed to be redundant will be advised in writing. The date of this notice will become the relevant date for the purposes of the period referred to in paragraph 1 above.
- c. Employees who have received notice may apply for voluntary redundancy at any time. Such requests will not automatically receive approval as some applicants may possess skills and experience which the District Council wishes to retain. The final decision to agree any voluntary redundancy rests with the Council's Corporate Resources Sub-Committee. An employee accepted for voluntary redundancy will receive payment in accordance with the appropriate legislation and the Council's scheme for redundancy in force at the date of departure.
- d. Where a number of employees are subject to this policy, selection for jobs will be on the basis of appropriate skills, knowledge and experience
- e. Employees to be redeployed will be assessed to establish the type of jobs for which they are suited.
- f. The officer designated for personnel issues will be responsible for matching employees to suitable current and impending vacancies
- g. Wherever possible "matching" will take place before vacancies are advertised and the appropriate forum will be required to interview and consider whether the employee is suitable for the post and whether an immediate transfer to the vacancy may be effected or whether a measure of appropriate re-training is required.

The appropriate forum will be (a) in the case of Heads of Service posts and above Corporate Resources Sub-Committee (b) in all other cases interview by the Head of Paid Service and line manager or their nominated representatives

- h. An employee who, during or at the end of a four week trial period in a new post, is dissatisfied with the job into which they have been redeployed, may claim redundancy subject to their refusal being reasonable in the circumstances and the time limits and number of offers made. Similarly, if the "receiving" department does not feel the employee is able to meet the requirements of the job, the employee will be made redundant subject to the time limits.

A maximum number of two trial periods will be offered.

- i. Where the job under consideration is at a higher grading or pay level, the employee will be required to apply for it in the usual way i.e. in competition with other applicants, and will be given an interview only if they meet the attributes detailed in the personal specification.

w/rpts/redeploy



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## PROPOSED DISCIPLINARY RULES AND PROCEDURES

### 1. PURPOSE AND SCOPE

This procedure is designed to help and encourage all employees to achieve and maintain standards of conduct, attendance and job performance. It applies to all employees except the Chief Executive and Officers appointed under the JNC for Chief Officers for Local Authorities conditions of service, for whom the national procedures take precedence. The aim is to ensure consistent and fair treatment for all.

### 2. PRINCIPLES

- a. No disciplinary action will be taken against an employee until the matter has been fully investigated.
- b. At every stage in the procedure the employee will be treated fairly and advised of the allegation against them and the evidence for it. They will be given the opportunity and time to prepare their response and to state their case before any decision is made.
- c. At all stages the employee will have the right to be accompanied by a friend, or represented by a trade union official. Employees may not be represented by a lawyer, practising as such, at any stage of the Council's disciplinary procedure.
- d. No employee will be dismissed for the first breach of discipline except in the case of gross misconduct when the penalty may be dismissal without notice or payment in lieu of notice.
- e. An employee will have the right to appeal against any disciplinary penalty imposed.

### 3. THE PROCEDURE

Minor disciplinary issues (e.g. one-off examples of lateness, carelessness, etc.) will be dealt with informally as part of the normal supervisory process, and may only require to be addressed by giving an informal warning. However, where the conduct of an employee does not improve or the matter is more serious the following procedure will be used:

#### Stage 1 - Formal Investigation

Where a manager believes that an employee's conduct may justify formal disciplinary action, or where a complaint has been made against an employee, under the Council's Complaints Procedure, the matter must be investigated without unreasonable delay.



The purpose of the investigation is not to decide on disciplinary action but to establish whether there is a case to answer. If it is decided that there is, the allegations will be considered at a separate hearing in accordance with stage 2 detailed below.

As part of the investigation, those involved should be interviewed and any relevant records or other written information considered. The Officer responsible for carrying out the formal investigation should be independent from the person making the allegation(s). The employee should be interviewed about their conduct, the allegation explained and the employee questioned in detail. The employee must be informed of their right to have a representative present and be advised that the purpose of the interview is to obtain information which will help the Head of Service/operational Director decide whether there is a case to answer.

If after the investigation is completed it is decided that there is a case to answer, the Head of Service/operational Director will arrange a hearing in accordance with stage 2 of the procedure. If it is decided that there is no case to answer, the Head of Service/operational Director should inform the employee, in writing, immediately and all information relating to the allegation should be destroyed.

If the Head of Service/operational Director believes, on the evidence available, that:

- \* the allegations amount to gross misconduct, or
- \* the employee should not remain at work because any repetition of the misconduct might seriously affect the service, or
- \* the employee should not remain at work because evidence might be affected or harassment, discrimination or victimisation might recur,

the agreement of the Authority's Head of Paid Service should be sought to suspend the employee on full pay. The suspension should be confirmed in writing and the employee given a named contact (usually the Head of Administrative Services) who would act as the first point of contact in dealing with queries arising during the suspension.

A suspension should not be regarded as disciplinary action, but as a precautionary measure, and reviewed not less than once every two weeks.

## Stage 2 - Hearing

Where a Head of Service/operational Director decides, following the investigation, that there is a case to answer, they should ask the Personnel Section to arrange a disciplinary hearing and provide the employee with details of the allegation.

Not less than five working days before the date of the hearing, the parties will exchange particulars including, the names of any witnesses, copies of any statements or documents which may be used during the hearing and details of any previous disciplinary warning which remains in force.

The employee would be allowed reasonable time to meet with their representative before the hearing to prepare their case.

The purpose of the hearing is to:

- \* give the employee a full opportunity to contest the allegations, to explain their conduct and/or to ask for mitigating factors to be taken into account;
- \* enable the hearing officer/panel to consider all available information fairly and impartially and to decide what, if any, disciplinary action should be taken.

The appropriate Head of Service/operational Director would usually act as the hearing officer, however, this may vary depending upon factors such as the seriousness of the allegation, or the employee's position in the Authority (e.g. if the employee was a Head of Service). In such circumstances, the hearing officer might be the Corporate Director, or a hearing panel might be constituted.

At the conclusion of the hearing, the hearing officer/panel will review the evidence and decide what disciplinary action, if any, to take. The decision should be conveyed orally, as soon as possible, and confirmed in writing within five working days of the hearing.

### **Stage 3 - Formal Action - Sanctions**

Where an employee's conduct is such as to warrant disciplinary action, one of the following sanctions can apply

#### **Verbal Warning**

If conduct or performance does not meet acceptable standards the employee will normally be given a formal VERBAL WARNING. They will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right to appeal. A note of the verbal warning will usually remain on the individual's personal file for a period of not less than twelve months before being expunged. The individual will be notified in writing once the warning has been expunged from the file.

#### **Written Warning**

If the offence is more serious, or if a further offence occurs during the life of a verbal warning, a WRITTEN WARNING may be given to the employee. This will give details of the complaint, the improvement required and the timescale. It will warn that further action will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on the individual's personal file and will usually remain on that file for a period of not less than eighteen months before being expunged. The individual will be notified in writing once the warning has been expunged from the file.

#### **Final Written Warning**

If there is still a failure to improve and conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant only one written warning but not so serious as to justify dismissal, a FINAL WRITTEN WARNING will be given to the employee. This will give details of the complaint, will warn that dismissal may result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept on the individual's personal file and will usually remain

on that file for a period of not less than two years before being expunged. The individual will be notified in writing once the warning has been expunged from the file

In exceptional cases (e.g. where the final written warning has been issued as an alternative to dismissal) the hearing panel may decide that the warning should remain in force for a longer period. Where this occurs, the position should be reviewed following expiry of the two years and each year thereafter to establish whether the employee's conduct now justifies the removal of the warning. The individual should be notified in writing at each stage.

### Dismissal

If conduct or performance is still unsatisfactory and the employee fails to reach the prescribed standards, or where the employee is guilty of gross misconduct, DISMISSAL will normally result. Only the Authority's Head of Paid Service or a chief officer (as determined by the Council's Standing Orders) can take the decision to dismiss. The employee will be given written reasons for dismissal, the date on which employment will terminate and the right of appeal.

### Stage 4 - Appeals

All employees have the right to appeal against formal warnings, failure to remove a final warning following a review or dismissal.

If an employee wishes to appeal, they, or their representative, must register the appeal with the Head of Administrative Services within ten working days of the letter confirming disciplinary action. The letter must set out, in full, the grounds of the appeal.

Appeals against warnings will be heard by the Chief Executive and his decision is final.

Appeals against dismissal will be heard by the Corporate Management Board or by a panel of Members should the employee so elect. All appeal hearings will be advised by the Head of Administrative Services or a nominee.

Officers hearing the appeal must not previously have been involved in presenting or hearing the particular case.

The Head of Service/operational Director will normally present the management case, however, this might be the appropriate Corporate Director, or a representative of the hearing panel.

At the conclusion of the appeal hearing, the Chief Executive or Corporate Management Board will review the evidence and decide whether to uphold the appeal or dismiss it. The decision should be conveyed orally, as soon as possible, and confirmed in writing within five working days of the appeal hearing.

Employees are reminded that they do have a right of complaint of unfair dismissal to an Industrial Tribunal within three months of the effective date of the termination of their contract of employment.

4. GROSS MISCONDUCT

Gross misconduct involves offences of such a serious nature that the Council is justified in no longer accepting the employees continued presence at the place of work. The following list provides examples of offences which are normally regarded as gross misconduct - the list is neither exclusive or exhaustive:

1. Theft from the Council, the Council's employees or members of the public;
2. Acts of gross indecency which may affect continued acceptability of an individual in their current job;
3. A criminal offence against the Council or its employees,
4. Malicious damage to Council property;
5. Falsification of work records, etc.;
6. Fighting,
7. Physical assault;
8. Commission of a criminal offence outside employment, the nature of which makes the employee unsuitable for retention in their job;
9. Serious breaches of safety regulations endangering other people, including deliberate damage to, neglect of, or misappropriation of safety equipment;
10. Discrimination against a member of the staff or the public on grounds of colour, race, creed, nationality, ethnic origin or, age or gender;
11. Being incapable to perform the duties of the post due to the influence of drink or drugs (other than those which have been medically prescribed);
12. Harassment - sexual, racial or bullying;
13. Wilful misuse of the Council's computer facilities, e.g. email and internet.

Gross misconduct will result in immediate dismissal if the offence is established and there are no acceptable mitigating circumstances.

5. MISCONDUCT

Misconduct of a degree less than that which warrants summary dismissal for a first offence will nevertheless lead to dismissal if persistent. The following are examples of misconduct which may result in disciplinary action being taken - the list is neither exclusive or exhaustive:

1. Persistent lateness;



2. Unauthorised absence from work;
3. Blatant and intentional disregard of legitimate instructions from a Senior Officer;
4. Failure to observe the operational regulations, Standing Orders, Financial Standing Orders and Financial Regulations of the Council;
5. Failure to observe safe working practices at work;
6. Engaging in employment during off-duty hours which is detrimental to the Council's interest (see section on Official Conduct);

6. CAPABILITY

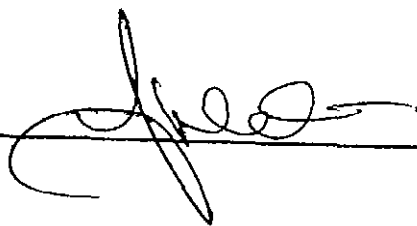
This is confined to the capability of the employee to perform work of the kind that he or she was employed to do assessed by reference to skill, aptitude, health and any other physical or mental quality. Lack of capability due to ill health or other physical or mental quality will not normally be considered to be a breach of disciplinary rules. This would normally be considered separately, but any breach of rules by an employee relating to conduct which leads to accident or injury and subsequent lack of capability of the themselves may lead to disciplinary action being taken.

Where the employee fails to carry out properly the duties he or she is engaged to perform and/or makes frequent errors in the work, despite the provision of:

1. training to enable the work to be done satisfactorily; and
2. direct supervision by someone experienced and competent in the work;

the employee will be in breach of the disciplinary rules.

Chairman



date. 2/2/99.

## ROCHFORD DISTRICT COUNCIL

### Minutes of the Transportation & Environmental Services Committee

At a Meeting held on 19th November 1998. Present: Councillors V H. Leach (Chairman), R S Allen, D E Barnes, C I Black, M C Brown, J M Dickson, D M Ford, Mrs J.E. Ford, Mrs J.M. Giles, Mrs H.L.A. Glynn, A. Hoskin, V.D. Hutchings, R.A. Pearson, T.A. Powell, S.R. Tellus, Mrs. M.S. Vince and Mrs. M.J. Webster.

Ex Officio Member: Councillor D.R. Helson

Apologies: Councillors G C. Angus, K.A. Gibbs and D A Weir

Substitutes: Councillors C R. Morgan, P.F.A. Webster and Mrs M.A. Weir.

Visiting: Councillor Mrs. J.Helson.

#### 487. MINUTES

The Minutes of the Meeting of 24th September 1998 were approved as a correct record and signed by the Chairman, subject to the inclusion of the following as tabled by Councillor D.E. Barnes.

##### Eastwood Rise, Leigh-on-Sea

In response to a question from Councillor D.E. Barnes, regarding the timescale for the completion of the works, the County Officer answered as follows

"The work was programmed to commence prior to Easter 1999 but completion would be dependent on the finances available." (HMS)

#### 488. MEMBERS' INTERESTS

Councillor D.E. Barnes declared an Interest in the item "Websters Way Car Park - Working Group" by virtue of being Chairman of Rayleigh Town Council.

Councillor R.S. Allen declared a Non-Pecuniary Interest in the Item "High Street, Great Wakering - Proposed Variation of Waiting Restrictions" by virtue of being a trader with premises affected by the proposed restrictions.

#### 489. PUBLIC QUESTION TIME

The following question had been received from Mr A.J. Whale of Chelmer House, Eastwood Rise, Leigh-on-Sea.

##### "Dust Problems and the Making Up of Eastwood Rise

(i) What guarantee can be made that the work will commence before Easter 1999 and if no guarantee can be given, why?

(ii) Given that ample evidence exists in the form of a letter to a resident, coupled with details contained in the published plan for the area that there will be no requirement for existing residents to contribute to the road improvements. Why does the consultation letter to residents state that it may be possible to make up Eastwood Rise at no cost to the residents."

The Chairman responded as follows:

"1. Due to the procedure required of seeking a resolution from the Highways Committee of the County Council to allow the Area Transportation Manager to seek expressions of interest from contractors to make up Eastwood Rise under a 'design and build' contract coupled to the time needed for tender documents to be drawn up and let,

no guarantee can be given that the works will commence at Easter. However, the highway authority has made Easter a target date and insofar as is possible will ensure that works can commence by then. Notwithstanding the foregoing, works will only commence if the contract sum is equal to or less than the sums of monies accumulated through the legal agreements.

2. In the instance that the contracted sum exceeds the monies gathered through the legal agreements, the County Council will need to reconsider its position and reconsult with the frontagers. If there is a clear majority of the frontagers of Eastwood Rise still wanting the street to be made up the only means open to the highway authority would be to carry out the works through the Private Streetworks Code. There would be a charge made (an apportionment) on all the frontagers which would represent a proportion of the difference between the contract sum and the monies received. At this moment in time the County Council simply does not know the figures that the contractors are likely to submit to undertake the work "

It was noted that Mr Whale was dissatisfied with the response, in that he felt that his second question had not been addressed.

The Chairman advised Mr Whale that the statement would be confirmed in writing as the official response of the Authority. (HEPT)

#### 490. REPORTS OF THE URGENCY SUB-COMMITTEE

##### **Resurfacing of Websters Way Car Park**

The Committee received detail of action taken by the Urgency Sub-Committee in respect of an opportunity to complete works at Websters Way Car Park.

Several Members expressed dissatisfaction at having had to consider this request in such a short period of time, and questions were raised regarding the urgency of the matter. The Officer responded by giving his reasons for making the request and took on board the comments made by Members.

#### 491. SUB-COMMITTEE MINUTES

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

##### **(i) Planning Policy Sub-Committee - 28th October 1998.**

##### **Minute 49 - Lawful Development Certificates**

##### **Resolved**

(1) That the current arrangements and delegation for determining applications and issuing certificates under Sections 191 and 192 of the Town and Country Planning Act 1990 be confirmed

(2) That an article be placed in Rochford District Matters advising the public of the District Council's responsibilities in relation to planning control and the enforcement of planning consents, and that Parish Councils be reminded of the same. (HLS)

##### **(ii) Transportation Sub-Committee - 5th November 1998**

##### **Minute 93 - The Approach Car Park, Rayleigh**

##### **Resolved**

(1) That £2,000 for fencing and £600 to improve the standard of lighting in The Approach Car Park, Rayleigh, be met from the "Special Initiatives" fund of the Safer Communities budget

(2) That a special item is placed in the 1999/2000 Budget for expenditure on boundary enhancement, resurfacing and lining at The Approach, to an estimated value of £15,000. (HRS)

Officers confirmed that questions regarding whether Minutes 94, 95 and 96 should be Recommendations or Resolutions would be investigated and clarified

492 **OUTSTANDING ISSUES - MEETINGS OF 19TH MARCH 1998 AND 16TH JULY 1998**

Members were satisfied that all necessary actions had been taken.

Minutes 147/95, 286/97, 122/98, 121/98, 326/98, 329/98 and 332/98 were carried forward.

493 **NOTICE OF MOTION**

**From Councillor S.R. Tellis**

The Chairman reported that the following Notice of Motion had been received from Councillor S.R. Tellis and referred by Council on 20th October 1998 to this Committee for consideration.-

That Council awards the developer and designer of Brooklands, Hockley Road, Rayleigh, the Rochford District Design Heritage and Conservation Award (Development Services Committee, 19th March 1995, Minute 164) for outstanding design and preservation of the street scene.

Officers reported that there was no mechanism in place to produce or present an award at present because the scheme had yet to be formally launched, despite the fact that it had been approved by Council

Members were disappointed that an award could not be given and suggested alternative means of recognising the achievement made at Brooklands. After some discussion it was:

**Resolved**

(1) That the developer and designer of Brooklands, Hockley Road, Rayleigh be acknowledged by Rochford District Council for outstanding design and preservation of the street scene

(2) That the award scheme be put in place by August 1999.(HEPI)

494. **DIAL-A-RIDE ANNUAL REVIEW**

The Committee considered the report of the Head of Revenue Services, reviewing the operation of the Dial-a-Ride Service to date and suggesting changes which could be made to make it operate more effectively in future.

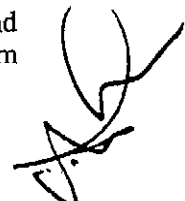
The contents of the report were noted and Members discussed whether the future Dial-a-Ride service was best delivered in its present format. Members concurred that a review of the scheme was crucial, but that it should come earlier than proposed in the report.

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

**Resolved**

(1) That the introduction of a £5 registration fee, identity cards for the client and the carer and the increase of single journey fares to £1 10 (return £2.20) from April 1999 be agreed in principle

1349





- (2) That a fundamental review of the Dial-a-Ride service should be undertaken by Officers as soon as is practicably possible, with the possibility of the Council incorporating the Dial-a-Ride Service within the Hackney Carriage Scheme being included in that review.
- (3) That a representative of Southend Borough Council be invited to a Meeting of the Transportation Sub-Committee to answer Members' questions (HRS)

495. **SITES OF SPECIAL SCIENTIFIC INTEREST BETTER PROTECTION AND MANAGEMENT DETR - CONSULTATION DOCUMENT**

The Committee considered the report of the Head of Environmental Policy and Initiatives, outlining the Government's proposals in respect of the creation of a better framework of protection for Sites of Special Scientific Interest (SSSI). The Council's comments on the proposals were required by the Department of the Environment, Transport and the Regions no later than 30th November 1998.

Members were pleased with the report but suggested that its key messages should be emphasised in a stronger manner

Councillor Mrs. H.L.A. Glynn reported that a meeting of the Crouch Harbour Authority was due to take place on 2nd December 1998, at which time the Essex Estuaries Project would be considered. An invitation was extended for another Member of the Transportation & Environmental Services Committee to attend alongside Councillor Mrs. H.L.A. Glynn.

**Resolved**

That, subject to comments made by Members, the Report forms the basis of the Council's response to the Consultation Paper SSSI's - Better Protection and Management. (TP)(HEPI)

496. **OUT OF OFFICE HOURS RESPONSIVE NOISE SERVICE**

The Committee considered the report of the Head of Housing, Health and Community Care, proposing a means of introducing a more responsive noise service

Members agreed that, in principle, the provision of a more responsive noise service was a good idea. However, some Members felt that the cost of providing the scheme should be weighed up against other proposals in the budget, and that further consideration should be given to issues including staff safety, recognition of authority by members of the public, effects on working hours and the mechanics of providing the service. Members expressed a desire to see greater Police involvement, believing this to be essential, although it was acknowledged that at present the possibility of negotiating a permanent arrangement was hampered by limited manpower and other Police commitments.

Members agreed that partnership with the Police was key to success, and felt that the Police should be consulted as part of the process of moving this issue forward.

There followed a lengthy discussion on options and procedures. Consideration was given to alternative ways of administering a scheme, such as contracting out. Officers had examined this option previously, concluding that it was very expensive. It also raised the further issue of the delegation of the Council's legal powers.

On a motion by Councillor D.E. Barnes and seconded by Councillor P.F.A. Webster, it was

**Resolved**

That, subject to an early report on the operation of the service being approved by Members, £20,000 be included in the 1999/2000 estimates for the provision of an out of hours responsive noise service. (HHHCC)

497. **ESSEX SUSTAINABILITY REPORT - CONSULTATION**

The Committee considered the report of the Head of Environmental Policy and Initiatives, outlining progress on the preparation of the Essex Sustainability Report and detailing the county-wide framework for the progression of Agenda 21.

**Resolved**

That Members endorse the broad stages of Local Agenda 21 process, as approved by the AEC LA21 Members Group.

498. **LOCAL AGENDA 21 FORUM - FEEDBACK**

The Committee considered the report of the Head of Environmental Policy and Initiatives, providing Members with feedback from the Local Agenda 21 Community Forum and outlining progress of Local Agenda 21 with respect to the Forum.

Congratulations were extended to the Officer responsible for organising the Community Forum, which had proved to be a successful event.

**Resolved**

(1) That Members note the summary of issues discussed at the Local Agenda 21 Community Forum and that these issues be incorporated into the emerging Local Agenda 21 Strategy, and other relevant strategy documents as appropriate.

(2) That Members approve the process of continued work within focus groups, and the organisation of another meeting/event of the Local Agenda 21 Forum during 1999. (TP) (HEPT)

499. **ESSEX TRANSCARD SCHEME - PROGRESS REPORT**

The Committee considered the report of the Head of Revenue Services, detailing progress on the Essex Transcard Scheme. Members were asked to make a decision as to whether or not to support the scheme past the committed project period.

Members felt that in principle the scheme was a good idea but that, sadly, it could not be sustained in the way that it was currently administered. Considerable incentives and much wider availability and promotion of the card would be required to make the scheme a success.

**Resolved**

That the Essex Transcard Scheme is not supported past the committed project period (HRS)

500. **WEBSTERS WAY CAR PARK - WORKING PARTY**

The Committee considered the report of the Head of Environmental Policy and Initiatives, suggesting final arrangements for the setting up of a Working Party to address issues relating to the Websters Way Car Park.

Members were eager to see the issues relating to the Car Park addressed, but differed in their opinions as to how this should be done

After much discussion, on a motion by Councillor T.A. Powell and seconded by Councillor R.A. Pearson, it was:

**Resolved**

(1) That a Working Party be set up (with pro-rata representation) to consider future development opportunities on the Websters Way Car Park site

(2) That arrangements be made for the Working Party to meet and consider the various options for the development of the site

(3) That further reports be made on this issue once the Working Party has considered possible development options. (TP) (HEPT)

501. **RAYLEIGH TOWN CENTRE - THE ENVIRONMENTAL IMPROVEMENT SCHEME: UPDATE**

The Committee considered the report of the Area Transportation Manager (Essex County Council), updating Members of the re-tendering of works associated with the scheme and seeking approval for the arrangements for letting a contract for the works

**Resolved**

That a special meeting of the Transportation and Environmental Services Committee, to take place on 2nd December 1998, consider the results of the tender negotiation process and agree specific variations to scheme layout and design necessitated as a result of these negotiations

502. **RAYLEIGH TOWN CENTRE: TRAFFIC SURVEY UPDATE/JUNCTION STUDY AT CHURCH STREET**

The Committee considered the report of the Area Transportation Manager (Essex County Council), the purpose of which was to inform Members of the findings of the junction study and to seek approval of the recommendations made

Members were greatly concerned about traffic problems at Church Street and were eager to see a swift and satisfactory resolution to the difficulties encountered there. Various questions were raised in connection with the junction study and Members then proceeded to offer suggestions which the County Officers duly noted.

On a motion by Councillor D.E. Barnes and seconded by Councillor J.M. Dickson it was -

**RESOLVED**

(1) That approval be given to the suggested improvement to traffic detection in Church Street.

(2) That the new situation be monitored for a three month period.

(3) That a further report on the situation be presented to the Committee at its meeting on 23rd March 1999 (ECC)

503. **MEMBERS ITEM OF BUSINESS - DOWN HALL ROAD**

Pursuant to Standing Order 16 the following matter had been admitted by Councillor C.I. Black as an item of business.

**Waiting Restrictions - Down Hall Road, Rayleigh**

"When variations to existing waiting restrictions were due to be considered at the meeting of Transportation and Environmental Services Committee of 19th March 1998, Ward Members were concerned about the variations proposed outside the "Hops and Barley" shop in Down Hall Road. These variations would have changed the two hour restriction in the morning into an all-day restriction.

The matter was discussed with various Officers before the Meeting and at the start of the Meeting a written amendment was handed in which would have kept the two hour waiting restriction. However, the whole item was deferred (Minute 230/98) and the amendment was not "taken on board" when the item was reconsidered in June. As a result an all-day restriction now applies outside the shop

I am submitting this matter as a Members' item of business so that it can be reconsidered by the Committee and a request be made to the County Council to restore the two hour restriction outside the shop, by issuing a new traffic order."

Members supported the views expressed by Councillor C.I. Black and it was.

**Resolved**

That Essex County Council investigate the issue and submit a report to Transportation and Environmental Services Committee on 28th January 1998 (ECC)

504 **STAMBRIDGE SEWAGE TREATMENT WORKS WORKING PARTY**

NOTE: The Chairman admitted this urgent item of pertinent business in light of the cancellation of the meeting of the Stambridge Sewage Treatment Works Working Party, due to take place on 10th November 1998

The Chairman and Vice-Chairman offered their apologies in respect of conflicting messages which had arisen as a result of the cancellation of the Working Party Meeting

The Committee considered the report of the Head of Housing, Health & Community Care, presenting a request from the National Farmers Union (NFU) that one of its Members be allowed to join the Working Party.

Members were divided in their opinions as to whether to permit the NFU representative to join the Working Party. One Member believed that to allow the representative to join would give the Working Party a more balanced view, but others felt that it was unfair to make a decision without the co-opted Members of the Working Party present.

On a motion by Councillor D.M. Ford and seconded by Councillor Mrs M.S Vince it was:

**Resolved**

That the matter be referred back to the Stambridge Sewage Treatment Works Working Party for consideration, at the meeting arranged to take place on 23rd November 1998

505. **PROCUREMENT STRATEGY FOR THE HIGHWAY AND TRANSPORTATION SERVICE**

NOTE: The Chairman admitted this urgent item of pertinent business, on the basis that it aimed to promote a better working relationship between the District and County Councils.

The Committee considered the report of the Chief Executive (Designate), seeking Members' views on the suggested way forward for the provision of the Highway and Transportation Services as outlined in the report from Essex County Council.

Members were keen to see more information and assurances from Essex County Council, transparency, accountability, good lines of communication and of responsibility and better clarification of the roles of local transport panels and their relationship with the Transportation and Environmental Services Committee.

**RESOLVED**

That a response be made to Essex County Council expressing the views of the Committee (CE(D))

506 **A130 CRASH BARRIER**

County Officers advised the Committee that a scheme in Basildon to erect a crash barrier alongside the A130 had been extended into the Rochford District, between the Carpenters Arms and Rawreth Lane traffic signals. Works were due to commence on 23rd November 1998

507. **LETTER FROM LLOYDS BANK - BRANCH CLOSURES IN ROCHFORD AND HOCKLEY**

The Chairman reported that a letter had been received from Lloyds Bank Plc in respect of their intended branch closures at Rochford and Hockley, copies of which would be distributed to Members of the Committee in due course.

Members were disappointed to hear that representatives of the bank would not be available to attend either of the meetings at which the issue was due to be discussed.

508. **HIGH STREET, GREAT WAKERING - PROPOSED VARIATION OF WAITING RESTRICTIONS**

The Committee considered the report of the Area Transportation Manager South East (Essex County Council), the purpose of which was to consider variations to the Waiting Restriction Order in light of objections received to the published proposals

Objections had arisen out of what was perceived by the public to be inconsistency in the decisions made by the County Council over waiting restrictions in Great Wakering. After recent resurfacing of the High Street, the road markings had changed. County Officers were eager to point out that what appeared to be revised road markings were in fact the correct markings which should have already been in place. However, Members were concerned that the "correct markings" might potentially be dangerous. Members were also keen to see evidence of exactly where in Great Wakering any fatal and serious accidents had taken place - to be clarified by County Officers.

No decision was taken on the recommendations made in the report.

The meeting closed at 11 00pm.

mins nov 19

A handwritten signature in black ink, appearing to be 'J. A. Smith' or similar, written vertically.



Rochford District Council  
To the meeting of:

**TRANSPORTATION & ENVIRONMENTAL SERVICES**

On

**28TH JANUARY 1999**

Report of:

**HEAD OF ADMINISTRATIVE & MEMBER SERVICES**

Title:

**MINUTES OF THE STAMBRIDGE SEWAGE TREATMENT WORKS  
WORKING PARTY**

Author:

P.J Dixon

Report Approved By:

At a meeting held on 23rd November 1998. Present: Councillors A. Hosking (Chairman), D.M. Ford, Mrs J.E. Ford, Mrs. A.R. Hutchings, V.H. Leach, Mrs. M.S. Vince and Mrs. M.J. Webster

Co-Opted Members attending: C. Hayes - Chairman of Sludgewatch, T. Coulson - Stambridge Parish Council and C. Keen of South East Essex Friends of the Earth.

Apologies: Councillor G.C. Angus.

Prior to the commencement of the main items of business, the Chairman apologised for the confusion arising out of the cancellation of the last scheduled meeting of the working party

9. **MINUTES**

The Minutes of the meeting of 15th September 1998 were approved as a correct record.

10. **SLUDGE TREATMENT PROCESS - UPDATE**

The Working Party noted the report of the Head of Housing, Health & Community Care, updating Members on developments in connection with the sludge treatment process

**British Retail Consortium**

A response had yet to be received to the letter sent to the British Retail Consortium, copies of which would be forwarded to Members as soon as it became available.

**Waste Management Licence**

Odour and dust surveys had been completed at the treatment works and Anglian Water were considering the results, prior to passing them on to the Environment Agency.

The Working Party were keen to ascertain the actual dates on which surveys had taken place, in order to see whether the monitored odour and dust levels were a typical representation. Members also hoped to see periodic testing continue in future, if the Waste Management Licence is granted.

A Member had received information from the Internet, which suggested that the N-Viro product could be enhanced for use as an organic feed supplement. The Member wanted reassurance that this process could not take place at the Stambridge plant without consent being obtained first.

### Anglian Water

Although Anglian Water had taken on board some of the comments made by the Working Party, their written response did not fully address concerns and Officers had requested further comment and information. It was agreed that a copy of Anglian Water's response and the Officers reply would be circulated to all Working Party Members. Additionally, the Environment Agency would be asked to comment on the question of leachate.

Delays had occurred in the reduction of the stockpile at the treatment works. Anglian Water had promised to remove the pile by the end of November 1998 but their efforts had been hampered by recent deterioration in the weather. It had since come to light that a part of the stockpile had solidified, prompting Members to question whether recent scientific testing had taken place at different depths. The possibility of carrying out confirmatory sampling, if necessary, was discussed and the cost of this was to be explored. Further information was requested on the composition of the admixtures.

The Working Party felt that it was important to ascertain where the stockpile material was being taken and asked for clarification as to where this information is held. Also, as part of Anglian Water's landscaping requirements on site, their intention to reduce the stockpile by spreading some of it over the site and possibly covering it with topsoil was not acceptable to some Members.

The Working Party were eager to see Christine Butler invited to attend the meeting, as recommended previously.

### Commissioning

The new plant had been completed and although the outcome of the Waste Management Licence application had yet to be determined, the Environment Agency had permitted commissioning works to commence using Rochford's sludge. The commissioning works had identified teething problems which were currently being addressed.

On a motion by Councillor D M Ford and seconded by Councillor M.S. Vince it was:

### RECOMMENDED

That a letter representing the Working Party's concerns, as expressed at the meeting, be sent to Anglian Water (HHHCC)

## 11 REQUEST FROM NATIONAL FARMERS UNION

NOTE The Chairman admitted this urgent item of pertinent business, referred to the Working Party for consideration by the Transportation and Environmental Services Committee on 19th November 1998.

The Working Party considered the report of the Head of Housing, Health & Community Care, presenting a request from the National Farmers Union (NFU) that Mr A. Rankin be co-opted as a Member of the Working Party.

A number of Members were wary of welcoming someone who they saw as having a pecuniary interest. However, others felt that inviting Mr. Rankin to join, as a user of N-Viro, would create a better semblance of balance.

On a motion by Councillor D.M. Ford and seconded by Councillor Mrs J.E. Ford it was



## RECOMMENDED

(1) That Mr A Rankin of Rankin Farms Limited is not co-opted as a Member of the Stambridge Sewage Treatment Works Working Party, but that he be invited, as a user of N-Viro, to give a presentation or a written response to the Working Party on his views on the use of N-Viro.

(2) That a letter be sent to the National Farmers Union inviting nominations for a non-user of N-Viro to be co-opted as a Member of the Working Party

(3) That the Soil Association be approached to convey their views, in writing, on the use of N-Viro and, dependent upon the response, that they then be invited to make a presentation to the Working Party (HHHCC)

## 12. COMMUNICATIONS

It was agreed that Members should communicate all relevant issues to the business of the Working Party through Officers, as and when such issues come to light.

## 13. THE FUTURE OF THE STAMBRIDGE SEWAGE TREATMENT WORKS WORKING PARTY

The Chairman asked Members to consider their role as a Working Party and how they saw it developing in the future. As a precursor to discussion, the Chairman expressed his own view that, in line with the Working Party's terms of reference, he saw their short term role as:

- (i) To receive and respond to the Government's report
- (ii) To present the report and the Working Party's response to the Council
- (iii) To demonstrate to residents that the Council has fully investigated the issues raised by the report and recognised the implications.

The Working Party were broadly in agreement with the Chairman's definition. However, some Members felt that there would be a continuing need for monitoring at the treatment works and its effects on residents, and to continue to present public views to the Government. It was pointed out that the Environment Agency's role encompassed much of this and that an existing Parish Liaison Group, attended by all interested parties, was effective in monitoring developments.

## RECOMMENDED

That Officers currently attending the Parish Liaison Group produce a paper on a mechanism to avoid unnecessary duplication of roles and, in line with the Working Party's terms of reference, on maintaining a watching brief on development at the Stambridge Sewage Treatment Works. (HHHCC)

The meeting closed at 9 35pm.

pans&groups/sstwpjan13a



## ROCHFORD DISTRICT COUNCIL

### Minutes of the Audit Services Committee

At a Meeting held on 24th November 1998. Present: Councillors C.R. Morgan (Chairman), R.Adams, C.I. Black, G. Fox, Mrs. H.L.A. Glynn, Mrs. J. Hall, Mrs. W.M. Stevenson, R.E. Vingoe and P.F.A. Webster.

Apologies: Councillors N. Harris and Mrs. J. Helson.

Substitutes: Councillor D. Helson

#### 509. MINUTES

Resolved that the Minutes of the Meeting of 6th October 1998 be approved as a correct record and signed by the Chairman

#### 510. OUTSTANDING ISSUES: MEETINGS OF 26TH MARCH 1998 AND 7TH JULY 1998

The Committee was satisfied that all necessary action had been taken.

In reply to a Member question, it was confirmed that it will not be this Council's responsibility to provide gates in fences leading from private homes to public open spaces where those areas are transferred to Parish Councils.

#### 511. EXTERNAL AUDITOR'S REPORT

The Committee considered the report of the Corporate Director (Finance and External Services) which gave details of the external audit of the Authority's accounts for 1997/98, completed by Ernst and Young. The Chairman introduced Mr David Chilcott and Mr Keith Lloyd from Ernst and Young who presented a summary of the main findings of the audit, and answered Members' questions.

During the presentation, particular regard was given to the following areas

##### Management Arrangements

**Effectiveness of Internal Audit.** The Corporate Director (Finance and External Services) informed the Committee that discussions had been held with Castle Point Borough Council concerning the possibility of sharing audit staff between the two authorities in order to increase overall staffing resources.

**Corporate Governance** Members requested clarification of the Auditor's recommendations, as part of the key principles of Corporate Governance, to establish an Audit Committee. The Chief Executive (Designate) explained that it was not intended to set up an additional Member body to consider audit issues, but that it may become necessary in future to review this Committee's terms of reference to reflect new dimensions such as the Government's increasing emphasis on achieving "best value". The implications of the White Paper "Modernising Local Government" are currently being considered, to identify such issues.

##### Housing Benefit Fraud

The Corporate Director (Finance and External Services) drew Members' attention to the main focus of the report, which was the implementation of the verification framework currently being promoted by the DSS. Officers have been evaluating the proposals contained within an Audit Commission handbook on this subject and reports will begin to be brought before Members in the January cycle, examining, among other issues, the resource/staffing implications of introducing the framework.

Members noted the importance of building strong links between the Fraud Unit at Rochford and the local Benefits Agency Fraud Unit at Southend; the relationship

between the Rochford and Rayleigh Offices in addressing Housing and Benefits Fraud is already highly effective, and could provide examples of good practice to use elsewhere. The Corporate Director (Finance and External Services) informed Members that Rochford has been nominated as a 'gateway pilot' in the Government's new scheme to introduce a "one stop shop" service in respect of benefits. The Committee was pleased to note this initiative, which should serve to improve benefits administration and the prevention of fraud.

The Auditor's report concerning housing benefit fraud commended the Authority's response to current initiatives in this area.

### **Early Retirement**

It was pointed out that every application for early retirement is already considered by Members, so the additional report suggested by the Auditors would duplicate information of which Councillors were already aware. It was suggested instead that Members could receive periodically a note of the total number of early retirements granted.

### **Environmental Stewardship**

The Committee discussed this issue in some detail, and a number of Members pointed out that considerable thought had been given by the Council to carrying out recycling initiatives; frequently, however, their implementation had been confounded by the policies adopted by other authorities. Other factors which have hindered the Council's efforts have been budgetary constraints, which are particularly important given the high cost of a recycling service, and the large amounts of waste brought in to the Rochford District from neighbouring areas such as Southend. Regarding the latter, Members were anxious to ensure that the Council is not penalised for accepting additional waste, and that opportunities for obtaining recycling credits are maximised. The Chief Executive (Designate) indicated that discussions are already underway with other authorities including the County Council to formulate a County-wide recycling policy, though this is unlikely to commence operation until approximately 2005. The Committee was also mindful of the costs of a recycling policy, and some Members considered that it would instead be better to investigate ways of educating the public to reduce the volume of waste generated.

In conclusion, the Chairman on behalf of the Committee, thanked the representatives from Ernst and Young for their presentation and for their thoroughness in conducting the audit. It was noted that the 1998/99 audit will be conducted by Parnell Kerr Forster

### **Resolved**

(1) that the Management Letter, Early Retirement VFM study and Value for Money Indicator reports be noted.

(2) that the Housing Benefits VFM report be considered in conjunction with the future reports to be made in connection with the verification framework. (CD(F&ES))

## **512. 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 14 of Part 1 of Schedule 12A of the Act.

## **513. INTERNAL AUDIT REPORTS**

The Committee considered the confidential report of the Corporate Director (Finance and External Services) which informed Members that, following on from the previously circulated Internal Audit reports 1-27, 1997/98, and 1-2 1998/99, no reports have been completed since the last meeting. Audits are currently being undertaken on Hackney Carriage Licensing and Health and Safety and will be reported to the next meeting

### Monitoring of Reports

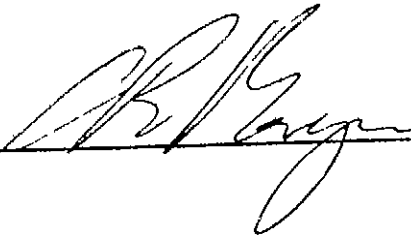
The Committee also received the current monitoring document for audit report recommendations, together with the progress of recommendations from Audit Commission publications.

### Resolved

That Members agree to delete those recommendations indicated on the monitoring sheet. (CD(F&ES))

The meeting ended at 9 05 p.m.

munsnov24

chairman  date 6/4/99

Minutes of the Planning Services Committee

At a Meeting held on 25th November 1998. Present: Councillors D.A. Weir (Chairman), R. S. Allen, P.A. Beckers, C.I. Black, D.M. Ford, Mrs. J.E. Ford, E.L. Francis, Mrs J.M. Giles, Mrs H.L.A. Glynn, Mrs. J. Hall, D.R. Helson, A. Hosking, Mrs A.R. Hutchings, V.D. Hutchings, C.R. Morgan, R.A. Pearson, Mrs. W.M. Stevenson, S.R. Tellis, Mrs. M.S. Vince, R.E. Vingoe, Mrs. M.J. Webster, P.F.A. Webster and Mrs. M.A. Weir.

Apologies: Councillors G.C. Angus, D.E. Barnes, S. Cumberland G. Fox, Mrs. J. Helson and Mrs. S.J. Lemon

514 COST AWARDS: PLANNING ENQUIRIES AND INFORMAL HEARINGS

The Committee considered the report of the Corporate Director (Law Planning & Administration) which gave Members background information to the request from the Planning Policy Sub-Committee in June for a Special Meeting of the Planning Services Committee to be convened to hear presentations from an independent expert on Planning Law and the Planning Inspectorate specifically regarding cost awards from Planning Appeals.

The Committee welcomed Mr John Dagg, Counsel, who specialised in planning matters and was active in Planning Appeals and Local Plan Inquiries particularly in this region.

With the aid of the tabled outline note (Appendix 1) Mr Dagg explained to Members the cost awards regime and then presented his paper on Local Authority Planning Decision making process. Members were advised that the planning process was an extremely complex area of administrative law and that there were always risks of costs being awarded at planning appeals whatever the outcome. In noting the principles of District Council planning decision making, Members were further apprised of the relevant sections of the Town & Country Planning Act 1990 and Planning Policy Guidance Note 1 (1997) and their bearing overall on the planning process.

A number of messages emerged from the presentation which included:-

- The development plan has primacy in considering applications.
- The Committee must take 'ownership' of the District Plan as well as the other layers of Policy e.g. Structure Plan and Planning Policy Guidance notes.
- Decisions must be based on evidence which must be able to withstand thorough examination.
- members should not unintentionally carry forward into committee representations of support or objections
- Volume of objectors does not mean that they necessarily have a sound case.

Making reference to the decision made in respect of planning applications, in particular, where applications were refused, by committee contrary to officers Recommendation, Mr Dagg suggested that if draft reasons for refusal were examined, re-read and tested for reasonableness and commonsense before any decision was taken, this may prevent members from embarking on a fateful course of action in that unsustainable and poor reasons may well be exposed. He was also of the opinion that Members should attend Appeals, to give evidence, rather than Officers particularly in the case where Members had overturned a positive recommendation in favour of refusal. In summing up, Mr Dagg advised Members of the need to objectively assess local opinion on a particular application, reminding the Committee that it performed an Executive function which was quasi judicial

The Committee then welcomed Mr Alan Gray, Head of Quality, Policy, Training and Costs from the Planning Inspectorate, who was a former practising Inspector and had responsibility, amongst other matters within the Inspectorate for the award of costs By

way of introduction, Mr Gray advised the Committee of the Appeal system, the Planning Inspectorate's role and the basis by which costs were awarded. With the aid of viewfoils (Appendix 2), Mr Gray explained to Members in detail, the following points:-

- "Essex Score Board" for planning applications including Rochford standing in the same.
- The ways in which Appeals could be determined and those Appeal methods where costs could be awarded.
- The role of the Inspector and the basis by which Appeals were decided and costs were awarded.
- What constituted unreasonable behaviour and unnecessary expense, which could both lead to a cost award.

Members questions were then answered specifically including the following areas

- Cost awards do not take into account a Local Authority's assets, or financial position, the inspector deals with the principle.
- The protocol for decisions where Members had overturned an Officer's recommendation, either positive or negative.
- The removal of conditions in a piecemeal fashion, where they had been used to alleviate public concern on a particular development.
- The need for consultation, particularly with Parish and Town Council
- The need to gain evidence to support both application of conditions and reasons for refusal.
- The possibility of intimidation, towards the Local Authority in its decision-making process following cost awards.
- The need to take into account the advice of statutory consultees, however, where advice on the same matter had differed, for the Planning Services Committee to be critical of that advice.
- The element of discretion for the Local Planning authority is limited.
- Planning is judgemental not "Black and White".
- Planning decision making is the "Art of the Possible" not "The Ideal".
- The deferment of applications for refusal so that reasons may be considered further.
- The use of a Member as a key witness at an Appeal.

In answering the above questions and in summing-up, Mr Dagg and Mr Gray both reiterated the point where conditions were put, or that where an application was refused, the reasons should be supported by sound evidence and be able to withstand close scrutiny at Appeal.

Members thanked Mr Dagg and Mr Grey for their presentation. They both left the Meeting.

The Chief Executive (Designate) then revisited the issues raised during the presentations specifically the option to defer an application in order for reasons for refusal to be examined in closer detail and also for Members to appear as the local Planning Authority's witness at Appeal. However, due to the lateness of the hour, Members considered that a further report should be presented to Full Council in the New Year Cycle on the matter. On a Motion put by Councillor C.I. Black and seconded by Councillor Mrs H.L.A. Glynn it was

**Resolved**

That a report be brought to the Meeting of Council in the New Year Cycle on the possible ways forward including the option and mechanics of deferring planning applications where Members were minded to overturn a positive recommendation from Officers, for the reasons to be examined in closer detail and for Members to appear as the Council's witness at Informal Hearings and Planning Inquiries. (CE(D)).

The Meeting closed at 10.40pm.

unsnoy25S

## ROCHFORD DISTRICT COUNCIL

Special Meeting of the Planning Services Committee

25<sup>th</sup> November 1998 – 7.30 p.m.

Costs Awards against the Council – Planning Appeals

Public Inquiries and Informal Hearings

OUTLINE NOTE – JOHN DAGG, Barrister

### Introductory

Costs awards under Section 250 of the Local Government Act 1972 can arise in the appeal process from critical scrutiny of the Local Planning Authority's decision taking and/or conduct in connection with an inquiry or hearing. An application for costs has to be made by an appellant. An award will only follow if the Secretary of State or his Inspector (in most cases) concludes that the Council has behaved "unreasonably" and unnecessary costs have resulted. Current guidance is given by the Secretary of State in Circular 8/93

My topic is the *Local Authority's planning decision*.

Alan Gray of the Planning Inspectorate will cover the Inspector's role, approach and the Government's costs criteria.

### **1. The District Council's Planning Decision**

"Planning Control is a complicated business"

#### **1.1 Principles**

Town and Country Planning has been a facet of Government in the United Kingdom since 1909. Since 1<sup>st</sup> July 1948 we have had in England and Wales a comprehensive system of effective land use/built environmental regulation carried out in the general public interest. The fundamentals have not altered since then, though there have been many changes in the detail of the system

Like all other areas of executive activity in Government, it is based upon the essentials of *policy formulation* and *execution of policy* as applied to the various different situations which arise. So today, planning control (including enforcement) is "plan led". It is based upon statutory development plans (in Essex the County Structure Plan and the Districts' Local Plans). Development plans are made by the Local Authorities within the framework of policy (regional planning guidance and planning policy guidance) laid down by Central Government.

The Secretary of State is and has always been in overall control of the planning system. The discretion of the District Council is limited given the powers of the Secretary of State to intervene ("call in"), give policy guidance and adjudicate on appeals (largely through Inspectors appointed to act on his behalf).

See, in particular, Sections 70 and 54A, Section 77, Section 78, Section 172 and Section 174 of the Town and Country Planning Act 1990 as amended.

See also Planning Policy Guidance Note 1(1997) Paragraphs 40, 54, 55 and 56

Note the "special categories" of planning control - listed buildings, conservation areas, trees and advertisements to which separate legislative provisions apply

## 1.2 The Materials for Decision

Following from the above

- (a) The Development Plan and other Policies must be properly understood so that they can be given the proper weight in any given situation,
- (b) There must be adequate evidence to support "other material considerations" - e.g. adverse likely noise impact or traffic



generation (from objector's viewpoints) or the need for a certain quantity of development in breach of ordinary planning policy to achieve a desired planning objective - the viability/enabling development argument

1.3 The Process of Decision Taking Forming a Planning Judgment on an Application or a Possible Enforcement Case

In "Shire Essex" most development control decisions fall to the District Councils. However, it is essential to see the District Council role with regard to both planning applications and enforcement in the wider institutional context. The District Council is part of an administrative *system* consisting of the Secretary of State and his Department, other Central Government Departments, the County Council as Structure Plan Authority and various Consultees (including Parish Councils). The operation of this statutory system is, of course, subject to the supervision of the Courts.

It is important to appreciate the limitations placed upon the District Council's power of decision making.

1.4 Reasons for Decisions

Note the statutory requirement to state full reasons for refusal and reasons for the imposition of conditions

Consideration of the detail of draft reasons for refusal ought to be an important check on the validity of the decision.

Are they based on the Development Plan and other material considerations, assessed in an objective manner?

Are they properly supported by evidence?

Or even

Given the terms of the application, the provisions of the Development Plan and other relevant planning considerations, do the reasons for refusal stand the scrutiny of common sense?

## **2. The Council, Councillors and Officers**

2.1 "The Council" is a legal personality – a corporation. It can only act through majority executive decisions of its members in Council or Committee. Individual members have no formal legal power (there can be no delegation to a single Councillor).

The Planning Services Committee is an executive body. It is not a "back bench forum". It is essential for members to have at the forefront decision making in the general public interest. See the National Code of Local Government Conduct Paragraph 2(1).

It is not a proper fulfilment of a member's role to uncritically carry forward into Committee representations of support or objection of ward electors. Of course, there is a special duty to one's own constituents but this does not outweigh the responsibility to approach each decision on its merits in an objective manner. In particular, members should acknowledge their "ownership" of the Council's policies for the time being. If the policies contained in the Development Plan or in other supplementary planning guidance are felt for whatever reason to be unsatisfactory they should be reconsidered in a formal way.

### **2.2 Officers**

Town and Country Planning is a complex matter. The Planning Officers and other professionals, including the Council's own lawyers have a duty to give the Committee objective advice. Their role in this regard should be carefully

respected (see NC of LGC Paragraph 5). Sometimes there can be entirely legitimate differences of view between members and officers.

*Never* expect a Planning Officer to support as witness at inquiry a refusal of planning permission on which he has expressed a contrary view. Such a reversal of considered opinion would be expressly contrary to the Codes of Practice of the Professional Institutions.

Distinguish carefully between *advocacy* and *testimony* in this context

Often the most effective course when members and officers disagree on a planning control decision is to have a disciplined procedure for Committee consideration of the draft reasons for refusal. In my opinion it is very desirable for a member to be called subsequently at inquiry to speak in support of the chosen reasons. It is unlikely that an Officer will appear credible

### 3. Postscript

Planning decision making by any District Council is the "art of the possible". Poor planning decisions are surely bad politics in the long term. Being persuaded by local objectors may bring short term popularity but this is unlikely to survive the appeal process if the decision is easily reversed and this is coupled with an order for costs against the Council.

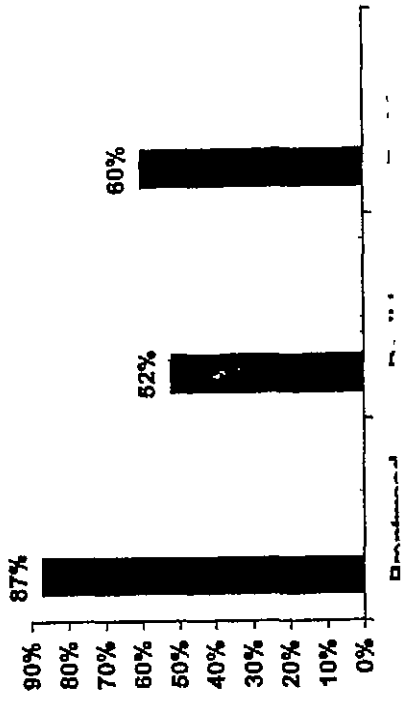


# INTRODUCTION

- The Appeal System
- Role of the Inspector
- Basis for Awards of Costs
- Unreasonable Behaviour
- Unnecessary Expense
- Who gets their costs?
- Postscript

# ESSEX SCOREBOARD

Decisions within 8 weeks



*[Handwritten signature]*

## UNREASONABLENESS

By the LPA

- Failing to produce evidence to support each reason for refusal
- Failing to take account of
  - development plan policy
  - national planning policy
  - recent appeal decisions

## UNREASONABLENESS

by the LPA

- Refusing to renew a recently expired permission
- Refusing permission for non-planning reasons

## MATERIAL CONSIDERATIONS

What's material ?

- national planning policy
- personal circumstances
- advice of statutory consultees
- site and surroundings
- What's not ?
- morality

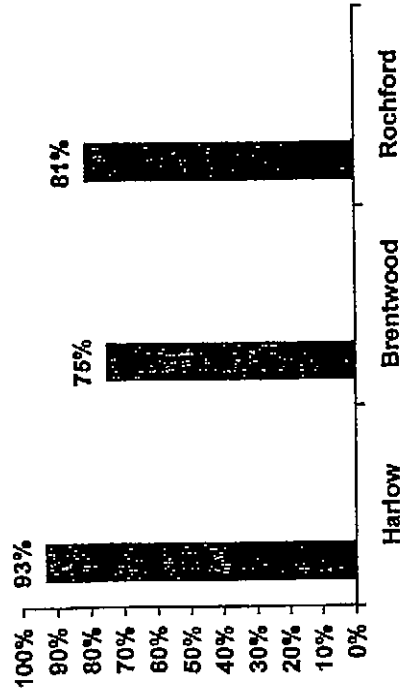
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## BASIS FOR AN AWARD

- Losing side rarely gets costs
- Not all winners get their costs
- Unnecessary expense resulting from
- Unreasonable behaviour
- Irrespective of the outcome of the appeal
- Full and Partial awards
- The winning side not the amount

## ESSEX SCOREBOARD

Applications granted



## APPEAL & COSTS

- Inspector determines appeal by
  - written representations 75%
  - hearing 19%
  - inquiry 6%
- Costs can be awarded only following hearings or inquiries

## UNNECESSARY EXPENSE

- The whole appeal
- Part of the appeal
- Part of the hearing or inquiry
- Wasted time
- Time, travel, fees etc

## UNREASONABLENESS

by the appellant

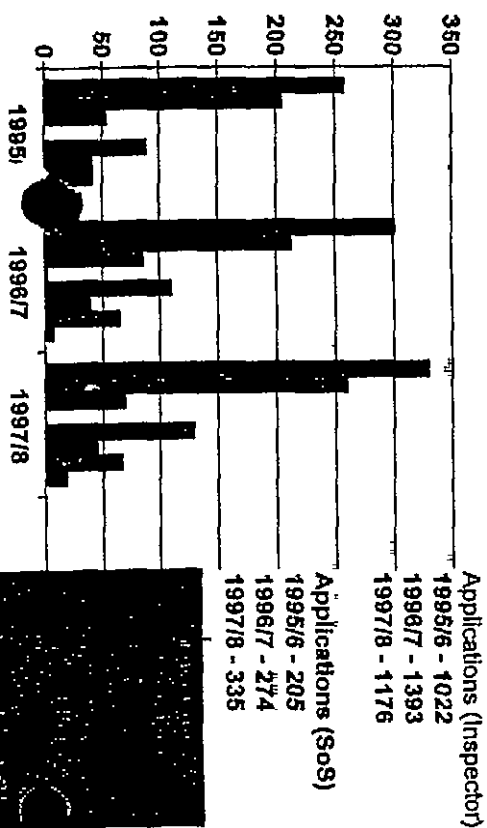
- Flying in the face of up-to-date
  - development plan policies
  - national planning policies
- Repeating an unsuccessful appeal without material changes in circumstances

## POSTSCRIPT

- Elected Members and
  - their officers
  - statutory consultees
- The Ombudsman
- After the decision is made

*[Handwritten signature]*

## WHO GETS THEIR COSTS?



Chairman:

date:

# ROCHFORD DISTRICT COUNCIL

## Minutes of the Planning Services Committee

At a Meeting held on 26th November 1998 Present: Councillors D A. Weir (Chairman), R Adams, G C Angus, D E Barnes, C.I. Black, M C Brown, J.M. Dickson, D F Flack, D.M Ford, Mrs J.E Ford, G Fox, E.L Francis, Mrs H.L A. Glynn, Mrs J. Hall, D.R. Helson, Mrs J Helson, A. Hosking, Mrs A.R Hutchings, V.D Hutchings, V.H. Leach, C.R. Morgan, R.A. Pearson, Mrs W.M. Stevenson, S R Tellis, Mrs. M S Vince, R.E. Vingoe, Mrs M J Webster, P F.A. Webster and Mrs M A Weir.

Apologies: Councillors R S Allen, K.A. Gibbs and Mrs S.J Lemon

### 515. MINUTES

The Minutes of the Meeting of 29th October 1998 were approved as a correct record and signed by the Chairman.

### 516. MEMBERS' INTERESTS

Councillor R.E. Vingoe declared a pecuniary interest in Schedule Item 7 by virtue of his pet using the boarding establishment in the application, and a non-pecuniary interest in Schedule Item 8 by virtue of being a Governor of the School, and left the Meeting for both items

### 517. COUNCILLOR MRS. S. J. LEMON

Members were pleased to note that Councillor Mrs. S.J. Lemon had now left hospital and was at home and wished to pass on their best wishes for a speedy recovery

### 518. SCHEDULE OF DEVELOPMENT APPLICATIONS AND RECOMMENDATIONS

The Head of Planning Services submitted a Schedule of Development Applications for consideration and a list of Planning Applications and Building Regulation Applications decided under delegation.

Para. D1 - OL/0353/98/ROC - Adj 30 High Road, Rayleigh.

Proposal - Outline application to erect one detached house.

Resolved

That this application be approved subject to the conditions as set out in the schedule

Para. R2 - F/0473/98/ROC - 104 Daws Heath Road, Rayleigh.

Proposal - Erect five bed detached house with part-integral double garage (Demolish existing dwelling)

Resolved

That the application be deferred for further negotiation with the applicant concerning the scale and mass of the building

Para.3 - CC/0580/98/ROC - Former Elderly Persons' Home and Roche Lodge, Roche Close, Rochford.

Proposal - Demolition of former Bungalow Elderly Persons' Home in Roche Lodge.

Add Condition u(d) - Whole site to be fenced and made secure once demolition completed

In noting the details of the application Members wished to see the matter referred directly to the Secretary of State forthwith

**Resolved**

That the Secretary of State be advised that

- (i) That this Authority is strongly opposed to the application being made for Conservation Area Consent to demolish The Bungalow, Elderly Persons Home and Roche Lodge, Rochford, and considers that the application should be refused on the grounds set out in the Schedule.
- (ii) That should consent for demolition be granted, the County Council should comply with the conditions set-out in the schedule under (i)(a)(b)(c) and (ii)(d) as outlined above.

**Para. 4 - F/0253/98/ROC - Gasholder Station, Klondyke Avenue, Rayleigh**

**Proposal - Erect 36 houses in terraced blocks comprising 17 x 3 bed units and 19 x 2 bed units and associated works.**

Add Amendment to (i) in Recommendation regarding legal agreement to include "and central amenity area beside plots 22 - 33"; as well as a standard informative regarding Sunday working.

Members noted that site security was an issue for the Health & Safety Executive but requested Officers to check that the site is presently in a safe and secure form, in the event that any children access the site, particularly in view of the contaminated areas (HHHCC)

**Resolved**

That the Corporate Director (Law Planning & Administration) be instructed to determine the application on receipt of a satisfactory conclusion of the internal highway matters, including the necessary revised plans, and to negotiate an Addendum to the existing Section 106 Agreement for the adjoining site with the applicant in relation to the matters in the Schedule as amended above and that subject to the agreement/Addendum being completed to the satisfaction of the Corporate Director that the application be approved subject to conditions including those under the headings set-out in the Schedule and those set out above.

**Para 5 - F/0368/98/ROC - Bull Public House, Main Road, Hockley**

**Proposal - Ground floor extension to side and rear (internal alterations), hard and soft landscaping, external open terracing (revised application)**

**Resolved**

That this application be approved subject to the conditions set out in the Schedule

**Para 6 - LB/0369/98/ROC Bull Public House, Mam Road, Hockley**

**Proposal - Ground floor extensions to side and rear (internal alterations), hard and soft landscaping and external open terracing (revised application)**

**Resolved**

That this application be approved subject to the conditions set out in the schedule.

**Para. 7 - F/0393/98/ROC - Ashingdon Bungalow, Harrogate Drive, Hockley**

**Proposal - Erect Single Storey Cattery and Office/Staff Room/Store. Retain mobile home for a temporary period (resubmission following application F/0675/97/ROC).**



Pursuant to Standing Order 24(2), voting on a motion for the application to be refused as moved by Councillor P.F.A. Webster and seconded by Councillor D.F. Flack, was recorded as follows -

**For the Motion**

Councillors D.F. Flack, D.M. Form, Mrs J.E. Ford, G. Fox, Mrs H.L.A. Glynn, Mrs A. Hutchings, V.D. Hutchings, C.R. Morgan, R.A. Pearson, Mrs. W.M. Stevenson, Mrs M. Webster, P.F.A. Webster, D.A. Weir and Mrs M.A. Weir.

**Against the Motion**

Councillors R. Adam, G.C. Angus, D.E. Barnes, C.I. Black, M.C. Brown, J.M. Dickson, E.L. Francis, Mrs J.M. Giles, Mrs. J. Hall, D.R. Helson, Mrs J. Helson, A. Hosking, V.H. Leach, S.R. Tellis and Mrs M.S. Vince.

The Motion was declared LOST.

Members considered there were exceptional grounds for the extension to the existing cattery premises and on a show of hands it was

**Resolved**

That the application be delegated to the Corporate Director to approve subject to appropriate conditions including a twelve months temporary consent for the mobile home on site.

**Para. 8 - F/0525/98/ROC - Plumberow School, Hamilton Gardens, Hockley**

**Proposal - Erect two storey and single storey classroom extensions**

**Resolved**

That this application be approved subject to the conditions set out in the Schedule

**Para. 9 - F/0610/98/ROC - Land Adj. 28 Southend Road, Rochford**

**Proposal - Alterations to emergency access for Airport purposes, erection of gates and formation of hardstanding.**

**Resolved**

That this application be approved subject to the conditions set out in the Schedule

**Note** Pursuant to Standing Order 24(4) Councillor Mrs H.L.A. Glynn wished it recorded that she cast her vote against acceptance of the resolution above.

**Para. 10 - F/0451/97/ROC - Weir Public House, Arterial Road, Rayleigh**

**Proposal - Erect two storey pitched roof extension to public house to form 39 bedroom hotel. Alterations to car park layout.**

**Resolved**

That the application be delegated to the Director to approve, subject to reverting back to the earlier design solution with the central gables echoing the treatment of the Weir Public House and subject to the conditions set out in the Schedule, to include the following amendments to those conditions -

**Condition 3 - To include a requirement for tree screen planting along the northern boundary of the site.**

Additional Condition 11 - 3 Black Alder Trees (standard specimens) shall be planted within the area marked A, B, C, D and cross-hatched on the approved plan No AK2RevF in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. This planting shall be implemented in the current planting season ending March 1999 or if the development takes place at a later stage, prior to the commencement of development. Any tree (including replacement plants) removed, uprooted, destroyed or be caused to die or become seriously damaged or defective, within 5 years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location, as those removed, in the first available planting season following removal.

**Para. R11 - F/0183/98/ROC - 1 Appledene Close, Rayleigh**

**Proposal - Retain existing garage and use as ancillary outbuilding and provide one alternative car parking space without compliance with Condition 12 of application F/0279/94/ROC.**

**Resolved**

That the application be approved subject to the conditions set out in the Schedule

**Para. R12 - F/0538/98/ROC - 1 Appledene Close, Rayleigh**

**Proposal - Retain existing garage (built not in accordance with planning permission ref. F/0279/94/ROC and provide one adjoining car parking space.**

**Resolved**

That the application be approved subject to the conditions set out in the Schedule.

**519. 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 12 of Part 1 of Schedule 12A of the Act

**520 50-54 WEST STREET, ROCHFORD**

The Committee considered the confidential the joint report of the Head of Environmental Policy & Initiatives and the Head of Legal Services which explained the position with regard to recent appeal decisions and considered the implications for the appeal lodged in respect of the Council's refusal of consent for redevelopment of 50-54 West Street, Rochford.

Mindful of the background to the planning appeal and the implications of the recent planning appeal decisions, Members were divided as to the way forward as proposed by Officers

Councillor Mrs Glynn then left the Meeting and took no part in the voting thereon

Pursuant to Standing Order 24(2) voting on a Motion put by Councillor D.M. Ford and seconded by Councillor Mrs J.E. Ford for the Council to maintain its position on the existing appeal and to not invite a resubmission, was recorded as follows:-

**For the Motion**

Councillors G C Angus, M C. Brown, D.M. Form,  
Mrs. J.E. Ford, G Fox, E L. Francis, Mrs. A. Hutchings,  
V.D Hutchings, C R. Morgan, S.R. Telhis, R.E. Vingoe,  
Mrs. M Webster, D.A Weir and Mrs M.A. Weir

**Against the Motion**

Councillors D.E. Barnes, C.I. Black, Mrs J.M. Giles,  
Mrs. J. Hall, D.R. Helson, Mrs. J. Helson, A. Hosking,  
V H Leach, R.A Pearson, Mrs. W.M. Stevenson and  
Mrs. M S Vince.

**1375**

Members were further advised of Councillor D.M Ford's offer to be a witness in the appeal as mentioned above and it was

**Resolved**

That the Council maintain its position on the existing appeal for 50-54 West Street and not invite a resubmission of the application. (HPS)

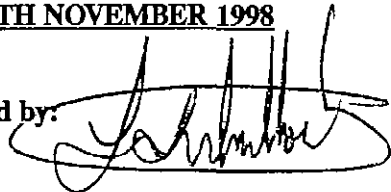
The Meeting closed at 11.00pm.



**SCHEDULE OF PLANNING APPLICATIONS TO BE CONSIDERED BY**

**PLANNING SERVICES COMMITTEE 26TH NOVEMBER 1998**

The enclosed reports have been approved by:



All planning applications are considered against the background of current Town and Country Planning legislation, rules, orders and circulars, and any development, structure and local plans issued or made thereunder. In addition, account is taken of any guidance notes, advice and relevant policies issued by statutory authorities

Each planning application included in this Schedule and any attached list of applications which have been determined under powers delegated to the Corporate Director (Law, Planning and Administration) is filed with all papers including representations received and consultation replies as a single case file.

All building regulation applications are considered against the background of the relevant building regulations and approved documents, the Building Act, 1984, together with all relevant British Standards

The above documents can be made available for inspection as Committee background papers at the office of Planning Services, Acacia House, East Street, Rochford.



DEFERRED ITEM

- D 1      OL/0353/98/ROC                      ADAM WARD                      PAGE 1  
OUTLINE APPLICATION TO ERECT ONE DETACHED HOUSE  
ADJ 30 HIGH ROAD RAYLEIGH

REFERRED ITEM

- R.2      F/0473/98/ROC                      JOANNE CLARK                      PAGE 3  
ERECT 5-BED DETACHED HOUSE WITH PART INTEGRAL  
DOUBLE GARAGE (DEMOLISH EXISTING DWELLING)  
104 DAWS HEATH ROAD RAYLEIGH

SCHEDULE ITEMS

3.      CC/0580/98/ROC                      JOHN WOOD                      PAGE 5  
DEMOLITION OF FORMER BUNGALOW ELDERLY PERSONS HOME  
AND ROCHE LODGE  
FORMER ELDERLY PERSONS HOME AND ROCHE LODGE ROCHE  
CLOSE ROCHFORD
4.      F/0253/98/ROC                      JOHN WHITTAM                      PAGE 8  
ERECT 36 HOUSES IN TERRACED BLOCKS COMPRISING 17 X  
3-BED UNITS AND 19 X 2-BED UNITS AND ASSOCIATED  
WORKS  
GAS HOLDER STATION KLONDYKE AVENUE RAYLEIGH
5.      F/0368/98/ROC                      JOANNE CLARK                      PAGE 15  
GROUND FLOOR EXTENSIONS TO SIDE & REAR (INTERNAL  
ALTERATIONS), HARD & SOFT LANDSCAPING & EXTERNAL  
OPEN TERRACING (REVISED APPLICATION)  
BULL PH MAIN ROAD HOCKLEY
6.      LB/0369/98/ROC                      JOANNE CLARK                      PAGE 19  
GROUND FLOOR EXTENSIONS TO SIDE & REAR (INTERNAL  
ALTERATIONS), HARD & SOFT LANDSCAPING & EXTERNAL  
OPEN TERRACING (REVISED APPLICATION)  
BULL PH MAIN ROAD HOCKLEY
- 7      F/0393/98/ROC                      MARTYN WILLIAMS                      PAGE 21  
ERECT SINGLE STOREY CATTERY AND OFFICE/STAFF  
ROOM/STORE RETAIN MOBILE HOME FOR A TEMPORARY  
PERIOD (RESUBMISSION FOLLOWING APPLICATION  
F/0675/97/ROC)  
ASHINGDON BUNGALOW HARROGATE DRIVE HOCKLEY

- 8 F/0525/98/ROC ADAM WARD PAGE 24  
ERECT TWO STOREY AND SINGLE STOREY CLASSROOM  
EXTENSIONS  
PLUMBEROW SCHOOL HAMILTON GARDENS HOCKLEY
9. F/0610/98/ROC JOHN WOOD PAGE 27  
ALTERATIONS TO EMERGENCY ACCESS FOR AIRPORT  
PURPOSES, ERECTION OF GATES AND FORMATION OF  
HARDSTANDING  
LAND ADJ 28 SOUTHEND ROAD ROCHFORD
10. F/0451/97/ROC JOHN WHITTAM PAGE 29  
ERECT TWO STOREY PITCHED ROOF EXTENSION TO PUBLIC  
HOUSE TO FORM 39-BEDROOM HOTEL. ALTERATIONS TO CAR  
PARK LAYOUT  
WEIR PUBLIC HOUSE ARTERIAL ROAD RAYLEIGH

**PLANNING SERVICES COMMITTEE**

**26TH NOVEMBER 1998**

**SCHEDULE OF DEVELOPMENT APPLICATIONS, WITH DIRECTOR'S  
RECOMMENDATIONS, FOR DETERMINATION AT THIS COMMITTEE**

D.1

OL/0353/98/ROC RAYLEIGH TOWN COUNCIL AREA

ADJ 30 HIGH ROAD, RAYLEIGH

OUTLINE APPLICATION TO ERECT ONE DETACHED HOUSE

Applicant EXECUTORS OF H WILLIAMSON

Zoning: Residential

Deferred Report

- 1.1 This item was initially presented on Weekly List No 435 and was referred to Committee on 3 September 1998. The application was subsequently deferred by Members pending further consultation with the County Surveyor and the applicant as amended proposals were received at a late stage. Again, the application was deferred at Committee on 1 October 1998 for revised plans to be fully considered and reported back to a later meeting, which is currently being presented to Members at this Committee.
- 1.2 The previous report has been amended in view of the changes to the vehicular access arrangements and the County Surveyors revised comments
- 1.3 **Rayleigh Town Council** have no objections to the proposed development.

NOTES

- 1.4 This outline application seeks permission for the means of access for one detached house on a site which forms part of the curtilage of No. 30 High Road.
- 1.5 Although the applicant does not seek outline consent for the siting of a dwelling, an indicative layout has been provided to demonstrate the principle of residential development. All minimum standards within the Local Plan could be met such as the minimum garden area, plot frontage, car parking and the 1m separation
- 1.6 Access to the site is proposed from High Road and will be shared with No. 30, with the existing access which serves that property being closed. It is considered that the revised access arrangements are an improvement in terms of highway safety than the existing vehicular access which has poor visibility.
- 1.7 **Essex County Council (County Surveyor)** - has no objections in principle subject to the imposition of conditions relating to pedestrian visibility splays, forward visibility splays and details of the proposed new access.
- 1.8 **Essex County Council (County Planner)** - notes that the site falls within A3 of the County Tree Preservation Order 5/57 where a small Atlas Cedar is in an advanced state of decline. Consequently, the tree should be felled and replanted as a condition on any consent granted.

- 1.9 Rochford District Council (Head of Housing, Health & Community Care) has no adverse comments to make subject to the Standard Informative SI16 (Control of Nuisances) being attached to any consent given
- 1.10 Anglian Water Developer Services has no objections to raise to the proposals.
- 1.11 The Environment Agency has no objection to the proposed development
- 1.12 One letter of representation has been received from a local resident objecting to the proposed development on grounds that vehicular access would be difficult, although this response was formulated on the basis of the initial access arrangements which have now been superseded. No response was received from the second consultation which showed the revised access arrangements.
- 1.13 The Corporate Director (Law, Planning & Administration) recommends that this application be approved subject to the following conditions:

APPROVE:

01 SC2 RESERVED MATTERS - SPECIFIC

02 SC3 TIME LIMITS - OUTLINE

03 SC64 VISIBILITY SPLAYS - DETAILS

04 SC66 PEDESTRIAN VISIBILITY SPLAYS

05 SC74 DRIVEWAYS - SURFACE FINISH

06 SC81 GARAGE & HARDSTAND

07 SC58 LANDSCAPE DESIGN - DETAILS

08 SC77 CAR PARKING PROVISION

09 NON STANDARD CONDITION

The dwelling hereby permitted shall not be occupied before the vehicular access to the site has been laid out and constructed in all respects in accordance with the approved drawing no. MK.182.98, at this time the existing vehicular access which serves no 30 High Road, Rayleigh (within the applicant's control) shall be permanently and effectively "stopped up" in accordance with details, including the re-instatement of the public footpath, which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once constructed, the said vehicular access shall be made available for use and thereafter retained and maintained in the approved form.





OL/0353/98/ROC

Scale 1:1250



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R.2

(From Weekly List No 446)

Referred by Councillor P F A. Webster

Applicant Gales Development Ltd

F/0473/98/ROC

Zoning: Residential

RAYLEIGH TOWN COUNCIL AREA

104 DAWS HEATH ROAD RAYLEIGH

ERECT 5-BED DETACHED HOUSE WITH PART INTEGRAL DOUBLE GARAGE  
(DEMOLISH EXISTING DWELLING)

- 2.1 **Rayleigh Town Council** express concern over the scale of the proposal and consider it to be an overdevelopment, which would dominate the adjacent property. They are also concerned that side windows overlook the neighbour and consider they should be re-designed or obscure glazed.
- 2.2 The proposal is to build a substantial 5-bed detached dwelling with part integral double garage. A small cottage which was formerly situated at the front of the site has recently been demolished.
- 2.3 The proposed dwelling is of a similar design to those to the north, but is larger. The plans have been revised slightly in order to reduce the impact on neighbouring properties. Although a greater reduction in scale would have been preferred, there is no conflict with the 'standards' set down in Appendix 1 of the Local Plan including 1 metre separation (there is 2 metres on the southern side, adjacent no.102) and the 45 degree principle which, strictly, speaking was devised to be applied to extensions rather than new dwellings.
- 2.4 The design of the dwelling does not follow the principles of the Essex Design Guide but in this location adjacent to dwellings of a very similar design is considered to be acceptable.
- 2.5 The **County Surveyor** has no objections subject to several conditions.
- 2.6 The **Head of Housing, Health and Community Care** has no adverse comments subject to SI16 (Control of Nuisances) being attached to any permission.
- 2.7 The **Environment Agency** has no comments.
- 2.8 **Anglian Water Services** has no objections.
- 2.9 The occupants of **neighbouring properties** (102 and 106 Daws Heath Road) have submitted objections. Their concerns relate in the main to the following matters: the substantial scale of the dwelling; significantly larger than adjacent dwellings; the height of the dwelling; it may be built on land which is higher than neighbouring land; dominating impact on neighbouring properties; loss of light, impact on outlook, large parking/turning area to front; forward of building line at front and rear.

APPROVE

01 TIME LIMITS FULL-STD SC4

02 MATERIALS TO BE USED SC14

03 PD RESTRICTED - GARAGE DOOR SC82

04 NON STANDARD CONDITION

The garage hereby approved shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking

05 PEDESTRIAN VISIBILITY SPLAYS SC66 (1.5m x 1.5m)

06 NON STANDARD CONDITION

Prior to occupation of the dwelling hereby permitted a 2m wide parallel band visibility splay, as measured from the carriageway edge, shall be provided across the site frontage with no obstruction over 1m above the adjacent carriageway level within the area of the splay.

07 DRIVEWAYS - SURFACE FINISH SC74 (drive and hardstanding)

08 NON STANDARD CONDITION

Prior to occupation of the dwelling hereby permitted, the footway across the entire site frontage shall be increased in width to 1.8 metres as shown on the approved plan dated 1st November 1998 (revised), precise details having first been submitted to and agreed in writing by the Local Planning Authority. The footway shall be offered to the Highway Authority for adoption and dedicated as highway.

09 NON STANDARD CONDITION

The drive shall be a minimum width of 5 metres on the highway boundary, and splayed to a suitable dropped kerb crossing the details of which shall first have been submitted to and agreed in writing by the Local Planning Authority.

10 PD RESTRICTED-EXTENSIONS SC17

11 PD RESTRICTED-WINDOWS SC22

12 PD RESTRICTED-OBS GLAZING SC23

13 ENCLOSURE/SCREENING-DETAILS SC51

14 SLAB LEVELS SPECIFIED SC84



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CC/0580/98/ROC PARISH OF ROCHFORDFORMER ELDERLY PERSONS HOME AND ROCHE LODGE ROCHE CLOSE ROCHFORD

## DEMOLITION OF FORMER BUNGALOW ELDERLY PERSONS HOME AND ROCHE LODGE

Applicant ESSEX COUNTY COUNCIL CORPORATE SERVICES

Zoning: Hospital

Planning Application Details

N.B. This is a consultation on a proposal by the County Council which will be determined by the Secretary of State should the County Council decide to proceed with an application after consideration of consultation responses

- 3 1 This is an application for the demolition of the vacant former elderly persons accommodation which requires Conservation Area Consent being an unlisted building located in the Rochford Conservation Area

Consultations and Representations

- 3 2 **Rochford Parish Council** - Objects strongly to these proposals as the report to be drawn up between the tiers of local authority is still awaited as to the future use of the building as it now exists. It is suggested that the Rochford Chamber of Trade also be invited to the consultation. It is noted that the Rochford D.C have already suggested that this consultation takes place.

- 3 3 **County Planner (Historic Buildings and Design Advice)** - Cannot recommend consent for demolition. Attention is drawn to paragraph 4.27 of Government Planning Policy Guidance Note 15 (PPG15) which states:-

*'The local authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment'*

- 3.4 Refusal is therefore recommended, the fact that the applicants are a department of the County Council makes it all the more important that the PPG15 guidelines are followed
- 3.5 The **Head of Housing, Health & Community Care** has expressed concern that if this proposed demolition goes ahead without the future development of the land having been agreed, there will be a large vacant site in a built up area with a consequent potential for flytipping or other unlawful uses of the site. Should the application be approved however, the following condition and informative should apply, SC85 - Method Statement, SI16 - Control of Nuisances
- 3 6 Rochford Hundred Amenities Society has no comment but one letter of objection has been received from a resident in North Street on the grounds of noise and pollution; possible effect on drainage; health/vermin menace and lack of proposals for a replacement development.

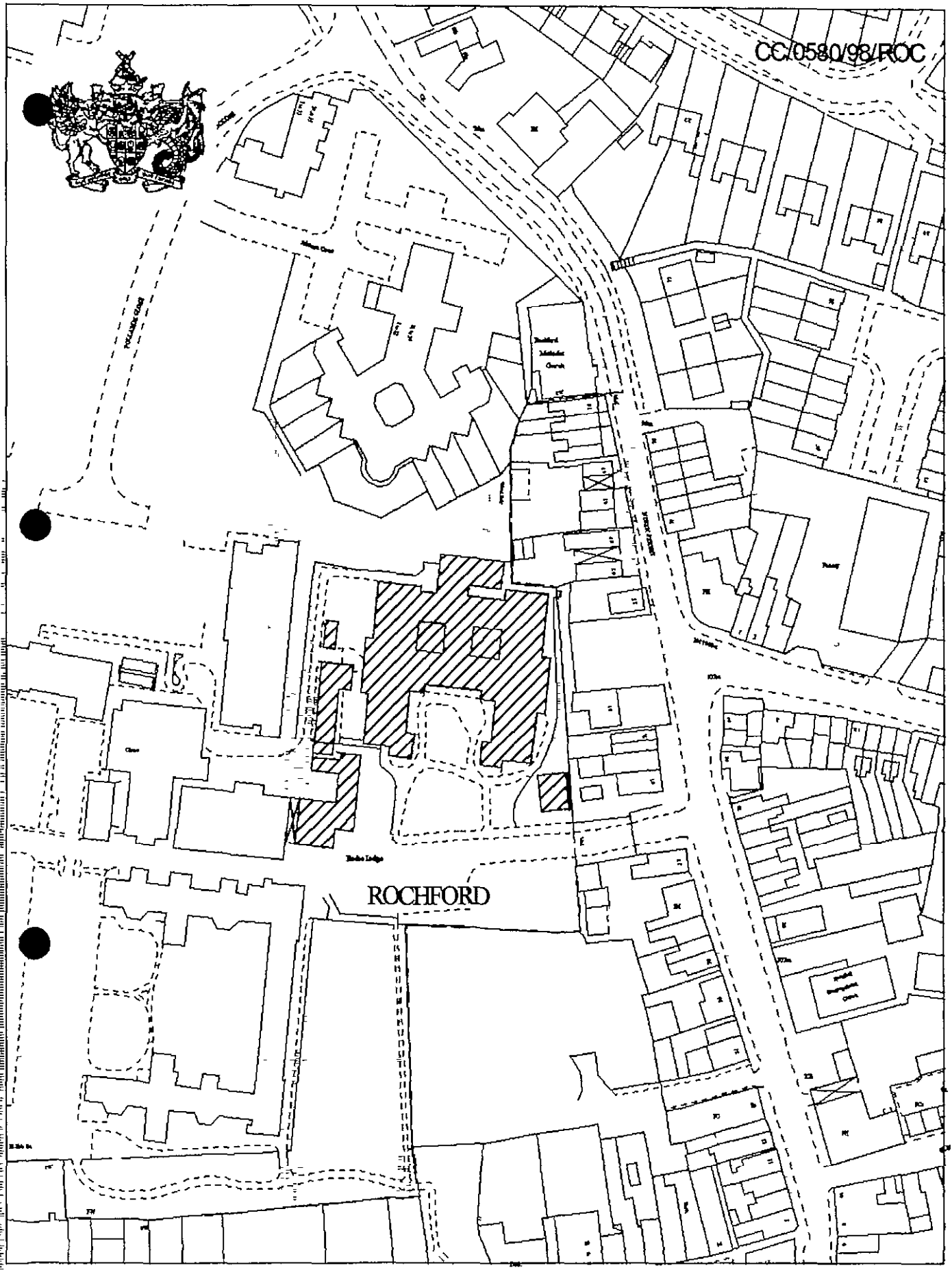
### Material Planning Considerations

- 3.7 The reasons given for wanting to demolish the building in advance of proposals for its replacement are the high costs of maintaining security of the site and a letter from the County Chief Executive setting out the problem was sent to all Members of the Council under cover of a letter dated 30 October 1998 from the Head of Environmental Policy and Initiatives. Whilst it is stated in the letter that the application to demolish was not in any way intended to pre-judge or pre-empt the proposed Working Group's decision, it clearly implies that re-use of the buildings as they exist has been ruled out and that the County Council do not wish to be involved in a formal working group.
- 3.8 As indicated in the headings to this report, this site is shown as part of the Hospital allocation on the Rochford Town Centre Inset Map. The land to the south of Roche Close and north of the market square is shown as the site of a proposed supermarket on the Rochford Town Centre Inset Map which is already the subject of a design brief and to which it would be necessary to obtain access from Roche Close. This site will no doubt feature in the deliberations of the proposed Rochford Town Centre Working Group, which the County has decided not to join, but it is clearly impossible to say at this stage before the Group has reported, what the preferred redevelopment for this site will be, should it not be required for hospital or related purposes. The Working Group will be looking at all land which has the potential for redevelopment or re-use and it is important to ensure that changes on one site do not prejudice a proper plan for the town centre.
- 3.9 Rochford Town Centre is also to be the subject of a retail study to which the County Council is making a financial contribution, and Members will recall from the County Council's letter circulated that they are awaiting details of the proposed scope of the study and the selection process of suitable consultants in order that progress can be made in working up a development brief for the site. The scope of the study etc. will be one of the first tasks of the Town Centre Working Group and arrangements are in hand for the first meeting of the group, without the participation of the County.
- 3.10 Demolition of buildings in Conservation Areas is covered by Local Plan Policy UC5 which states that *'consent for the demolition of an unlisted building within a Conservation Area will not normally be given unless a detailed scheme for redevelopment of the site has previously been granted planning permission and a contract for the erection of a new building entered into.'*
- 3.11 Whilst it would not therefore normally be acceptable to agree to an application to demolish in a Conservation Area in the absence of firm proposals for a replacement building, there may be mitigating circumstances in this case. As stated by the County Planner's Historic Buildings Adviser, these buildings are *'of no real architectural or historic quality and make little contribution to the Conservation Area..'* They are not a prominent structure being single storey and are not visible from the highway or other public areas. There is a considerable landscaped area in front of the main complex which is already an area of open land and there could be advantages in having the buildings cleared from the point of view of preventing vandalism and arson and attracting vermin.
- 3.12 In addition, this is not a commercial site involving a private developer, but a public body which is using public funds to retain the present buildings indefinitely for no intended purpose. The relevant Local Plan policy does state that permission will not *normally* be given for demolition in Conservation Areas where replacement is not to be immediate, thereby giving some flexibility in exceptional cases where circumstances warrant.
- 3.13 However, demolition of the buildings at this stage means that it will not be possible to give consideration to future uses thereof appropriate to the town centre. On balance, and notwithstanding the County Council's comments about the location of the site in the Conservation Area and ongoing maintenance liabilities, it is considered to be premature to agree to the demolition of these buildings.

Recommendation

3 14 The Corporate Director (Law, Planning and Administration) recommends that the County Council be informed -

- (i) That this Authority is strongly opposed to application being made to the Secretary of State for Conservation Area Consent to demolish The Bungalow Elderly Persons Home and Roche Lodge, Rochford, and considers that the application should be refused on the following grounds:-
  - (a) The proposal is premature and contrary to Government advice in Planning Policy Guidance Note 15 (PPG15 - Planning and the Historic Environment) and Rochford Adopted Local Plan Policy UC5, which require prior planning permission to be granted and a contract for the erection of a replacement building to be entered into prior to demolition being allowed in a Conservation Area.
  - (b) Demolition at this stage would prejudice proper consideration being given to the future of the site in the proposed Rochford Town Centre and Retail Studies, including possible re-use of the existing buildings.
  - (c) Demolition would result in the creation of a large vacant site in the built up area of Rochford with a consequent potential for flytipping or other unlawful uses of the site.
- (ii) That should consent for demolition be granted, the County Council should:-
  - (a) submit a ~~method statement~~ covering the whole process of demolition and removal of materials from the site for approval in writing by the Local Planning Authority prior to commencement.
  - (b) not carry out works of demolition or clearance that are likely to generate noise at the boundary of the site outside the hours of 7am to 6pm. Monday to Friday and 7am. to 2pm. Saturdays or at all on Sundays and Bank Holidays.
  - (c) not burn any waste materials on the site



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F/0253/98/ROC RAYLEIGH TOWN COUNCIL AREAGAS HOLDER STATION KLONDYKE AVENUE RAYLEIGH

ERECT 36 HOUSES IN TERRACED BLOCKS COMPRISING 17 X 3-BED UNITS AND 19 X 2-BED UNITS AND ASSOCIATED WORKS

Applicant: WILCON HOMES EASTERN LTD

Zoning: Residential

Site Area. 1 hectare (2.4 acres) Density: 37dph (15dpa)

Planning Application Details

- 4.1 The original application sought to develop the site for 37 houses in terraced blocks comprising 17 x 3 bed units, 19 x 2 bed units and associated works. The scheme has been amended following consultee responses and negotiations with officers involving the previous Chairman of this Committee and the then Ward Members. The developer responded with a different layout approach which resulted in a reduction in the number of units by one to 36 which has been achieved by deleting one of the three bed units.
- 4.2 The proposal follows an outline application (OL/0467/96/ROC) to erect 42 terraced and semi-detached (2 pairs) houses comprising 19 x 3 bed, 21 x 2 bed and 2 x 1 bed units. This previous application will be withdrawn if planning permission is granted for the current proposal.
- 4.3 The application site itself lies immediately to the south of the "Grange" site which is bounded to the north by the rear gardens of new dwellings, built and under construction, fronting Kestrel Grove which is metalled and generally follows the line of the old Klondyke Avenue. The present application site is an area of land previously owned by British Gas which contained gasholders now demolished and substantially removed and is located at the southern edge of the built up area of Rayleigh.
- 4.4 The western boundary merges with new residential development for which planning permission was granted to the present developer on 26th February 1998 for 84 dwellings many of which are built or under construction. Beyond this land there is open countryside which includes part of 34 hectares (84 acres) designated as Existing Public Open Space within the Rochford District Local Plan proposals map.
- 4.5 The southern boundary of the site is formed by the Southend - Liverpool Street railway line beyond which is open land.
- 4.6 There is a definitive footpath (Number 22) skirting the northern edge of the site which is to be made passable, retained and dressed in an appropriate material such as gravel. There are open areas inside the southern perimeter of the site which must remain unobstructed for legal easement reasons. All open areas including easement land and areas adjacent to the public footpath will subsequently be managed and maintained by the developer via a Management Company and Wilcon are prepared to accept an addendum to the existing section 106 legal agreement initiated in respect of the existing development site immediately to the west to achieve this.

Relevant Planning History

- 4.7 Outline application OL/467/96/ROC to erect 42 terraced and semi-detached (2 pairs) houses comprising 19 x 3 bed, 21 x 2 bed and 2 x 1 bed units which as stated above will be withdrawn if the current proposal is approved.

## Consultations and Representations

### A) Response to First Round of consultations

- 4.8 **Rayleigh Town Council** expressed concerns regarding the omission from the drawing of one gas holder and gas governor and requested that this be rectified. Also expressed concern about the in-filling of the gasometers and asked for reassurance that soil checks and other checks have been carried out to ensure the material used was inert and that precautions were taken to prevent any future subsidence. Concerns were also raised whether the car parking provision complied with policy, there was an objection to the garage blocks for safety reasons and the accuracy of the plans was questioned.
- 4.9 **The Essex County Council (Specialist Design Adviser)** expressed disappointment following previous discussions and guidance given to the developers. It is considered that the central amenity area within the enclosed space is fragmented and ill-defined, the car parking is scattered about in a rather arbitrary manner and the single storey garages are also weak elements in the enclosure of this central space and would prefer to see two storey development to the edge of this area.
- 4.10 Also there are few properties facing the southern boundary and this edge will be dominated by views into rear gardens which is not desirable. In respect of the footpath on the northern edge concern is expressed with its "tunnelisation" between high fencing and hedge and that this may be an uncomfortable route for pedestrians. The view of long lengths of fencing is also unattractive and there is little space to provide additional planting as a relief.
- 4.11 The house types are considered to be generally acceptable however, there should always be articulation of the front wall plane below the roof valley of the end gabled unit and adjoining property. The "Haddon" house type could also be improved if the combined "lean-to" canopy and bay roof were omitted. It is suggested that if the bay is to remain that the canopy above the door should be altered to a pentice board.
- 4.12 **The Essex County Council (County Surveyor)** has no objection subject to the imposition of appropriate planning conditions relating to detailed highway matters in respect of the proposed layout.
- 4.13 **The Health and Safety Executive** advise that they have no comments to make on this application and refer to a previous written response in which they noted that the existing gasholders would be decommissioned and therefore it is assumed that the Hazardous Substances Consent will be revoked for this site.
- 4.14 **The Environment Agency** request that any approval includes planning conditions which address contamination investigation and any necessary remedial measures. They also request that a condition is included covering the provision and implementation of a surface water regulation system to serve the development together with relevant informatives.
- 4.15 **Anglian Water** has no objections to raise in principle subject to the imposition of planning conditions that details of foul and surface water drainage are submitted for the approval in writing of the Local Planning Authority prior to commencement.
- 4.16 **South Essex Area Health Authority** : no comments to make on this application.
- 4.17 **Railtrack** has no objection in principle to the proposed work subject to guidance provisions in relation to Railtrack's interests and duties including submissions the developer should make to them and will be included as informatives.

4.18 The Rayleigh Civic Society acknowledge that the car parking standard is met by utilising driveways and that some dwellings are to be built over one of the previous gas holder foundations and question whether this is an acceptable practice. They also wish to ensure that public footpath number 22 which abuts the northern perimeter of the site should be preserved in its entire length to maintain its link with footpath numbers 20 and 21 at its western end. They note that 14 dwellings will have Cavendish Cream brickwork and 23 will have St Leonards Red and would prefer to see the numbers evened up. They recommend landscaping with trees to the central open area of the site previously occupied by a substantial gas holder to provide an attractive central feature.

4.19 One local resident objects to the proposal on the following grounds

4.20 Increased traffic especially in Hatfield Road, congestion, pollution and noise particularly during construction and should allow traffic to use The Approach so that the problem is shared. This combined with effective traffic management and other infrastructure improvement works could help to alleviate existing and further potential problems from the proposed development.

B) Response to Second Round of Consultations

4.21 **Rayleigh Town Council** reiterate previous concerns but acknowledge further information supplied to them that although the area is contaminated all relevant material will be removed before building work commences. Also that the situation is being regularly monitored. That the proposal shows one gas holder, the base of which is below ground, is to remain, as it is not feasible to remove being built in concrete, but note that the second one has been removed. They question the wisdom and safety of allowing one to remain.

4.22 Also irrespective of the planning application they request that the Council commission an independent body to carry out stringent tests on this site to ensure that the location is free of all contamination. Also emphasise past comments that they object to block parking areas for safety reasons.

4.23 **Essex County Council (Specialist Design Adviser)** suggests changes to some of the layout detailing including the handing of plots 33 and 34 to avoid a wide gabled end and to produce an improved flank elevation to the central open space, to align the frontages of plots 12 and 13 to prevent a saw tooth pattern to frontages; replace house type 60 with house type 68 on plot 13 to avoid a wide flank gable end to the road frontage; avoid joining front canopies especially across the gabled front elevations eg plots 7 and 8, provide screening from the road frontage to parking serving plots 2 to 6. Also questions fence details to be provided to the public footpath which should be consistent with previous treatment to the adjoining site. With respect to house types and elevational treatment plots 33 and 34 require articulation of the wall plane below the valley of the gable roof together with plots 6,7,17,18,25, and 36.

4.24 **Essex County Council (County Surveyor)** has no objection subject to the imposition of appropriate conditions including the footpath right of way and suggests that the developer enter into an agreement with the local planning authority to ensure all vehicles associated with the development do not approach the site via the Approach or other routes to the north or east of the site. The developer has endeavoured to meet some of the more detailed comments in advance of the decision and revised plans have been submitted and copied to the County Surveyor for his further comments which will be reported verbally to the meeting if available.

4.25 **Anglian Water Developer Services** repeat their previous comments

4.26 The **Environment Agency** comment that provided all contaminated material in excess of ICRL guidelines is removed from the site in accordance with the Methodology report submitted they have no adverse comment. Also contaminated material must be disposed of in an approved manner at a properly licensed waste disposal site.

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- 4.27 The Head of Housing Health and Community Care has no objections in principle to the proposed development subject to appropriate conditions being attached to any permission granted including matters identified by the Environment Agency in relationship to decontamination and a section 106 Legal Agreement to ensure that a purpose designed noise control enclosure is provided to the existing Mains Gas Governor Station 902 in accordance with the submitted Acoustic Design Ltd report.
- 4.28 The Rayleigh Civic Society acknowledge that most of the points raised in their previous letter have been met and therefore have no comments to make.
- 4.29 One local resident objects to the application on grounds that the excessive use of terrace dwellings will result in insufficient variation in house types and that some of the parking arrangements are also visually unsatisfactory. Concern is also expressed that two dwellings are to be built over an old gas holder site. Reference is made to five mature Norway Maple trees within the bounds of the site at its eastern end which it is hoped will be retained and protected throughout the construction period.

#### Summary of Planning Considerations

- 4.30 The main planning issues material to Members consideration of this application are summarised as follows:
- Policy
  - Amenity
  - Highway Safety
  - Latest Revised Plans

#### POLICY

- 4.31 This application lies to the south of the "Grange" site and is situated within the existing residential area, defined in the Rochford District Local Plan (1st Review). Hence, the presumption of Local Plan policy on this site is in favour of residential development. A number of the original proposed plots did not satisfy the Councils' normal standards relating to garden sizes, these instances have been drawn to the applicants attention and revised drawings incorporating the necessary amendments together with some changes suggested by the County Planner and County Surveyor as already stated have been submitted. The scheme now meets the Councils' normal standards for residential layouts and includes features recommended within the New Essex Design Guide such as traffic calming.

#### AMENITY

- 4.32 The layout has been amended and updated by negotiation to reflect current thinking and the proposed development will not have any undue impact on the limited number of occupied and proposed properties which abut the site along its northern and western boundaries. There is reasonable separation and a mixture of flank and rear elevations towards the northern boundary as well as an intervening footpath and natural screening. Consequently the impact on amenity of the layout proposed by this application, is considered to be acceptable.
- 4.33 In terms of density this site comprises almost 1 hectare (2.4 acres) at a density of 37dph (15dpa). In context to the overall development by Wilcon Homes on the land to the west, the original outline permission granted on appeal in 1989 was for 96 dwellings but they pursued a scheme for fewer units namely 84 at a density of 26 (10.67dpa). Combined with the current proposals this gives an overall density of 28.86dpa (11.68dpa).

## HIGHWAY SAFETY

- 4.34 The 'off-site' junction improvements originally triggered by the construction of more than 50 dwellings on the 'Grange' site are now complete.
- 4.35 The internal estate road layout proposed by this application reflects current thinking as specified within the new Essex Design Guide. The County Surveyor has no objection to the present road layout on highway safety grounds subject to appropriate planning conditions being attached to any positive decision notice issued and any further comments which as stated above may be submitted following further minor revisions. Such conditions to include definition on the ground and retention of public footpath number 22.

## LATEST REVISED PLANS

- 4.36 Following the second round of consultations outlined above, revised plans have been received which endeavour to meet the detailed design issues raised by the Essex County Council (Specialist Design Adviser) and the County Surveyor. The plans appear to now achieve a satisfactory conclusion, although the final written response from the County Surveyor is awaited. If any further detailed highway matters arise these will be addressed through the recommendation to Delegate.

## CONCLUSION

- 4.37 Members may recall that a number of major applications for residential development in the west Rayleigh area previously presented to the Planning Services Committee, have been considered in the light of the then emerging advice contained in the Draft Essex Design Guide, (eg 20mph traffic calming). This application embraces this approach following detailed negotiations between officers, appropriate Members, and the developer over a considerable period including a site meeting also involving Rayleigh Town Councillors. The present revised scheme represents the culmination of this process.
- 4.38 The fundamental matters relating to contamination and the gas governor raised by the Rayleigh Town Council have been covered by the views expressed by the Head of Health Housing and Community Care following site inspections and consideration of relevant technical studies and reports submitted by the applicants. However the Head of Health Housing and Community Care has been advised of the Town Councils' further views that an independent study and tests be carried out to investigate contamination.

## Recommendation

- 4.39 The Corporate Director (Law, Planning and Administration) be instructed to determine the application on receipt of a satisfactory conclusion of the internal highway matters including any necessary revised plans and to negotiate an addendum to the existing Section 106 Legal Agreement for the adjoining site with the applicant in relation to
- i) the proper maintenance of the open areas of the present site adjacent to its northern and southern perimeter;
  - ii) the provision of a purpose designed noise control enclosure is provided to the existing Mains Gas Governor Station 902,
  - iii) to ensure that all construction vehicles associated with the development access and egress the site via Hatfield Road and Kestrel Grove and not via The Approach or other routes to the north or east of the site

4 40 That subject to the Agreement/Addendum being completed to the satisfaction of the Corporate Director that the application be approved subject to conditions including those under the following headings.

01 SC14 MATERIALS TO BE USED (Externally)

02 SC72 ESTATE ROADS

03 SC73 ACCESS WAYS - SURFACE FINISH

04 SC88 SOIL DECONTAMINATION

05 NON STANDARD CONDITION

The surfacing and lighting of the footpath referred to at Condition 10 and confirmed as acceptable in principle by letter from the applicant dated 18 November 1998 shall be carried out in accordance with details shown on the approved drawing no. H642-SK1A together with a scheme of lighting which shall be submitted for the approval in writing by the Local Planning Authority prior to the commencement of the development. The works indicated on drawing no. H642-SK1A together with the scheme of lighting agreed by the Local Planning Authority shall be implemented prior to the occupation of the dwellings to plot numbers 1 to 4, 8, 9 and 14 to 18

06 SC81 GARAGE AND HARDSTAND

07 SC90 SURFACE WATER DRAINAGE

08 SC91 FOUL WATER DRAINAGE

09 NON STANDARD CONDITION - WATER REGULATION SYSTEM

No development shall commence until a scheme for the provision and implementation of a surface water regulation system has been constructed and completed in accordance with details to be submitted for the prior approval in writing of the local planning authority

10 NON STANDARD CONDITION PUBLIC FOOTPATH NUMBER 22

No development shall commence before the precise route of public footpath number 22 (Rayleigh) (Right of Way) has been established and defined on the ground by the developer in conjunction with the local planning authority and the highway authority. When identified and agreed in writing with the local planning authority the route must be protected for the duration of the construction period in accordance with details to be submitted to and agreed in writing with the specified authorities to ensure that users of the highway are not put at risk as a result of the work being carried out within the development site.

11 SC59 LANDSCAPE DESIGN - DETAILS

12 SC60 TREE & SHRUB PROTECTION

13 SC50 MEANS OF ENCLOSURE - FULL

14 SC16 PERMITTED DEVELOPMENT RESTRICTED - MEANS OF ENCLOSURE

15 NON STANDARD CONDITION - WHEEL CLEANING

No development shall commence before provision has been made for the wheel cleaning of all vehicles leaving the site during the construction period of the development, in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Any wheel cleaning measures as may be agreed in writing by the Local Planning Authority shall be used by all vehicles leaving the site throughout the construction phase of the development hereby permitted.

16 NON STANDARD CONDITION SITE ACCESS

No construction traffic including delivery vehicles shall access the development hereby permitted except via Hatfield Road/Kestrel Grove

17 SC67 PEDESTRIAN VISIBILITY SPLAYS (But make 1 5M x 1 5M)

18 SC55 HEDGEROW TO BE RETAINED

19 SC85 METHOD STATEMENT

20 SC84 SLAB LEVELS SPECIFIED

21 SC83 SITE LEVELS

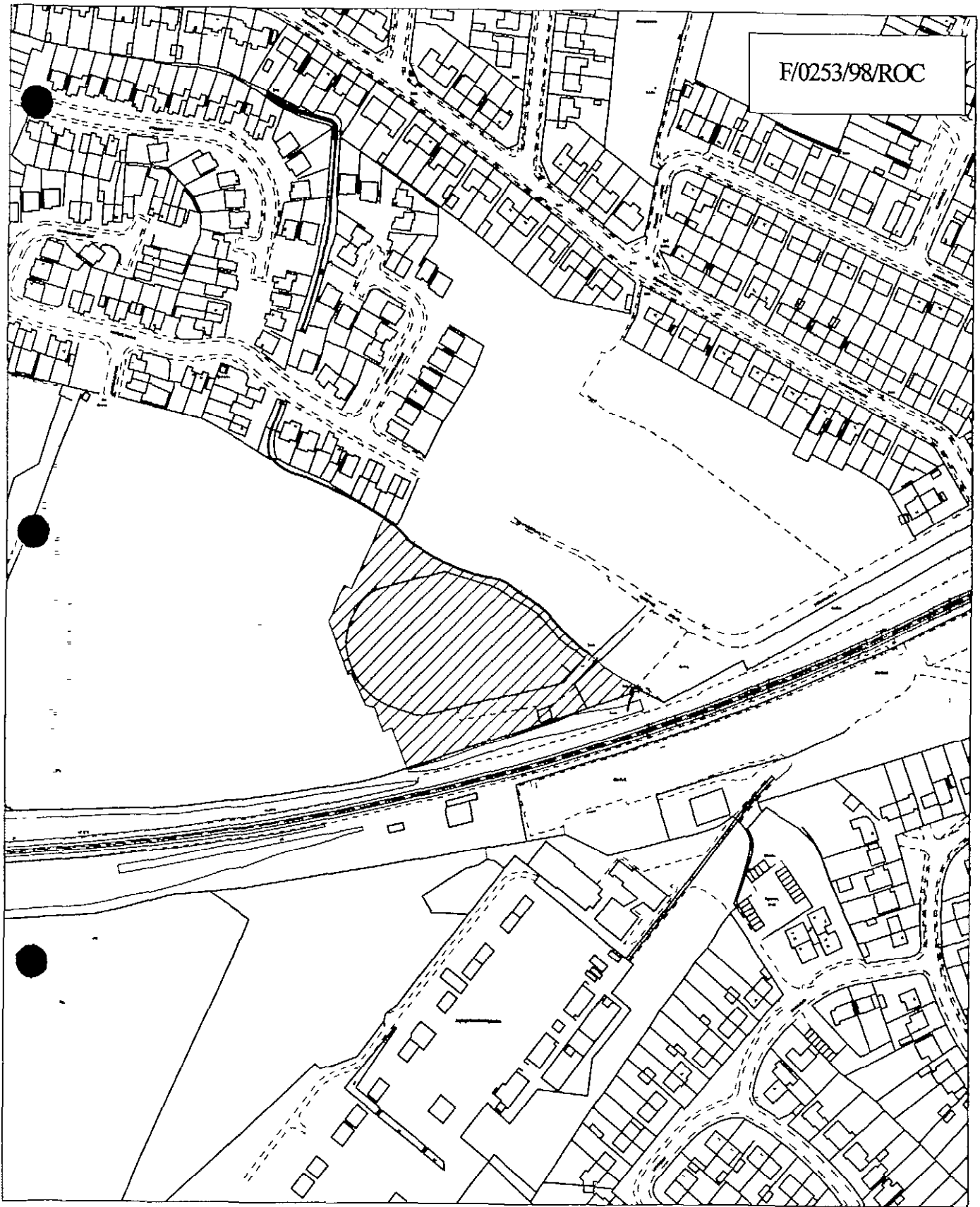
22 HOOPED TOPPED RAILINGS

23 NON STANDARD CONDITION

Notwithstanding the details shown on the submitted plans the bridged headroom at the entrance to the garage court adjacent to plots 9 and 10 shall be a minimum of 2.235 metres and for the parking court adjacent to plots 25 and 26 the minimum headroom shall be 2 591 metres.

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F/0253/98/ROC



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1397

*ROC*



F/0368/98/ROC PARISH OF HOCKLEYBULL PH MAIN ROAD HOCKLEY

GROUND FLOOR EXTENSIONS TO SIDE & REAR (INTERNAL ALTERATIONS), HARD & SOFT LANDSCAPING & EXTERNAL OPEN TERRACING (REVISED APPLICATION)

Applicant: SCOTTISH & NEWCASTLE

Zoning: Residential

Planning Application Details

- 5.1 The proposal involves single storey extensions to the rear (south) and west side (facing the car park) of this listed public house, together with internal alterations, hard and soft landscaping and external open terracing. A concurrent Listed Building Application is the subject of a separate report in this Schedule
- 5.2 The current scheme is the second revision to the original plans and is the result of negotiations between the Agent and officers, having taken advice from the County Conservation Specialist
- 5.3 The main reason for the extensions and alterations is to provide more dining space - 155 covers in total. This is achieved through re-arranging the existing internal layout to provide several eating/drinking areas. Some of these utilise space that is currently used for other purposes such as kitchen and toilet facilities and the proposed extensions house new, larger, kitchen and toilet facilities (which will also cater for disabled customers). Other changes include: an extension being built between an existing outbuilding on the east side of the pub and the new kitchen - this will link the outbuilding to the main pub and provide a staff changing room and an office; a new stepped entrance on the west side including disabled access ramp, an open terraced area to the rear surrounded by low wall.
- 5.4 Members may recall that planning permission and Listed Building Consent were granted in September 1997 for a similar scheme. The previous proposals, which the applicants are entitled to implement, were of a similar scale, but involved different design solutions.

Planning History

- 5.5 There is quite a lengthy planning history and the most relevant aspects are listed below.
- On 20.5.83 planning permission and Listed Building Consent were given to extend the bar into adjoining store and erect detached beer store (LB/4/83 and F/0118/83). This was implemented and involved the area now known as the stable bar which fronts Main Road, to the right of the main building, which was originally a detached outbuilding. The new beer store is the white boarded building which is gable end on to the car park.
  - A single storey rear extension and car park extension was refused on 22.11.85 (632/85)
  - Single storey side and rear extensions, extensions to car park and family garden were approved on 6.5.86 and 21.5.86 (ROC035/86 and ROC0703/85/LB).
  - Listed Building consent was granted on 26.5.87 for single storey side and rear extensions and extension to toilet block (ROC/2003/87/LB) which were fairly minor alterations to the earlier extensions approved in 1986. These extensions were built

- Planning permission and Listed Building Consent were granted on 19.6.92 for single storey rear extension to provide restaurant and additional parking spaces, but these works were not carried out (LB/136/92/ROC and F/0161/92/ROC).
- On 17.9.97 ground floor extensions to side and rear, internal alterations, hard and soft landscaping and open terracing were approved (F/0409/97/ROC and LB/0410/97/ROC). Extant permission not implemented

#### Consultations and Representations

- 5.6 **Hockley Parish Council** is concerned to ensure that alterations to the Listed Building will be strictly in accordance with its listed status and would wish to ensure that any extension will not restrict vehicular access and egress to the car park and existing footway.
- 5.7 Having recommended refusal of the original proposals, and also of the first revision, the **County Conservation Specialist** is now satisfied that the works would be acceptable and recommends approval subject to the inclusion of a condition that samples of all external materials and finishes are approved in writing before work begins. His concerns in respect of the previous schemes included matters such as inappropriate scale and design and loss of internal walls which would have opened up the existing internal spaces, resulting in serious damage to the character of the Listed Building.
- 5.8 The **County Surveyor** has no objection to the proposal
- 5.9 The **Head of Housing, Health and Community Care** has no objections in principle subject to conditions covering the following a mechanical extraction system shall be provided to the kitchen area before commencement of the permitted use; details of any other extraction systems shall be submitted to and agreed in writing with the Local Planning Authority prior to installation, no amplified speech or music or other form of public address system shall be broadcast to the open areas of the site; details of any externally located refrigeration plant or equipment shall be submitted to and agreed in writing by the Local Planning Authority prior to installation; Standard Informative SI16 (Control of Nuisances)
- 5.10 **English Heritage** has no comment on the application and is content for the decision to be made locally.
- 5.11 The **Campaign For Real Ale (CAMRA)** (submitted in response to the original and first revisions) objects strongly to the proposal on the following grounds: destruction of a number of original walls, including a wattle and daub wall - the back wall of the original building - and other features including a well, there are very few such old pubs in such a relatively unspoilt condition left in this area, the changes would destroy the character which makes it popular.
- 5.12 A petition organised by CAMRA has been submitted in objection to the proposals (received in relation to the original plan) and contains 418 signatures beneath the statement 'The Bull, Hockley, is a centuries old pub, still retaining many original features. We the undersigned call upon Rochford District Council to reject any planning application which involves the alteration or destruction of any original parts of the building. We also call upon Scottish Courage to abandon plans to change the Bull from its present form of a traditional local pub'.
- 5.13 Letters of objection have been received from many local residents and customers of the pub who live further afield, including letters from 5 individuals in response to the initial consultation in respect of the original plans (the petition was submitted at this time), letters from 6 people in response to the consultation on the first revision, and 13 in respect of the final revision which comprises the proposals under consideration in this report. Their objections in the main relate to the following loss of character of a pub which is rare in this area; damage to important listed building, loss of original features including wattle and daub wall, beams and well, removal of internal walls will make the pub more open, leading to loss of character; the pub will change from a traditional 'local' to a plastic theme pub

### Summary of Planning Considerations

5.14 The planning issues material to the determination of this application are as follows.

- Planning Policy
- Character and Design
- Impact on Listed Building
- Comparison with extant permissions

#### PLANNING POLICY

- 5.15 The public house itself is situated within the area designated residential on the Local Plan Proposals Map, whilst the rear part of the site, including garden and parking area, lies within the Metropolitan Green Belt.
- 5.16 The only Local Plan Policies of direct relevance to the proposals are Policy UC7 and the parking standards
- 5.17 Policy UC7 states that 'Alterations and Additions to a Listed Building will not be permitted if they adversely affect important architectural or historic features, both internal and external, which contribute to its character, to the scale and proportions of the building or to the preservation of its setting'. These aspects are discussed below, and in more detail in the report relating to the application for Listed Building Consent.
- 5.18 PPG15: Planning and the Historic Environment states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, local planning authorities are required to 'have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses'.
- 5.19 The parking requirement for a public house is one space for every 3m<sup>2</sup> of covered public floor area. The existing car park which offers over 100 parking spaces adequately caters for the pub, including the extension, and meets this standard.

#### CHARACTER AND DESIGN/IMPACT ON LISTED BUILDING

- 5.20 The scale, design and details of the extensions is of great importance, this being a Listed Building, a prominent building, and a building which is heavily used by the public
- 5.21 The pub which is described as '17th Century or earlier' on the listing details, has been significantly extended and altered several times over the years, particularly in the 1980s. Also, the District Council has approved other extension proposals which have not been implemented (the restaurant in 1992) and of course those approved in 1997
- 5.22 Two separate pitched roof extensions are proposed, one boarding and one brick, and these will adjoin previous extensions to the rear and side of the building. These extensions are subordinate to the main building and have been re-designed following negotiations with the County Conservation Specialist
- 5.23 The internal changes are more relevant to the application for Listed Building Consent (as they do not require planning permission) and will be considered within the concurrent report.

## COMPARISON WITH EXTANT PERMISSIONS

- 5.24 As already mentioned, planning permission and Listed Building Consent were given on 17 9.97 for ground floor extensions to side and rear, internal alterations, hard and soft landscaping and external open terracing. The fact that these proposals can be implemented is a material consideration when determining the current applications.
- 5.25 The approved proposals were of a similar scale but the extensions were more concentrated in the south west part of the building. They involved different design solutions and different internal arrangements. However, Officers and the County Conservation Specialist agree that the new scheme is arguably more in keeping with the Listed Building. The new side entrance is more understated and the extensions on the west side are more detached from the stable bar (the part with very low eaves) which gives a much clearer distinction between old and new.

### Conclusions

- 5.26 The proposals were re-designed following advice from the County Conservation Specialist and will not detrimentally affect the external character of the pub, which has been extended several times over the years. It is considered that the current proposals are terms acceptable in design terms.

### Recommendation

- 5.27 The Corporate Director (Law, Planning and Administration) recommends that this application be approved subject to the following conditions.

01 SC4 TIME LIMITS FULL-STD

02 SC14 MATERIALS TO BE USED (externally)

03 NON STANDARD CONDITION

Before any development commences drawings showing full details, including materials, of all new windows, at a scale of between 1:1 and 1/20, shall be submitted to and agreed in writing by the Local Planning Authority.

04 NON STANDARD CONDITION

Before work commences on the hard landscaping shown on drawing no 15B, full details of paving and walls, including samples, shall be submitted to and agreed in writing by the Local Planning Authority.

05 NON STANDARD CONDITION

No development shall commence before a mechanical extraction system has been installed in the kitchen area in accordance with details which shall have previously been submitted to and agreed in writing by the Local Planning Authority. Thereafter, such equipment shall be retained and shall only be operated as agreed in writing by the Local Planning Authority.

06 NON STANDARD CONDITION

No development shall commence before any other extract ventilation system or externally located refrigeration plant or equipment that may be required, in addition to that required under condition 04 above, has been installed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, any such plant/equipment shall be retained and shall only be operated as approved in writing by the Local Planning Authority.

07 SC43 AMPLIFICATION PROHIBITED



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1402

LB/0369/98/ROC PARISH OF HOCKLEYBULL PH MAIN ROAD HOCKLEY

GROUND FLOOR EXTENSIONS TO SIDE & REAR (INTERNAL ALTERATIONS), HARD & SOFT LANDSCAPING & EXTERNAL OPEN TERRACING (REVISED APPLICATION)

Applicant: SCOTTISH & NEWCASTLE

Zoning Residential

Planning Application Details

- 6.1 This application for Listed Building Consent is to be considered concurrently with planning application reference F/0368/98/ROC. The above report should be referred to for general details. The main additional consideration in respect of the application for Listed Building Consent is the proposed internal alterations.

Relevant Planning History

- 6.2 See above report for F/0368/98/ROC.

Consultations and Representations

- 6.3 See above report for F/0368/98/ROC.

Summary of Planning Considerations

- 6.4 The main consideration in respect of this application for Listed Building Consent is to what extent the alterations will affect the special architectural and historic features of this Grade 2 listed building.
- 6.5 As already stated in the report for the concurrent planning application (which should also be referred to in respect of this application), the proposals were redesigned following initial criticisms from the County Conservation Specialist particularly in relation to removal of internal walls. He now considers the revised proposals acceptable.
- 6.6 The special architectural and historic interest of the pub lies mainly in the 2 storey main building. Significant extensions were added to the rear in the 1980s and it is considered that further extensions to the rear will not detrimentally affect the special architectural and historic features of the building.
- 6.7 Internal alterations are proposed including removal of parts of walls to allow for the rearrangements in use of floorspace. At present the internal character of the pub is of a number of quite small rooms which have their own functions and, although not shut off from each other, have their own clearly defined space. The original plans proposed demolition of the majority of a wall which currently separates the front bar from the cellar and kitchen, this was considered unacceptable due to the resultant opening up of enclosed spaces, and the County Conservation Specialist considered that this wall should remain. He also pointed out that the fabric of the wall is of less importance than its location and existence as part of the original core of the building (following comments from 'objectors' that it is a wattle and daub wall; in fact it is a lathe and plaster wall). The Agent has now revised the plans to show retention of more of this wall and a scaled down bar servery (together with re-designed extensions, explained in report for F/0368/98/ROC) and the County Advisor considers this acceptable. Incidentally, the proposals approved in 1997 also included the demolition of parts of this wall.

6.8 The details of other internal works can be controlled under conditions.

#### Conclusions

6.9 As recognised in PPG15, 'Many listed buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses'. This is considered to be the case with the proposals for The Bull Public House.

#### Recommendation

6.10 The Corporate Director (Law, Planning and Administration) recommends that this application be approved subject to the following conditions.

01 SC4A TIME LIMITS-LB (Listed Buildings)

02 SC14 MATERIALS TO BE USED

03 NON STANDARD CONDITION

Before any development commences, drawings showing full details, including materials, of all new windows, at scale of between 1:1 and 1:20, shall be submitted to and agreed in writing by the Local Planning Authority

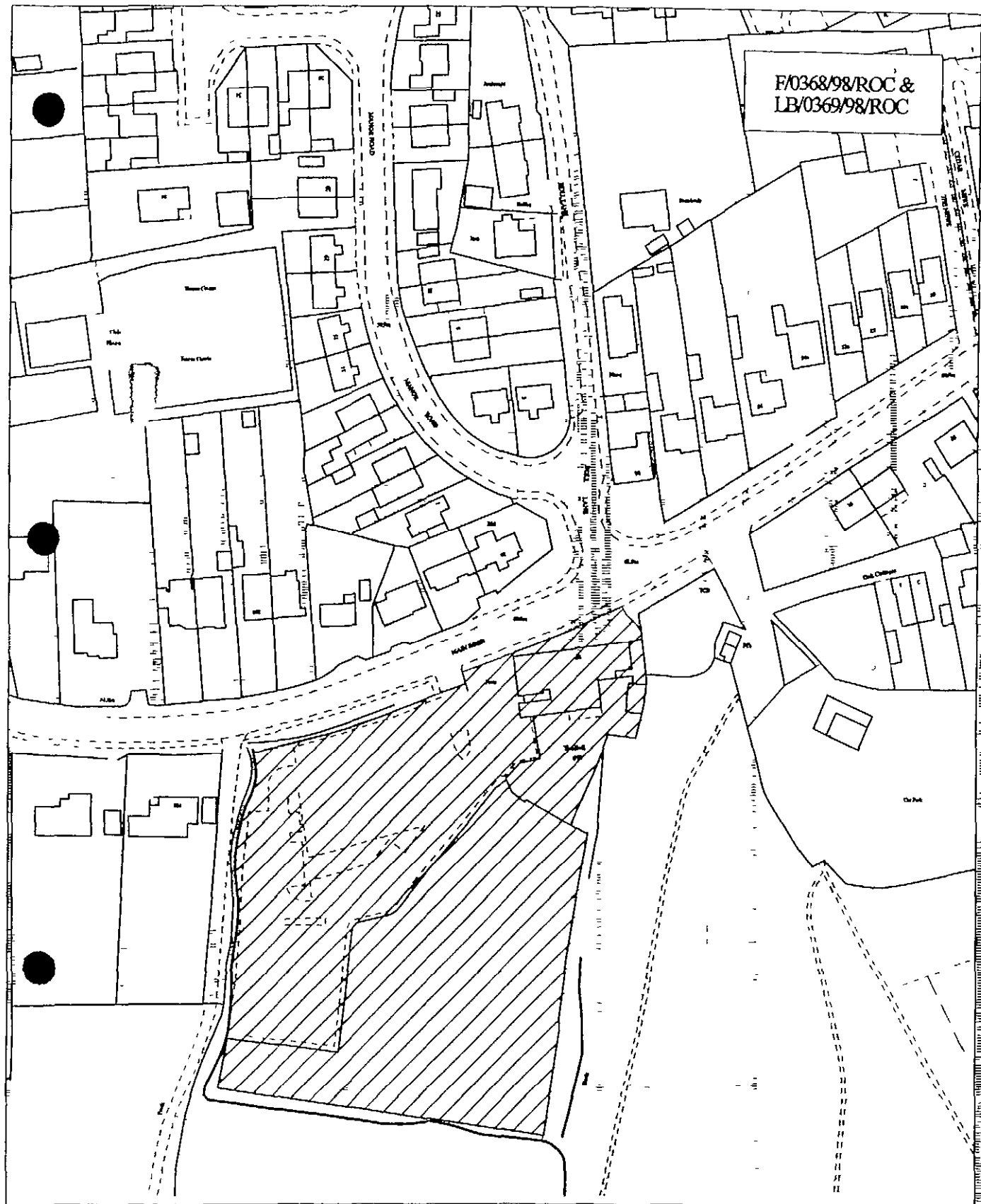
04 NON STANDARD CONDITION

Before work commences on the hard landscaping shown on drawing no. 15B, full details of paving and walls, including samples, shall be submitted to and agreed in writing by the Local Planning Authority

05 NON STANDARD CONDITION

Prior to commencement of development, full details, including drawings of at least 1:50, materials and finishes, of the proposed internal screens and alterations to internal walls shown on drawing no 26 rev E, shall be submitted to and agreed in writing by the Local Planning Authority





F/0368/98/ROC &  
LB/0369/98/ROC

Scale 1:1250



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1405



F/0393/98/ROC PARISH OF ASHINGDONASHINGDON BUNGALOW HARROGATE DRIVE HOCKLEY

ERECT SINGLE STOREY CATTERY AND OFFICE/STAFF ROOM/STORE.  
RETAIN MOBILE HOME FOR A TEMPORARY PERIOD (RESUBMISSION  
FOLLOWING APPLICATION F/0675/97/ROC)

Applicant. TERYSA WOODGATE

Zoning. Metropolitan Green Belt

Application Details

- 7.1 This proposal is a resubmission of a previously refused scheme to expand the level of accommodation with two new buildings at this cattery and retain a mobile home for a temporary period
- 7.2 The capacity of the cattery would, as a result of these resubmitted proposals, increase from 26 runs to 46 runs although some admissions would be of several cats from one owner thereby increasing the actual number of cats boarded in excess of this figure. The proposals include an additional cattery building and a store/office. They would lie next to the existing unit in the garden but encroach into the more open garden area to the east.

Relevant Planning History

- 7.3 The original cattery was previously approved under reference F/0368/92 where it replaced some very dilapidated stables. That original application had been recommended for refusal by officers but Members granted planning permission at Committee. The cattery lies within the garden of a detached dwelling.
- 7.4 This original approval ref: F/0368/92 stated quite clearly at condition No 6 that, "The use of the buildings hereby permitted shall be restricted to the boarding of no more than 26 cats at any one time". The reason for that condition was "...considered the maximum capacity for the buildings permitted, and for the level of commercial activity at the site" and its restrictive nature was in recognition of the Green Belt within which this site lies
- 7.5 The licenced numbers of cats that would be permitted is greater than that specified in the planning permission as the licensing legislation is related specifically to animal welfare, determined by veterinary inspection. The current lower numbers limit in the planning condition is designed to limit the level of activity and thus its potential impact on its surroundings.
- 7.6 More recently a further application to add 20 more runs was submitted under ref: F/0675/97 and was refused at Committee on the 12 March 1998 for the following reason:

The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy S9 of the Essex Structure Plan. Within the Green Belt as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings as defined in Policies GB2 and GB7).

If permitted the proposed development would increase the amount of built development within this site which lies within the Metropolitan Green Belt and on the edge of open countryside. It would intrude and detract from the open and rural character of that adjoining land, contrary to the above stated policy objectives.

Furthermore the intensification of the commercial use of the site by virtue of the additional capacity proposed will result in an unacceptable adverse impact upon the adjoining countryside by virtue of increased visits to the site that will inevitably result".

7 7 Two informatives were also added which advised the applicant to ensure to remove an unoccupied residential type caravan and drew the applicant's attention to the effect of the numbers limitation condition on the original permission

7 8 The applicant has resubmitted the proposal in the application now before Members

#### Consultations and Representations

7.9 **Ashingdon Parish Council** have no objection but are concerned that a traffic hazard is avoided by the provision of an on site turning area

7 10 **Essex County Council (County Surveyor)** raises no objection subject to a safeguarding condition requiring adequate provision of on site parking.

7.11 The **Head of Housing Health and Community Care** have no objections in principle subject to a condition restricting hours of delivery/collection of cats to be imposed on any permission granted.

#### Summary of Considerations

7.12 The proposal to increase the use of these premises by 20 runs is one that was considered before and the issues listed below are the same as those that fell to be considered before.

7.13 The main planning issues material to the determination of this application are summarised as follows:

- \* Planning Policy;
- \* Effect on Visual Amenity;

7.14 The application site lies on the urban edge but within the Metropolitan Green Belt as defined in policy GB1 of the Rochford District Local Plan First Review

7.15 Policy GB1 is applicable to new buildings as well as to changes of use or extensions of existing buildings That policy is the Local Plan expression of the advice contained in Planning Policy Guidance Note No2 (PPG2) - Green Belts. Both those documents set out the firm presumption against inappropriate development within the Green Belt to ensure that it fulfills its stated purposes including that of preserving its openness

7.16 It is considered that the construction of an additional building to accommodate a commercial operation and particularly one that will physically encroach further into the open area of the site into the open countryside amounts to inappropriate development.

7 17 Given that the proposal constitutes inappropriate development it is necessary to determine whether there are any very special circumstances that might justify the setting aside of the strict presumption against such development.

7.18 The proposal has been resubmitted without any additional justification from the applicant In the absence of any new such supporting material it is still not considered that there are any very special circumstances that could justify setting aside Green Belt policy

### Effect on Visual Amenity

- 7 19 Approval of this proposal would result in the virtual doubling of the accommodation capacity extending it into the more open area of the site. The consequent intensification of the commercial use and unacceptable visual intrusion arising from the proposed buildings required to accommodate that increase would be to the detriment of the appearance of the Green Belt.

### Conclusion

- 7 20 The application be refused for the same reasons as the previous application. If permitted it would undermine the effectiveness of long established green belt policies designed to protect the open countryside from encroachment.
- 7 21 The size of the additional pens proposed (3.2sqm) would be twice the size of those approved under the original permission (1.6sqm) and thus could potentially accommodate 2 cats per run if the previous veterinary assessment is applied as a reference standard. This would allow for intensification and adverse external effects in terms of visits.

### Recommendation

- 7.22 The Corporate Director (Law, Planning and Administration) recommends that this application be refused for the following reason:

### REFUSE:

#### 01 GREEN BELT - DWELLINGS RFR9

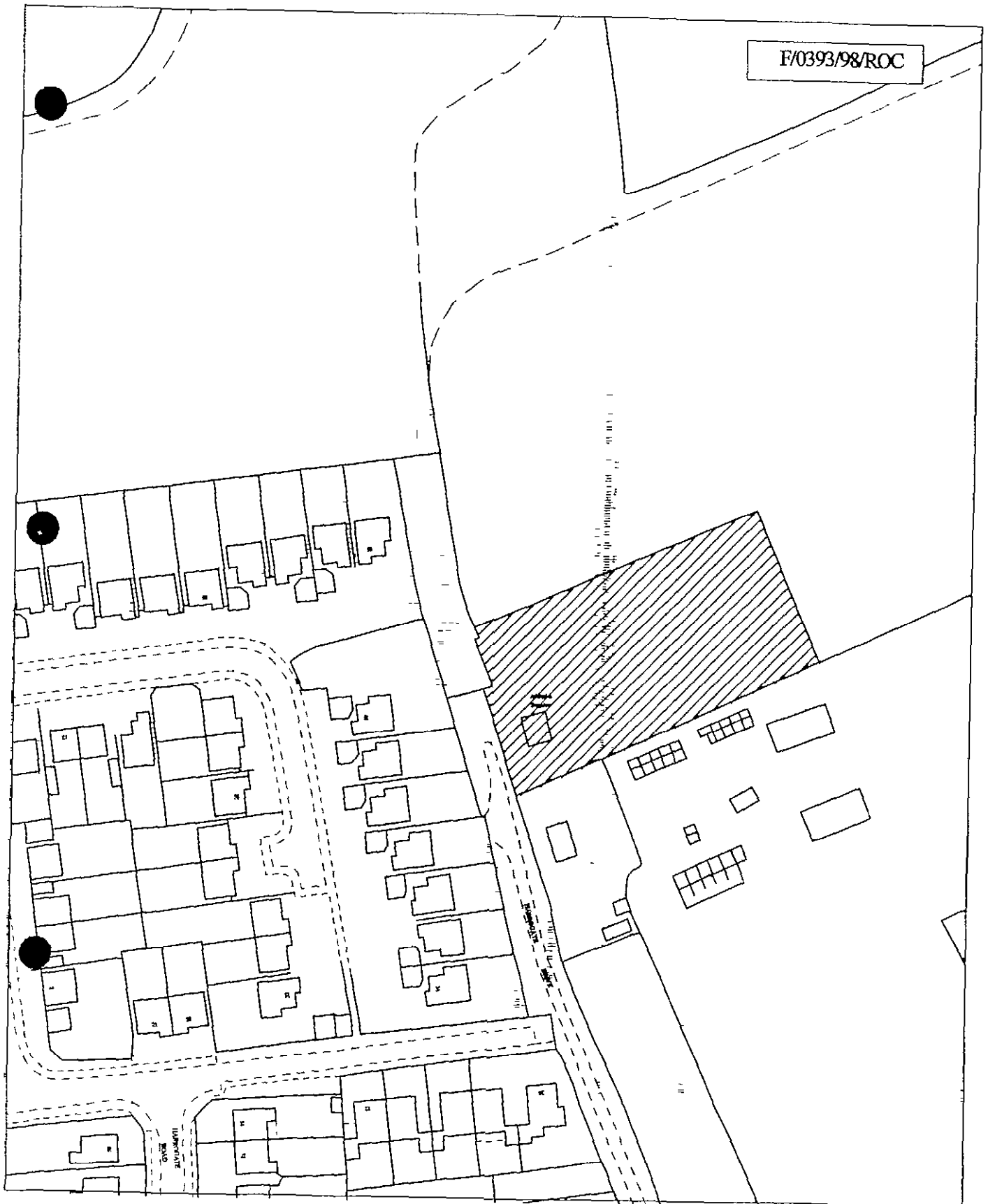
The Rochford District Local Plan First Review shows the site to be within the Metropolitan Green Belt and the proposal is considered to be contrary to Policy GB1 of the Local Plan and to Policy S9 of the Essex Structure Plan. Within the Green Belt as defined in these policies, planning permission will not be given, except in very special circumstances, for the construction of new buildings or for the change of use or extension of existing buildings (other than reasonable extensions to existing dwellings as defined in Policies GB2 and GB7).

If permitted the proposed development would increase the amount of built development within this site which lies within the Metropolitan Green Belt and on the edge of open countryside. It would intrude and detract from the open and rural character of that adjoining land, contrary to the above stated policy objectives.

Furthermore the intensification of the commercial use of the site by virtue of the additional capacity proposed will result in an unacceptable adverse impact upon the adjoining countryside by virtue of increased visits to the site that will inevitably result.



F/0393/98/ROC



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1409

F/0525/98/ROC HOCKLEY PARISH COUNCILPLUMBEROW SCHOOL, HAMILTON GARDENS, HOCKLEY

## ERECT 2 STOREY AND SINGLE STOREY CLASSROOM EXTENSIONS

Applicant: PLUMBEROW PRIMARY SCHOOL

Zoning. Primary School

Planning Application Details

- 8.1 This application proposes the erection of a two classroom extensions to different buildings at Plumberow Primary School. One extension is proposed to the north western school building and comprises two storeys in height with a flat roof, while the remaining extension is of a single storey construction, again with a flat roof, and will be located at the south eastern building within the site.
- 8.2 In total, six additional classrooms will be created. Four of which are within the proposed two storey extension and each measure 64m<sup>2</sup> in floor area, together with the enlargement of two existing classrooms to facilitate the provision of new internal corridors which provide access to the new classrooms. The remaining two classrooms will be located within the proposed single storey extension and will each measure 70m<sup>2</sup> in floor area.
- 8.3 The applicant has also provided information regarding the number of teaching staff or equivalent which will effect the number of car parking spaces that are required within the site. If approved, the total number of staff will be 19, and therefore the applicant has provided 3 additional parking spaces in compliance with the Council's adopted Car Parking Standards.

Relevant Planning History

**ROC/982/89/CC** - This application, submitted by Essex County Council, proposed the erection of a relocatable classroom. No objections were raised at the Planning Services Committee on 1 February 1990 and the application was approved by letter dated 9 October 1990.

**F/0452/94/ROC** This application proposed to extend the existing car park to provide additional car parking spaces. Approval was granted on 12 October 1998 subject to conditions relating to the submission of a landscaping scheme and the retention of two trees.

**F/0035/98/ROC** This application proposed the demolition of the existing changing room building and the erection of a new replacement structure, adjacent to the existing swimming pool and was approved on 11 March 1998.

Consultations and Representations

- 8.4 **Hockley Parish Council** has no comments regarding the application.
- 8.5 **Essex County Council (County Surveyor)** raises no objections in terms of highway safety.
- 8.6 **Rochford District Council (Head of Housing, Health & Community Care)** has no adverse comments subject to the Standard Informative No 16 (Control of Nuisances) being attached to any consent granted.
- 8.7 **Anglian Water** has no objection to raise regarding the proposed development.
- 8.8 The **Environment Agency** has no objection to the proposed development.

- 8.9 Two letters of representation has been received from local residents objecting on grounds of loss of privacy, destruction of outlook of the area, insensitive design, devaluation of property and potential security hazard.

#### Material Planning Considerations

- 8.10 The main planning considerations material to the determination of this application can be summarised as follows:

- Planning Policy
- residential amenity

#### PLANNING POLICY

- 8.11 The application site is designated as Existing Primary School in the adopted Rochford District Local Plan First Review. It is clearly evident that the proposed classroom extensions constitute a use appropriate to the Local Plan notation, and thus, a policy objection would be difficult to uphold.
- 8.12 In terms of parking spaces required as part of the development, the applicant has included an additional three spaces within the site, thereby satisfying Standard E1 of the adopted Car Parking Standards contained within Appendix 2 of the Rochford District Local Plan First Review.

#### RESIDENTIAL AMENITY

- 8.13 The general character of the surrounding area is mixed, comprising of both residential and open playing fields which is used in conjunction with a secondary school. In short, the application site is bordered on three sides, namely the north, east and west, by residential dwellings comprising a mixture of detached and semi-detached houses and bungalows, while to the south of the site are playing fields belonging to The Greensward School. Therefore, the primary consideration when determining this application is the potential effect that the proposed extensions may have upon residential amenity of the surrounding dwellings.
- 8.14 It is considered that the single storey extension to the building located to the south east would have a minimal impact in terms of both visual and residential amenity within the immediate environment. Moreover, the two storey extension, sited 4.5m from the rear boundaries of the dwellings within Orchard Avenue and projecting 17m in an easterly direction from the existing two storey building could give rise to a loss of residential amenity to adjoining dwellings. However, the dwellings directly adjacent to the proposed extension are located some 50m away, and are partially screened by existing hedging and vegetation along the rear boundaries of the properties measuring 2-3 metres in height, thereby providing a certain degree of privacy. Furthermore, the proposed high level windows in the (northern) elevation which face these dwellings minimises any overlooking.
- 8.15 In conclusion, it is considered that the proposed two storey extension has the potential to give rise to a loss of residential amenity. However, given the high level glazing, the distance between the adjoining dwellings within Orchard Avenue and the extension, together with the location and proximity to the boundary of the existing building, it is considered that the extension would not be significantly harmful to the residential amenities of adjoining occupants.

#### Recommendation

- 8.16 The Corporate Director (Law, Planning & Administration) recommends that this application be approved subject to the following conditions heads.

01 TIME LIMITS-FULL SC4

02 MATERIALS TO MATCH (Externally) SC15

03 LANDSCAPE DESIGN - DETAILS SC59

04 CAR PARKING PROVISION SC80

05 NON STANDARD CONDITION

The fenestration pattern on the northern elevation of the two storey extension indicated on drawing no BA/881/02A shall not be altered nor shall any additional windows or openings be made in this elevation

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F/0610/98/ROC PARISH OF ROCHFORDLAND ADJ 28 SOUTHEND ROAD ROCHFORD**ALTERATIONS TO EMERGENCY ACCESS FOR AIRPORT PURPOSES,  
ERECTION OF GATES AND FORMATION OF HARDSTANDING**

Applicant. LONDON SOUTHEND AIRPORT CO LTD

Zoning: Metropolitan Green Belt

Planning Application Details

- 9.1 This proposal relates to alterations and improvements to an existing vehicular crossing which gives access to a privately owned piece of land which is used for grazing purposes
- 9.2 The land concerned is close to the threshold of Runway 24 serving London Southend Airport, although separated from it by the railway line. The purpose of the application is to give an improved access to the land under the control of the Airport Operator to the required standards for emergency purposes should an aircraft crash or overshoot the runway and to gain access to the runway approach lights for maintenance or replacement purposes. The current access is closed off by chain link fencing.
- 9.3 The proposal therefore involves improving the vehicle crossing and providing recessed gates and a hardstanding to enable emergency and maintenance vehicles to stand clear of the highway whilst the gates are opened. Associated alterations and additions to the existing 1.8m high chain link fencing and hedge will also be required to achieve the necessary sight lines.

Consultations and Representations

- 9.4 County Highways - No objection
- 9.5 Civil Aviation Authority - No safeguarding objection.
- 9.6 County Planner (Archaeology) - Requires condition regarding watching brief during ground disturbance

Summary of Planning Considerations

- 9.7 The current access to this piece of land does not meet the standards set by the Local Highway Authority or the Civil Aviation Authority (CAA) and alterations are therefore required to meet their requirements
- 9.8 Under the CAA regulations, emergency access for fire engines is necessary due to the close proximity of the site to Southend airport and the end of the runway. The regulations also require access to the masts which accommodate the runway landing lights and other necessary airport equipment for maintenance purposes.
- 9.9 The proposed access meets the requirements of the County Surveyor and will only be used very occasionally, approximately once a year for maintenance but otherwise only in an emergency. No objection is therefore seen to the proposal.

Recommendation

9 10 The Corporate Director (Law, Planning and Administration) recommends that this application be approved subject to the following conditions:-

01 TIME LIMITS - FULL STD SC4

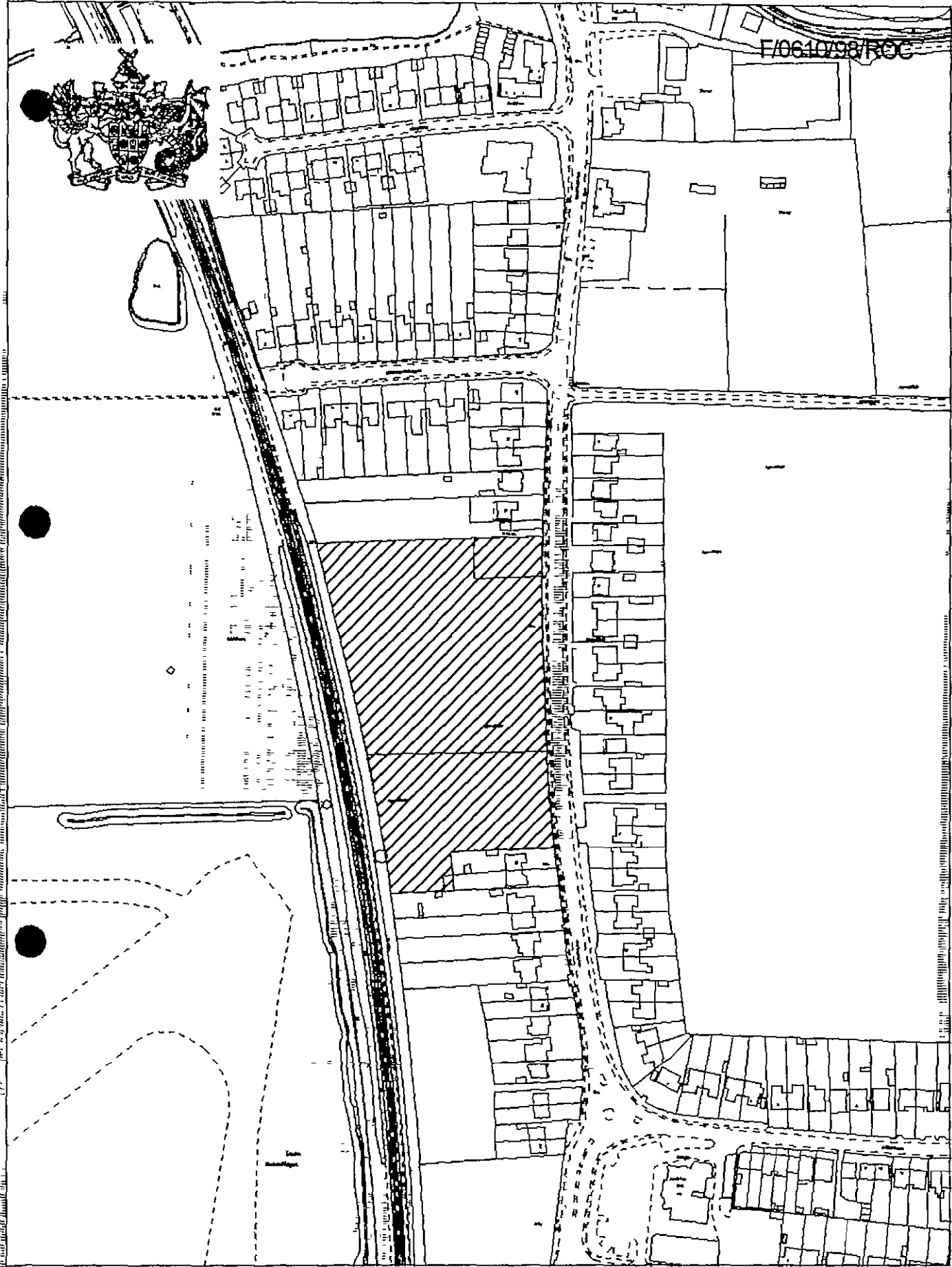
02 PEDESTRIAN VISIBILITY SPLAYS SC66

03 GATES TO OPEN INWARDS

04 ARCHAEOLOGY - SITE ACCESS

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F/0640/98/ROC



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1416

F/0451/97/ROC RAYLEIGH TOWN COUNCIL AREAWEIR PUBLIC HOUSE ARTERIAL ROAD RAYLEIGH

ERECT TWO STOREY PITCHED ROOF EXTENSION TO PUBLIC HOUSE TO  
FORM 39-BEDROOM HOTEL ALTERATIONS TO CAR PARK LAYOUT

Applicant: ALLIED DOMEcq LEISURE

Zoning: Residential

Planning Application Details

- 10.1 The applicants are seeking to provide a two storey 39 bed hotel as a linked extension to an existing public house and necessary associated alterations to the car park layout. The original proposal which comprised a three storey 42 bed building has been revised following consultation replies and negotiations with the developer
- 10.2 The proposed hotel building lies immediately to the east of the public house with which it is linked at ground floor level and faces the A127 arterial road to the south
- 10.3 Members will no doubt know this site well, with the existing grand style public house fronting the roundabout and the Rayleigh Weir underpass below with car parking along the northern slip road to the A127

Relevant Planning History

- 10.4 Outline planning permission was granted for a two story 39 bed hotel incorporating a dormer range within the roof facing the A127 arterial road together with a restaurant, hotel car parking and vehicular access on 17th November 1989 (ROC/401/89). No reserved matters were subsequently submitted and the application has now time expired. A subsequent application submitted for the provision of a parking area for approximately 123 vehicles and one access onto the link road between the A127 and Brook Road was granted planning permission on 30th January 1990 (ROC/822/89) and was required as a matter of urgency by the then imminent works to the Weir underpass
- 10.5 Application F/0039/95 for one and one half storey rear extension to form childrens play area with mezzanine, ground floor extensions to front, side and rear and associated car parking and features including patio, water - wheel and beam engine granted planning permission on 22nd March 1995. The proposal sought to extend refurbish and improve the Weir Public House to produce a more family orientated establishment and included a playbarn designed for children up to the age of 7 to 8 years
- 10.6 Application AD/415/95/ROC to add 21 signs including 8 illuminated (internally and externally), 5 free standing boards and 4 wall mounted lanterns granted consent on 7th August 1996
- 10.7 Application F/0562/95/ROC to retain car park lighting, pergola, weir feature with water wheel and install floodlights to building granted planning permission on 13th December 1995.

## Consultations and Representations

### a) First Round of Consultations and Representations

- 10.8 **Rayleigh Town Council** welcome the proposal to provide a hotel facility in Rayleigh but see this as a gateway site which merits development of a high standard. The flank elevations appear too institutional and require sympathetic treatment more in keeping with the character of the existing public house. Concern was expressed about the height of the building and its impact and that it might be improved by incorporating the third storey within the gable. Other reservations relate to the loss of car parking space against an increase in demand and the additional traffic that would be generated at the western end of Brook Road.
- 10.9 The **County Planner (Specialist Design Adviser)** comments that the proposed hotel would be a massive extension to the existing public house. Comprising three storey and a roof, it has an almost unbroken rectangular plan, unlike the pub itself. Although it appears to be the same height as the original pub, its huge span (14m), together with a solid flank wall of two storeys and a further rendered storey, which fronts the Arterial Road, will make it look very dominant and suggest permission is refused.
- 10.10A solution may be to make the roof double pitched, which will cut down the bulk of the building when seen from the front. It could be brick for two storeys with a parapet, with the third storey set into the roof space and lit by dormer windows. In order to break up the flank wall on the south west elevation and provide more interest, windows should be set in reveals of at least 100mm.
- 10.11 The **Highways Agency** confirm that the proposed development falls within a category where the Secretary of State does not intend to issue a direction. The A127 was de-trunked during 1995, when the Highways Agency was restructured, and as such is no longer a trunk road. The Essex County Council are now the Highway Authority for the A127.
- 10.12 The **County Surveyor** objected to the application on grounds that the proposal shows a decrease in the available car parking spaces from 152 to 118 whereas there should be an increase from 152 to 194 (minimum) to accommodate the additional bedroom spaces. The lack of such spaces may well create a demand for on-street spaces in the vicinity of the site which suffers from high volumes of traffic flow thereby creating conditions of danger and delay to the detriment of highway safety.
- 10.13 The **Head of Health Housing and Community Care** has no objections in principle to the proposed development subject to appropriate conditions being attached to any permission issued relating to extract ventilation, refrigeration, internal lift system and standard informative SI 16 (Control of Nuisances).
- 10.14 **Anglian Water** has no objections to raise in principle to the proposal subject to conditions being imposed in relationship to the submission of foul and surface water drainage details and the provision thereafter as agreed.
- 10.15 The **Environment Agency** has no objection.
- 10.16 **Castle Point Borough Council** the neighbouring Local Authority recommends that the application is refused because the design of the building is not aesthetically pleasing or in harmony with the existing public house and on highway grounds that potentially the car parking shown is inadequate for both the existing and proposed uses on the site.
- 10.17 The **Rayleigh Civic Society** suggest that the extension should be set further back from the road in order to lessen the noise from traffic emerging from the underpass. Resiting it would also improve the appearance of the front elevation of the overall complex and would split the car park into two making the areas smaller and probably more secure. All materials, tiles, bricks and window frames should match existing.



10.18 Twenty local residents have submitted letters of objection on grounds summarised as follows

- i) Excessive height and north facing windows will produce a loss of residential amenity by reason of visual dominance, overlooking and loss of privacy not helped by little natural screening to the northern boundary of the site and cynicism based on previous attempts to provide an effective screen.
- ii) Inadequate car parking within the site producing potential for overspill parking into the immediate residential area and additional traffic
- iii) Noise, food smells and vehicle pollution exacerbating an existing poor situation.
- iv) Potential intensification including use of the hotel for conference purposes and other uses especially if unsuccessful as a hotel.
- v) If minded to grant permission substantial screen planting is requested especially along the northern perimeter of the site.

**B) Second Round of Consultations and Representations**

10.19 **Rayleigh Town Council** consider the revised proposal more sympathetic, a great improvement, and benefits the gateway to Rayleigh Town Centre. There are concerns that with the increase in car parking and the additional traffic, there will be a shortfall in of spaces, particularly at peak times and could lead to motorists parking indiscriminately within the Brook Road / Weir Gardens area. The appropriate condition should be applied to construction works to prevent disturbance and nuisance to neighbouring residents. Liaison with the Highway Authority in respect of construction traffic leaving the site is strongly recommended.

10.20 **The County Planner (Specialist Design Adviser)** is concerned about some of the architectural detailing including the unattractive clumsy gabled features to the front and rear of the proposed building. An alternative sketch scheme has been drawn up by the County Planner and sent to the developer for consideration. Any progress on this issue will be advised verbally to the Meeting.

10.21 **The Highways Agency** does not propose to give a direction or recommendation restricting the grant of planning permission for the proposal.

10.22 **The County Surveyor** has no objection to the proposal subject to two conditions namely that the car park is constructed and completed in permanent materials and that the car parking spaces are similarly marked having due regard to the needs of disabled persons prior to the commencement of the beneficial use of the development.

10.23 **Anglian Water** has no objections to raise in principle to the proposal subject to conditions being imposed in relationship to the submission of foul and surface water drainage details and the provision thereafter as agreed.

10.24 **The Environment Agency** has no comment to make.

10.25 **Castle Point Borough Council** has no objection subject to the County Surveyor being satisfied in respect of the additional traffic generated at the junction and the Council being satisfied that the parking provision shown will comply with the Council's adopted standards.

10.26 **The Rayleigh Civic Society** consider that there should be some form of tree planting along the northern perimeter of the site not just to improve the appearance of the site but also to provide a sound barrier to benefit the residents at the south end of St Martins Close. The parking arrangements seem adequate at 140 spaces and the reduction from 3 to 2 storeys is a considerable improvement, the general appearance is now more in keeping with the existing facade

10 27Seven local residents object on the following summarised grounds.

- i) Excessive scale and loss of residential amenity by reason of visual dominance, overlooking and loss of privacy not helped by limited natural screening some of which was recently removed including some preserved trees,
- ii) Additional traffic, noise, disturbance and general inconvenience, food smells and ask for appropriate conditions to deal effectively with extract ventilation. Also vehicle pollution and devaluation of property
- iii) If minded to grant permission substantial screen planting is requested especially along the northern perimeter of the site. However one resident is concerned about more trees being planted as existing trees cause seasonal damage to his property

#### **Material Planning Considerations**

10 28The main issues material to Members consideration of this application are summarised as follows:

- \* Previous planning application ROC/401/89
- \* Highway and car parking issues
- \* Scale and Design
- \* Residential amenity

#### **PREVIOUS PLANNING APPLICATION ROC/401/89**

10 29As stated outline planning permission was granted for a 39 bedroom hotel in 1989. That proposal was located closer to the northern boundary of the site than the present one and was also reduced from three to two storey with part dormer range facing the A127 by negotiation. It included a high screen fence/wall along the northern Brook Road frontage and a significant roadside landscaping strip. The footprint had an essentially "T" shape floor plan projecting out from the rear of the public house. The plans included the principle of a staggered screen wall along the northern boundary with a planted earth mound on the highway side but all within the application site. The existing pub beer garden was unaffected by the scheme.

10.30The principle of a substantial hotel on the site was therefore firmly established at this time and was also located closer to the existing residential development to the north than the current proposal.

#### **HIGHWAY AND CAR PARKING ISSUES**

10.31Although the present scheme does not fully meet the Councils' adopted car parking standards for the existing and proposed development an independent study commissioned by the applicants illustrates that there is spare capacity within the existing car park capacity to accommodate the proposal. This means that the aggregate operational car parking requirement is less than the standard would suggest and has been verified as true by officers who undertook a study throughout the Summer months including weekends.

10 32The County Surveyor has no objection and confirms that the original recommendation of refusal was based on the information available at the time. Following a meeting with the Agents, which resulted in additional information being provided, together with revised proposals, the Highway Authority considers that their concerns have been overcome. This view has been reinforced by the results of the study undertaken to show the actual usage of the existing car park.

## SCALE AND DESIGN

- 10.33As stated the original proposal was for a three storey extension and this has been reduced to two storeys. The original proposed ridge height measured 12 metres (39.37 feet) with an eaves line of 7.3 metres (24 feet). The revised average ridge height is 11 metres (36 feet) with an average eaves line of 6.5 metres (21.3 feet). This represents an average reduction of 1 metre at the ridge and 0.8 metre at the eaves although greater reductions are achieved in some parts.
- 10.34This illustrates that the overall physical impact and height of the building is reduced. The previous elevational drawings included a hipped gable which has been eliminated by providing full hipped ends to the roof which also serves to reduce the overall bulk of the building.
- 10.35With respect to the design detailing as stated the County Planner is not happy with the proposed central gables and has provided a sketch for consideration by the applicants. Members will be updated on this issue at the Meeting.

## RESIDENTIAL AMENITY

- 10.36The proposal as revised together with the degree of separation, which is greater than the originally proposed hotel approved in 1989, together with walling and potential landscaping along the northern boundary of the site will help to reduce the impact of the building on the residents.
- 10.37As stated the Head of Health Housing and Community Care has no objections in principle subject to the imposition of appropriate conditions.
- 10.38Reference to the removal of trees by residents including preserved specimens has been investigated and dealt with separately under the Tree Preservation Order Regulations in consultation with the Councils' Woodlands expert. Certainly a number of dead trees were felled in late 1997 and as such a criminal offence did not occur.

## Recommendation

- 10.39The Corporate Director (Law, Planning and Administration) be instructed to determine the application subject to a satisfactory design solution being submitted in liaison with the County Planners' views subject to conditions including the following heads

01 SC4 TIME LIMITS - FULL STD

02 SC14 MATERIALS TO BE USED

03 SC59 LANDSCAPE DESIGN - DETAILS

04 SC90 SURFACE WATER DRAINAGE

05 SC91 FOUL WATER DRAINAGE

06 SC80 CAR PARKING PROVISION (INCLUDE REFERENCE TO SURFACING)

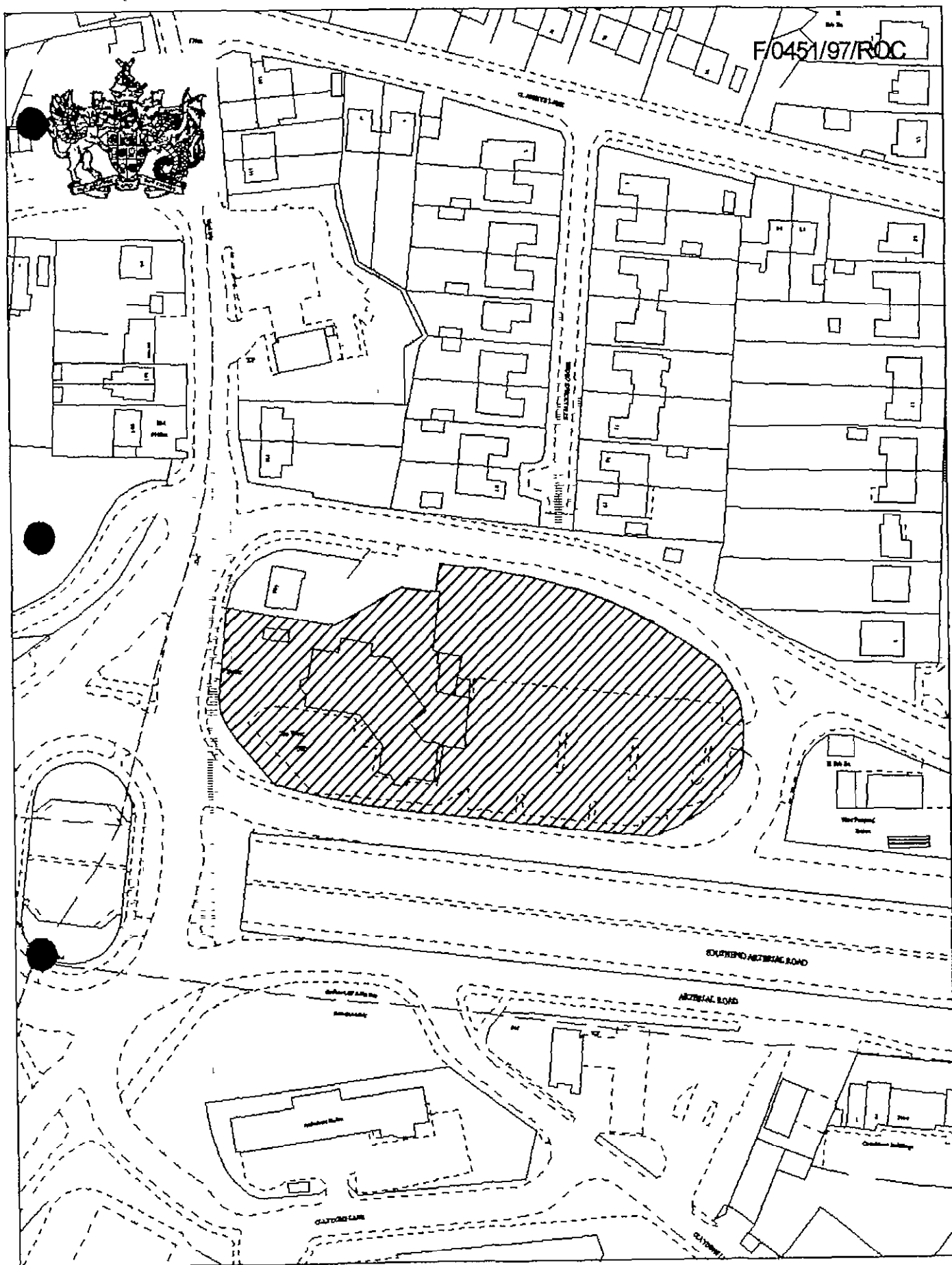
07 SC79 CAR PARKING DELINEATED

08 DETAILS OF EXTRACT VENTILATION

09 DETAILS OF REFRIGERATION PLANT

10 DETAILS OF ANY LIFT SYSTEM THAT MAY BE INSTALLED TO BE SUBMITTED





F/0451/97/ROC

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# Committee Report

R11



Rochford District Council  
To the meeting of:

## PLANNING SERVICES

On: 26TH NOVEMBER 1998

Report of: CORPORATE DIRECTOR (LAW, PLANNING AND ADMINISTRATION)

Title: 1 APPLEDENE CLOSE, RAYLEIGH - F/0183/98/ROC  
RETAIN EXISTING GARAGE AND USE AS ANCILLARY  
OUT-BUILDING AND PROVIDE ONE ALTERNATIVE CAR  
PARKING SPACE WITHOUT COMPLIANCE WITH CONDITION 12  
OF APPLICATION F/0279/94/ROC

Author: J. Whitlock

Report Approved by

The Chairman to decide whether to admit the following item, on grounds of urgency.

This application was included in Weekly List 447 requiring notification of referrals to the Corporate Director (Law, Planning & Administration) by 1.00 pm on Wednesday, 25th November 1998, with any applications being referred to this Meeting of the Committee. The item was referred by Councillor C.I. Black.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

1 APPLEDENE CLOSE, RAYLEIGH

RETAIN EXISTING GARAGE AND USE AS ANCILLARY OUT-BUILDING AND PROVIDE ONE ALTERNATIVE CAR PARKING SPACE WITHOUT COMPLIANCE WITH CONDITION 12 OF APPLICATION F/0279/94/ROC

Rayleigh Town Council are opposed to this application even though parking space 'B' has been deleted

NOTES:

This proposal could be determined under delegated authority, however, it is presented on the Weekly List given the standard in the Local Plan normally requires 2 car parking spaces. This item should be read alongside planning application reference F/0538/98/ROC which is also presented on the list. Permission is sought to use the existing garage as an ancillary outbuilding and the provision of one alternative parking space to that approved. It is submitted by Mr Jenkins - the owner/occupier.

The development was part of a scheme of 9 dwellings permitted under reference F/0279/94/ROC, however, the garage was built at the time by the developer in a slightly different position in the layout. The current owner considers the garage to be unusable owing to its position, and therefore seeks permission to use the garage as an ancillary outbuilding and the retention of an alternative parking space provided within the garden alongside to the west.

Although this would fall short of the standard, the outbuilding could be reverted back to a garage without significant alterations and this permission would be personal to the applicant. Therefore, two spaces would be available within the site for future occupants in accordance with the required standard

Essex County Council (County Surveyor) has no objections in principle, but recommends a condition relating to pedestrian visibility splays. He also states that it would be prudent to increase the width of the parking space from 2.4m to 3.0m to enable some of the manoeuvring to take place within the site

Two letters of representation (plus a solicitor's letter) were received following the initial consultation, objecting to the proposal on grounds of access, parking and legal problems. One letter of representation was received following the reconsultation, objecting on the same grounds. [Originally the application proposed two alternative car parking spaces but one was deleted following neighbour objections regarding such use of a shared private drive.]

APPROVE:

01 NON-STANDARD CONDITION

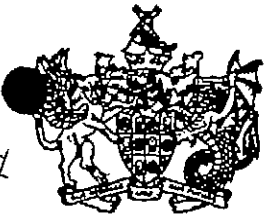
The use of the garage as an ancillary outbuilding shall be carried out only by Mr & Mrs Jenkins and shall be reverted back to a garage and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking should ownership of the dwelling change.

02 NON-STANDARD CONDITION

Within 6 months from the date of this permission a sight splay measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining dual use highway shall be provided at the western side of the access at its junction with the adjoining highway. Once provided, the said visibility splay shall be retained thereafter and maintained in the approved form free of obstruction above a height of 600mm above the finished surface of the approved car parking space. Consequently, it will be necessary to re-align the existing fence within the specified time period in order to provide the required visibility splay.

03 NON-STANDARD CONDITION

No external alterations shall take place to the south elevation of the garage/outbuilding without prior written consent from the Local Planning Authority.



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# Committee Report

R12



Rochford District Council  
To the meeting of:

PLANNING SERVICES

On:

26TH NOVEMBER 1998

Report of:

CORPORATE DIRECTOR (LAW, PLANNING AND ADMINISTRATION)

Title:

1 APPLEDENE CLOSE, RAYLEIGH - F/0538/98/ROC  
RETAIN EXISTING GARAGE (BUILT NOT IN ACCORDANCE  
WITH PLANNING PERMISSION REF: F/0279/94/ROC AND  
PROVIDE ONE ADJOINING CAR PARKING SPACE

Author:

J. Whitlock

Report Approved by:

The Chairman to decide whether to admit the following item, on grounds of urgency.

This application was included in Weekly List 447 requiring notification of referrals to the Corporate Director (Law, Planning & Administration) by 1.00 pm on Wednesday, 25th November 1998, with any applications being referred to this Meeting of the Committee. The item was referred by Councillor C.J. Black.

The item which was referred is appended as it appeared in the Weekly List together with a plan.

1 APPLEDENE CLOSE, RAYLEIGH

RETAIN EXISTING GARAGE (BUILT NOT IN ACCORDANCE WITH PLANNING PERMISSION REF. F/0279/94/ROC) AND PROVIDE ONE ADJOINING CAR PARKING SPACE

Rayleigh Town Council has no comments regarding the proposal.

NOTES:

This proposal, although usually determined under delegated authority, has been presented on the Weekly List and should be read alongside planning application reference F/0183/98/ROC which is also presented on the list. Permission is sought to retain the existing garage and an adjoining parking space provided to the west and has been submitted by the original developer who built the development of 9 dwellings.

The garage permitted under reference F/0279/94/ROC was in a slightly different position in the layout with the parking space to the east. In the event, the garage was built at the time in its current position..

The proposal would satisfy the Council's adopted Car Parking Standard, which requires two spaces to be provided within the site. Accordingly, the proposal is considered to be acceptable in all respects

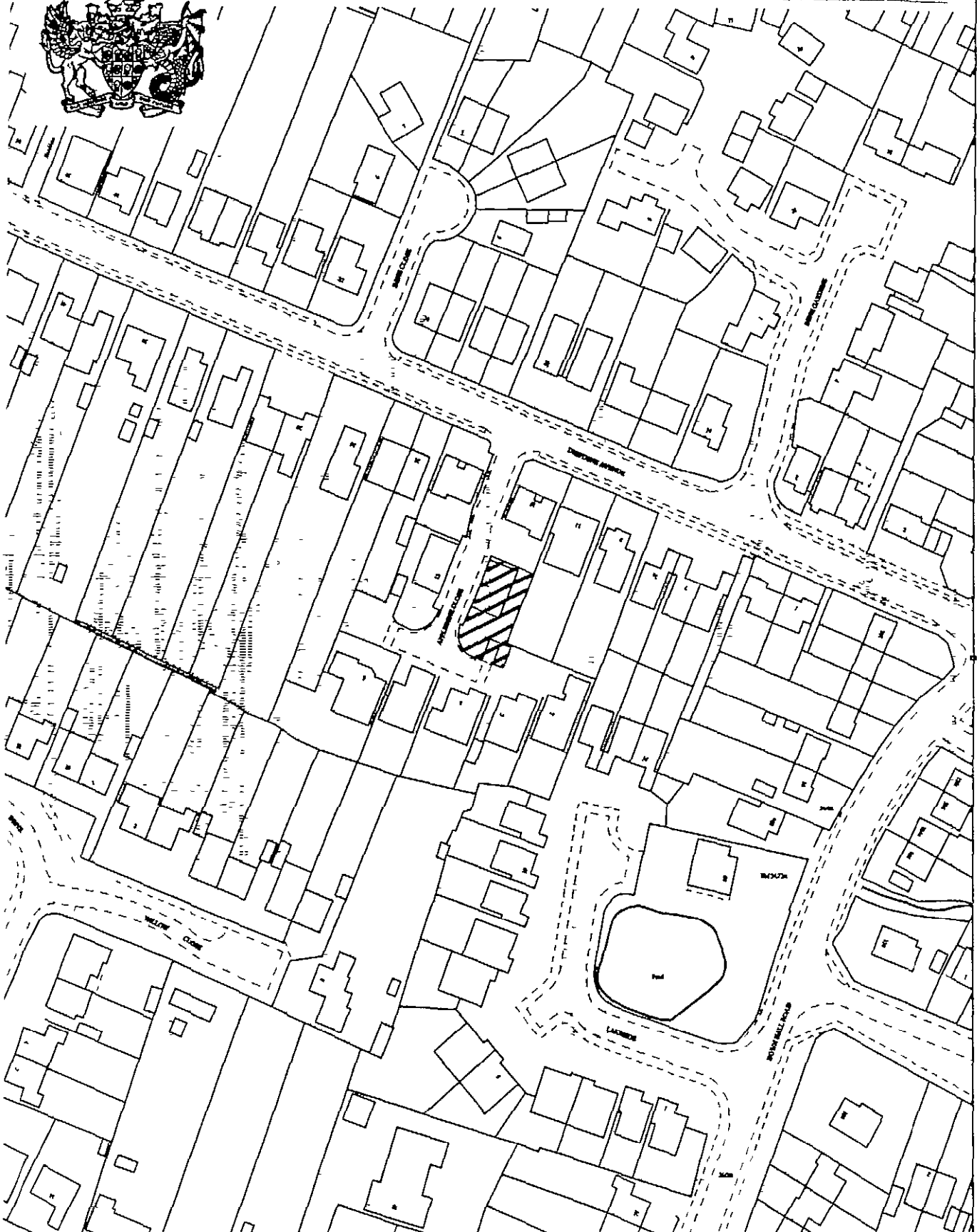
Essex County Council (County Surveyor) has no objections in principle, but recommends a condition relating to pedestrian visibility splays. He also states that it would be prudent to increase the width of the parking space from 2.4m to 3.0m to enable some of the manoeuvring to take place within the site.

Two letters of representation were received, objecting to the proposal on grounds of access, parking and legal problems. In addition, a solicitor's letter acting on behalf of Mr & Mrs Jenkins, (the owners/occupiers) has been received, objecting to the proposal on grounds that the garage is unusable. Furthermore, a solicitor's letter acting on behalf of the applicant supports the proposal.

APPROVE

**01 NON STANDARD CONDITION**

Within 6 months from the date of this permission a sight splay measuring 1.5m x 1.5m, providing unobstructed visibility of pedestrians using the adjoining dual use highway, shall be provided at the western side of the access at it's junction with the adjoining highway. Once provided, the said visibility splay shall be retained thereafter and maintained in the approved form free of obstruction above a height of 600mm above the finished surface of the approved car parking space. Consequently, it will be necessary to re-align the existing fence within the specified time period in order to provide the required visibility splay.



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**DELEGATED PLANNING DECISIONS - 26TH November 1998**

I have decided the following applications in accordance with the policy of delegation:

**CA/0529/98/ROC APPROVE**

17 EAST STREET ROCHFORD  
DEMOLISH AND REBUILD FRONT BOUNDARY WALL  
MRS WALLER

**CU/0433/98/ROC REFUSE**

214 MAIN ROAD HAWKWELL  
CHANGE USE OF GROUND FLOOR FROM CLASS A1 (SHOP) TO CLASS A3 (FOOD  
& DRINK).

A SYFUL & A UDDIN

01

WOULD CAUSE GENERAL DISTURBANCE AND NOISE NUISANCE TO SURROUNDING  
RESIDENTS

**DPD/0595/98/ROC REFUSE**

KING GEORGES FLATS KING GEORGE'S CLOSE RAYLEIGH  
DETERMINATION TO SEEK WHETHER PRIOR APPROVAL OF SITING &  
APPEARANCE IS REQUIRED FOR THE INSTALLATION OF 3 DUAL POLAR  
ANTENNAE, 4 600MM POLE MOUNTED MICROWAVE DISHES, 6 EQUIPMENT  
CABINS & ANCILLARY WORKS  
ORANGE PCS LTD

**F/0066/98/ROC APPROVE**

175 HIGH STREET GREAT WAKERING  
SINGLE AND TWO STOREY EXTENSION TO REAR. ADD SIDE DORMERS IN  
EXTENDED ROOF AND PITCH ROOFS OVER EXISTING DORMERS  
MR AND MRS SANGERA

**F/0278/98/ROC APPROVE**

6 BELCHAMPS WAY HAWKWELL  
ERECT 3-BED BUNGALOW WITH INTEGRAL GARAGE (DEMOLISH EXISTING)  
D FROST

**F/0285/98/ROC APPROVE**

322 LITTLE WAKERING ROAD LITTLE WAKERING  
CONSTRUCT VEHICULAR ACCESS  
ANGELINA MORLEY

**F/0324/98/ROC APPROVE**

34 LANGDON ROAD RAYLEIGH  
ERECT DORMER WINDOW EXTENSIONS TO FRONT (AND REAR) ROOF SLOPES  
MR AND MRS D PRYKE

**F/0349/98/ROC APPROVE**

8 HILLSIDE ROAD HOCKLEY  
ERECT REAR DORMER WINDOW EXTENSION  
MR K OVEL





F/0350/98/ROC **APPROVE**

4 SWEYNE AVENUE HAWKWELL

CONVERT HIP TO GABLE AND ADD DORMER TO FRONT FIRST FLOOR REAR  
EXTENSION INCORPORATING DORMERS TO SIDE ROOF SLOPES  
MR AND MRS STREETER

F/0362/98/ROC **APPROVE**

ROCHFORD HOSPITAL DALYS ROAD ROCHFORD

ERECT 7 NO THREE STOREY TOWN HOUSES COMPRISING 4 NO 4-BED  
TERRACED UNITS, 2 NO 4-BED SEMI-DETACHED UNITS & 1 NO DETACHED  
UNIT, ASSOCIATED DETACHED GARAGES & CAR PARKING SPACES  
BARRATT EASTERN COUNTIES

F/0371/98/ROC **APPROVE**

8 CANTERBURY CLOSE RAYLEIGH

RETAIN 1.8M HIGH BOUNDARY FENCE.  
DANIEL CROSS

F/0373/98/ROC **APPROVE**

58 HAWKWELL ROAD HOCKLEY

DEMOLISH EXISTING BUNGALOW AND ERECT 5-BED DETACHED HOUSE WITH  
INTEGRAL GARAGE  
LODBURY HOMES

F/0380/98/ROC **APPROVE**

73 EASTWOOD ROAD RAYLEIGH

NEW SHOPFRONT  
COUNTRYSIDE ESTATES

F/0424/98/ROC **APPROVE**

2 WILLOW DRIVE RAYLEIGH

GROUND FLOOR REAR EXTENSION  
B BROOMFIELD

F/0436/98/ROC **APPROVE**

6 BUTTS PADDOCK CANEWDON

GROUND FLOOR FRONT AND TWO STOREY REAR EXTENSIONS.  
MR & MRS DELVE

F/0446/98/ROC **APPROVE**

148 HOCKLEY ROAD RAYLEIGH

FRONT EXTENSION TO GARAGE, FIRST FLOOR SIDE EXTENSION, BALCONY TO  
REAR AND NEW PITCHED ROOF OVER (RENEWAL OF PLANNING PERMISSION  
REF. F/0135/93/ROC)  
MR R PERRINS

F/0461/98/ROC **APPROVE**

1 WEDGEWOOD WAY ROCHFORD

TWO STOREY SIDE AND REAR EXTENSION (RE-SUBMISSION FOLLOWING  
PLANNING PERMISSION REF F/0177/97/ROC)  
MR AND MRS DESAI

F/0466/98/ROC **APPROVE**

208A ASHINGDON ROAD ROCHFORD

PROVISION OF EXTERNAL STAIRCASE, SHED TO GROUND FLOOR, AND  
ERECTION OF CONSERVATORY AND FENCING AT FIRST FLOOR.  
MRS J WATSON

F/0476/98/ROC **APPROVE**  
ROWAN HOUSE FOLLY CHASE HOCKLEY  
GROUND FLOOR REAR EXTENSION (CONSERVATORY)  
MR AND MRS ROWSON

F/0484/98/ROC **APPROVE**  
38 SUTTON ROAD ROCHFORD  
ADD PITCHED ROOF TO DWELLINGHOUSE  
J KAIN

F/0486/98/ROC **APPROVE**  
51 TWYFORD AVENUE GREAT WAKERING  
BAY WINDOW TO FRONT ELEVATION  
MR J M JOHNSTONE

F/0505/98/ROC **REFUSE**  
16 PEREGRINE GARDENS RAYLEIGH  
CONVERT GARAGE FLOORSACE TO HABITABLE ACCOMMODATION (WITHOUT  
COMPLIANCE WITH CONDITION 7 OF PLANNING PERMISSION REF  
F/0104/97/ROC)  
T JEE

01  
INSUFFICIENT PARKING FACILITIES CONTRARY TO POLICY.  
02  
WOULD CREATE A VISUALLY UNSATISFACTORY PARKING AREA TO THE FRONT  
03  
WOULD SET A PRECEDENT, RESULTING IN VEHICLES BEING PARKED ON THE  
HIGHWAY TO THE DETRIMENT OF SAFETY

F/0511/98/ROC **APPROVE**  
4 MALYONS LANE HULLBRIDGE  
ERECT TWO PITCH ROOF DORMERS TO FRONT AND ONE FLAT ROOF DORMER TO  
REAR. ERECT DETACHED GARAGE  
S J DAY

F/0515/98/ROC **APPROVE**  
4 GAY BOWERS HOCKLEY  
GROUND FLOOR FRONT AND REAR EXTENSIONS  
MR AND MRS C NICHOLLS

F/0516/98/ROC **APPROVE**  
20 STAMBRIDGE ROAD ROCHFORD  
CONSTRUCT VEHICULAR ACCESS  
R ALABASTER

F/0518/98/ROC **APPROVE**  
36 STATION AVENUE RAYLEIGH  
ERECT PORCH. ERECT CANOPIES TO FRONT AND SIDE  
MR BAYLISS

F/0519/98/ROC **APPROVE**  
53 LANGHAM DRIVE RAYLEIGH  
GROUND FLOOR REAR EXTENSION (CONSERVATORY)  
MRS L NORTON

F/0520/98/ROC APPROVE  
40 WOODLANDS ROAD HOCKLEY  
ERECT DETACHED GARAGE  
T BIRKUMSHAW

F/0527/98/ROC REFUSE  
58 KESWICK AVENUE HULLBRIDGE  
ERECT DETACHED GARAGE  
KEITH REYNOLDS

01  
WOULD CREATE AN INCONGRUOUS AND INTRUSIVE FEATURE IN THE STREET  
SCENE WOULD ALSO SET A PRECEDENT

F/0528/98/ROC APPROVE  
17 EAST STREET ROCHFORD  
DEMOLISH AND REBUILD FRONT BOUNDARY WALL  
MRS WALLER

F/0532/98/ROC APPROVE  
BLATCHES COTTAGE BLATCHES CHASE ROCHFORD  
ERECT PART GROUND FLOOR/PART TWO STOREY REAR EXTENSION, PORCH TO  
FRONT AND DORMER WINDOW EXTENSIONS TO FRONT AND REAR ROOFSLOPES  
MR AND MRS J HAYES

F/0536/98/ROC APPROVE  
367 LITTLE WAKERING ROAD LITTLE WAKERING  
ERECT GROUND FLOOR SIDE EXTENSION (CONSERVATORY)  
ABBEYFIELDS BARLING & WAKERING SOCIETY

F/0539/98/ROC APPROVE  
6 SHAKESPEARE AVENUE RAYLEIGH  
ERECT GROUND FLOOR FRONT EXTENSION (PORCH)  
NEIL KIRSH

F/0541/98/ROC APPROVE  
15 MARINA AVENUE RAYLEIGH  
ERECT TWO STOREY SIDE EXTENSION  
MR A GRAY

F/0542/98/ROC APPROVE  
20 WARWICK ROAD RAYLEIGH  
ERECT DETACHED GARAGE (DEMOLISH EXISTING)  
MR & MRS TAYLOR

F/0545/98/ROC APPROVE  
174 ALEXANDRA ROAD GREAT WAKERING  
ERECT 2 METRE HIGH FENCE TO PERIMETER OF REAR GARDEN WITHOUT  
COMPLIANCE WITH CONDITION 4 OF APPLICATION F/0429/95/ROC.  
MR HOWARD GIPSON

F/0557/98/ROC APPROVE  
14 HAREWOOD AVENUE ROCHFORD  
ERECT 4-BED DETACHED HOUSE WITH INTEGRAL GARAGE (PLOT 1) (REVISED  
SUBMISSION FOLLOWING PLANNING PERMISSION REF. F/0336/95/ROC)  
W H ROYER BUILDERS LTD

F/0562/98/ROC APPROVE  
8 DUCKETTS MEAD CANEWDON  
CONVERT GARAGE (ONE OF TWO) INTO PLAYROOM  
MR V NEWBY

F/0575/98/ROC APPROVE  
32 CREEK VIEW AVENUE HULLBRIDGE  
ERECT 5-BED DETACHED HOUSE WITH INTEGRAL GARAGE (PLOT 2)  
(DEMOLISH EXISTING BUNGALOW)  
MR AND MRS P FIELD

F/0606/98/ROC APPROVE  
15 KESTREL GROVE RAYLEIGH  
ERECT GROUND FLOOR FRONT AND SIDE EXTENSIONS  
MR EVES

LDC/0272/98/ROC LAWFUL DEV CERT APP APPROVED  
GUSLI LOWER ROAD HOCKLEY  
ESTABLISH LAWFULNESS OF USE OF DWELLING FOR OCCUPATION WITHOUT  
COMPLIANCE WITH CONDITION OF APPLICATION EEC/ROC/33/52  
(AGRICULTURAL TIE)  
L COUZENS

OL/0401/98/ROC REFUSE  
R/O 181 LITTLE WAKERING ROAD LITTLE WAKERING  
OUTLINE APPLICATION TO ERECT 5 DETACHED HOUSES WITH PRIVATE DRIVE  
ACCESS.  
MR T CALLAGHAN  
01  
EXCESSIVE DEVELOPMENT IN THE METROPOLITAN GREEN BELT

OL/0512/98/ROC APPROVE  
WILDA, 2 WEST AVENUE HULLBRIDGE  
OUTLINE APPLICATION TO ERECT 3 DETACHED HOUSES WITH INTEGRAL  
GARAGES (DEMOLISH EXISTING BUNGALOW) (REVISED APPLICATION)  
MR AND MRS COX

RM/0546/98/ROC APPROVE  
CANEWDON GARAGE ROWAN WAY/ ANCHOR LANE CANEWDON  
ERECT 3 X 2-BED TERRACED HOUSES (DEMOLISH EXISTING GARAGE)  
(RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION REF  
OL/0411/95/ROC)  
C FRANKLIN



## DELEGATED BUILDING REGULATIONS DECISIONS

### APPROVALS

26<sup>th</sup> November 1998

<u>Plan Number</u>	<u>Address</u>	<u>Description</u>
BR 98/217A	Land Adj Selsey Nore Road Rayleigh	Two Detached Houses
BR 98/396	50, Mount Crescent Hockley	Loft Conversion
BR 98/404	20, Warwick Road Rayleigh	Detached Garage
BR 98/399	Hockley Methodist Church Main Road Hockley	Take Down & Rebuild Mid Section of Main Hall
BR 98/421	4, Victoria Drive Great Wakering	Room in the Roof
BR 98/423	Dantom The Chase Ashingdon	To Underpin Property as Part of an Insurance Claim for Subsidence
BR 98/422	41, The Chase Rayleigh	Front Extension & Internal Alterations
BR 98/425	78, Castle Road Rayleigh	Two Storey Side Extension
BR 98/427	184, Plumberow Avenue Hockley	Rear Extension to Bungalow with Pitched Roof



BR 98/300A	Adj. 8, Malyons Lane Hullbridge	Six No. Three Bedroom Bungalows
BR 98/371	Plots 1 & 2 Bardfield Road Rayleigh	Two No Semi Detached Two Bedroom Houses
BR 98/405	83 Crouch Avenue Hullbridge	Extension
BR /98406	5 Alexandra Road Rayleigh, Essex	Front Ground Floor Extension
BR 98/415	7 London Hill, Rayleigh (Conservative Club)	Alterations & Additions to Form Kitchen & New Additions to Form Female Toilet
BR 98/424	Crouchmans Farm Poynters Lane Wakering	Demolition of Existing Conservatory and Erection Of New Conservatory and Dog Accommodation
BR 98/436	7 Cedar Walk Canewdon	Two Storey Side Extension
BR 98/438	57 Bull Lane Rayleigh	Rooms in Roof Dormers Front & Rear with New Gabled roof
BR 98/440	3 Thorington Road Rayleigh	Loft Conversion
BR 98/452	12 Marylands Avenue Hockley	Rear W.C. Exempt Conservatory
BR 98/481	Honeysuckle Cottage Rayleigh Downs Road Rayleigh	Extension to Existing House
BR 98/431	21, Rectory Garth Rayleigh	Conversion of Existing Void Area into Family Business Office
BR 98/377A	226, Ashmgdon Road Rochford	Rear Extension

# DELEGATED BUILDING REGULATIONS DECISIONS

## REJECTIONS

26<sup>th</sup> November 1998

<u>Plan Number</u>	<u>Address</u>	<u>Description</u>
BR 98/410	53, Little Wakering Road Little Wakering	Conversion of Existing Roof with Flying Hip and Creation of Living Space in Loft with Flat Roofed Rear Dormer to Rear
BR 98/407	Site of Klingal Haus Hillside Road Eastwood	Two Detached Houses
BR 98/403	27, Holt Farm Road Rochford	Games Room
BR 98/406	5, Alexandra Road Rayleigh	Front Ground Floor Extension
BR 98/412	Mark 1 Hire Purdeys Way Rochford	New Workshop & Store Extension
BR 98/416	3, Alexandra Road Ashingdon	Partial Traditional Underpinning
BR 98/426	105, Weir Gardens Rayleigh	Loft Conversion with Dormers to Front & Rear
BR 98/429	90, Rectory Road Rochford	Rear Extension & Internal Alterations
BR 98/432	Land Adj. Arden Hillside Road Eastwood	Four Bedroom House with Garage

Chairman J C Hardgate 17-12-98

# Committee Report

11(i)



Rochford District Council  
To the meeting of

COUNCIL

On.

8TH DECEMBER 1998

Report of.

HEAD OF MEMBER SERVICES

Title.

MINUTES OF COMPULSORY COMPETITIVE TENDERING PANEL  
HELD ON 26TH AND 27TH NOVEMBER 1998

Author

G Brazendale

Report Approved By

At a Meeting held on 26th and 27th November 1998. Present: Councillors Mrs J Helson (Chairman), D E Barnes, J M Dickson, V D Hutchings, C R Morgan and P F A Webster

Substitute: Councillor Mrs. M S Vince replaced Councillor C R Morgan on 27th November 1998

59

## MINUTES

The Minutes of the Meeting held on 12th and 13th November 1998 were approved as a correct record subject to a revision to Minute 57 concerning Contract Renewal - Consultation with Parishes and Rayleigh Town Council. The amended Resolution is given below, with the addition underlined.

"That a specification for the maintenance of Plumberow Mount Open Space be incorporated in the Grounds Maintenance Contract, and a tender obtained for comparison purposes".

60

## CONTRACT RENEWAL - DRAFT STREET CLEANSING SPECIFICATION

Members received and considered in detail the draft Street Cleansing Contract for April 1999 - March 2004 which had been drawn up by the Head of Leisure and Client Services. The Panel also received a copy of current government guidelines for street cleansing, which give the standards that cleansing operators should meet. The Panel considered that it was essential to identify the required standards as precisely as possible and to determine the Council's legal liability in the event that this level of service is not being provided.

Members were reminded that the responsibility for all street cleansing, other than motorways, lies with the District Council but a contribution towards the cost is received from the County Council. The size of the contribution is determined by the minimum level of cleanliness required under the Highways Act and the cost that the County Council would incur to provide such a service. Roadside verges are cut once each year by the County Council, and thereafter by the District Council, for which reimbursement is received.

A number of specific questions were raised and revisions to the draft contract, which were agreed unanimously by the Panel, put forward, as summarised below



## 1. General Description of the Service (Para 1.26)

Replace "should" with "shall" and delete "available"

## 2.2(d) Definitions - Dog Bins

In reply to a Member question, the Head of Leisure and Client Services confirmed that, at present, the emptying of dog bins located in parks is included within the grounds maintenance contract. It was agreed that all cleansing activities in parks, which also includes litter picking, should in future be included within the street cleansing contract, to enable grounds maintenance to be more specifically focused. Responsibility for dog bins located elsewhere is already included in the existing street cleansing contract.

## 2.2(f) Cleaning of bus shelter floors

There was some concern that, in some areas, Parish Councils may unnecessarily be incurring costs in the cleaning and upkeep of bus shelters. It was confirmed that the Council's current contract with "ADSHHELL" covers solely the maintenance of shelters. The Panel agreed that information should be obtained about all those instances where Parish Councils are effectively carrying out "add ons" to the existing cleaning contract, for which they are not statutorily responsible.

## 2.3 Definitions of Cleanliness

Some Members questioned the need for the grades showing standards of cleanliness to be repeated in the contract specification when they already appear in the Code of Practice on Litter and Refuse, with which potential tenderers should be familiar. Officers undertook to check the legal necessity for the inclusion of such information in the specification. If the standards are to be retained in the final document, the Panel agreed that paragraph 4.1 should be modified to point out that Grades C - E are not acceptable levels of achievement.

Members were reminded that the contract will include a standard preamble, identifying the need for tenderers to be familiar with all relevant legislation, and that this had previously been considered by the Panel when it had examined the draft contract.

## 9 Bird Droppings

It was considered the suggested wording, indicating "occasional" cleansing of areas affected by bird droppings, was too vague. Instead it was thought preferable to identify the number of times per year that such cleansing is required, to enable the contractor to fix a price. Members agreed that seats affected by bird droppings should also be cleaned.

## 12 Snow Clearance

It was agreed that, since litter clearance can not be undertaken on days of snow fall, no additional payment should be made to the contractors to clear snow. The wording "the contractor will be paid in accordance with daywork rates" would therefore be deleted.

## 14.1 Hours of Operation

The definition of "supervising Officer" as discussed previously by the Panel will be provided in the preamble to the specification. Any decision by the Supervising Officer to change the hours of operation will only be taken in consultation with Members. It was agreed to replace "before" and "after" with "between".

## 15.1 Traffic Safety

It was agreed to delete "generally"

## 17 Litter Bins

The Panel considered that all litter and dog bins should be provided with a removable inner lining, to aid cleanliness. It was agreed that dog bins should be emptied more frequently than proposed in the draft; three times per week between April and October and once a week from October to April

In paragraphs 17.3, 17.4 and 18, it was agreed to substitute "shall" for "may"

## 19 Defects of Street Furniture

Members were anxious to clarify firstly whether any defects reports had been submitted by the contractor and, secondly, the extent to which the contractors' performance is being adequately monitored by relevant Council Officers. The Panel considered it was essential to ensure that the Council's own monitoring procedures are working effectively, in view of the salary costs of employing Monitoring Officers. It was requested that the Panel should receive details of the inspectors' reports covering the last six months

## 21. Bus Shelters

It was agreed that the floor of bus shelters should be categorised as part of the pavement and should be cleaned at the same time as the remaining pavement areas

## 22 Parked Vehicles

A Member requested that consideration should be given to informing householders about forthcoming street cleansing, accompanied by a request not to park cars in the street(s) for the duration of the clean. It was agreed that Officers would seek a legal opinion as to the possibility of carrying out such steps and also that the Parish Councils should be informed of the timing of street cleans

## 23.2 Car Parks

It was agreed to delete the last sentence of this paragraph

## 24. Recycling Centres Requiring Cleansing

Members expressed concern that, frequently, bags of recyclable material are left outside the recycling banks, thereby creating a significant litter problem. The collection of such material is not included within the street cleansing contract, and it was therefore suggested that the frequency with which the recycling banks are cleared should be examined in order to reduce this problem

## 27. Use of Chemicals for the Control of Uncultivated Vegetation

It was suggested that the provisions of the Control of Pesticides Regulations (1986) may not now be a sufficiently up to date safeguard against the use of unsuitable chemicals and that it may therefore be worthwhile to obtain recommendations from an organisation such as the Soil Association concerning safe pesticides.

## 28.1 Interaction with Refuse Collection Service

It was agreed to add "and grounds maintenance" to this paragraph.

## 28. Inclement Weather

The provisions for inclement weather will need to be cross-referenced with those for snow clearance (paragraph 12)

## APPENDICES

The Panel considered the appendices to the draft specification, which gave details of the existing frequency and type of street cleansing carried out throughout Rochford District. The following specific amendments were suggested -

### i) Rochford

- Market Place add an additional clean on Tuesday afternoon
- Rochford Garden Way Parade add daily additional cleans for Fridays and Saturdays
- The "5 days" for street cleans are Monday - Friday
- Dalys Road There was some concern expressed about mud from the hospital development being spread by site vehicles onto Dalys Road. It was suggested that it would be the Planning Officer's responsibility to enforce wheel cleaning

### ii) Rayleigh

- It was considered essential that Rayleigh High Street (and all other town centres) should be cleaned to the highest standard on at least 6 days and particularly on Saturday and Sunday. It was therefore suggested that the street cleaning schedule for the weekend sweeping of shopping areas should be incorporated in to the main contract rather than for attention by the mobile flying squad, as at present.
- The Mount Area's sweep on Saturdays and Sundays should take place early, at approximately 7 00am.
- Litter bins in the High Street are currently over-full on Sunday mornings.

The following general points concerning the schedule arose.

### i) Method of Cleaning

It was agreed to remove the reference to the method of cleansing e.g. "manual", "mechanical road sweeper" etc and leave this to be determined by the new contractor, taking in to account the standard of cleaning required

### ii) Categorisation of Streets

#### High Streets

The Panel agreed that the specification should be drawn up to ensure that High Streets are cleaned sufficiently frequently to achieve "Standard A", the method of cleaning to be determined by the contractor. It was considered that the existing once monthly clean of town centre car parks is too infrequent.

#### Residential Streets

It was agreed that the frequency with which residential streets are cleaned should be standardised to twice a year on a rotational basis with a day rate back up (for example the "flying squad" for special clean), and should include gully cleaning and pavement cleaning across the District. It was recognised that streets with trees would require more visits at particular times of the year, to coincide with leaf-fall, blossom drop etc, those streets listed on pages 47 and 48 will therefore receive four additional sweeps

#### Major Roads

It was suggested that those roads listed on pages 46 - 48 should be cleansed six times per year unless, upon review, it is determined that more frequent cleans are necessary

## Problem Areas

It was recognised that certain streets, for example those in the vicinity of schools, could require additional cleaning on an "ad hoc" basis, and a list of these locations should therefore be compiled for attention by the mobile hit squad.

### iii) Monitoring

There was some concern that, at present, monitoring Officers are being asked to perform too many diverse roles and that the level of monitoring, including the submission of inspection reports, is not sufficiently rigorous. The Corporate Director (Finance and External Services) confirmed that the whole monitoring process will be addressed as soon as practicable by the new Depot Superintendent, and a report will be presented to Members early in the Financial Year. In the meantime, however, it was agreed that a short, intensive monitoring review of the contractors would take place, possibly using audit staff, the results of which would be reported to the Panel's forthcoming meeting. It was requested that the emptying of litter bins should also be monitored, in addition to street cleansing.

### iv) Complaints

Members requested that details of complaints received by the contractors be provided to a future Panel Meeting.

### v) Kerbside/weed clearing

A Member requested a future report on the cost of providing this service.

It was agreed that the Panel would re-convene on Thursday 3rd December to address in more detail a number of the issues raised at this Meeting with the following information provided by Officers:

- Monitoring Officers' log sheets for the last three months, (to be available for inspection before the meeting).
- A map showing the classification of residential/town centre streets, and the frequency of sweeps.
- A detailed schedule of residential and town centre sweeps, including times.
- A breakdown of contract costs per town, if available.

The Meetings closed as follows

26th November 1998 - 1.05pm  
27th November 1998 - 12.05pm

cou/dec&c rpt

Chairman Cochran date 9.2.99