

Council – 18 July 2017

Minutes of the meeting of **Council** held on **18 July 2017** when there were present:-

Chairman: Cllr Mrs L A Butcher

Vice-Chairman: Cllr D Merrick

Cllr C I Black	Cllr Mrs J R Lumley
Cllr J C Burton	Cllr Mrs C M Mason
Cllr M R Carter	Cllr J R F Mason
Cllr Mrs I Cassar	Cllr R Milne
Cllr N L Cooper	Cllr J E Newport
Cllr T G Cutmore	Cllr Mrs C E Roe
Cllr R R Dray	Cllr Mrs L Shaw
Cllr A H Eves	Cllr S P Smith
Cllr Mrs J R Gooding	Cllr D J Sperring
Cllr J D Griffin	Cllr M J Steptoe
Cllr B T Hazlewood	Cllr I H Ward
Cllr N J Hookway	Cllr M J Webb
Cllr Mrs D Hoy	Cllr Mrs C A Weston
Cllr Mrs T R Hughes	Cllr A L Williams
Cllr M J Lucas-Gill	Cllr S A Wilson

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs D S Efde, M Hoy, G J Ioannou, E O K Mason, T E Mountain, R A Oatham and C M Stanley.

OFFICERS PRESENT

S Scrutton	- Managing Director
J Bostock	- Assistant Director, Democratic Services
M Harwood-White	- Assistant Director, Commercial Services
M Hotten	- Assistant Director, Environmental Services
A Law	- Assistant Director, Legal Services
R Manning	- Section 151 Officer
L Moss	- Assistant Director, Community & Housing Services
D Tribe	- Assistant Director, Transformation
M Petley	- Principal Finance Officer
N Amor	- HR Business Partner
S Worthington	- Democratic Services Officer

142 MINUTES

The Minutes of the Annual meeting held on 16 May 2017 and of the Extraordinary meetings held on 31 May 2017 and 22 June 2017 were approved as correct records and signed by the Chairman.

143 DECLARATIONS OF INTEREST

Cllrs J C Burton, R R Dray and Mrs C E Roe each declared a non pecuniary interest in item 8(3) of the Agenda relating to the refurbishment/construction of new public conveniences in the Rochford District by virtue of membership of the Rayleigh Town Council Crown Hill public toilets working group.

Cllrs Mrs J R Lumley, Mrs L Shaw and I H Ward each declared a non pecuniary interest in items 8(1) and 12 of the agenda, relating to issues raised in respect of a petition presented to Council on 25 April 2017 and the Sanctuary Housing Association development programme respectively, by virtue of past or current membership of the Sanctuary in Rochford Committee.

Cllrs R Milne and S P Smith each declared a non pecuniary interest in item 8(1) of the agenda as a result of being Ward Councillors for Lodge ward and Cllrs J E Newport, D J Sperring and I H Ward each declared a non pecuniary interest in item 8(3) of the agenda by virtue of membership of Rayleigh Town Council; Cllr A L Williams also declared a non pecuniary interest in that item by virtue of membership of Rochford Parish Council.

144 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman advised that she had had the honour and privilege, since May, of representing Rochford District Council at many varied events, including school events, fayres, concerts, Scouts events and open gardens. She was getting around all parts of the District and was enjoying meeting residents and seeing what was happening within the District.

145 PUBLIC QUESTIONS ON NOTICE

Pursuant to Council procedure rule 10, the following questions had been received from Mr R Lambourne of Flat 7, Whitehouse Court, 158 Eastwood Road, Rayleigh for the Portfolio Holder for Planning:-

“In November 2016 the Planning department and yourself issued several press releases about returning empty properties back into the housing stock. Owners were to be contacted; they were offered up to £1,000 and further to that each property was to be visited.

You personally were quoted in the local press stating that this would be a significant step in increasing the affordable housing available to people on RDC’s housing list.

Can you confirm how many properties were visited and how many responses did you get; how many properties were returned to the housing stock, and at what cost? Finally, in respect of those properties that have been empty for many years – how many have been, or are planned to be, compulsorily purchased by Planning Enforcement?”

The Portfolio Holder for Planning, Cllr I H Ward, responded as follows:-

“The Planning Enforcement service visited in the region of 100 properties (using the resources of two students we had through the summer from Anglia Ruskin).

There were in excess of 60 responses by email and approximately a further 20 by letter.

5 long term empty properties i.e. empty for at least 6 months, have been returned to use. Of these:-

- 1 is now private rented and following negotiations with the owner has been nominated to the Housing Options service for their exclusive use. This is a very good outcome and has increased our supply of affordable accommodation for those residents most in need.
- 4 are owner occupied.

Private Housing continues to be the ‘eyes and ears’ for our Housing Options service for all empty homes grant enquiries and where relevant, will talk to property owners about nomination partnerships.

In addition, there are a further 6 cases currently in progress.

Total spend to date on empty homes grants totals £4,000. Finally, in terms of those properties that have been empty for many years, none have been, or are planned to be, compulsorily purchased.”

Mr R Lambourne asked the following supplementary question:-

“No. 5 Woodlands Avenue has been empty for several years – is it part of the programme?”

The Portfolio Holder for Planning, Cllr I H Ward, answered affirmatively.

146 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee meetings held between the period 18 April 2017 to 11 July 2017.

147 REPORTS FROM COMMITTEES TO COUNCIL

(1) Investigation into the Issues Raised by the Petition Presented to Council on 25 April 2017

Council considered the report of the Review Committee with recommendations following its investigation of the matter.

Although Members expressed disappointment that options open to the Council were limited, given that social housing did not come under Local Authority control, and did not include the possibility of a warden

being in place, it was, however, felt that the recommendations would ensure that Rochford District residents would remain close to relatives and schools, etc. In addition, the Council would have full nomination rights for its residents and would monitor the situation carefully.

On a motion moved by Cllr M J Webb and seconded by Cllr Mrs J R Gooding, it was:-

Resolved

- (1) That Members receive a report from the Housing Options Team on the plan for how the Council will deal with people on the waiting list for sheltered accommodation.
- (2) That Rochford District Council Members on the Sanctuary in Rochford Committee must report back to Council in future and that clarity on their role on this body be provided.
- (3) That Rochford District Council retains the nomination rights for at least five years. (ADC&HS)

(2) Treasury Management Annual Review 2016/17

Council considered the report of the Review Committee with recommendations on the Council's Treasury Management Annual Review 2016/17.

Resolved

- (1) That the contents of the Treasury Management Annual Review be noted.
- (2) That Rochford District Council completes a re-procurement of the Treasury Management and Investment Management services when the contract with Capita Asset Services expires. (S1510)

(3) Refurbishment/Construction of New Public Conveniences in the Rochford District

Council considered the report of the Investment Board with recommendations on investment into the construction/refurbishment of toilet blocks to facilitate their transfer to the appropriate Town/Parish Council.

The Chairman of the Investment Board emphasised that this was the culmination of a previous Council decision to set out a business case for Town/Parish Councils to be given the opportunity to take on the responsibility of running public conveniences for a 10-year period. The required budget of £330,000 would be given a return on investment of

approximately 15% and pay back period of 4 years. This was a low risk project that would yield an annual saving of £50,000 to the Council.

A Member made the point that the recommendations would not yield savings to residents per se, given that the costs would effectively be transferred to the Town/Parish Councils.

In response to a Member question as to whether the public toilets would be closed in due course if the Investment Board recommendations were rejected by Council, officers advised that Council had already determined in December 2016 that all public toilets, with the exception of those at Hockley Woods, should be disposed of either by closure and sale, or through transfer of the asset on a long-term lease to the relevant Town/Parish Council. The disposal of these assets to be completed by April 2018.

Cllr M J Steptoe moved a motion, seconded by Cllr A L Williams, that the public toilets in Rayleigh, Rochford and Hullbridge be transferred to the respective Town/Parish Councils by a ten-year lease and that refurbishment/replacement of these facilities be undertaken with an allocated capital budget of £330,000.

On a requisition pursuant to Council Procedure Rule 17.4 a recorded vote was taken on the above motion, as follows:-

For (21) Cllrs J C Burton; Mrs L A Butcher; M R Carter; T G Cutmore; R R Dray; Mrs J R Gooding; J D Griffin; B T Hazlewood; M J Lucas-Gill; Mrs J R Lumley; D Merrick; R Milne; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; Mrs C A Weston; A L Williams.

Against (11) Cllrs C I Black; Mrs I Cassar; N L Cooper; A H Eves; N J Hookway; Mrs D Hoy; Mrs T R Hughes; Mrs C M Mason; J R F Mason; J E Newport; S A Wilson.

Abstain (0)

Resolved

That the transfer of the Rayleigh, Rochford and Hullbridge toilets be secured as a ten year lease to the respective Town/Parish Councils, and that authority be delegated to the Assistant Director, Environmental Services, in consultation with the Portfolio Holder for Environment, to undertake installation of the refurbishment /replacement of public conveniences with an allocated capital budget of £330,000, as set out in the report, funded from the Transformation Reserve. (ADES)

(4) Report of the Review Committee

Council considered an item of business referred by the Review Committee on 4 July 2017 with a recommendation for a future meeting of Council.

The Portfolio Holder for Community, Cllr M J Webb welcomed the recommendation from the Review Committee that the NHS be invited to attend a future meeting of Council to provide an update on the Success Regime prior to the end of the public consultation and considered that Dr C Howard should be specifically invited to attend.

It was observed that it had been a cross Party decision to invite the NHS to attend a meeting of Council to present their Success Regime proposals to Members and there could be merit at a future meeting of Council in putting forward a motion against these proposals.

On a motion moved by Cllr M J Webb and seconded by Cllr Mrs J R Gooding it was:-

Resolved

That the NHS, and specifically Dr C Howard, be invited to attend a future meeting of Council to provide an update on the Success Regime prior to the end of the public consultation period in December 2017. (ADC&HS)

148 REPORT ON URGENT DECISIONS

Pursuant to Overview and Scrutiny procedure 15(g), Council received and noted a report on decisions that had been taken as a matter of urgency and not subject to call in.

149 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“This is the first ordinary Full Council meeting of the 2017/18 Municipal Year and I would like to welcome all Members.

Matters that my colleagues and I on the Executive have been dealing with include:-

- Approving the Air Quality Action Plan for Rayleigh for submission to the Department for Environment, Food and Rural Affairs.

- Delegating authority to the Assistant Director, Environmental Services to implement the regulations and, in turn, provide authorisation to designated officers within the Council to issue Fixed Penalty Notices for fly tipping.
- Noting formal responses to Chelmsford City Council's Local Plan Preferred Options consultation and to the Department for Communities and Local Government's Housing White Paper consultation.
- Accepting The South Essex Strategic Housing Market Assessment (SHMA) Addendum as part of the evidence base for the new Local Plan.

As always, I will be happy to take any questions from Members in respect of the work of the Executive and I am sure my Executive colleagues will be happy to contribute where appropriate.”

In response to a Member question as to the likely timeframe for revocation of the air quality management area, the Portfolio Holder for Community advised that he would provide Members with an update on this outside the meeting.

150 SANCTUARY HOUSING ASSOCIATION DEVELOPMENT PROGRAMME

Council considered the report of the Managing Director updating Members on progress in respect of the Sanctuary Housing Association Development Programme.

The Leader of the Green and Rochford District Residents Group, Cllr J R F Mason, made reference to a national news item that day relating to concerns that affordable homes were being swapped for money and asked why this Council had foregone the delivery of 50 affordable homes per annum when the number of residents on its housing register was increasing. He queried why the numbers and tenure mix for the delivery of affordable housing was not fixed with Sanctuary at the beginning of the new agreement. He further questioned whether the agreement and the underlying Development Programme had been discussed by the Sanctuary in Rochford Committee. He also asked whether Members of the Development Committee or Substitute Members, were fettered as a result of entering into an agreement with a developer to deliver a number of houses, which were not even included in the Core Strategy, and were windfalls.

Officers emphasised that there were legal restrictions placed on the Council by Sanctuary relating to the houses that they had agreed to deliver, but advised that the majority of houses in question were not windfalls, but part of the overall housing delivery, similar to CHP Housing Association having bid for the 35% affordable housing provision on the Hall Road development as part of the Development Plan process for affordable housing. It was not possible to answer the other questions as they related to the decisions made by Council in an exempt discussion in relation to the Deed of Variation. It was, however, noted that the Managing Director would communicate with all Members on these exempt matters outside the meeting.

Cllr J R F Mason stated that the Bullwood site was a windfall site and not part of the Council's allocation of sites. He requested that this matter be included as an agenda item for the Review Committee to consider. It was also asked whether the Review Committee might consider the issue of who made the decision and how this decision had been made.

Resolved

That the progress being made to achieve the SHA development objective of delivering 363 properties as a mix of market, affordable and shared ownership homes be noted. (MD)

151 RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER – INTERIM ARRANGEMENTS

Council considered the report of the Assistant Director, Legal Services seeking Members' approval of interim arrangements in respect of the Returning Officer and Electoral Registration Officer roles following the departure of the Executive Director.

Resolved

- (1) That authority be delegated to the Managing Director to be Returning Officer for the District on an interim basis.
- (2) That authority be delegated to the Managing Director to be Electoral Registration Officer for the Council on an interim basis until the appointment of the new Strategic Director.
- (3) That authority be subsequently delegated for the roles of Returning Officer and Electoral Registration Officer to the new Strategic Director following his/her appointment. (ADLS)

152 REVISED PAY POLICY STATEMENT 2017/18

Council considered the report of the Managing Director on the revised pay policy statement for 2017/18.

Resolved

That the revised Pay Policy Statement for 2017/18 be adopted. (MD)

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remaining business on the grounds that exempt information, as defined in paragraph 3

of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

153 REPORT OF THE INVESTMENT BOARD – PROPERTY STRATEGY/ASSET REGISTER REVIEW PROJECT OPTIONS

Council considered the exempt report of the Investment Board asking Members to consider recommendations around funding of the project.

Reference was made to how this had been a cross Party project, with all options thoroughly researched. Thanks were extended to the Section 151 Officer and Principal Finance Officer for all their work in respect of the finances for the project. It was hoped that there would not be a need to use any of the contingency on the project.

Details of the resolutions are set out in the exempt appendix to the Minutes.

154 WASTE MANAGEMENT CONTRACT

Council considered the exempt report of the Assistant Director, Environmental Services seeking Members' approval to a variation of the waste management contract.

Detail on discussion and associated resolutions is set out in the exempt appendix to the Minutes.

The meeting closed at 8.51 pm.

Chairman

Date

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