

Council – 26 June 2003

Minutes of the meeting of **Council** held on **26 June 2003** when there were present:-

Cllr R A Amner (Chairman)
Cllr Mrs R Brown (Vice-Chairman)

Cllr C I Black	Cllr G A Mockford
Cllr P A Capon	Cllr C R Morgan
Cllr Mrs T J Capon	Cllr R A Oatham
Cllr T G Cutmore	Cllr J M Pullen
Cllr K A Gibbs	Cllr P K Savill
Cllr Mrs H L A Glynn	Cllr C G Seagers
Cllr J E Grey	Cllr S P Smith
Cllr Mrs S A Harper	Cllr D G Stansby
Cllr A J Humphries	Cllr Mrs M A Starke
Cllr C A Hungate	Cllr M G B Starke
Cllr Mrs L Hungate	Cllr J Thomass
Cllr C C Langlands	Cllr Mrs M S Vince
Cllr T Livings	Cllr Mrs M J Webster
Cllr C J Lumley	Cllr P F A Webster
Cllr Mrs J R Lumley	Cllr D A Weir
Cllr J R F Mason	Cllr Mrs B J Wilkins
Cllr Mrs M D McCarthy	

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs L A Butcher, R G S Choppen, T E Goodwin and K H Hudson.

OFFICERS PRESENT

P Warren	-	Chief Executive
R J Honey	-	Corporate Director (Law, Planning & Administration)
R Crofts	-	Corporate Director (Finance & External Services)
S Fowler	-	Head of Administrative & Member Services
J Bourne	-	Leisure and Contracts Manager
J Bostock	-	Principal Committee Administrator.

Also present - C Bentley representing Holmes Place.

291 MINUTES

The Minutes of the Annual Meeting held on 13 May 2003 and Extraordinary Meeting held on 5 June 2003 were approved as correct records and signed by the Chairman.

292 ANNOUNCEMENTS FROM CHAIRMAN

Council endorsed the suggestion of the Chairman that it would be appropriate for the Chief Executive to write to Major D B Parry-Jones RMP with a message of condolence to the families of those so tragically killed on Tuesday, 23 June while keeping the peace in Iraq.

The Chairman had attended over thirty-three engagements with a wide variety of groups, all of which were a credit to the District. The Chairman extended particular thanks to the Vice-Chairman for all the assistance given in also attending engagements.

293 PUBLIC QUESTION

The Proper Officer reported that, pursuant to Council Procedure Rule 10, the following question of the Leader of the Council had been received from Mrs Carole Shorney of 19 Folly Lane, Hockley, GM-Free Campaigner on behalf of Friends of the Earth (South East Essex Group):-

“Our question accompanies the GM-Free collage made up of postcards signed by members of the public in Hockley on Saturday 12 April 2003. This collage is a visual representation of our concern about GM crops and food and of our request for Rochford District Council to adopt a policy to become GM-free.

Over the next year or so, the Government will decide whether to allow GM crops to be commercially grown across the UK. If it does, it would lead to widespread GM contamination of our food, crops and environment.

In the US and Canada, where GM crops have been grown commercially for a few years, the levels of contamination of crops through cross pollination and mixing after harvest have already caused serious economic damage. In a small area like Rochford, we are certain that there will be similar effects. These could have a serious impact on the image of Rochford and the food produced here. It would also threaten the choice of local citizens who want to buy food free from GM.

Will the Council therefore give full consideration to the proposal to declare Rochford GM-free and specifically to adopt the following policies?

- Request the Secretary of State for the Environment, Food and Rural Affairs (DEFRA) to provide legal protection for this District from specific GM crops in line with Article 19 of 2001/18/EC*?
- Ensure that no GM crops are grown on land over which it has control?
- Adopt a GM-free policy for all goods and services for which this Council is responsible?

*Using the law to protect our area is a real option open to Rochford District Council. If a biotech company wants to market a GM crop in the EU, it needs to obtain a marketing consent under the Deliberate Release Directive (2001/18/EC). Once a consent is granted, that GM crop can then be marketed across the EU without any further local consultation, including in Rochford.

On a case by case basis, for those GM crops that are relevant to its area, Rochford District Council can use Article 19 of the Deliberate Release Directive to request that a condition is attached to individual GM marketing consents, in order to protect its geographical area. It can do this by writing to the Secretary of State for the Environment, Food and Rural Affairs (Margaret Beckett) and directly to the European Commission.

Other local authorities around the country have already voted to go GM-free, including South Gloucestershire Council, South Hams District Council and Norton Radstock Town Council, both in Devon. Devon and Lancashire County Councils have also taken significant steps to becoming GM-free.

The accompanying booklet 'Now or Never' sets out our concerns and explains why it makes sound economic sense to keep our area free of GM crops.

SE Essex Friends of the Earth Group would be delighted to meet with your officials to discuss this important matter in more detail."

The Leader of the Council, Councillor P F A Webster, responded to the question as follows:-

"Rochford District Council considered the subject of genetically modified crops and food in the year 2000. Following from that debate the Council made a number of policy decisions, including that it would require suppliers to take GM foods out of local menus where it had the power to do so, and that it would not consider a Motion to declare the Authority as a GM-free zone, as this would be unenforceable.

In respect of the questions now being asked by Mrs Shorney:-

1. Ensuring that no GM crops are grown on land over which the Council has control is a policy that could be adopted, subject to the need to agree this with existing tenants. As far as the gardens of Council tenants' homes are concerned, it would only be reasonable for the Council to advise tenants of the Council's view and to seek their co-operation.
2. Adopting a GM free policy for goods and services represents a further, reasonable, extension of the Council's existing approach to this issue.
3. The proposal to seek protection for this District from specific GM crops is not, I believe, something which the Council should pursue. It would require this Council to apply to the Government on a crop by crop basis

for a specific ban on the growth or marketing of the crop in this District. It is very unlikely, in my view, that any such application would be considered without detailed background information explaining the reasons for the application.

This is an important issue that needs to be dealt with properly at national level. The potential for cross-contamination across local government borders makes the concept of district by district requests for bans pointless, other than as a way of drawing local concern to Ministers' attention.

I believe that this Council should make representations to Ministers to express concern over the potential contamination of non-GM crops and to seek assurances that licences will not be granted until it can be shown beyond any doubt that this risk can be eliminated.

In addition, I also believe that absolute assurances should be sought from the Government that any product containing GM material will be fully labelled, to provide consumer choice.

Chairman, so that Members of this Council can fully consider any further policy decisions on this subject, I propose that the matter be referred to the Community Services Committee."

The proposal was seconded by Councillor T G Cutmore and it was:-

Resolved

That the matter be referred to the Community Services Committee so that the Council can fully consider any further policy decisions on this subject.
(HHHCC)

294 ROCHFORD DISTRICT REPLACEMENT LOCAL PLAN – CHERRY ORCHARD BRICK WORKS, ROCHFORD

The Proper Officer reported that, pursuant to Overview & Scrutiny Procedure Rule 15, a request had been received from Councillors D A Weir, Mrs M S Vince and C R Morgan that the decision of the Environmental Services Committee on 5 June 2003 relating to the above (Minute 249/03) be referred to Full Council for debate.

In addressing the referral, Councillor D A Weir emphasised a concern that the Council had yet to receive any definite commitment on site usage from the hospital Trust and that inclusion of the site in the First Deposit Draft Local Plan on the basis suggested by the Environmental Services Committee may be insufficient to ensure that the land is restored to the green belt if the Trust's proposal falls.

Members agreed that, notwithstanding use of the site for the proposed diagnostic and treatment hospital, green belt protection was paramount.

On a motion, moved by Councillor D A Weir and seconded by Councillor C R Morgan, it was

Resolved

That a 6 hectare site comprising the Cherry Orchard Brickworks site and adjacent land be shown on the earliest possible Deposit Rochford District Local Plan proposals map for the provision of a Diagnostic and Treatment Hospital only after the Southend Hospital Trust makes a definite commitment to acquire the site. Then a new policy as outlined in the report of the Head of Planning Services to the Environmental Services Committee be incorporated in Chapter 10 of the Plan. (HPS)

295 CORPORATE PLAN/BEST VALUE PERFORMANCE PLAN

Council considered the report of the Chief Executive on the 2003/04 Corporate Plan/Best Value Performance Plan document.

In introducing this item, the Chief Executive indicated that some amendments may yet be proposed by the external auditors. It was intended that a version of the document specifically designed for ease of understanding would be included in the Autumn edition of the Council's newspaper, Rochford District Matters.

Responding to Member questions, the Chief Executive advised that:-

- The costs of producing the document had reduced from when it was first produced. The majority of the estimated cost could be associated with project management aspects.
- Officers were currently analysing Member responses to a recent questionnaire on the working of the New Political Structure. A report was to be submitted into the current cycle of meetings. Comment on this aspect could be included in next year's Plan.
- The Comprehensive Performance Assessment process would include opportunity for consideration of the suitability of the three year rolling budget and elements of the performance comparators.
- In the first instance, the joint consultation forum with Castle Point Borough Council and the Castle Point and Rochford Primary Care Trust would prove of particular value in identifying residents views on the draft Community Strategy. It could then be extended to other areas. Best Value Review activity had already included elements of public consultation. The results of the general satisfaction survey would be available late October/early November.

- The section on performance targets was a requirement. Similar information was provided in a different format within the Quarterly Monitoring Reports attached to the Members' Bulletin.
- Section 5 would be revised to include an indication of the position of the Hullbridge Enhancement Scheme. Members phone numbers would be included as appropriate.

During debate, Council endorsed the view of a Member that staff should be thanked for their work in producing such a comprehensive document.

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

Resolved

- (1) That the Corporate Plan/Best Value Performance Plan be approved, subject to the amendments set out at the Appendix to these Minutes.
- (2) That, to assist future decisions, with effect from this year a new Local Performance Indicator be established identifying the cost of the kerbside recycling initiative per household included in the scheme.
- (3) That authority be delegated to the Chief Executive to correct any factual errors from the checking of performance information and to respond to any specific comments raised by the external auditors on the content of the document. (CE)

296 LOCAL SERVICE AGREEMENT WITH THE COUNTY COUNCIL

Council considered the report of the Chief Executive which provided an update on progress with regard to the Local Service Agreement Initiative.

Responding to Member questions, the Chief Executive advised that:-

- It would be of value to continue discussions on IT aspects, particularly given the likelihood that group funding bids would be a future requirement.
- With regard to Highways & Transportation, a presentation by the County Portfolio Holder to the South Essex Forum had already shown that the County Council itself had concerns about Contract 2000. There were to be further discussions with the County Portfolio Holder on this aspect.
- Detail on Legal Services proposals would need to emanate from further discussions.

During debate, a Member wished to commend the discussions associated with the feasibility of introducing low-cost gardening services for older people.

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

Resolved

- (1) That progress to date and the County's response to the District's suggestions as to the areas to be covered by a Local Service Agreement be noted.
- (2) That the District Council agree in principle to the signing of a Local Service Agreement to advance closer working relationships between the District and the County in the areas outlined, subject to the Officer comments in the Chief Executive's report. (CE)

297 APPOINTMENT TO REMAINING VACANCIES ON OUTSIDE BODIES

Council considered the report of the Head of Administrative & Member Services on the appointment of representatives to remaining vacancies on Outside Bodies for the Municipal Year 2003/04.

Resolved

- (1) That appointments be made to outside bodies as follows:-

Consortium of Waste Collection Authorities	Councillor C R Morgan (appointee)
Relate South Essex	Councillor Mrs B J Wilkins (appointee)
Rochford & Castle Point Community Legal Service Partnership	Councillor C R Morgan (appointee)
Rochford & Rayleigh Citizens Advice Bureau Management Committee	Councillor Mrs S A Harper (appointee)
Association of Essex Authorities Community Safety Members' Steering Committee	Councillor Mrs H L A Glynn (substitute)

- (2) That the appointment of Councillor T Livings as the Member representative on the proposed Community Transport Trust Board be endorsed. (HAMS)

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

298 PARK SPORTS CENTRE – DETAILED COSTINGS

Council considered the exempt report of the Corporate Director (Finance & External Services) on the detailed costings and facility mix for the project.

During debate of the proposed bowls facility, reference was made to the likelihood that income would be higher if a club ethos was established.

Addressing overall cost estimates, a Member expressed some concern at the potential that the project could represent an element of tax increase at a time of economic uncertainty and varying demands on the Council's budget. Other Members referred to the minimal nature of any increase, the value of the proposed range of facilities in the context of providing for a growing population and to the significance of appropriate Government funding allocations to tax levels.

Responding to Member questions, officers detailed the nature of the financial risks being taken by the contractor and advised that-

- Any tax increase would be associated with the enhanced specification. The Council's three-year budget strategy already provided for expenditure based on the original specification.
- Monies were being sought from Thames Gateway towards the proposed healthy living centre. As projects such as that for Park School reached later stages it could be easier to attract funding from other sources. A decision on the mix of facilities would move the project into a next stage. There is also a possibility that capital will become available from other capital projects.

A motion that the Council proceed with the centre project on the basis of the facilities identified at the Council meeting held on 25 February 2003 was moved by Councillor K A Gibbs and seconded by Councillor S P Smith.

On a requisition pursuant to Council Procedure Rule 16.4, a recorded vote was taken on the motion as follows:-

For (32) Councillors C I Black, Mrs R Brown, P A Capon, Mrs T J Capon, T G Cutmore, K A Gibbs, J E Grey, Mrs S A Harper, A J Humphries, C A Hungate, Mrs L Hungate, C C Langlands, T Livings, C J Lumley, Mrs J R Lumley, J R F Mason, Mrs M D McCarthy, G A Mockford, C R Morgan, R A Oatham, J M Pullen, P K Savill, S P Smith, D G Stansby, Mrs M A Starke, M G B Starke, J Thomass, Mrs M S Vince, Mrs M J Webster, P F A Webster, D A Weir and Mrs B J Wilkins.

Against (1) Councillor Mrs H L A Glynn.

Abstentions (2) Councillors R A Amner and C G Seagers.

Resolved

That next stage work proceed on the basis that the following mix of facilities are included :-

- A single court sports hall, including provision for basketball, badminton, volleyball and five-a-side football.
- Three squash courts.
- Aerobics studio.
- Fitness suite.
- Creche.
- Outdoor floodlit netball and tennis courts.
- Café/bar area.
- Indoor bowls hall.
- A reception point, changing rooms, toilets and car parking.
- Accommodation for a healthy living centre.
- Skateboard park. (CD(F&ES))

The meeting closed at 9.10pm.

Chairman

Date

APPENDIX

Page 2.9 – insertion of ‘Mr’ before ‘P F A Webster’ in the box on Whitehouse Ward

Page 2.16 – deletion of the telephone numbers of the specific taxi firms and the insertion of the telephone number of the Council’s taxi licensing service as this list is principally about Council services and how to make contact.

Page 4.4 – an additional paragraph which explains how the leisure contract is a good example of the Council benefiting from the tendering and negotiation process, as follows:

“In awarding the contract to Holmes Place, the Council secured a number of benefits. Over £7m will be invested into the Council’s facilities over the 20 year contract. In addition, the Council has saved approximately £400,000 per annum on the total operational cost associated with many of these facilities, including the ongoing programme of maintenance at all sites.”

Page 5.1 – under the “what we did” section in relation to public regulation, inspection and protection, amend the last sentence to read as follows:

“An action plan will be considered in September 2003 for approval and implementation thereafter.”

Page 5.3 – under the “what we did” section in relation to CCTV schemes, reword the first sentence to read:

“Installation of these schemes was delayed but work is now being carried out for completion by the end of June.”

Page 5.5 – under the “what we said” section in relation to preparation of a community strategy, amend the second sentence to read:

“This strategy will provide a framework for improved partnership working and service delivery”.

Page 5.8 – include a sentence which explains what ‘BV’ and ‘local’ indicators are.

Page 5.10 – include some further clarification around the context of the graphs shown.

Page 5.11 – at the top of the page delete the second sentence and substitute with “We will be concentrating our efforts on these weak areas”

Page 6.3 – under the Recycling section under “what you said”, change the second sentence to read “Feedback indicates that the majority of residents are satisfied with the kerbside recycling scheme”.

Page 7.7 – under the paragraphs which deal with our policy and service response in respect of gypsies and travellers, delete “subject to the availability of Government policy” from the second paragraph.

Page 7.7 – under the paragraphs which deal with progress on the local plan, amend the second sentence to read “It identifies where development will take place over the period and the planning criteria which will be applied”.

Page 7.8 – under the paragraphs dealing with the Cherry Orchard Jubilee Park, amend the second paragraph to commence as follows:

“The park is now to officially open for public access from September 2003.”

Page 7.8 – under the paragraph dealing with the community transport strategy, amend the second sentence to read as follows:

“This will provide a community car scheme, which will offer prearranged trips for those who find it difficult to use or access regular forms of public transport, and a mini-bus priority service, by November 2003”.

Page 7.9 – under the paragraphs dealing with recycling activity, at the top of the page delete from “if Council tax payers were not to be faced with a considerable increase in their Council tax bills”.

Page 8.3 – under the paragraphs on civic and public relations (2000/2001), amend the last bullet point to read “we are currently setting up a new contract for the printing and distribution of Rochford District matters”.

Page 8.5 – under the paragraphs on Strategic Housing (2001/2002), amend the third bullet point from the bottom on the left hand side to read

“Determine most appropriate method of Council stock, including a possible transfer to registered social landlords in accordance with Government policy requirements (March 2005)”.