

Council – 22 October 2019

Minutes of the meeting of **Council** held on **22 October 2019** when there were present:-

Chairman: Cllr R R Dray
Vice-Chairman: Cllr T G Cutmore

Cllr Mrs D Belton
Cllr J C Burton
Cllr Mrs L A Butcher
Cllr C C Cannell
Cllr M R Carter
Cllr Mrs T L Carter
Cllr D S Efde
Cllr A H Eves
Cllr Mrs J R Gooding
Cllr B T Hazlewood
Cllr N J Hookway
Cllr K H Hudson
Cllr M J Lucas-Gill
Cllr Mrs J E McPherson
Cllr D Merrick
Cllr R Milne

Cllr J E Newport
Cllr Mrs C E Roe
Cllr Mrs L Shaw
Cllr P J Shaw
Cllr S P Smith
Cllr D J Sperring
Cllr C M Stanley
Cllr M J Steptoe
Cllr I H Ward
Cllr M J Webb
Cllr Mrs C A Weston
Cllr M G Wilkinson
Cllr A L Williams
Cllr S A Wilson
Cllr S E Wootton

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs D Hoy, M Hoy, G J Ioannou, Mrs J R Lumley, Mrs C M Mason and Mrs C A Pavelin.

OFFICERS PRESENT

S Scrutton	-	Managing Director
A Hutchings	-	Strategic Director
A Law	-	Assistant Director, Legal & Democratic
M Harwood-White	-	Assistant Director, Assets & Commercial
L Moss	-	Assistant Director, People & Communities
M Power	-	Democratic Services Officer

192 MINUTES

The Minutes of the meeting held on 16 July 2019 were agreed as a correct record and signed by the Chairman.

193 ANNOUNCEMENT FROM THE CHAIRMAN

The Chairman reminded Members of two forthcoming civic events: the Civic Service on 18 December at the Holy Trinity Church, Rayleigh and the Civic Dinner at the Lawn, Rochford on 6 March 2020.

194 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee meetings held during the period 10 July 2019 to 8 October 2019.

195 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

(1) Report of the Review Committee: Waste & Recycling Contract

Council considered the report of the Review Committee on the Waste & Recycling Contract and the recommendation around the need to buy in expert consultancy advice to assist with the procurement of the contract, which ends in March 2022.

Resolved

That a budget of up to £40,000 be made available for consultancy to assist with the procurement process and to help inform the working group. (ADP&E)

(2) Report of the Review Committee: Regulation of Investigatory Powers Act 2000 (RIPA)

Council considered the report of the Review Committee on amendments to the Council's RIPA policy.

Resolved

That the amendments to the Council's RIPA policy, set out in section 4 of the officer report, be approved. (ADP&C)

(3) Report of the Review Committee: Planning Enforcement Plan 2019-2024

Council considered the report of the Review Committee on the updated Planning Enforcement Plan.

Resolved

That the updated Planning Enforcement Plan, as set out in appendix 1 to the officer report, be adopted. (ADP&E)

(4) Report of the Planning Policy Sub-Committee

Statement of Community Involvement Update 2019: Data Protection and Neighbourhood Planning

Council considered the report of the Planning Policy Sub-Committee on the Statement of Community Involvement.

The Chairman of the Planning Policy Sub-Committee, Cllr D J Sperring, advised that for future reports clarification would be provided on where the

responsibility lies for determining the weight given to consultation responses received.

Resolved

That the revised statement of Community Involvement, set out at appendix A to the report, be adopted and the consultation feedback report, set out in appendix B, be noted. (MD)

Report of the Planning Policy Sub-Committee: New Local Plan Evidence Base: Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019

Council considered the report of the Planning Policy Sub-Committee on the revised New Local Plan Evidence Base: Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019

Resolved

That the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (the RAMS SPD) 2019, attached at appendix C to the report, be consulted on for a period of six weeks. (MD)

196 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 second Ordinary Council meeting of the 2019/20 Municipal Year, and I would like to welcome all Members.

Since the meeting on 16 July, the Executive has met twice, during which considerations included:

- Noting the Quarter 1 2019/20 revenue budget and capital position along with the latest position on the Council’s key performance indicators.
- Agreement to procure for an external technical advisor in the procurement of the new leisure contract from 1 April 2022.
- Noting a report of the Assistant Director, Legal & Democratic on contract monitoring for 2018/19 along with the fact that the Council had been ranked as second nationally and first regionally for its waste collection service.
- Approving revisions to the composition and delivery of the Beagle Project, subject to entrance being free for the public to attend the Beagle Event.
- Agreement of the disposal of the freehold of land off London Road, Rayleigh for the value of £300,000 to Sanctuary Housing.

Other matters that my Executive colleagues and I have dealt with include:-

- Approving a change to Rochford District Council's procedures in determining the suitability of a Hackney Carriage and/or Private Hire Driver's Licence as follows:
 - To change from submitting a paper DBS application to using Essex County Council Electronic DBS system.
 - To change our supplier of conducting the DVLA checks.
 - To formally recognise and adopt the use of the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.
- Agreeing to enter into a lease for 12 months, to occupy the three small shop units being developed at the ground floor of the former King's Head public house, West Street, Rochford; leased to the Council on a rent-free basis and now sub-let to Meanwhile Space CIC as part of a MHCLG pilot scheme called Open Doors, which matches empty properties with community groups looking for space.
- Suspending car parking charges in all Council car parks on the Saturdays during December prior to Christmas.

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 questions, the following was noted:-

- Independent valuations had been received for the disposal of the freehold of land off London Road, Rayleigh to Sanctuary Housing.
- In respect of the play space project, the Great Wakering place space is complete and had been handed over to the residents; £45,000 of the £60,000 cost had come from the grant received from Enover, a net cost to the Council of £15,000. The Rochford Recreation Ground is being progressed at a total expected cost of £55,000, £45,000 of which will be funded by Suez; a net cost to the Council of £10,000. Funding was being sought for the Bedford Close, Rayleigh play space. Hawkwell Common play space was bidding for £45,000 from the Big Lottery Fund, which, if successful, would result in a net cost to the Council of £10,000.
- The membership of the Review Committee Carbon Neutral by 2030 Working Group is: Cllrs Mrs D L Belton, J C Burton, C C Cannell, T G Cutmore, Mrs J R Gooding, Mrs J E McPherson, R Milne, Mrs L Shaw and Mrs C A Weston. One Member expressed disappointment that there was

no representation by the Green Party on this project.

- Cllr M J Steptoe would advise Members in writing whether applicants would be able to use Council office facilities to submit DBS applications to the online system, following a change to the submission procedure.
- The number of people using bed and breakfast accommodation had dropped significantly in the past two years; in September there were only two households in bed and breakfast and 12 households in nightly let accommodation. These figures had fallen to nil and nine respectively in October and were the lowest since 2002, which could be attributed to the Council's homelessness prevention strategy.
- The Portfolio Holder for Enterprise provided information on the celebrations planned as part of the Discover 2020 celebrations to celebrate the District's rich history and heritage. These included the centenary of Ashingdon Church, the 540th anniversary of Rochford Hall, the 440th anniversary of Canewdon witch trials and the 50th anniversary of the Rayleigh Windmill being open to the public. 2020 would mark the 200th anniversary of the launch of HMS Beagle, captained by Robert Fitzroy, which had carried Charles Darwin around the world. The Beagle was decommissioned in 1845 and used as a watch vessel, stationed in Paglesham, where its remains are believed to be buried. There would be a viewing platform looking over the mud flats of the River Roach in Paglesham. Rochford District Council is organising two events to mark the anniversary of the Beagle: the first would be an opening ceremony for invited guests of the viewing platform at Wallasea Island; there would also be a public event across the weekend of 30-31 May 2020 at the Freight House in Rochford, which would be free of charge to the public. The Council's website would offer more detailed information.

197 MOTIONS ON NOTICE

Pursuant to Council Procedure Rule 13, the following motion had been received from Cllrs M G Wilkinson, Mrs D Hoy and M Hoy:-

'Motion to establish a working group to conduct a feasibility study into the installation of CCTV across the district.

Background

At present there is a distinct lack of proper CCTV infrastructure across the Rochford district. The main market town of Rayleigh, which has over 35,000 inhabitants, does not have a single working council owned CCTV camera. What systems that do exist across the various parishes in the district are not linked and are all 'stand-alone' systems. There is no continuity of policy or procedure. Neighbouring towns such as Wickford, Basildon, Southend and Chelmsford; these all have fully functioning CCTV systems, owned and run by

the local district council and supported by and used regularly by the local police.

As we all know, crime is on the increase, particularly violent crime and anti-social behaviour. This is at a time that whilst police numbers are increasing marginally, but the net gain to us as a district is minimal due to the extra policing commitments and the new style of policing which exists today. It is highly unlikely we will ever go back to the days of a policeman on the beat, so we need to look to other options to protect the public. The police criminal investigation process relies heavily on securing 'passive data'. This is data from systems which run automatically in the background and record data in the process. The most obvious of these is CCTV.

The ***Core Investigative Doctrine*** and the '***Murder manual***', both issued by the National College for Policing give advice to Senior Investigating Officers. They both discuss 'fast track actions' which must be considered by the investigating officers within the 'Golden Hour'. Consider that as a period of time immediately following an incident within which it is paramount to secure as much evidence as possible, as after that time the available evidence tends to diminish in both quantity and quality. CCTV scoping and collection is always on that list of fast track actions. Without exception. This principle applies not only to the investigation of crime as serious as murder – but for all criminal investigations. Fast track actions such as CCTV scoping is equally as important. Therefore, a decent fully functioning CCTV system will always have the support and backing of the police.

Alongside the difficulties faced by the police in prosecuting offenders is the added difficulty of securing sufficient evidence to secure a charge and conviction at court. Many factors play into this, but an increasing factor is the reluctance of either victim or witnesses to provide documentary evidence. Therefore, at times, a case becomes one word against the other and the relevant evidential tests fail.

In the main, the reasons witnesses are reluctant to provide evidence is for fear of reprisal. Therefore, if we have a scenario where a victim makes an allegation to the police that they were attacked, for example and none of the witnesses come forward BUT there is clear CCTV imagery of the incident, then the evidential tests are satisfied and the case can progress.

Added to this, another benefit of having CCTV in our towns is for public reassurance. There has to be signage erected to comply with legislation which just adds to the effect. How reassuring will it be for our residents to not only see CCTV cameras erected and keeping an eye on their safety but also for signs advertising this fact?

Legislation and duty imposed.

Section 6(1) Crime and Disorder Act 1988 imposes a duty on ‘responsible’ authorities for a local government area to formulate and implement various strategies. One of these is the reduction of crime and disorder in the area, which includes anti-social behaviour. Another strategy, which this legislation imposes on the local authority, is to reduce re-offending in the area.

Section 5 of this Act also defines what a responsible authority actually is. It defines it as follows:

- a. The local authority
- b. County Council
- c. National Probation Service
- d. Police
- e. Fire & Rescue
- f. Clinical Commissioning groups.

It is important to note that the duties imposed under section 6(1) rest on all of the above list, not just the local authority but we are not talking about a full strategy here with a multi-agency approach where partners within the above organisations would be consulted. This is one small part of that strategy and sits squarely with the local authority, which is the district council not the parish or town councils as they are not a local authority. No member would expect the probation service or Fire and rescue service for example to be involved in the installation of CCTV. That duty rests with the district council.

Proposition

Clearly the installation of a CCTV system across the district is a large undertaking and not one to be organised in one meeting. Therefore, my proposal and what I ask members to resolve this evening is the following: -

To set up a working group to conduct a feasibility study and assess the viability of installing CCTV across Rochford District.

That group, in my opinion should have a working plan, scope and ambition of what it aims to achieve. The below is a list of ideas for research by the group which are obviously not exhaustive.

1. Technological options.
2. Signage / Codes of practice and Regulation of Investigatory Powers Act 2000 (RIPA)
3. The General Data Protection Regulation (GDPR)
4. Locations and needs assessment
5. Funding options
6. Storage and hub.
7. On-going maintenance.
8. ANPR
9. Compile a council policy for CCTV which will ensure consistency across the district.

Please see Annexe A – for further thoughts on each of these areas.

Working group composition.

It is important that this group is entirely NON political. We are all councillors elected to represent our ward's needs regardless of political persuasion. It is equally important that the working group is properly representative of the members, including our geographical location across the district and of the council itself. Paramount of course is that, in my opinion, it consists of our Community Safety Officer. I would suggest that portfolio holders and committee chairmen should not be on the group as it is highly likely that factors involved in the research process may well need to be referred to their particular committee. So, there could be a conflict of interest. Equally I would be cautious of any members of the development committee joining the group as it is almost certain that planning consent will be required for the erection of most if not all of the posts or masts and therefore, they would render themselves predetermined in this respect. I therefore propose that the membership of this working group is as follows:

1. No more than 5 members from all sides of the chamber. The group cannot be too large or it will fail. 5 is a good manageable number to be productive.
2. The Community Safety Officer for Rochford District Council.
3. Representative from RHALC.
4. Representation from RDC Assets management team.

Selection of members on this working group can be conducted in one of a number of ways. I would invite members to make a decision as to how the council wishes to proceed on this issue.

1. Open volunteering for membership and subsequent voting by members in full council on 22 October.
2. Interested parties to send their nomination to Democratic services. Once this is done these can be referred to the review committee to decide who is on the working group.

Further options

It is clearly important to explore as many options and possibilities at the outset to ensure that whatever system is designed is fit for purpose and 100% up to the demand of the job. In addition to whatever static or fixed cameras are installed – we can purchase a couple of portable cameras which work on the same system and feed into the same hub. These will be under the direct control of the Community Safety Officer for deployment where needed to tackle on-going problems across the district.

It would also be possible with a Wi-Fi system and using the agreed software system, if required any Parish or Town Council to increase their CCTV cameras to add to other locations but within any agreed working document.”

In summarising his reasons for moving the motion, Cllr M G Wilkinson felt that CCTV was an important part of ensuring public safety and crime and disorder reduction. It was his belief, therefore, that as public safety and crime prevention are the responsibility of the local authority, so is the provision of CCTV; he added that Rochford District Council was the only authority in the local area not to have a locally funded CCTV system. His proposal was to establish a working group to conduct a feasibility study into the options for having CCTV in the District, which would report to Full Council with its findings.

Cllr Wilkinson stated that when he had contacted the Portfolio Holder for Community, Cllr M J Webb, in May to ask for his support for the Council to investigate this matter, Cllr Webb had advised that CCTV was not the responsibility of the District Council. Cllr Wilkinson was advised that the best course of action would be for this to be looked at by the Review Committee. However, there had been no response to his attempts to contact the Chairman of the Review Committee and the matter had not been included in the Review Committee's work plan.

The Motion was moved by Cllr M G Wilkinson and seconded by Cllr N J Hookway.

Cllr M J Steptoe moved an amendment to the Motion; this was seconded by Cllr Mrs C E Roe.

"To set up a Portfolio Holder working party of 5 Members (including the Portfolio Holder for Community) to establish Rochford District Council's responsibility (if any) under the Crime and Disorder Act 1988 and, if necessary, conduct a benefit and feasibility study and make recommendations to the Portfolio Holder for Community into the possible installation, cost and funding sources for CCTV across the district taking evidence from Parishes/Town Councils, Police and any other interested organisations.

The Portfolio Holder for Community to make a recommendation to Council within nine months."

Cllr Steptoe provided Members with written copies of the amendment and the meeting was adjourned for five minutes to allow Members the opportunity to consider the wording.

Cllr Steptoe stated that although he was broadly in agreement with the original motion, he felt that the matter should be dealt with by a working group under the Portfolio Holder for Community. The working group would look at the feasibility of having CCTV across the District, in consultation with Parish and Town Councils, the Police and other interested organisations; the Portfolio Holder would recommend into Council within nine months. He added that residents had concerns about the level of antisocial behaviour in the District and would be supportive of a working group being set up to investigate the options available.

In response to a question, Cllr Steptoe confirmed that Cllr M G Wilkinson would be invited to be a member of the Working Group.

Cllr Wilkinson wished to thank Cllrs Steptoe and Mrs Roe for providing him with a copy of the amendment in advance of the meeting. Cllr M J Webb, in response to a question from Cllr Wilkinson, confirmed that he was happy to lead the working group in exploring the options for providing CCTV in the District and would come to discussions with an open mind. Cllr M J Steptoe advised he too would be involved in the process.

It was noted that there was no requirement to apply the pro-rata rules when determining the membership of the Portfolio Holder working group and the final decision would be that of the Portfolio Holder for Community. The composition of the working group would be determined outside of the meeting.

The Working Group would have access to legal advisors if necessary, during the course of their determinations.

The Chairman of the Review Committee, Cllr J C Burton, received confirmation that, if the amendment were carried, the matter would be outside the Review Committee's remit and therefore not included in its Work Plan.

The amendment to the Motion was carried on a show of hands.

Resolved

- (1) That a Portfolio Holder working group of five Members (including the Portfolio Holder for Community) be set up to establish Rochford District Council's responsibility (if any) under the Crime and Disorder Act 1988 and, if necessary, conduct a benefit and feasibility study and make recommendations to the Portfolio Holder for Community into the possible installation, cost and funding sources for CCTV across the district, taking evidence from Parishes/Town Councils, Police and any other interested organisations.
- (2) That the Portfolio Holder for Community makes a recommendation to Council within nine months.

198 ALLOCATION OF SEATS ON COMMITTEES

Council considered the report of the Assistant Director, Legal & Democratic on the allocation of seats to Committees following a by election for the vacant seat in Sweyne Park and Grange ward.

The Assistant Director, Legal & Democratic pointed out a typographical error on page 12.5 of the report: the Liberal Democrat heading should be 7.69%, the same percentage heading as for the other opposition groups and the non-group Members. Council was assured that the seat allocations had been calculated using the correct post by-election percentages in respect of each political group.

In response to a question, Members were advised that, although details of seat allocations on the Planning Policy Sub-Committee were set out in a separate table on 12.5 of the report, the calculations were correct. The Sub-Committee had not been treated any differently to the other Committees and the same formula in calculating the pro-rata had been applied. Members were referred to the addendum to the report, which showed membership nominations for Committees and the Sub-Committee.

It was noted that there were 11 nominations for the 15 seats on the Licensing and Appeals Committee. According to the pro rata rules there should be one nomination each to one seat from both the Liberal Democratic Group and the Rochford District Residents Group. After that, the Green, Liberal Democrat and Rochford District Residents Groups could each nominate to one of the two remaining seats. The report set out the process to be followed if, after three weeks from the date of the Council meeting, those political groups failed to express its wishes in relation to the appointment to the seats.

Council endorsed the nominations to Committees and a Sub-Committee, as set out in Addendum 1 to the report.

Resolved

- (1) That Committees and a Sub-Committee be constituted as shown in appendix 1 to the officer report.
- (2) That Members be appointed to serve on Committees and a Sub-Committee, as set out in Addendum 1 to the report, for the remainder of the 2019/20 Municipal Year.

199 QUESTIONS BY MEMBERS AT MEETINGS OF THE EXECUTIVE

Council considered the report of the Assistant Director, Legal & Democratic on the introduction of the opportunity for non-Executive Members to raise questions at meetings of the Executive.

The Leader of the Council, Cllr M J Steptoe, advised that he wished to make meetings of the Executive more inclusive and proposed the introduction of arrangements whereby all Members of the Council could ask a question on notice that related to items on the Agenda. The proposed changes would be reflected in amendments to the Council's Constitution.

In response to a question, Cllr Steptoe confirmed that the facility for the public to raise questions of the Executive through their Councillor would be publicised and included on the Council's website.

Resolved

That changes proposed in the report that would allow all Members of the Council to raise questions on notice at the meetings of the Executive be agreed.

The meeting closed at 8.26 pm.

Chairman

Date

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