

Council – 13 December 2016

Minutes of the meeting of **Council** held on **13 December 2016** when there were present:

Chairman: Cllr Mrs C A Weston
Vice-Chairman: Cllr Mrs L A Butcher

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

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs J C Burton, R Milne, T E Mountain and R A Oatham.

OFFICERS PRESENT

S Scrutton	- Managing Director
R Manning	- Section 151 Officer
J Bostock	- Assistant Director, Democratic Services
M Harwood-White	- Assistant Director, Commercial Services
M Hotten	- Assistant Director, Environmental Services
L Moss	- Assistant Director, Community & Housing Services
D Tribe	- Assistant Director, Customer, Revenues and Benefits Services
S Hayward	- Principal Officer (Benefits)
M Power	- Democratic Services Officer

268 MINUTES

The Minutes of the meeting held on 18 October 2016 were approved as a correct record and signed by the Chairman.

269 PRESENTATION FROM THE POLICE

Council received a presentation from Assistant Chief Constable Maurice Mason and Inspector Fergus Caulfield, Essex Police on recent policing developments in the County and more locally.

In response to Member questions, the following was noted:

- The current lack of a Police Licensing Officer, which had had a negative impact on the working relationship between the Police and the Council's Licensing team, was recognised by the Police, who advised that a request had been put forward to fill the position so as to maintain good local links with the Council and other partners.
- The Police would provide Cllr Mrs C E Roe with details of an incident in Rayleigh High Street that had occurred during the early hours of 3 December.
- Police Analysts are trained to interrogate information in order that reduced Police resources can be focussed on improving areas of policing that have the greatest need.
- The Police are working closely with the Rochford and Castle Point Community Safety Partnership (CSP) to deliver local policing for the Partnership's priorities. Although Rochford District does not have the acute problem seen in other areas with urban street gangs and activities around drug dealing, violence and sexual exploitation, the Police are watching the situation extremely closely and employing a range of tactics and operations as necessary.
- Cllr N J Hookway would advise Inspector Caulfield of the specifics of a case in Great Wakering where a CCTV recording of a house burglary, including details of the car number plate, had been offered to the Police but not taken up. The Police acknowledged that CCTV evidence in such a case would often be circulated via social media and could assist in apprehending individuals committing a crime. A Neighbourhood Watch scheme was due to be established by residents in Great Wakering.
- Inspector Caulfield advised that he would provide an update to Members on the status of Essex Community Messaging, although it was recognised that social media is performing an increasing significant role in how people report incidents and exchange information.
- In respect of the evidence provided of overweight lorries using Watery Lane, this will fall within the responsibility primarily of Trading Standards. The Police have a good relationship with Trading Standards and would work with partners to remedy the situation as appropriate.

- Rayleigh Town Council had the power to enforce by-laws in respect of Incidents of anti-social behaviour (ASB) in King George's Playing Fields, Rayleigh. ASB is a CSP priority; therefore, Police will work in partnership with Parish/Town Councils in this respect.

Responses would be provided to all questions raised at the meeting and the Police welcome the opportunity to continue to provide information to Members on a regular basis.

270 PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

QUESTIONS BY THE PUBLIC

Pursuant to Council Procedure Rule 10, the following questions of the Portfolio Holders for Environment and Enterprise had been received from Mr Alan James, Hockley & Hawkwell Residents Associations, 25B Belchamps Way, Hockley, SS5 4NT. They were put by the Chairman on the questioner's behalf:

"From the Public Toilet Strategy report issued and discussed at the RDC meeting on the 30 November 2016. My question is specifically about the Hockley toilet block in Southend Road adjacent to Hockley Library but could also be generally about the other RDC toilets.

The current Hockley toilets are used by the shoppers, visitors, walkers, library users, bus drivers etc. In the meeting of the 30 November 2016 the main option discussed and favoured was to replace the toilets with new cubicle type units based on the ones used in Southend and Leigh.

- (1) I would like to know where RDC propose to locate these new toilets? Behind the current toilets in the RDC car park would be an obvious choice.
- (2) Would RDC please assure the residents that the current toilet would not be closed until the new ones are up and running?
- (3) I would also like to know if RDC really believe that a small old toilet building surrounded by RDC property would be practical to sell for commercial use or has RDC some other proposal?

The Portfolio Holder for Environment, Cllr D J Sperring, responded to each of the three questions in turn, as follows:

- (1) Any new toilets would be predicated on a sound business case that has been scrutinised by the Council's Investment Board. The location of any new toilets has at this stage not been considered in detail as we are still in discussion with Parish and Town Councils as to what they would be willing to take on; therefore, we do not wish to limit options at this stage.

- (2) Should the Council decide to install new facilities, every effort will be made to minimise disruption to the service. Unfortunately we cannot guarantee that the siting of the new toilets will not be upon the site of the existing facility. Clearly any closure in this case would be kept to the minimum.
- (3) The report does cover the possibility of the sale of each facility. Should a decision be taken for a facility to be closed, then the best use of that asset will be considered in greater detail at the time of that decision.

QUESTIONS BY MEMBERS

Pursuant to Council procedure rule 12.2, the following questions had been received from Members:

From Cllr Mrs D Hoy of the Portfolio Holder for Community

“Would you confirm that this Council will be prepared to use its new powers and take over the management of park home sites where owners fail to comply with notices to improve their sites.”

The Portfolio Holder for Community, Cllr Mrs J R Lumley, responded as follows:

“There is no requirement in the current legislation that gives Councils the authority to take over the management of a caravan site.

A number of new enforcement powers were, however, introduced with the Mobile Homes Act 2013. These include the power to:

- 1) Serve compliance notices where there is a breach of a condition of the site rules.
- 2) Carry out works in default.
- 3) Prosecute owners for failing to comply with a compliance notice.
- 4) Charge for annual licensing inspections.
- 5) Refuse transfer of a licence, where a company or individual is not a fit and proper person and/or does not have the management structures in place to manage a site effectively.
- 6) Prosecute an owner for not having a licence.”

From Cllr Mrs D Hoy of the Deputy Leader

“Would you please confirm how many parking enforcement officers operate in the Rochford District on the basis of full time equivalents and what is the value of penalty notices issued by ward for 2015/16?”

The Deputy Leader, Cllr M J Steptoe, responded as follows:

“There are three Parking Enforcement Officers operating in the Rochford District car parks on the basis of full time equivalents.

There were 1758 PCNs (Parking Charge Notices) issued in the Council’s car parks in 2015/16, with a total value of £88,280. This can be broken down as follows:

Wheatley – 1250 PCNs issued – with a value of £62,660

Sweyne Park & Grange – 94 PCNs issued – with a value of £4,780

Hockley – 123 PCNs issued – with a value of £6,150

Roche South – 291 PCNs issued – with a value of £14,690

The total income from PCNs for 2015/16 was £43,381.58 (this figure will include payments for some PCNs issued before 1 April 2015). The fine is reduced by 50% if paid within 14 days (82% of motorists who pay the fine take this option).

This figure cannot be broken down by car parks or Wards.”

271 MINUTES OF EXECUTIVE AND COMMITTEE MEETINGS

Council received the Minutes of Executive and Committee Meetings held between the period 29 September to 25 November 2016.

272 REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

(1) New Local Plan – Early Engagement Workshops and Survey

Council considered the report of the Planning Policy Sub-Committee with a recommendation in relation to the content of the early engagement programme consultation statement.

In response to a question, the Chairman of the Planning Policy Sub-Committee, Cllr D J Sperring, advised that issues raised during the public consultation on the new Local Plan process would be reported to the bodies concerned and progressed as appropriate; a further report would be made to Full Council.

Resolved

That the content of the early engagement programme consultation statement, as set out in Appendix A to the officer’s report, be noted. (AD-P&RS)

(2) Treasury Management 2016/17 Mid Year Review

Council considered the report of the Review Committee containing a recommendation on the Mid Year Treasury Management Report.

Resolved

That the Treasury Management 2016/17 Mid Year Report be noted. (S1510)

(3) Public Toilet Strategy

Council considered the report of the Executive with recommendations in relation to the future of public toilets within the District.

In presenting the report Cllr D J Sperring amended the second recommendation to provide that authority to oversee the closure and sale of public toilets would be delegated to the Portfolio Holder for Environment and the Portfolio Holder for Enterprise, through a Member Advisory Group that had representation from each of the political Groups on the Council, subject to appropriate public consultation. Subject to that change, the recommendations of the Executive were moved by Cllr D J Sperring and seconded by Cllr I H Ward.

In support of the Motion, Cllr Sperring advised that the proposals would enable the Council to move forward with consideration by the Investment Board of possible scenarios as well as issues that needed to be addressed.

Members speaking against the motion emphasised the concern that closure of public toilets would have a disproportionate effect on the more vulnerable residents, including those with medical conditions, and that every avenue should be explored to keep the facilities open. There was recognition that Rochford had an ageing community and that new housing developments would see a rise in the population generally.

A suggestion was made that a way to achieve savings could be that local traders be key holders and open and close the toilets daily; or that a local person could be employed to open/close/inspect the toilets. Any decision on closure of the toilets would be made by Full Council.

If the toilets were to become community toilets there would be no guarantee of savings and certainty of provision could be compromised. If modular facilities were to be considered the units would be supplied by the Council to interested Parish/Town Councils, who would take over the operation thereafter.

The Council had no programme of maintenance of the District's public toilets. The cost of refurbishment of the toilets as an alternative option to closure was not included in the report. It was felt that there was no evidence in the report that the different options available had been looked at in detail.

It was requested that each of the District's toilets be reviewed on a case by case basis. There was concern that the proposed closure of the toilets in Rayleigh Town Centre and the Hockley shopping area would cost the economies of these two areas.

Some residents had voiced their opposition to the proposed closure. There was concern that the survey of toilet usage undertaken in September 2014 was inadequate and a question around the appropriateness of the time of day the survey was carried out and whether a more recent survey should have been undertaken.

When asked to clarify the situation on whether, under the existing contract, savings on the cleaning regime could be achieved for some of the toilets, the Assistant Director, Environmental Services advised that, although the Council could not look to make savings on individual toilets, there was the possibility of terminating the contract without penalty.

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

For (16): Cllrs M R Carter; T G Cutmore; R R Dray; B T Hazlewood; G J Ioannou; M J Lucas-Gill; Mrs J R Lumley; D Merrick; Mrs C E Roe; Mrs L Shaw; S P Smith; D J Sperring; M J Steptoe; I H Ward; M J Webb; A L Williams.

Against (14): Cllrs C I Black; Mrs I Cassar; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; J E Newport; C M Stanley; S A Wilson.

Abstain (4): Cllrs Mrs L A Butcher; Mrs J R Gooding; J D Griffin; Mrs C A Weston.

The Motion was declared carried and it was:

Resolved

- (1) That all public toilets, with the exception of those at Hockley Woods, are disposed of either by closure and sale, or through transfer of the asset upon a long-term lease to the relevant Town/Parish Council. The disposal of these assets to be completed by April 2018.
- (2) That authority be delegated to the Portfolio Holder for Environment and the Portfolio Holder for Enterprise, through a Member Advisory Group that has representation from each of the political Groups on the Council, to oversee the closure and sale of public toilets, as above (1), subject to appropriate public consultation.
- (3) That authority be delegated to the Assistant Director, Environmental Services, in consultation with the Portfolio Holder for Environment and the Portfolio Holder for Enterprise, to negotiate suitable lease arrangements

with the relevant Town/Parish Councils.

- (4) That should the negotiations in (3) above have been successful, the Investment Board be asked to present a business case in line with the budgetary principles set out in the appended Options Document for the installation of replacement public toilets. (ADES)

273 REPORT ON URGENT DECISIONS

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

274 REPORT OF THE LEADER ON THE WORK OF THE EXECUTIVE

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

“This is the third ordinary Council meeting for the 2016/17 Municipal Year since Annual Council and I would like to welcome all Members.

Since the meeting on 18 October the Executive has met on two occasions, during which:-

- Consideration was given to the Quarter 2 2016/17 Financial Management Report.
- It was agreed that a fair and transparent procedure be put in place for allocating the Voluntary Sector Grants Fund for the financial year 2017/18 and that the Portfolio Holder for Finance gives consideration to the introduction of a fund from within the Council’s agreed grant budget that could be easily accessible on an ad-hoc basis.

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

- Agreeing to purchase an additional portacabin as office accommodation within the Council Depot at a cost of £10,000.
- Endorsing and adopting the revised health and safety policy for the Council and delegating authority to the Assistant Director, Commercial Services to develop and implement further associated health and safety policies, as necessary.
- Agreeing that the Recycling and Waste Container Charging Policy Document be adopted.
- Adopting a Surveillance Policy in relation to vehicle monitoring systems and CCTV.

- Agreeing that car parking charges in all Council car parks be suspended 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.”

Cllr C I Black requested further information on the Air Quality Action Plan report around the evidence reported and whether the findings were based on actual readings taken or based on simple calculations and modelling. Cllr Mrs J R Lumley, Portfolio Holder for Community, advised that she would provide Cllr Black with a written response.

275 LOCAL COUNCIL TAX SUPPORT SCHEME – 2017/18

Council considered the report of the Assistant Director, Customer, Revenues & Benefits Services with details of the proposed Local Council Tax Support (LCTS) scheme for 2017/18.

A Member expressed concern that the response rate to the annual consultation was very low and that vulnerable people, who may be unaware that they can claim LCTS, would be hit hard by the reduction to a maximum period of one month that a claim for LCTS could be backdated.

It was confirmed that the family premium would not be included in the calculations based on average weekly income in respect of new claimants. The scheme had been amended so that it aligned with other benefits, such as Housing Benefit and Universal Credit, although this was not a statutory requirement.

In response to concern that self-employed people who earned less than the minimum wage were penalised under the Council's LCTS scheme, Members were advised that self employed individuals were assessed on their business's profit and loss accounts. Under Universal Credit a new business was given two years to get up and running and make a profit. After this time, if a business was not in profit, the claimant was treated as having earnings equivalent to 35 hours per week at the minimum wage.

Resolved

- (1) That the changes to the Local Council Tax Support Scheme 2017/18 scheme be approved and come into effect from 1 April 2017.
- (2) That the revised Discretionary Reduction in Council Tax Liability Policy, appended to the officer's report, be adopted. (ADCR&B)

(Note: Cllrs C I Black; Mrs I Cassar; D S Efde; A H Eves; N J Hookway; Mrs D Hoy; M Hoy; Mrs T R Hughes; Mrs C M Mason; E O K Mason; J R F Mason; J

Council – 13 December 2016

E Newport; C M Stanley and S A Wilson wished it to be recorded that they had voted against the above resolution.)

The meeting closed at 9.45 pm.

Chairman

Date

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