

Community Services Committee – 1 September 2005

Minutes of the meeting of the **Community Services Committee** held on **1 September 2005** when there were present:-

Chairman: Cllr S P Smith
Vice-Chairman: Cllr R A Amner

Cllr Mrs L A Butcher
Cllr T G Cutmore
Cllr Mrs H L A Glynn
Cllr Mrs L Hungate

Cllr Mrs J R Lumley
Cllr J R F Mason
Cllr J M Pullen
Cllr Mrs M J Webster

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs K A Gibbs, J Thomass and Mrs B J Wilkins.

VISITING

Councillor D G Stansby.

OFFICERS PRESENT

G Woolhouse	- Head of Housing, Health and Community Care
D Timson	- Property Maintenance and Highways Manager
J Bostock	- Principal Committee Administrator

318 MINUTES

The Minutes of the Meeting held on 5 July 2005 were approved as a correct record and signed by the Chairman.

319 DECLARATIONS OF INTEREST

Councillor D G Stansby declared a personal interest in the items relating to play spaces by virtue of being a Member of the Community Overview and Scrutiny Committee and Chairman of the Playspace Sub-Committee.

Councillor J M Pullen declared a personal interest in the item on the Windmill by virtue of being a member of the National Trust and a Town Councillor.

Councillor Mrs J R Lumley declared a personal interest in the item on the Windmill by virtue of being a member of the National Trust.

Councillor Mrs H L A Glynn declared a personal interest in the item on the Playspace Rolling Programme by virtue of being a Hawkwell Parish Councillor

320 CONSULTATION ON SMOKING BAN PROPOSALS

The Committee considered the report of the Head of Housing, Health and Community Care inviting comments on a Department of Health Consultation Paper concerning banning smoking in public places and work places with exemptions.

Responding to questions, the Head of Housing, Health and Community Care advised that:-

- It appeared that membership clubs would be able to hold an annual ballot on the question of whether to allow smoking or be smoke free, the decision being based on a majority vote.
- The smoking restriction area around bars is likely to be a distance of 1 metre.
- For marquees and tents, it is likely that they would be designated non-smoking since they would meet the proposed definition of an enclosed space.
- The proposals will have been subjected to a “regulatory impact assessment”. Such assessments are likely to have covered potential impact on duty collected by the Exchequer. It can be observed that a reduction in smoking may lead to a reduction in NHS treatment costs.
- Whilst there would be a need to be cognisant of the full detail of any final legislation, there is every likelihood that the Council would need to consider the situation with regard to its own premises.
- It would be possible to revise report recommendation (3) to provide for support of the principle of allowing those licensed premises that do not serve food to determine for themselves whether to allow smoking subject to a requirement that employers are made aware of the smoking status of the premises before starting employment.

During debate it was observed that the benefits that could be associated with public education campaigns on the dangers of smoking should not be forgotten. Specific reference was made to the likelihood that the proposed fine levels as they relate to offenders were unlikely to be a deterrent. Reference was also made to the dangers that managers of premises may face if trying to uphold any legislation. It was agreed that a change to report recommendation (3) would be appropriate.

Resolved

That the following comments be submitted to the Department of Health:-

- (1) That all cigarettes and tobacco products, including herbal cigarettes, are included in the definition. This will reduce the burden of proof on the enforcing authority.
- (2) That the exemptions for permitting smoking in non-food pubs be removed. This is an unworkable exemption and does not protect the health of employees in these environments.
- (3) Rochford District Council supports the principle of allowing those licensed premises that do not serve food to determine for themselves whether to allow smoking, but the Council would wish to see it made a requirement that employees are made aware of the smoking status of the premises before starting employment. The proposals in respect of other enclosed public places and workplaces are supported.
- (4) That the forcing of licensed premises to choose between providing food or permitting smoking may lead to the unintentional creation of a less family friendly atmosphere and more binge-drinking.
- (5) That the second defence be qualified that where smoking continues, despite the manager having previously asked the smoker to stop, he is required by law to ask the smoker to leave the premises. This would then act as a defence of “due diligence”; that the manager had done everything within his power to prevent smoking in the premises.
- (6) That the level of fines is unlikely to be a sufficient deterrent and that measures should be introduced within the proposals for higher fines for repeat offences.
- (7) Support is given to the New Burdens Doctrine, welcoming the reimbursement to local authorities for any extra costs that they face as a result of this policy, and that it is essential for all enforcing authorities to be fully funded for the new duties.
- (8) The Council is concerned that managers and enforcement staff will be very vulnerable to violence when attempting to investigate or enforce against offences, particularly in issuing fixed penalty notices against those smoking in non-smoking licensed premises. (HHHCC)

321 REPORT OF THE WINDMILL SUB-COMMITTEE

The Committee considered the report of the Windmill Sub-Committee setting out a number of recommendations.

Responding to questions on the setting up of the Management Group, the Property Maintenance and Highways Manager advised that proposed terms of reference were under development for submission to a future meeting of the Windmill Sub-Committee. The Management Group would only set events and bookings, the District Council, via the Community Service Committee, retaining full overall control of the Windmill and Windmill policy. All representative groups identified in the finalised terms of reference would be expected to maintain full involvement pending any Council changes to the terms of reference.

During discussion it was observed that it would be appropriate for the District to be identified as proposing a formal Civic opening. The Committee agreed a motion, moved by Councillor T G Cutmore and seconded by Councillor Mrs H L A Glynn in this regard. It was also observed that the likelihood of an ongoing need to finance Windmill maintenance combined with the Council's tourism aspirations pointed to there being merit in officers investigating if the Windmill could be licenced for weddings. The Committee agreed a motion, moved by Councillor Mrs M J Webster and seconded by Councillor T G Cutmore, in this regard.

Resolved

- (1) That the District Council develop proposals for the formal Civic opening of the Windmill in December and include the hosting of a musical event, such as the singing of Christmas Carols.
- (2) That a bid for additional funding of £100,000 be submitted to Thames Gateway.
- (3) That, subject to detailed terms of reference/reporting lines being considered by the Windmill Sub-Committee, arrangements be made for the setting up of a Management Group that would have overall control of events and bookings, with the Arts Developments officer or other appointed Council Officer acting as facilitator. The Group should include a representative of Rochford District Council, Rayleigh Town Council, the National Trust, the Rayleigh Historical Society and Holmes Place. The Group should meet on a quarterly basis to provide overall management control.
- (4) That officers investigate ways and means of licensing the Windmill for weddings and seek to negotiate with Holmes Place to achieve a package that will attract brides and grooms. (CD(F&ES))

322 POOLES LANE PLAYSPLACE, HULLBRIDGE – PROPOSED EXTENSION TO PLAYSPLACE

The Committee considered the report of the Corporate Director (Finance & External Services) seeking agreement to an extension to the Pooles Lane Playspace, Hullbridge

During debate it was recognised that, whilst there was always a risk of vandalism and associated costs, this was the case for other such schemes. The project should be seen in the context of developing services for the community.

It was noted that, given that proposals had been developed in response to a local petition, the project could be seen as addressing community need.

The Committee concurred with the observation of the Chairman that it would be appropriate to issue a press release highlighting the partnership/joint funding nature of this initiative.

Resolved

- (1) That the use of additional Rochford District Council land to expand the playspace, with equipment funded through the Parish Council and grants they have secured, be agreed.
- (2) That the additional maintenance costs, as set out in the report, be accepted for inclusion in future budget estimates.
- (3) That a press release be issued highlighting the partnership/joint funding nature of this initiative. (CD(F&ES))

323 PLAYSPLACE ROLLING PROGRAMME 2005/06

The Committee considered the report of the Corporate Director (Finance & External Services) seeking approval to the list of sites to be included in the rolling programme of playspace refurbishment in 2005/06.

The Property Maintenance and Highways Manager advised that a financial formula based on the sharing of revenue funding with Parishes had been developed by officers for application to playspace provision. There had already been indication from a number of Parishes that they would be interested in pursuing such a formula.

On the question of moving forward with the Parishes, it was noted that the Chairman of the Parish Liaison Sub-Committee was due to meet with the lead officer during the following week. It was also noted that the question of Trustee status for open spaces was under review by Legal Services and that

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two licences had now been issued for ice cream franchises on the basis of a one year pilot scheme.

The Property Maintenance and Highways Manager advised that a report would be submitted to the Committee meeting scheduled for 4 October on the Clements Hall skateboard, which was currently subject to Parish consultation.

Resolved

That the programme of playspace refurbishments, as set out at paragraph 3.2 of the report, be agreed. (CD(F&ES))

The meeting closed at 8.32pm.

Chairman

Date