

Review Committee – 13 June 2017

Minutes of the meeting of the **Review Committee** held on **13 June 2017** when there were present:-

Chairman: Cllr J C Burton

Cllr N L Cooper

Cllr R R Dray

Cllr Mrs J R Gooding

Cllr B T Hazlewood

Cllr N J Hookway

Cllr M Hoy

Cllr Mrs C M Mason

Cllr J R F Mason

Cllr J E Newport

Cllr Mrs L Shaw

Cllr C M Stanley

Cllr A L Williams

VISITING MEMBERS

Cllrs Mrs D Hoy, Mrs C E Roe, D J Sperring, M J Steptoe and M J Webb.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Mrs J R Lumley and R Milne.

SUBSTITUTES

Cllr M J Lucas-Gill

Cllr Mrs C A Weston

OFFICERS PRESENT

M Harwood-White	-	Assistant Director, Commercial Services
A Law	-	Assistant Director, Legal Services
M Howlett	-	Environmental Health Team Leader
P Gowers	-	Overview and Scrutiny Officer
M Power	-	Democratic Service Officer

113 MINUTES

The Minutes of the meeting held on 4 April 2017 were agreed as a correct record and signed by the Chairman.

114 DECLARATIONS OF INTEREST

The Leader of the Green and Rochford District Residents Group stated that none of his Group Members present had been whipped.

Cllrs R R Dray, J E Newport, and C M Stanley declared a non-pecuniary interest in Item 6 of the Agenda, Air Quality Action Plan, by virtue of being Members of Rayleigh Town Council and Cllr J C Burton by virtue of being a Member of Rayleigh Town Council and residing in the area of the Air Quality Management Area (AQMA). Cllr Mrs L Shaw declared a non-pecuniary interest in Item 10 of the Agenda, Investigation into the issues raised by the petition

presented to Council on 25 April 2017, by virtue of being a member since May of the Sanctuary Housing in Rochford Committee.

115 INVESTIGATION INTO THE ISSUES RAISED BY THE PETITION PRESENTED TO COUNCIL ON 25 APRIL 2017

A summary of the questions and answers from the Review Committee meeting on 1 June 2017 had been provided to Committee Members.

During discussion, one Member stated that, considering the level of homelessness in the District, it would be undesirable to continue to place residents in bed and breakfast accommodation outside the District and that the Council was not now in a position to ask Sanctuary Housing to consider change of tenancy for Frances Cottee Lodge (FCL) and Clarence Road (CR) flats. It was noted that the initiation for the change of use had come from Rochford District Council officers and, because at the Council meeting on 8 June 2016 the item had been discussed in exempt session, Members had not been able to consult with the public and gauge public opinion.

Members requested clarification of the role of District Council Members on the Sanctuary in Rochford Committee; that is, who they represent and the role they play. It was requested that the matter be considered of how the Sanctuary in Rochford Committee reports back to Full Council.

It was requested that Housing Options officers report to Full Council on how it is planned to house the over 55s in future and on the terms that would be included in the nomination agreement.

Cllr Mrs J R Gooding moved that the Committee recommends to Full Council that, as a valued partner, Sanctuary Housing continues to provide information and updates for local residents on the changes to Frances Cottee Lodge. The Motion was seconded by Cllr Hazlewood.

Speaking against the motion, some Members felt that it did not address all the questions raised by the Review Committee during its deliberations, including the need to establish what had gone wrong with the process and to ensure that the same issues did not occur in the future, as well as clarification of what the Council's nomination rights would be. It was acknowledged that Rochford District Council did not have the right to instruct Sanctuary to do anything.

Some Members felt that the process had failed residents, with poor communication and lack of open and transparent reports.

In response to a question, the Monitoring Officer advised that there was no conflict of interest where a Ward Member or Portfolio Holder sat on an outside body, such as the Sanctuary in Rochford Committee. The Monitoring Officer could be asked to give advice on such matters as they arose.

It was noted that Sanctuary owned FCL and that the Council had the opportunity to assist the homeless residents of the District; however, it was recognised that improved processes were needed.

It was also noted that none of the political Groups present were subject to the whip.

On a show of hands the motion was declared lost.

It was moved by Cllr Mrs C A Weston and seconded by Cllr Williams that it be recommended to Full Council that, in finalising the nomination agreement, the Council ensures that Frances Cottee Lodge is used only for homeless families with a local connection to the Rochford District and that the initial agreement be for five years.

Members who spoke against the motion stated that it did not cover all the matters that needed to be considered by Full Council, including the necessity for a plan for the elderly of the District who required accommodation. There was also the need to cover the issue of reporting back to Full Council by the Rochford in Sanctuary Committee and clarification of the role of the Committee Members and the request that Full Council looks at why the item had been considered in exempt session by the Council. This would fail to allow the Council to learn from its mistakes. The wording did not state that the accommodation at FCL would be only open to residents of Rayleigh, rather than all Rochford homeless residents on the homeless register.

On a show of hands the motion was declared lost.

Cllr J C Burton moved that the following recommendations be made to Full Council. Cllr J R F Mason seconded the motion.

- That Members receive a report from the Housing Options Team on the plan for how the Council will deal with the people on the waiting list for sheltered accommodation.
- 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.
- That Rochford District Council retains the nomination rights for at least five years.

During its scrutiny a Committee finding was that there was a need for improvement of the process to ensure greater openness and communication and that the Council should learn from this to try to prevent it happening again in the future.

On a show of hands the motion was declared carried and it was

Recommended to Council:-

- (1) That Members receive a report from the Housing Options Team on the plan for how the Council will deal with the 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.

116 AIR QUALITY ACTION PLAN

The Committee considered the report of the Assistant Director, Democratic Services on the call-in of an Executive Decision on an Air Quality Action Plan (AQAP).

In response to questions, the following was noted:-

- The report associated with the AQAP had cost Rochford District Council £15,000, and Essex County Council £2,000, to produce.
- Key changes from the last draft AQAP, which had undergone public consultation in late 2016, included a refinement in wording, actions for Essex County Council as the Highway Authority and progress on ongoing works including, significantly, the engagement with the Arriva bus company on their plans to reduce emissions by looking at routes and infrastructure, including installing laybys to allow buses to stop.
- There had been 41 separate responses to the public consultation, which included statutory consultees and residents living both within and without the AQMA. This rate compared favourably with that received by other local authorities. Details of the consultation measures the Council took are publically available.
- The target of meeting the report's objectives by 2018 is robust. The trend shows that Nitrogen Dioxide levels are in steady decline and it was important to maintain any improvement that is secured.
- Savings can go towards resident engagement and towards a feasibility study, following which the Council can apply for Air Quality grant funding from DEFRA. DEFRA requires that all the options considered by the Council are detailed in the report. The Council would work towards achieving as many of these measures as possible.
- The 200µg/m³ Nitrogen Dioxide rate had not been reached; the figures in the report related to an annual average target of 40µg/m³. The automatic

analyser that had been in place until mid 2016 provided detailed information on Nitrogen Dioxide levels and showed there had been no exceedance of the hourly rate.

- The automatic analyser receptors in Rayleigh had been replaced by an increased number of diffusion tubes placed away from the road, on the façade of residential buildings at locations within the AQMA. These receptors provided more directly achieved data, which was no less accurate than that previously achieved by the automatic analyser. The automatic analyser receptors had been able to identify peaks relating to specific seasons, days and times; diffusion tubes provided only a monthly average. It is not planned to reinstate the automatic analyser; the situation would be reviewed annually.
- Members would be advised of how many of the 41 responses to the public consultation represented responses from residents. The following measures had been undertaken as part of the consultation process: 223 households within the AQMA had been sent a letter about the consultation, details were circulated to the Rayleigh Chamber of Trade, local businesses and libraries and the District Council receptions at Rochford and Rayleigh. A meeting with the Clerk to Rayleigh Town Council had taken place. The Air Quality consultation had featured on various pages of the Council's website and on the EssexAir website, as well as in RDC social media and local newspapers. The consultation period had been increased from four to five weeks and all other statutory consultees had received direct emails.
- Members questioned that the reductions in the report could be achieved by the target date of 2018, bearing in mind planned housing developments and the consequent increase in vehicular traffic for the area.
- In respect of the impact on air quality of planned developments in the area, the Council produces an annual status report on progress and changes in the District, which includes residential developments; DEFRA would have full knowledge of plans or changes.
- The AQMA was declared in 2015 against a national objective of target of $40\mu\text{g}/\text{m}^3$ for Nitrogen Dioxide; DEFRA requires the Council to produce an AQAP for this only.

It was felt that the wording on page 8 of the AQAP, 'No current exceedances of the objectives have been identified anywhere else in the District of Rochford' was misleading as not every area within the District was monitored. Other areas may have a problem but are not monitored so this statement could be amended. Members were advised that various locations across the District had been monitored for a number of years in a targeted way. Because of the need to make reports annually to DEFRA if there was a concern about levels, the Council had taken a cautious approach to the withdrawal of monitoring locations across the District. There were currently two locations outside the

Rayleigh AQMA: South Street, Rochford and the Anne Boleyn junction at Rochford, neither of which were in exceedance at relevant receptors.

The Review Committee on 4 October 2016 had been advised that Members could request that additional sites in the District be considered for air quality monitoring. Members were advised that Member requests that had been received had been refused based on officer knowledge and previous data, which indicated that the locations requested did not have an air quality problem. The decisions were made by the Environmental Health Team Leader following discussion with the Managing Director.

There is no legal impediment to anyone carrying out air quality monitoring.

In response to a question as to the implications for Rochford of DEFRA's revised UK Air Quality Plan, Members were advised that the Rochford AQMA is a local air quality management issue, separate from DEFRA's UK plan, which is focussed on large roads. London Southend Airport has its own measuring equipment and it reports air quality data directly to the Council. The airport also publishes its data in its Annual Reports.

It was felt by some Members that the report had taken too long to produce. It was agreed that, to ensure accuracy, an amendment to the wording would be recommended 'there are no monitored exceedances within the District'.

Recommended to the Portfolio Holder for Community that the wording on page 8 of the report be amended to make it clear that there are no other monitored exceedances within the District.

117 OVERALL WORK PROGRAMME AND METHODOLOGY

The Committee deliberated on a number of topics to be considered for the 2016/17 programme. Some of these topics had been included in the Review Committee's 2016/17 Annual Report as possible topics for consideration by this year's Committee. In addition, it was agreed that the following reviews would be undertaken by the Committee:

- Enforcement of unauthorised adverts: the Planning Enforcement team would be asked to submit a report.
- Building Control: the Assistant Director, Planning and Regeneration Services would be asked to provide an interim report at the November meeting of the Committee and an update and full business case in February.
- Charging for bins for new developments – not being applied universally, loss of income: the Assistant Director, Environmental Services would be asked to provide a report.

- Member training – how subjects for training are chosen and how the content is decided upon: the Assistant Director, Democratic Services would be asked to attend a meeting of the Committee.
- Sanctuary Housing to report back in October or November on monitoring of buildings and tenures.

Noting that there is reference on the Council's website to the fact that members of the public can request topics for review by the Committee it was agreed that it would be useful for this to also be included on the Council's Facebook page.

118 KEY DECISIONS DOCUMENT

5/17 South Essex Strategic Housing Market Assessment (SHMA) – 2017 Addendum. Members commented that the Addendum had been published elsewhere and queried why Members had yet to see it. The matter would be raised and reported back to Members.

It was noted that the document should identify where there has been a change from an originally published decision date.

EXCLUSION OF THE PRESS AND PUBLIC

Resolved

That the press and public be excluded from the meeting for the remainder of the meeting 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.

119 LEISURE FACILITY BUILDING CONDITION SURVEYS

Members considered the exempt report of the Assistant Director, Commercial Services, which provided interim information on the Building Condition Surveys carried out on the Council's Leisure Facilities.

During discussion, the following was noted:

- The contractor was responsible for the works identified as a result of the building surveys.
- Since it took over the contract Fusion had invested in cardiovascular equipment and other gym equipment at both sites, in a 3G pitch at Clements Hall leisure centre and in tennis courts at Rayleigh leisure centre.
- Council officers worked with the contractor to achieve efficiencies that could be built into the financial strategy.

- Using the information from the building condition surveys the Council would work with Fusion to identify works needed and decide when the works would be undertaken. The list of works identified would be undertaken by Fusion on a phased basis and there would be regular meetings with the contractor to monitor progress and to ensure the premises would be in a satisfactory condition at the end of the contract.

Further discussion relating to aspects of the leisure contract is set out in the exempt appendix to this Minute.

Resolved

That the contents of the report be noted.

The meeting closed at 10.05 pm.

Chairman

Date

If you would like these minutes in large print, Braille or another language please contact 01702 318111.