

## **Community Services Committee – 2 June 2005**

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Minutes of the meeting of the **Community Services Committee** held on **2 June 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 J R F Mason  
Cllr J M Pullen  
Cllr Mrs M J Webster  
Cllr Mrs B J Wilkins

### **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Mrs J R Lumley

### **SUBSTITUTES**

Cllr C I Black

### **OFFICERS PRESENT**

P Warren	- Chief Executive
R Prior	- Contingency Planning and Health & Safety Manager
C Burton	- Housing Manager
D Upham	- Housing Projects Manager
M Martin	- Committee Administrator

### **ALSO ATTENDING**

Inspector A Parkman, Essex Police

### **214 MINUTES**

The Minutes of the meeting held on 4 April 2005 were approved as a correct record and signed by the Chairman.

### **215 ISSUES ARISING FROM OVERVIEW & SCRUTINY**

The Committee considered the report of the Community Overview & Scrutiny Committee setting out a number of recommendations from the Housing Best Value Sub-Committee.

A copy of the Sub-Committee's report to the Overview & Scrutiny Committee including the recommendations from its meeting held on 8 April 2005 was appended.

During Member discussion, the following points were clarified:-

- Points originally allocated for not having a separate garden, where at least one child under the age of 16 lived, would be removed, due to the Council's lack of flats with gardens.
- Key worker accommodation.
- The Government would be coming forward with a specific policy for key worker housing.
- This Council's "key worker" definition was similar to that of other local authorities.

### **Resolved**

- (1) That, for the necessary purpose of identifying key workers for the identified Housing Corporation funded projects, the definition of key worker be as follows:-

"a key worker is an individual who works in either the public sector or whose employment is of particular importance to the community"

and that a banded approach be adopted to the letting of these units as set out in the report.

- (2) That, apart from its specific application to the identified projects, the term 'key worker' be removed from the lettings policy.
- (3) That the financial criteria that will be used to assess a person's affordability to rent privately or purchase a property, as set out in the report and associated update document, be inserted into the lettings policy.
- (4) That the five points for not having a separate garden with children be removed from the lettings policy.
- (5) That the Council reserve the right to deviate from the points system in order to allocate an extensively adapted property for the disabled to someone in need of that adaptation.
- (6) That the Reasonable Preference category of the lettings policy be expanded to read – "people who need to move to a particular locality in the District where failure to move would cause hardship to themselves or others. This may be due to a need to access medical treatment, to give or receive care, or to take up employment, education or training opportunity".
- (7) That there be no alteration to the policy in respect of accommodation provisions where that accommodation has small bedrooms or unusual layout.

- (8) That the policy on shared facilities be altered for clarification to read – “you share with a relative, but are a separate family/household or an extended family”. (HRHM)

### **216 APPLICATION BY RAYLEIGH POLICE DIVISION – RENEWAL OF DISPERSAL POWERS**

The Committee considered the report of the Chief Executive introducing a request from Rayleigh Police Division in connection with the renewal of Area Dispersal Powers.

The Chairman welcomed Inspector Parkman to the meeting. Members noted that, following evaluation, Essex Police were seeking the renewal of Dispersal Powers in 3 specific parts of Rayleigh, Hockley and Rochford, where the Divisional Commander is satisfied that anti-social behaviour could be seen as a significant and persistent problem.

Members further noted that Essex Police were seeking a mechanism whereby the Council would be able to respond promptly to any requests for consideration of further applications, should the necessary audits showing a significant and persistent anti social behaviour problem to be present.

In response to Member questions, it was noted:-

- The specific reasons for the increase of incidents in the Rayleigh area, despite the past introduction of these powers, was not known.
- Issues such as Anti-Social Behaviour were addressed by the Crime and Disorder Reduction Partnership (CDRP).
- The Police are satisfied that with dispersal powers in place, it would be possible to target specific areas, whereas the Anti-Social Behaviour Order is available as a power for the specific targeting of individuals.
- Alcohol exclusion zones continue to exist under separate legislation.
- Where multiple points of entrance and exit exist in an area, it is always difficult to deal with nuisance caused by, for example, the riding of motorised vehicles, although the dispersal powers could possibly be used to deal with this type of issue.
- Riding mechanically propelled vehicles on a bridle path is illegal, although enforcement was likely to be extremely difficult given other policing priorities.

Members referred to a number of areas apart from the 3 highlighted but were advised that it is not possible to identify a potential area unless an audit of reported incidents indicated that there was a potential problem. The Inspector stressed that Essex Police continued to actively encourage the reporting of all incidents, so that a complete picture is available. Dispersal powers themselves are open to challenge through the Human Rights Act, so it is important that they are accurately positioned.

Dispersal powers are only one strand of dealing with youth nuisance. There are other examples within the District where Members and officers are working with the Parishes/Youth Service/CDRP and the Children and Young People's Strategic Partnership to look at a number of other solutions. A key focus is to reduce the fear of crime and to encourage people to keep reporting incidents to the Police. The Chief Executive advised that, given Member interest, a Member training session updating Members on Crime and Disorder legislation would be arranged.

Members advised that some residents make their complaints direct to the Town/Parish Councils when they are fearful of contacting the Police. Members were reassured that reports from the Town/Parish Councils would be taken into account.

Members agreed the officer recommendation that any future requests for dispersal powers be delegated to the Chief Executive in consultation with the Chairman of the Committee and the affected local Ward Councillors. This would be in the form of a report from the Police detailing the evidence, together with recommendations. If a unanimous decision was not reached, the matter would need to be referred to this Committee, as a last resort for resolution.

### **Resolved**

- (1) That the Police's request to renew the Area Dispersal Powers be approved in the following locations:-
  - Area bounded by High Street, Crown Hill, London Hill, Church Street, Bull Lane, Parklands Avenue, Queens Road, Nursery Close, Bedford Close, Daws Heath Road and Eastwood Road, Rayleigh.
  - Area bounded by the Main Road, Spa Road, Station Approach and Plumberow Avenue, Hockley.
  - Area bounded by Dalys Road, North Street, Weir Pond Road, East Street, South Street, Bradley Way, West Street, Church Walk and section of Ashingdon Road, Rochford.
- (2) That consideration of future requests by the Police in connection with such orders be delegated to the Chief Executive in consultation with the Chairman of Community Services Committee and the affected local Ward Councillors.
- (3) That this Committee continue to receive reports from Essex Police on the success of these powers. (CE)

### **217 THE CIVIL CONTINGENCIES ACT 2004 – UPDATE ON PROGRESS AND IMPLICATIONS FOR THIS COUNCIL**

The Committee considered the report of the Chief Executive updating Members with regard to the Civil Contingencies Act implementation timetable

and setting out those responsibilities under “key elements” of the Act, which require this Council’s involvement and those functions that can be shared jointly with Essex County Council.

In response to Member questions it was noted:-

- Participation and co-operation between the two Unitaries and twelve Districts within the County is implicit within the Act, for example, during the local floods in 2000, this District worked in partnership with Southend Borough Council.
- A Service Level Agreement would exist between the County and the District Councils.
- Districts have risen in status to become Category 1 responders, with responsibility to ensure that all parts of the Act are complied with.

### **Resolved**

- (1) That the implications and progress made to date in addressing the implications of the Civil Contingencies Act 2004 be noted.
- (2) That the Council participates in contributing to the establishment of an “Essex Core Resilience Team” as outlined in the report, at an annual cost of £15,000. (CE)

### **EXCLUSION OF THE PRESS AND PUBLIC**

#### **Resolved**

That the public and press be excluded from the meeting for the remaining item of business on the grounds that exempt information as disclosed in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 would be disclosed.

### **218 RIGHT TO BUY – THE USE OF DISCRETIONARY POWERS ON REPAYMENT OF DISCOUNT**

The Committee considered the exempt report of the Head of Revenue and Housing Management highlighting recent changes in legislation and its impact on this authority.

The Committee agreed that more information was required in order that a decision could be taken on the second recommendation, and it was agreed that this be given further consideration at the next meeting of this Committee, to be held on 5 July.

In the meantime, should the situation require an urgent decision, authority be delegated to the Chief Executive in consultation with the Chairman and Vice-Chairman of the Community Services Committee and the Leader of the Council.

### Resolved

- (1) That the procedures referred to in this report be adopted for any future cases.
- (2) That consideration of the second recommendation is deferred to the meeting of the Community Services Committee to be held on 5 July 2005, so that more information be provided.
- (3) That if it becomes necessary for a decision to be taken before 5 July 2005, authority be delegated to the Chief Executive in consultation with the Chairman and Vice-Chairman of the Community Services Committee and the Leader of the Council. (CE)

The meeting closed at 8.33 pm.

Chairman .....

Date .....