

## **BERA E-NEWSLETTER 19<sup>th</sup>June 2018 – [www.bera.co.uk](http://www.bera.co.uk)**

### **Reminders:**

The next BERA sponsored coffee morning will be on Thursday 21st June 2018 at The Methodist Church on the corner of Johnstone Road and The Broadway from 10am to 12 midday. The alarms and signs have been delivered and we will be bringing these with us. The costs were: PIR sensor alarm £7.38 (the white one), Defender shock/contact alarm £9.94 (the grey one), and the garage and shed signs are £1.19 each.

### **Which subscription logon details:**

Username: burgesestate

Password: BERAResidents

### **1. Recycling**

Unfortunately, the levels of recycling have dropped recently and we need to reverse this and get everyone recycling again. If you are ever short of pink, green or white bags please don't forget that they are available from your local Independent Councillors who will deliver, if needed, and all you need to do is call or email them.

## 2. Southend NHW Crime Data (11th to 17th June 2018)

Ward	Reference	Offence Type	Reported Date	Committed From	Street	Town	MO – filtered
Southchurch	42/81925/18	Theft from a motor vehicle	11/06/2018 19:58	11/06/2018 16:00	Southchurch Rectory Chase	Southend-on-Sea	SUSPECTS UNKNOWN HAVE REMOVED THE VICTIMS BAG FROM NEARSIDE SEAT FROM INSIDE HIS WHITE MERCEDES BENZ WHEN HE LEFT IT INSECURE WITH DOOR OPEN WHILST WORKING AT THE LOCATION, CAUSING NO DAMAGE. SUBSEQUENTLY THE VICTIMS HALIFAX BANK CARD WAS USED AT A SAINSBURY'S IN A TRANSACTION OF 18.05.
Southchurch	42/82056/18	Theft if not classified elsewhere	11/06/2018 11:01	11/06/2018 02:09	Hamstel Road	Southend-on-Sea	SUSPECTS UNIDENTIFIED HAVE STOLEN MILK THAT WAS DELIVERED TO THE SCHOOL IN THE EARLY HOURS.
Southchurch	42/82737/18	Theft from a motor vehicle	13/06/2018 12:06	13/06/2018 01:54	Vaughan Avenue	Southend-on-Sea	SUSPECT UNIDENTIFIED HAS REMOVED BOTH PLATES FROM A SILVER FORD KA.
Southchurch	42/84490/18	Theft from a motor vehicle	16/06/2018 15:16	16/06/2018 13:00	Garon Park	Southend-on-Sea	SUSPECT UNKNOWN HAS STOLEN A CARPET CLEANER AND JET WASH FROM A WHITE FORD TRANSIT CONNECT VAN WHILST AT THE LOCATION.
Ward	Reference	Offence Type	Reported Date	Committed From	Street	Town	MO – filtered
Thorpe	42/81696/18	Other criminal damage to a dwelling (Under £5,000)	08/06/2018 07:48	11/05/2018 00:00	Kensington Road	Southend-on-Sea	SUSPECT UNKNOWN DAMAGED THE VICTIMS REAR GATE BY DRIVING SCREWS INTO IT CAUSING SMALL HOLES THE SUSPECT ALSO SMASHED A WINDOW IN THE VICTIMS CONSERVATORY WITH AN UNKNOWN IMPLEMENT.

Thorpe	42/82433/18	Theft from a motor vehicle	12/06/2018 07:51	02/06/2018 21:00	Kensington Road	Southend-on-Sea	SUSPECTS UNKNOWN GAINED ENTRY TO THE VICTIMS INSECURE VEHICLE A BLACK VOLKSWAGEN GOLF WHILST IT WAS PARKED ON THE VICTIMS DRIVEWAY ONCE ENTRY GAINED THE SUSPECTS REMOVED SOME LOOSE CHANGE AND AN IPOD NO DAMAGE CAUSED TO THE VEHICLE.
Thorpe	42/82444/18	Theft from a motor vehicle	12/06/2018 07:51	11/06/2018 00:00	Kensington Road	Southend-on-Sea	SUSPECTS UNKNOWN GAINED ENTRY TO THE VICTIMS INSECURE VEHICLE A BLACK BMW 320D WHILST IT WAS PARKED ON THE VICTIMS DRIVEWAY ONCE ENTRY GAINED THE SUSPECTS REMOVED VARIOUS ITEMS NO DAMAGE CAUSED TO THE VEHICLE.
Thorpe	42/82114/18	Interference with a motor vehicle	11/06/2018 18:56	10/06/2018 03:21	St. Augustines Avenue	Southend-on-Sea	SUSPECT UNIDENTIFIED HAS BEEN SEEN ON CCTV INTERFERING WITH THE VICTIMS MOTOR VEHICLE.
Thorpe	42/82392/18	Theft or Unauthorised Taking of a Pedal Cycle	11/06/2018 18:48	11/06/2018 11:00	The Broadway	Southend-on-Sea	SUSPECT UNKNOWN HAS BY MEANS UNKNOWN REMOVED A SECURED PEDAL CYCLE FROM THE METAL BIKE RACK. SUSPECT HAS THEN LEFT THE AREA TAKING THE PROPERTY WITH HIM.
Thorpe	42/83930/18	Other criminal damage to a vehicle (Under £5,000)	15/06/2018 11:51	15/06/2018 00:00	Thorpe Bay Gardens	Southend-on-Sea	SUSPECT UNKNOWN HAS KEYED VICTIMS CAR A BLUE VOLKSWAGEN TOURAN ACROSS THE REAR AND DOWN THE DRIVERS SIDE CAUSING A LARGE SCRATCH.

Thorpe	42/84445/18	Other criminal damage to a building other than a dwelling (Under £5,000)	16/06/2018 14:17	16/06/2018 04:30	Eastern Esplanade	Southend-on-Sea	SUSPECT NAMED HAS PICKED UP A ROCK AND REPEATEDLY THROWN IT AT THE SHOP FRONT THIS HAS DAMAGED 2 WINDOWS TO VALUE UNKNOWN.
Thorpe	42/84519/18	Other criminal damage to a building other than a dwelling (Under £5,000)	16/06/2018 15:16	16/06/2018 04:20	Eastern Esplanade	Southend-on-Sea	SUSPECT NAMED HAS THROWN A ROCK AT THE PREMISES DOOR AND HAS REPEATEDLY KICKED IT. THIS HAS CAUSED THE GLASS PANEL TO SHATTER.
Thorpe	42/84416/18	Theft if not classified elsewhere	16/06/2018 13:24	15/06/2018 15:00	Eastern Esplanade	Southend-on-Sea	SUSPECTS UNKNOWN HAVE STOLEN VICTIMS WALLET PHONE AND HOUSE KEYS OUT OF HIS JACKET POCKET WHILE IN THE PUB.
Thorpe	42/84643/18	Other criminal damage to a dwelling (Under £5,000)	15/06/2018 13:00	27/05/2018 00:00	Butterys	Southend-on-Sea	SUSPECTS UNIDENTIFIED HAVING LEFT THE VICTIMS ADDRESS WHERE THEY WERE STAYING AS A TENANT HAVE LEFT HOLES IN THE WALLS AND CEILINGS AND HAVE RIPPED KITCHEN UNITS FROM THE WALLS.
<b>Ward</b>	<b>Reference</b>	<b>Offence Type</b>	<b>Reported Date</b>	<b>Committed From</b>	<b>Street</b>	<b>Town</b>	<b>MO – filtered</b>
West Shoebury	42/82854/18	Other criminal damage to a dwelling (Under £5,000)	13/06/2018 15:27	13/06/2018 11:30	Yarnacott	Southend-on-Sea	SUSPECT NAMED HAS THROWN A CUP OF TEA AT THE VICTIM WHICH HAS ALSO SPLASHED ON THE KITCHEN WALL STAINING THE WHOLE WALL.
West Shoebury	42/84047/18	Attempted Burglary - Residential - Dwelling	15/06/2018 15:09	08/06/2018 20:08	Caulfield Road	Southend-on-Sea	PERSON UNKNOWN HAS USED AN UNKNOWN ITEM TO TRY AND EFFECT THE ENTRY TO VICTIMS ADDRESS ENTRY HAS NOT BEEN GAINED.

### **3. Householders and the use of force against intruders**

#### **Joint Public Statement from the Crown Prosecution Service and the National Police Chiefs' Council**

##### **What is the purpose of this statement?**

It is a rare and frightening prospect to be confronted by an intruder in your own home. The Crown Prosecution Service (CPS) and Chief Constables are responding to public concern over the support offered by the law and confusion about householders defending themselves. We want a criminal justice system that reaches fair decisions, has the confidence of law abiding citizens and encourages them actively to support the police and prosecutors in the fight against crime.

Wherever possible you should call the police. The following summarises the position when you are faced with an intruder in your home, and provides a brief overview of how the police and CPS will deal with any such events.

##### **Does the law protect me? What is 'reasonable force'?**

Anyone can use reasonable force to protect themselves or others, or to carry out an arrest or to prevent crime. You are not expected to make fine judgments over the level of force you use in the heat of the moment. So long as you only do what you honestly and instinctively believe is necessary in the heat of the moment, that would be the strongest evidence of you acting lawfully and in self-defence. This is still the case if you use something to hand as a weapon.

As a general rule, the more extreme the circumstances and the fear felt, the more force you can lawfully use in self-defence.

##### **What amounts to disproportionate force? I've heard I can use that.**

The force you use must always be reasonable in the circumstances as you believe them to be. Where you are defending yourself or others from intruders in your home it might still be reasonable in the circumstances for you to use a degree of force that is subsequently considered to be disproportionate, perhaps if you are acting in extreme circumstances in the heat of the moment and don't have a chance to think about exactly how much force would be necessary to repel the intruder: it might seem reasonable to you at the time but with hindsight, your actions may seem disproportionate. The law will give you the benefit of the doubt in these circumstances.

This only applies if you were acting in self-defence or to protect others in your home and the force you used was disproportionate - disproportionate force to protect property is still unlawful.

##### **I've heard that I can't use grossly disproportionate force. What does that mean?**

If your action was 'over the top' or a calculated action of revenge or retribution for example, this might amount to grossly disproportionate force for which the law does not protect you. If for example you had knocked an intruder unconscious and then went on to

kick and punch them repeatedly such an action would be more likely to be considered grossly disproportionate.

### **Do I have to wait to be attacked?**

No, not if you are in your own home and in fear for yourself or others. In those circumstances the law does not require you to wait to be attacked before using defensive force yourself.

### **What if the intruder dies?**

If you have acted in reasonable self-defence, as described above, and the intruder dies you will still have acted lawfully. Indeed, there are several such cases where the householder has not been prosecuted. However, if, for example:

- having knocked someone unconscious, you then decided to further hurt or kill them to punish them; or
- you knew of an intended intruder and set a trap to hurt or to kill them rather than involve the police,

you would be acting with very excessive and gratuitous force and could be prosecuted.

### **What if I chase them as they run off?**

This situation is different as you are no longer acting in self-defence and so the same degree of force may not be reasonable. However, you are still allowed to use reasonable force to recover your property and make a citizen's arrest. You should consider your own safety and, for example, whether the police have been called. A rugby tackle or a single blow would probably be reasonable. Acting out of malice and revenge with the intent of inflicting punishment through injury or death would not.

### **Will you believe the intruder rather than me?**

The police weigh all the facts when investigating an incident. This includes the fact that the intruder caused the situation to arise in the first place. We hope that everyone understands that the police have a duty to investigate incidents involving a death or injury. Things are not always as they seem. On occasions people pretend a burglary has taken place to cover up other crimes such as a fight between drug dealers.

### **How would the police and CPS handle the investigation and treat me?**

In considering these cases Chief Constables and the Director of Public Prosecutions (Head of the CPS) are determined that they must be investigated and reviewed as swiftly and as sympathetically as possible. In some cases, for instance where the facts are very clear, or where less serious injuries are involved, the investigation will be concluded very quickly, without any need for arrest. In more complicated cases, such as where a death or serious injury occurs, more detailed enquiries will be necessary. The police may need to conduct a forensic examination and/or obtain your account of events.

To ensure such cases are dealt with as swiftly and sympathetically as possible, the police and CPS will take relevant measures, namely:

- An experienced investigator will oversee the case; and
- If it goes as far as CPS considering the evidence, the case will be prioritised to ensure a senior lawyer makes a quick decision.

It is a fact that very few householders have ever been prosecuted for actions resulting from the use of force against intruders.

## **Revised JUNE 2018**

### **4. Kent Elms Update**

Please see below the latest update and progress so far that we will continue to place on the council website, which can be found [here](#)

Eurovia will continue with the construction of the new London bound lane. The new lane extends from the pedestrian crossing near Mendip Crescent to the bus stop passed Kent Elms junction. London bound off peak lane closures will continue to be in place between 9:30–15:30. This will also have an impact on Bridgwater Drive as traffic management will be required to facilitate the installation of kerbs during off peak times.

Works to the layby opposite Elms Close has finished and has been returned to residents for parking.

Eurovia will continue to construct the footbridge foundations on the southern side and parking restrictions remain in place on Broomfield Avenue between 8am and 5pm. This is to reduce the risk of construction vehicles causing damage to parked cars when accessing the site along this narrow street.

### **5. Needles found on the beach**

One of the beach hut owners who frequents the beach, recently brought to our attention that over the past year or so he has found multiple needles/syringes that he believes were not necessarily the product of drug addict abuse, but that the majority of them may have been washed up on the beach by the tides. Many of the needles/syringes have a protective plastic cap on the needle.

We are aware that this matter is currently being investigated but in the meantime please be careful on the beach.

### **6. Meeting regarding Special Constables**

A meeting hosted by the Burges Estate Residents Association (BERA) was held at 7 p.m., Monday, 18th June 2018 to discuss the prospect of funding Special Constables to patrol

the Thorpe Bay and Shoeburyness vicinity to counter the recent rise in vandalism and anti-social behaviour.

**In attendance were:**

BERA, Shoeburyness Residents Association, East Beach Park Residents Association, Southend Beach Hut Owners Association (SBHOA)

BERA started the meeting by indicating that there may be legal implications/aspects in attempting to establish Special Constables in our area, i.e., we may need to form a town council like Leigh has. It was also confirmed that to train each volunteer Special Constable would be a one off payment of £1,000.

Thorpe Ward, Southchurch Ward, and a few others most probably have about 25,000 people who would come under a town council if it were formed. Another member indicated a steering committee may need to be formed.

Shoeburyness Residents Association indicated they may have a sponsor willing to contribute between £500-£1000 towards a Special Constable in the area. They also suggested that the Essex Police Commissioner be contacted in an effort to establish Special Constables. BERA stated they would contact the Commissioner on behalf of the associations as a way ahead.

East Beach Park Residents Association indicated they would have difficulty raising funds for a Special Constable from the association.

**Other possibilities:**

\* CCTV with vehicle registration recognition at special points mounted on lamp posts (approximately £400 per camera) with 24 hour recording which could be reviewed if there were any incidents

**7. Take a walk around Southchurch Park Lake on new-look path**

[Photos available for download from Flickr here](#)

Southend-on-Sea Borough Council is pleased to announce that the pathway surrounding Southchurch Park Lake has been refurbished and is now open for public use.

The works, which took seven weeks to complete, were carried out by the Council's contractor Marlborough. The Council allocated £230,000 in the Capital budget for the completion of works to the paths around the lake.

The path at the edge of the lake had suffered from years of usage and was in need of renovating, as it was starting to be undermined and was causing a risk to public safety.

The project involved installing sheet piles around the west end of the lake, filling any voids and then laying a new concrete path.



Councillors Woodley, Stafford and Terry have said they are very pleased these much needed-works have now been completed at one of the most popular Green Flag parks in the Borough.

The west end of the lake in Southchurch Park is much loved and well used by model boat enthusiasts. The replacement of the tow path will enable these enthusiasts to continue to enjoy the lake whilst allowing those who come for a walk to delight in watching the swans, who share the water.