



Date: **16 October 2023**
Our ref: **Extraordinary Overview & Scrutiny Panel/Agenda**
Ask For: **Charles Hungwe**
Direct Dial: **(01843) 577207**
Email: **charles.hungwe@officer.thanet.gov.uk**

EXTRAORDINARY OVERVIEW & SCRUTINY PANEL

24 OCTOBER 2023

An extraordinary meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Tuesday, 24 October 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Fellows (Chair); Councillors: D Green (Vice-Chair), Austin, Bright, Britcher, Currie, d'Abbro, Davis, Farooki, Kup, Paul Moore, Packman, Pope, Wing and Worrow

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **PURCHASE OF 5 HOMES AT READING STREET, BROADSTAIRS FOR AFFORDABLE RENT** (Pages 5 - 10)
4. **LOCAL AUTHORITY HOUSING FUND ROUND 2 : PURCHASE OF 5 HOMES** (Pages 11 - 16)
5. **EXTENSION TO THE ALCOHOL PUBLIC SPACE PROTECTION ORDER** (Pages 17 - 24)



Please scan this barcode for an electronic copy of this agenda.

This page is intentionally left blank



Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

Purchase of 5 Homes at Reading Street, Broadstairs for Affordable Rent

Overview and Scrutiny Panel	24th October 2023
Report Author	Ashley Jackson, Head of Housing and Planning
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Budget
Ward:	All Wards

Executive Summary:

This report invites members of the Overview and Scrutiny Panel to review the proposals for purchasing 5 affordable rented homes as part of the council's accelerated affordable housing programme, approved at Council in July 2023. Further budget provision to continue the programme was also approved at Council on 10 October 2023.

The Tenancy Strategy defines an affordable rent, as a rent that is no more than 80% of the local market rent and does not exceed the relevant Local Housing Allowance rate.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 16th November 2023.

Corporate Implications

Financial and Value for Money

The detailed financial implications are set out in the body of this report. Notably, the financial modelling undertaken has demonstrated that across the long-term the HRA business plan will benefit from the proposed acquisitions.

Legal

Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations

2010 (as amended), provides the legislative framework for planning obligations. The Council has acted in accordance with this legislation.

Risk Management

Acquisition and development activity has within it inherent risks. Officers strive to identify and manage risk at each stage of projects. The acquisition project will have a risk register that is reviewed throughout the lifecycle of the project by the Housing Strategy & Projects Team. Risks around acquisition activity are sought to be mitigated through regular review and the appointment of professional expertise to provide legal due diligence, and accredited valuation advice to ensure value for money, in terms of the cost of the project.

Corporate

This proposal supports the Council Corporate Statement 2019-2023 , Communities. Work to prevent homelessness and increase housing options including additional social housing.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

The new homes will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 Council has recently approved an accelerated affordable housing development programme.
- 1.2 Section 106 of the Town and Country Planning Act 1990 provides an opportunity for local planning authorities to negotiate with housing developers for the provision of affordable housing, on qualifying sites. The council's local plan policies set out a preference for these requirements to be discharged through the provision of affordable homes within the application site.
- 1.3 The purchase of section 106 units requires developers to transfer completed homes to an affordable housing provider at a value that makes an affordable rent viable. This means that the developer effectively provides the necessary subsidy in the form of a discounted purchase price below market value. Officers have been contacted by a number of developers who have been unable to secure an affordable housing provider partner to purchase section 106 units and deliver affordable homes.
- 1.4 Failure to secure an affordable housing delivery partner can encourage developers to request the S106 agreement be amended to provide a commuted sum in lieu of completed homes.

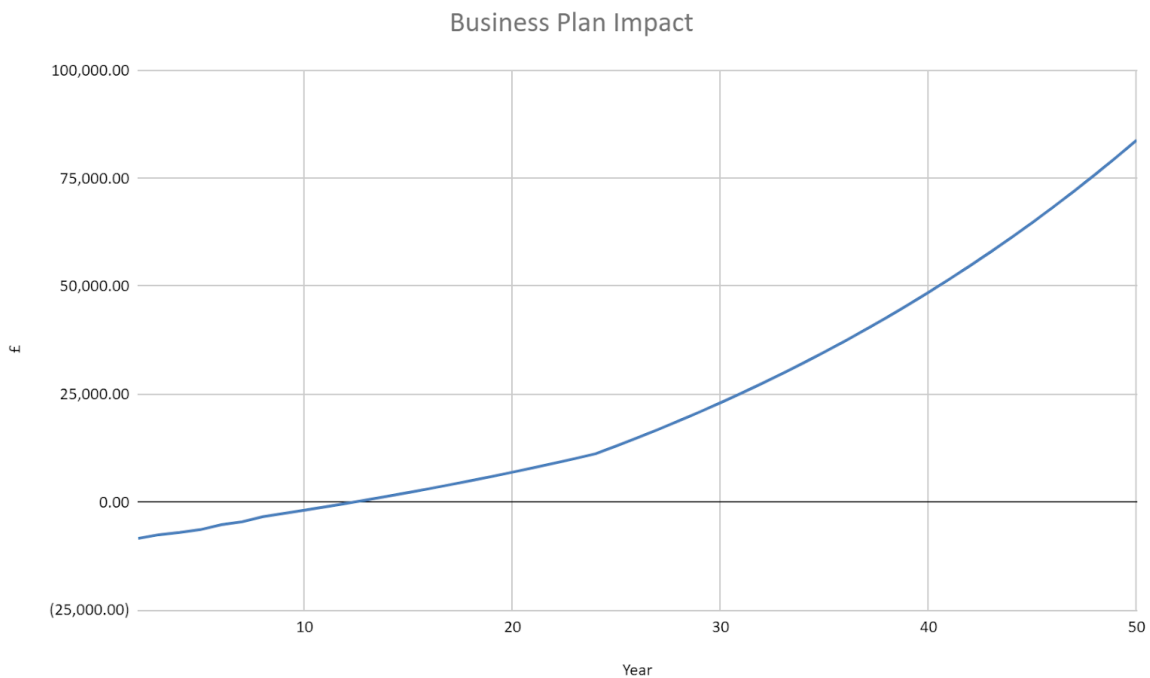
2.0 Reading Street, Broadstairs

- 2.1 Officers were contacted by Millwood Homes, who are required to deliver 5 new affordable homes, as part of their development at Reading Street, Broadstairs. This requirement is set out in the section 106 obligations for the development. They have been unable to secure an affordable housing provider to deliver these homes.
- 2.2 The capital cost for the 5 homes is £800k and an amount of £50k has been allocated for other associated costs.
- 2.3 Officers have developed a detailed viability assessment tool to assess the viability of individual schemes, which is used to inform a go/no-go decision for individual proposals. It is essential for the viability of the overall HRA programme that only schemes that have a positive impact on the HRA Business Plan are delivered.
- 2.4 To be viable, schemes need to show an overall surplus over a 30 to 50 year timescale. The assessment tool operates like a mini business plan and takes into account all relevant costs and income, including rent income, capital costs, professional fees and project management, the costs of borrowing and management, maintenance costs and depreciation over the lifetime of the homes. A summary of the income and costs for the proposed purchase are shown in the table below.

Year	1	2	3	4	13
Revenue Income					
Rental income	(41,000)	(41,000)	(42,800)	(43,800)	(57,200)

Revenue Costs					
Management Contribution	800	800	900	900	1,100
Revenue Repairs	400	400	800	900	4,700
Major Repairs (Capital contrib)	7,000	7,300	7,700	8,000	9,600
Insurance	1,000	1,100	1,100	1,200	1,400
Saving before MRP and interest	(31,800)	(31,400)	(32,300)	(32,800)	(40,400)

2.5 This shows that the proposed purchase would generate a cash flow deficit in year 1 of £7.9k with a break even point in year 13, with surpluses accumulating between year 13 and year 50. The project shows a surplus over a 30 to 50 year period, and a cash flow summary is shown in the table below:



2.6 As the homes have been designated as affordable homes in the planning consent and section 106 agreement, they have been designed specifically for that purpose and accordingly are considered appropriate for the HRA, in line with the needs of households on the council's register or those living in temporary accommodation.

2.7 The unit sizes and the mix of dwellings are as follows:

- 1 x 1 bed flat
- 1 x 2 bed flat
- 3 x 3 bed houses

2.8 An provisional offer of £800k has been made to the developer and subject to contract, legal due diligence, formal valuation and full approval this offer has been accepted.

2.9 It is proposed that the new homes are let in accordance with the council's adopted allocations policy. It is also proposed that they are let at an affordable rent, inline with the council's approved Tenancy Strategy. As a Registered Social Landlord the council is required to consult with Homes England and the Regulator for Social Housing about its rent policy.

3.0 Options

3.1 Members of the Overview and Scrutiny Panel are invited to review and scrutinise this report, making any agreed recommendations to Cabinet in advance of its meeting on 16th November 2023.

4.0 Next Steps

4.1 This proposal will be presented to Cabinet at its meeting on 16 November 2023.

Contact Officer: Ashley Jackson, Head of Housing and Planning
Reporting to: Bob Porter, Director of Place

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Sameera Khan (Interim Head of legal & Monitoring Officer)

This page is intentionally left blank

Local Authority Housing Fund Round 2 : Purchase of 5 Homes

Overview and Scrutiny Panel	24th October 2023
Report Author	Ashley Jackson, Head of Housing and Planning
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Budget
Ward:	All Wards

Executive Summary:

In March 2023, it was announced that the Local Authority Housing Fund would be expanded by £250m for a second round of funding (LAHF R2), with the majority of the additional funding used to house those on Afghan resettlement schemes (ARAP/ACRS) currently in bridging accommodation and the rest used to ease wider homelessness pressures.

Thanet has been identified as eligible for capital grant funding with an indicative allocation of £694,000 in funding to purchase 4 homes for the resettlement element and 1 home for the Temporary Accommodation element.

A Memorandum of Understanding was returned to the Department for Levelling Up, Housing and Communities (DLUHC) in August 2023 which registered the council's interest in the scheme. In order to utilise the grant it was necessary to match fund the acquisitions with £788,860 of borrowing within the HRA capital programme, this will be presented to Cabinet on 16th November. The properties have been identified and must be purchased by 31st March 2024.

Business plan modelling shows that the scheme generates a surplus from year 1 due to the grant subsidy. This surplus could be used to subsidise other parts of the Affordable Homes Programme.

This report invites members of the Overview and Scrutiny Panel to review the proposal, ahead of seeking approval at Cabinet on 16th November 2023.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and make any recommendations to Cabinet in advance of its meeting on 16th November 2023.

Corporate Implications

Financial and Value for Money

The Council has considered the financial implications of the purchase of the 5 units. The Council will have on-going borrowing and maintenance costs that will be offset via the rental income generated from the purchased units.

The financial modelling undertaken has demonstrated that the HRA business plan will benefit from the proposed acquisitions.

Legal

The grant provided to the local authority is pursuant to section [31(3) and] 31(4) of the Local Government Act 2003, whereby the Secretary of State has determined that the grant will be paid subject to the condition in Annex B of the schedule.

The main condition of the grant is that it will only be used for the purposes that a capital receipt in accordance with regulations made under section 11 of the Local Government Act 2003.

<https://www.gov.uk/government/publications/local-authority-housing-fund/local-authority-housing-fund-grant-determination-capital-2022-23-316497>

The law states that Provided that the use of the property (or at least, that part of it which will be funded with subsidy) is regarded as the provision of social housing (as defined in s68 onwards of the Housing and Regeneration Act 2008), and expenditure is incurred on or after 15/03/2023, the transaction would be exempt from SDLT under s71 of the Finance Act 2003 which would be advantageous to the authority.

In addition to the above, the Council has a general power under section 1 of the Localism Act 2011 to do anything that an individual may generally do provided it is not prohibited by other legislation and the power is exercised in accordance with the limitations specified in the Act. The council is therefore able to accept and receive the funds and utilise it in line with the government guidelines.

Risk Management

The potential risks and implications associated with the grant are as follows

- The target date for completion is challenging and failure to deliver homes within the 2023/24 financial year may lead to funding being clawed back. This can be mitigated by purchasing completed homes on existing developments.

Risks to not taking the funding are

- We risk losing the opportunity to add affordable housing stock to our portfolio.
- We risk not meeting the housing needs of the funds eligible households and fulfilling statutory functions.
- We risk not meeting wider housing and homelessness pressures.

- We risk increasing the use of inappropriate and expensive temporary accommodation in particular bed and breakfast.

Corporate

This proposal supports the Council Corporate Statement 2019-2023 , Communities. Work to prevent homelessness and increase housing options including additional social housing.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

An Equalities Impact Assessment has been completed in respect of this proposal. The assessment indicated that the proposals would help support the needs of a community with protected characteristics on the grounds of race and nationality and help to foster good relations. In the first instance these new homes will be let to qualifying Ukrainian or Afghan (see section 102). Subsequently they will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 The United Kingdom has welcomed over 24,000 Afghans who worked alongside the government and risked their lives alongside our Armed Forces, as well as people who assisted British efforts in Afghanistan. In March 2023, the government announced plans to increase support for the remaining Afghan cohort in bridging hotel accommodation to secure settled accommodation.

- 1.2 In December 2022, the Department for Levelling Up, Housing and Communities (DLUHC) launched the first round of the Local Authority Housing Fund (LAHF R1). LAHF R1 provided £500m funding for local authorities in England to obtain accommodation for families with housing needs who have arrived in the UK via Ukrainian (for example the Homes for Ukraine scheme) and Afghan resettlement and relocation schemes. TDC was allocated a grant sum of £1.19 million to facilitate the purchase of nine homes in the districts. At least two of the homes were required to have 4 bedrooms. The remainder (up to 7 homes) are required to be 2 or 3 bedroom homes.
- 1.3 In March 2023, it was announced that the Local Authority Housing Fund would be expanded by £250m for a second round of funding (LAHF R2), with the majority of the additional funding used to house those on Afghan resettlement schemes (ARAP/ACRS) currently in bridging accommodation and the rest used to ease wider homelessness pressures.
- 1.4 LAHF R2 will also support local authorities to acquire good quality, and better value for money Temporary Accommodation (TA) for families owed a homelessness duty by local authorities. This will reduce the usage of B&B accommodation and will enable local authorities to grow their asset base, creating sustainable assets to help manage local housing pressures on an ongoing basis.
- 1.5 Those eligible for the homes provided will be those who are homeless, at risk of homelessness or who live in unsuitable Temporary Accommodation (including bridging accommodation) and who also meet the below Definition:
- Afghan Citizen Resettlement Scheme (including eligible British Nationals under this scheme) (ACRS),
 - Afghan Relocations and Assistance Policy (ARAP),
 - Ukraine Family Scheme (UFS),
 - Homes for Ukraine (HFU),
 - Ukraine Extension Scheme (UES)
- 1.6 It is proposed that the homes are let at an affordable rent, in line with the council's approved Tenancy Strategy. The Tenancy Strategy defines an affordable rent, as a rent that is no more than 80% of the local market rent and does not exceed the relevant Local Housing Allowance rate. As a Registered Social Landlord the council is required to consult with Homes England and the Regulator for Social Housing about its rent policy.

2.0 TDC Allocation

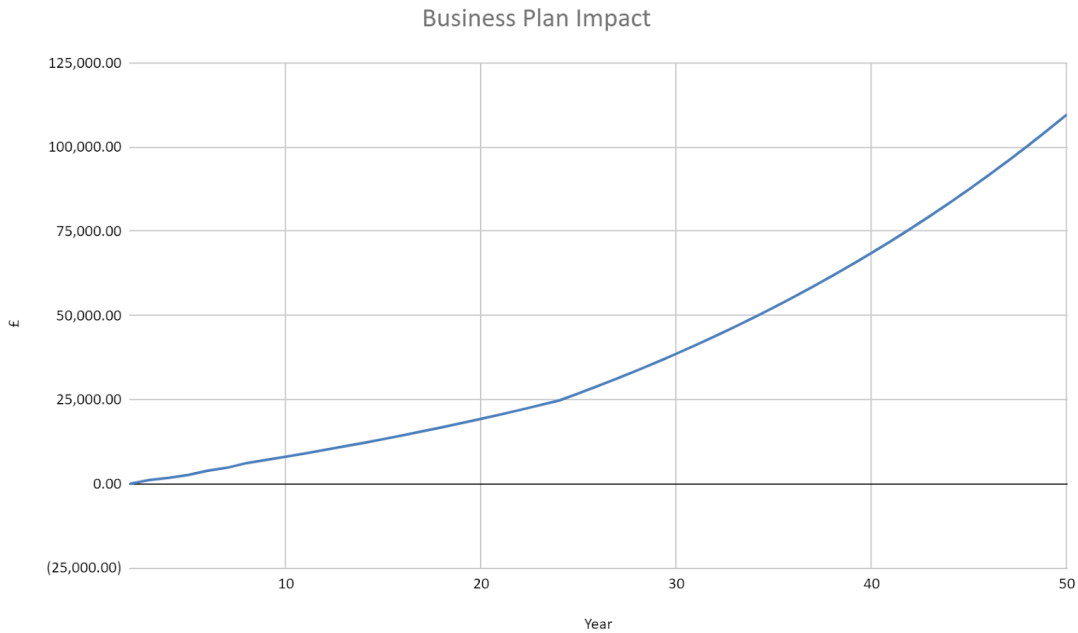
- 2.1 The Council was allocated a grant sum of £694,000 to facilitate the purchase of five homes in the districts. Four of the homes are required to have 3 bedrooms and one of the homes is required to be used for Temporary Accommodation.
- 2.2 The council signed the Memorandum of Understanding which registered our interest in the scheme in August 2023. This allowed us time to see if there were units available which would be suitable. It would not have been possible to undertake refurbishments on dilapidated properties, purchase empty properties or purchase non-residential properties, due to such a short timescales for the grant funding.

Agenda Item 4

- 2.3 Full council considered a report at its meeting on 12th October 2023, setting out its ambitions for the construction and acquisition of new homes. This scheme was considered as part of the report and council agreed to include both the £694,000 (46%) grant and £788,860 (54%) match funding within the HRA capital programme.
- 2.4 Discussions have taken place with a local developer currently developing the Westwood Cross site to purchase 5 x 3 bed units. The units will be an 'off the shelf' purchase with no refurbishments or adaptations needed. They are nearing completion and will be ready soon. The developer has accepted a provisional offer, subject to approval of £1.4m. This is 80% of Market Value.
- 2.5 We have run this through our business plan modelling and the scheme generates a surplus for the HRA business plan from year 1 due to the grant subsidy. This surplus could be used to subsidise other parts of the Affordable Homes Programme in the longer term. A summary of the income and costs for the proposed purchase are shown in the table below.

Year	1	2	3	4	5
Revenue Income					
Rental income	(46,600.00)	(46,600.00)	(48,600.00)	(49,700.00)	(51,200.00)
Revenue Costs	0.00	0.00	0.00	0.00	0.00
Management Contribution	800.00	800.00	900.00	900.00	900.00
Revenue Repairs	400.00	400.00	800.00	900.00	1,300.00
Major Repairs (Capital contrib)	7,000.00	7,300.00	7,700.00	8,000.00	8,200.00
Insurance	1,000.00	1,100.00	1,100.00	1,200.00	1,200.00
Saving before MRP and interest	(37,400.00)	(37,000.00)	(38,100.00)	(38,700.00)	(39,600.00)
Interest on debt	37,000.00	37,000.00	37,000.00	37,000.00	37,000.00
Net cost/(saving)	(400.00)	0.00	(1,100.00)	(1,700.00)	(2,600.00)

- 2.6 This shows that the proposed purchase would generate a cash flow surplus in year 1 of £400, with surpluses accumulating then onwards. The project generates a surplus for the business plan and a cash flow summary is shown in the graph below:



3.0 Options

- 3.1 Members of the Overview and Scrutiny Panel are invited to review and scrutinise this report and make any recommendations for Cabinet to consider at its meeting on 16th November 2023.

4.0 Next Steps

- 4.1 This proposal will be presented to Cabinet at its meeting on 16th November 2023. . The report will recommend that Cabinet approves the use of £694,000 of grant funding and £788,860 HRA match funding from the already approved HRA capital programme, to purchase 5 units for the LAHF R2.

Contact Officer: Ashley Jackson, Head of Housing and Planning
Reporting to: Bob Porter, Director of Place

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Clive Bowen (Finance Manager)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Extension to the Alcohol Public Space Protection Order

Extraordinary Overview
& Scrutiny Panel

24th October 2023

Report Author

Jo-Anna Taylor, Community Services Manager

Portfolio Holder

Cllr Keen, Cabinet Member for Neighbourhoods

Status

For Recommendation

Classification:

Unrestricted

Key Decision

Yes

Reasons for Key

Significant effect on communities

Ward:

All wards

Executive Summary:

The purpose of this report is to recommend that the Council exercises its powers as contained within the Anti Social Behaviour Crime & Policing Act 2014 to extend the current Alcohol PSPO for a further 9 months. This extension of 9 months will bring the expiry of the alcohol PSPO into alignment with the Anti Social behaviour PSPO which will expire on 31st July 2024, at which point a combined ASB and Alcohol PSPO will be applied for.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 16th November 2023.

Corporate Implications

Financial and Value for Money:

Costs associated with the management of the Alcohol PSPO will be contained within current budgets. Mechanisms in relation to breaches of this PSPO are already adopted.

There may potentially be future legal costs for enforcement of breaches via court process however this will also be covered within the existing budgets.

Legal:

Section 59(1) of the Act empowers local authorities to make a PSPO if they are satisfied, on reasonable grounds, that any activity carried out or which is likely to be carried out in a public space within their area:

- has had, or is likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable;
- justifies the restrictions imposed

Agenda Item 5

Section 59(5) of the Act provides that the only prohibitions or requirements that may be imposed are reasonable to impose in order-

- To prevent the detrimental effect referred to above from continuing, occurring or reoccurring; or
- To reduce the detrimental effect or to reduce the risk of its continuance, the occurrence of reoccurrence

Section 59(8) of the Act requires that a PSPO must be published in accordance with regulations made by the Secretary of State. Section 60 of the Act provides that a PSPO may not have an effect for a period of more than 3 years unless extended.

Section 61(4) of the Act provides that a PSPO may be discharged by the local authority that made it. Section 61(6) of the Act provides that where a PSPO is discharged, a notice identifying the PSPO and stating the date when it ceases to have effect must be published in accordance with regulations made by the Secretary of State.

Section 72 of the Act requires that, in extending or varying a PSPO, the local authority must consult with –

- the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- whatever community representatives the local authority thinks it appropriate to consult;
- the owner or occupier of land within the restricted area

Risk Management:

The council operates a robust process around the enforcement of PSPO related issues which include the issue of penalty notices.

The issue of Penalty notice is a remedy offered as an alternative to prosecution. There is a low risk of error in the issue of these types of penalty notices which may have a disproportionate impact upon different groups within society. Legislative guidance around the issue of penalty notices of this type allows for a mechanism for appeal and an ability to challenge the issue at a judicial level if the issue of an FPN is either believed incorrect or issued in error.

There is a range of information available including online, in a written format and delivered in person in schools. Areas covered by the PSPO have clear understandable signage in place. Those committing the offence are given an opportunity to stop their behaviour before a fixed penalty notice is issued.

The continuation of this PSPO reduces risk of negative behaviour, including anti-social behaviour, associated with the consumption of alcohol.

Corporate

The recommendations support The Council's Core Business Objectives in the following areas:

- To keep our district safe and clean: Work with communities and partner organisations, including the Police, to improve the perception and reality of public safety.

Agenda Item 5

- Communities: Work with our partners to deliver a range of community safety initiatives across the District, taking tough action to tackle anti-social behaviour and alcohol related negative behaviour.

Equality Act 2010 & Public Sector Equality Duty

Whilst the Public Space Protection Order applies to all and therefore does not discriminate against those with protected characteristics the statutory guidance associated with the enforcement of the order does recognise that certain protected characteristics should be considered when undertaking enforcement.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth: Open spaces, free from alcohol related negative behaviour support the growth of the area, attracting positive behaviour from residents and visitors.
- Environment: Protect and enhance where possible our parks, beaches and open spaces for the benefit of current and future residents.
- Communities: Work with our partners to deliver a range of community safety initiatives across the District, taking tough action to tackle anti-social behaviour and alcohol related behaviour.

1.0 Introduction and Background

1.1 A Public Spaces Protection Order (PSPO) is an order made by the Local Authority if it is satisfied on reasonable grounds that two conditions are met. These are:

- That activities being carried out within a public place have had a detrimental effect on the quality of life of those in the locality or it is likely they will.
- That the effect, or likely effect, of these activities is, or is likely to be, of a persistent or continuing nature, such as to make the activities unreasonable.

1.2 These orders identify public places and prohibit specific things from being done in that area or require specific things to be done in that area for a maximum of three years. A breach of the order would constitute a criminal offence. A PSPO may be extended as many times as required.

2.0 The current situation

The current alcohol PSPO is due to expire on the 15th November 2023.

2.1 The impact of the original order and subsequent orders around PSPO restrictions have had a positive impact and helped prevent some of the negative behaviour that affects residents and visitors of Thanet.

2.2 The council continues to receive a number of complaints around alcohol behaviour.

2.3 Representatives from Kent Police have been consulted with and have agreed the rationale for the extension.

2.4 We are recommending that the PSPO will continue unchanged for the next 9 months and that the authority to approve any further minor amendments to the order be delegated to the chief executive.

3.0 Options

3.1 Consider any representations to Cabinet in advance of its meeting on 16th November 2023 in relation to the recommendations going to Cabinet which are as detailed below:

1. That the Current PSPO is extended for a further 9 months, to 30th July 2024;
2. To delegate any minor amendment of the PSPO to the Chief Executive.

Contact Officer: Jo-Anna Taylor (Community Services Manager)

Reporting to: Penny Button (Head of Neighbourhoods)

Annex List

Alcohol PSPO document

Background Papers

Current Web page

<https://www.thanet.gov.uk/info-pages/alcohol-pspo/>

Corporate Consultation

Finance: Chris Petrou (Finance Officer)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

The Anti-Social Behaviour, Crime and Policing Act 2014

Public Spaces Protection Order - (Thanet District Council) 2023

No. 2 (Alcohol control)

Thanet District Council (in this order called “the Authority”) hereby makes the following Order;

Under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014, the authority is satisfied that alcohol related anti-social behaviour is being carried out within the area to which this order applies, it is likely that these activities will continue to be carried out and that this is having or it is likely to have a detrimental effect on the quality of life of those in the locality by causing harassment, alarm and distress.

This order relates to the land inside the area marked on the attached map (Schedule 1) which is outlined in red (‘the Restricted Area’). This includes all spaces within this boundary that are accessible to the public.

This Order comes into force on Thursday 16th November 2023 for a period of 9 months.

Offences

1. Alcohol control in a public place

All persons are prohibited from consuming or carrying alcohol in a public place, and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person who reasonably believes that they are either committing or likely to commit Anti-Social Behaviour.

An authorised person can require any person:

- a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
- b) To surrender anything in the person’s possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol.

Any surrendered items are to be retained by the authorised person and safely disposed of as appropriate.

2. Exemptions

Agenda Item 5

Annex 1

This provision does not apply to alcohol being consumed within premises (including designated outdoor areas) that have obtained a licence under the Licensing Act 2003 or section 115E of the Highways Act 1980.

3. Breaches

If, without reasonable excuse, you fail to comply with clause 1 of this Order, (Alcohol Consumption) you commit an offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

4. Definitions

Public place means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission. This includes beaches and foreshores.

Authorised person means an officer or agent acting on behalf of Thanet District Council, a police constable or a police community support officer.

Alcohol has the meaning as given by Section 191 of the Licensing Act 2003

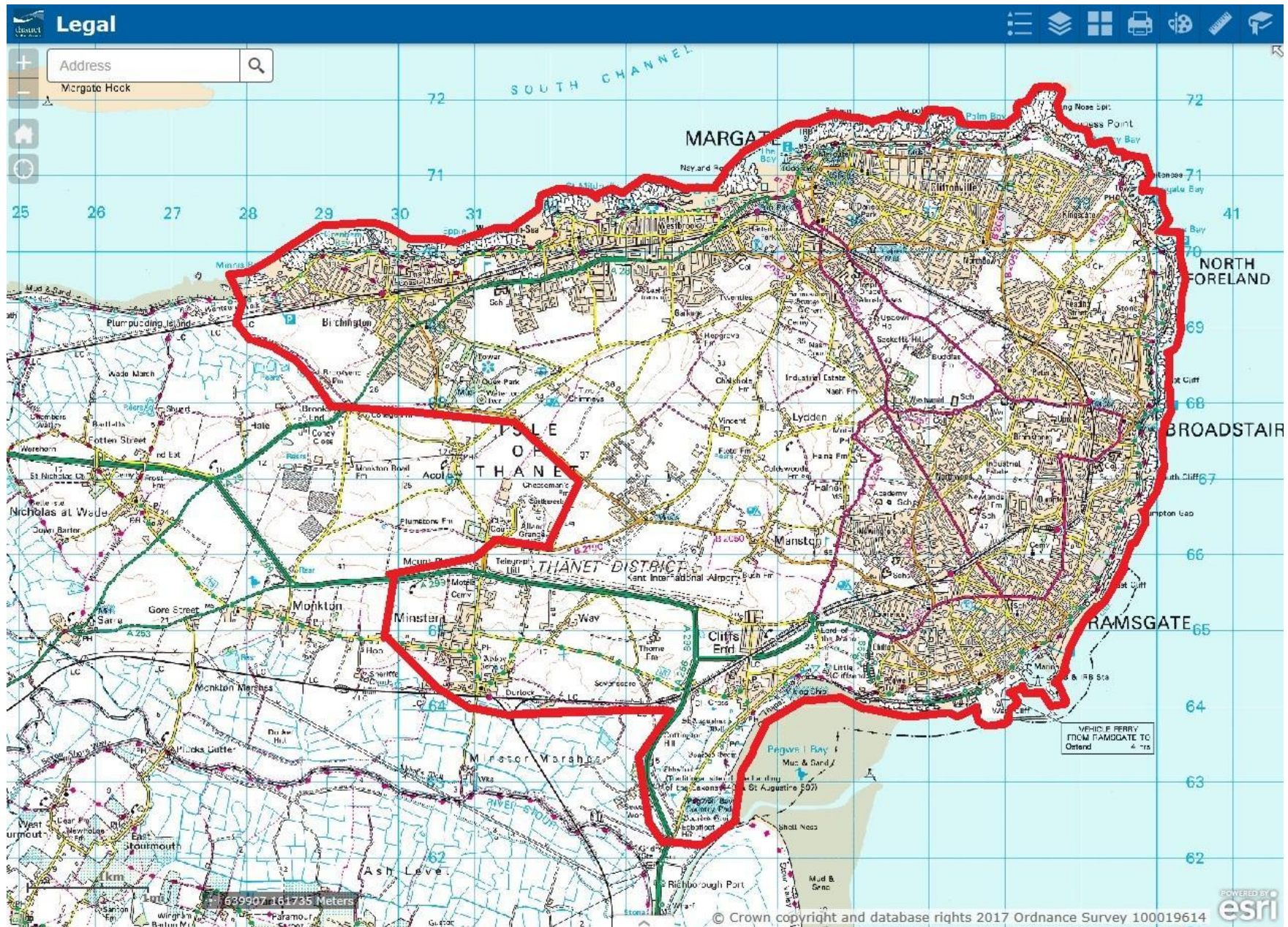
5. Date of effect

This Order shall come into effect on Thursday 16th November 2023 .

6. Length of Order

This Order shall have effect for a period of 9 months.

Schedule 1 : "Restricted Area"



This page is intentionally left blank