

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 25 April 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor D Saunders (Chairman); Councillors Ashbee, Campbell, Connor, Curran, Dennis, Dexter, Falcon, Hayton, Jaye-Jones, Parsons and Rusiecki

In Attendance: Councillors L Fairbrass and M Saunders

107. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Glenn Coleman-Cooke.

108. DECLARATIONS OF INTEREST

There were no declarations of interest.

109. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Connor seconded and Members agreed the minutes as a correct record of the meeting that was held on 14 February 2017.

110. MINUTES OF EXTRAORDINARY MEETING

Councillor Campbell proposed, Councillor Jaye-Jones seconded and Members agreed the minutes as a correct record of the extraordinary meeting that was held on 02 March 2017.

111. CABINET MEMBER PRESENTATION - THE NEW ANTI-SOCIAL BEHAVIOUR TOOLS

Councillor Lin Fairbrass, Deputy Leader and Cabinet Member for Community Services introduced the item and handed over to Jessica Bailey, Community Safety Team Leader to lead the discussion with a power-point presentation. Ms Bailey made the following points:

- The new Anti-Social Behaviour Tools and Powers were a welcome development of the legislation because they have helped streamline the enforcement process of antisocial behaviour regulations;
- When considering Anti Social Behaviour volumes, it was also important to consider the relationship alongside deprivation, population density and unemployment;
- Although Thanet had the highest incidents of reported antisocial behaviour cases in the county, the recent trend was showing a reduction in antisocial behaviour of 16% which was well above the county average of 8%;
- To better understand Thanet's performance, an analysis of most similar groups outside the county would show that when compared to areas of similar demographics, Thanet was showing stable figures over the last two years, since the new legislation, figures were slightly above average;
- Benchmarking with other Kent districts would show that Thanet District Council was ahead of other councils in terms of enforcement and use of the new tools and powers;
- Case study examples of how each tool and power had been utilised in Thanet were given and are set out below.

Community Triggers

- The new legislation also brought in 'right to review' cases of Anti Social Behaviour if the threshold was met. (3 reports made within a 6 month period);
- Thanet has only received 5 trigger applications and of those, only 1 out of 5 that were submitted met the threshold;
- 3 recommendations were then made.

Civil Injunctions

- There had been 5 successful applications to date;
- 4 such injunctions had been successfully enforced;
- 1 injunction was still going through the courts;
- There can be positive outcomes from enforcement using civil injunctions.

Criminal Behaviour Orders

- There were various enforcement actions that could be used and these included geographic restrictions, named and group non association restrictions, carrying items restrictions and alcohol consumption in public.

Communication Protection Notices

- This is a new flexible two stage notice issued by Council or Police officers;
- Unlike previous orders it can be issued by officers without having to go to court;
- If breached it enables the forfeiture or seizure of items being used to cause a nuisance;
- Warning notices are issued on the spot if required, and are then in place for up to six months;
- If breached then a formal notice is then issued, if this is breached then a fine can be issued and it becomes a criminal matter for further court prosecution;
- Currently this tool was eliciting a 90% positive response rate. This meant that the nuisances were often being resolved before further enforcement actions are required;
- 59 such notices had been issued so far (at the time of producing the presentation);
- This tool has also facilitated cross departmental working (for example working on an issue between Community Safety, Planning and Housing).

Premise Closure

- The Council and Police can apply for premises closures as a measure to tackle antisocial behaviour on premises being used to cause nuisance or disorder;
- To date the Police have had cause to issue two closures in Thanet.

Police Dispersal Powers

- 82 orders had been initiated (at the time of producing the presentation);
- These were effective for 48 hours and could be rolled over; but the requirement to case build and consult with the council was no longer in place;
- This enables a quicker response to get additional controls in place.

Public Space Protection Orders

- This tool will replace existing Designated Public Places Orders and Dog Control Orders and could be used to prevent alcohol consumption in public spaces;
- There had to be some evidence of the nuisance to justify such enforcement;
- Council would need to work closely with the Police to enforce such orders following a period of consultation;
- No orders are currently in place although evidence is being gathered to transition into the new arrangements.

Next Steps

- **Challenges:** There were some challenges during the transition from the old legislation to the new one, particularly as regards the transition of existing orders;
- The case law being used to amend these new powers are very new;
- These powers were still new to councils, courts and residents and it may take some time to familiarise with the legislation and understand the use and application of case law as changes were evolving;
- **Opportunities:** These powers were quicker and easier to enforce in order to change behaviours that were impacting on communities.

In response to the presentation Members of the Panel made some comments and raised questions as follows:

- Drinking, drug peddling and drug taking in some parts of the district were an issue of concern to the community. Was there any enforcement action that can be taken by the council?
- Was the new legislation more resource demanding for Councils?
- Was the public aware of the new legislation in particular the community trigger facility at their disposal?
- Could the PowerPoint presentation be circulated to Members?
- Could the new powers be used to tackle nuisances caused by excessive night time drinking?
- Could these powers be used to take parking on pavements enforcement?
- TDC should explore the option to come up with trades waste agreements with businesses which can bring in income for the council whilst managing waste in a more trade efficient way;

Ms Bailey gave the following responses:

- The new powers could be used for enforcement related to drug offences and alcohol misuse. However such actions would have to be based on evidence collection and be in consultation with Police in case criminal offences were being committed;
- The old legislation was more resource intensive compared to the new streamlined notices, particularly the Community Protection Notices. Previously the council had to build a case on collection of significant amounts of evidence and be reliant on the courts, where witnesses were reluctant to testify in some instances. Now councils can go ahead and enforce based on officer reports without the need for more lengthy court processes;
- The new powers and tools were widely publicised and adverts were put out by the Police & Crime Commissioner. Information relating to the Community Trigger, alongside how to apply, is on both the TDC and Community Safety Partnership web pages and was circulated at Neighbourhood engagement Meetings when it commenced;
- The presentation would be circulated to Members (**post meeting note: the presentation has been attached as an annex to this minute item**);
- The new powers could be used to serve a notice on an operator if evidence was collected that pointed to a nuisance as a result of excessive drinking;
- The council have signed up to be part of a network that shares best practice on the use and application of the new tools and powers;
- Parking on pavements was the responsibility for Operational Services (Enforcement). However Community Safety worked with the Operational Services directorate on such issues if the incidents were considered to be antisocial behaviour related (in their persistency).

Rob Kenyon, Director of Community Services added the following comments:

- With regard to excessive night time drinking, the Police and Community Safety Partnership were working on initiatives to identify the causes of the issues associated with this part of the night time economy and to find workable solutions;
- The issue of local trades waste agreement initiatives would be taken up with Operational Services for their consideration.

The Chairman thanked Jessica Bailey, Rob Kenyon and Councillor Lin Fairbrass for the presentation.

112. RESPONSES FROM CABINET TO OVERVIEW & SCRUTINY PANEL RECOMMENDATIONS

Members noted the report.

113. REVIEW OF PUBLIC SPEAKING AT OVERVIEW AND SCRUTINY PANEL MEETINGS

Nick Hughes, Committee Services Manager introduced the item. He reported that although there had not been a huge uptake for public speaking, when the facility had been used, the administration of the scheme had not been a burden on Democratic Services and the Panel had found the expression of views by the public useful.

Mr Hughes suggested that the pilot scheme could be renewed for another year and Communications could advertise the scheme via the Council's twitter account. Members suggested that the requirement to register in advance to speak should be made more flexible so that an individual could have until the point at which the item is due for discussion at the meeting to request to speak.

Members noted the report and agreed that the public speaking pilot scheme be extended for a further year, subject to Full Council approval.

114. REVIEW OF OSP WORK PROGRAMME 2016/17

Members agreed to drop the item on Winter Gardens from the list of issues under the Panel's watching brief. Members also noted the report.

115. FORWARD PLAN AND EXEMPT CABINET REPORT LIST FOR PERIOD 05 APRIL 2017 - 30 NOVEMBER 2017

Members requested that a report on one of the Forward Plan items, 'To decide on the future capital development of the Council's CCTV system,' be presented to the Panel on 23 May before Cabinet considered the issue on 15 June.

The Panel also requested that the item on 'New on and off street parking schemes,' which will be considered by Cabinet on 27 April 2017, be brought to the Panel after the anticipated public consultation had been concluded and before the issue was brought back to Cabinet.

Meeting concluded: 8.00 pm