

Public Document Pack

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| Date of meeting | Wednesday, 1st October, 2014 |
| Time | 7.00 pm |
| Venue | Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG |
| Contact | Justine Tait ext 2250 |

Cleaner Greener and Safer Communities Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF THE PREVIOUS MEETING (Pages 3 - 6)**
To receive the minutes of the previous meeting of this Committee held on Wednesday 25 June 2014.
- 4 PORTFOLIO HOLDER(S) QUESTION TIME**
The Portfolio Holders for Environment and Recycling and Safer Communities will be in attendance to answer any questions raised by Members
- 5 ANTI-SOCIAL BEHAVIOUR, CRIME AND DISORDER ACT 2014 (Pages 7 - 24)**
A presentation will be carried out by the Senior Partnership Officer to provide an overview of the changes introduced by the Anti Social Behaviour, Crime and Disorder Act 2014
- 6 Licensing of Hot Food Takeaways**
- 7 RECOMMENDATIONS MADE BY COMMITTEE ON THE 25 JUNE 2014 (Pages 25 - 26)**
To provide an overview of the Recommendations made by Scrutiny at the last meeting held on 25 June 2014
- 8 WORK PLAN (Pages 27 - 30)**
To discuss and update the work plan to reflect current scrutiny topics
- 9 PUBLIC QUESTION TIME**

Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.

10 ANY OTHER BUSINESS

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

11 DATE AND TIME OF NEXT MEETING

Wednesday 4 March 2015, 7.00pm in Committee Room 1

Members: Councillors Eastwood, Hailstones, Harper, Miss Mancey, Proctor, Miss Reddish, Robinson, Tagg, Welsh (Vice-Chair), Mrs Williams (Chair) and Mrs Winfield

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

CLEANER GREENER AND SAFER COMMUNITIES SCRUTINY COMMITTEE

Wednesday, 25th June, 2014

Present:- Councillor Mrs Gillian Williams – in the Chair

Councillors Councillor Colin Eastwood, Mayor's Consort, Councillor Peter Hailstones, Councillor David Harper, Councillor David Loades, Councillor Bert Proctor, Councillor Miss Marion Reddish and Councillor Mrs Joan Winfield

1. **APOLOGIES**

Apologies were received from the Head of Business Improvement, Central Services and Partnerships, Councillor Billy Welsh, Councillor Chloe Mancey, Councillor Simon Tagg and Councillor David Allport

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest received

3. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:- That the minutes of previous meeting held on Monday 24 March 2014 were agreed as a correct record

4. **POLICE AND CRIME COMMISSIONER (PCC) FUNDING FOR NEWCASTLE-UNDER-LYME BOROUGH 2014/2015**

The Senior Partnerships Officer gave an update on the funding received by the Newcastle Partnership from the Police and Crime Commissioner (P&CC) for Staffordshire (Matthew Ellis)

The funding had been provided to the Newcastle Partnership in order to deliver against a set of priorities and actions as set out in the local Police and Crime Plan 2014/2017

Confirmation had been received from the P&CC that the Newcastle Partnership had been allocated £110,635 for the financial year 2014/2015, together with a commitment to provide this funding for three years

A total of 80% (£88,508) of this funding was provided on the 14 April 2014 and there was a requirement for the Newcastle Partnership to submit an evaluation of activity undertaken using this funding by 1 October 2014. Subject to successful delivery being achieved, the remaining 20% would be made available to the Newcastle Partnership in October 2014

The proposal for expenditure is detailed below:-

General –

- £15,008 on the Joint Operations Group (JOG) funding to enable the Locality Action Partnerships (LAPs) to bid and access funding for targeted activity contributing to community safety

Alcohol Harm Reduction –

- £5,000 on a CCTV camera to be located in the town centre to assist with visibility following the installation of market stall covers as part of the Public Realm works
- £11,500 towards Safer Nights to fund street Pastors, door staff training and other schemes
- £5,000 towards First Aid Triage to provide an early intervention service directly in the town centre to prevent unnecessary attendance at A&E
- £2,500 towards the Purple Flag application being submitted by Friday 27 June 2014
- 2,000 towards Reducing the Strength project. To administer the publicity and launch of the campaign in the Borough

Domestic Violence –

- £2,500 World Cup Campaigns
- £2,000 Deaflink Domestic Violence project. Enhancing awareness of the issue throughout the deaf community
- £3,000 Domestic Violence Safelink devices. To continue the provision of personal GPS security handouts to give assurance to victims of serious domestic abuse in the Borough
- £13,000 on Domestic Violence Early Intervention Project
- £12,000 on Independent Domestic Violence Advocate (IDVA)

Anti Social Behaviour –

- £10,000 towards the Home Security Initiative to provide home security measures and reassurance to vulnerable members of the community
- £5,000 towards Anti Social Behaviour pot, this is due for evaluation October 2014

The PCC funding was anticipated to be launched in September 2014 but has now been brought forward to the 1 August 2014

RECOMMENDED:- That the Senior Partnerships Officer provide a document to the Members of the Cleaner, Greener & Safer Communities Scrutiny Committee showing the initiatives and assessment criteria

5. **A500 CLEANSING OPERATIONS**

The Streetscene Manager (Operations and Performance) presented a report regarding issues of cleansing of the A500 and the avenues taken to address the on-going problem of litter and cleansing operations

A partnership approach had been undertaken with Amey on behalf of the Highways Agency who carried out traffic management and grass cutting, while Stafford

Borough Council, Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council undertook the cleansing operation. This covered the complete length of the A500 from junctions 15 to 16. The cleansing included all partners putting in resources inclusive of labour, vehicles, plant and equipment

Earlier in 2014 Officers noted that grass cutting works were being undertaken on the A500 without prior knowledge of Newcastle-under-Lyme Borough Council's Streetscene Operations Section. The outcome was that litter had been cut up by mowing machinery leaving a huge cleansing operations on either side of the carriageway. This resulted in the time being taken to clear the debris of 949.5 hours

A Member asked if litter varied at different times of the year. The Streetscene Manager (Operations and Performance) confirmed it did, particularly during the winter months as vegetation dies down. The Streetscene Operations Service had been replacing the single wheelie bin type with Broxap double bins to help address fly tipping issues. This is an on-going project where budgets can accommodate

The Executive Director for Operational Services advised communications with the Highway Agency are still on-going to pursue compensation for additional costs

RECOMMENDED:- That the report be received

6. INTEGRATED RECYCLING AND WASTE SERVICE JULY 2016 (PRESENTATION BY THE HEAD OF RECYCLING AND FLEET SERVICES)

The Portfolio Holder for Environment and Recycling introduced the proposed Integrated Waste and Recycling Service. A Cabinet Panel was established March 2013 and carried out a number of site visits including to Stockport and Cheshire West to look at potential options on the collection service. Visits to treatment plants were also carried out by the Panel

A decision is needed by September 2014 as to how the new service will be operated to allow sufficient time for the procurement of vehicles, treatment contracts, round planning, working patterns, infrastructure works and final detailed design of the new service

A Consultation exercise ran to 14 April 2014 and the outcome of this had been fed into the service design process. A report is to be submitted to Cabinet on the 23 July 2014. The new service will commence July 2016

The Portfolio Holder for Environment and Recycling thanked the Head of Recycling and Fleet Services and the Officers involved for their hard work

The Head of Recycling and Fleet Services gave a presentation on the new Recycling and Waste Service. The following recommendations had been made by the Cabinet Panel:-

1. All core collection services to be carried out via an in-house service, including integration of the two workforces
2. Operation to be based from the Knutton Lane Depot, including the development of a new recycling transfer station
3. Investigate possible change to collection days

4. The Council will provide the following collection service:-
 - ❖ Three box system for dry recycling collected weekly
 - ❖ Food waste collected weekly – in a caddy
 - ❖ Garden waste collected fortnightly – 240ltr bin
 - ❖ Residual waste collected fortnightly – 180ltr bin
5. Green waste service to operate for a 46 week period, providing one free garden waste bin, additional bins to be chargeable
6. Develop contracts for treatment and procurement of containers
7. Investigate extending the range of material – possibly not for July 2016 start

RECOMMENDED:- That the Committee were agreed for the Recommendations to be submitted to Cabinet on 23 July 2014

7. **WORK PLAN**

The Committee considered the Work Plan. It was agreed the following items would remain on the Work Plan:-

- 'A' Frames Obstruction on Pavements. To invite the Town Centre Partnership Manager and Dave Greatbatch, Community Infrastructure Liaison Manager (Staffordshire County Council) to a future meeting
- Regulation of Hot Food Takeaways to be raised at the next meeting on Wednesday 1 October 2014

8. **PUBLIC QUESTION TIME**

9. **ANY OTHER BUSINESS**

No items were raised

10. **DATE AND TIME OF NEXT MEETING**

Wednesday 1 October 2014, 7.00pm in Committee Room 1

COUNCILLOR MRS GILLIAN WILLIAMS
Chair

Report to the Cleaner, Greener and Safer Scrutiny Committee

1st October 2014

Update on the Anti-Social Behaviour, Crime and Disorder Act 2014



Report Author: Mark Bailey
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Introduction

This scrutiny report provides an overview of the changes introduced by the Anti-Social Behaviour, Crime and Disorder Act 2014, including the Borough Council's role in delivering appropriate responses to these changes, in particular, Part 6 (the 'Community Trigger').

Background

ASB is defined as "someone acting in a manner that has caused, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household".

The (national) Government pledged they would review the way ASB is dealt with via new legislation. The resulting Anti-Social Behaviour, Crime and Disorder Act 2014 which is scheduled to come into effect from 20th October 2014 and replaces current ASB legislation, placing new duties on local authorities, including aspects of the Crime and Disorder Act 1998 and Anti-Social Behaviour Act (2003).

Parts 1 -7 of the Act are of most interest to local authorities and these can be summarised as follows;

- Part 1 makes provision for a civil injunction for ASB
- Part 2 makes provision for an order on conviction to prevent behaviour which causes harassment, alarm or distress
- Part 3 contains powers for police to disperse people causing or likely to cause harassment, alarm or distress or likely to cause crime or disorder in a specified area and not return for up to 48 hours
- Part 4 covers new powers to deal with community protection and makes provision for Community Protection Notices (CPN), Public Space Protection Orders (PSPOs) and to close premises associated with nuisance or distress.
- Part 5 makes provision for possession of homes on ASB grounds (by RSLs)
- Part 6 contains provisions to establish a community remedy document and responding to complaints of ASB (the 'Community Trigger')

- Part 7 amends the powers under the Dangerous Dogs Act (1991).

The Borough Council's Partnerships Team has responsibility for community safety and related partnership work within the Newcastle Partnership and also administers the Community Safety Partnership (CSP) to discharge statutory obligations, including ASB.

The Borough Council's Environmental Health service has responsibility for discharging the Council's statutory duties – including dealing with complaints/enquiries regarding licensing, noise nuisance dangerous dogs, inappropriate storage of trade waste and litter enforcement.

Finally, the Borough Council's Legal service provides advice and assistance in relation to ASB and Environmental Health including the enforcement of civil proceedings.

Further information on the Act

As outlined above the new Act replaces a number of existing provisions:

- Part 1 – civil injunctions replace the current ASB Orders and will be available in the county court (adults) and the youth court (10-17 year olds). They will allow agencies such as Police, councils and RSLs to deal quickly with ASB
- Part 2 – Criminal Behaviour Orders (CBOs) replace the current Criminal ASB Orders (CRASBOs). CBOs will be available following conviction for any criminal offence, addressing the underlying causes of ASB via new, positive requirements. A breach will be a criminal offence with a maximum of up to five years in prison for adults
- Part 3 - powers to enable police to require people who have committed/likely to commit ASB to leave a specified area and not return for up to 48 hours.
- Part 4 – Community Protection, including:
 - Community Protection Notices (CPNs) – replace litter clearing notices, defacement removal notices and street litter control notices and can be issued by councils, police and RSLs to individuals/businesses.
 - Public Spaces Protection Orders (PSPOs) – deal with a nuisance or problem in a particular area detrimental to the local community's quality of life by imposing conditions on the use of that area
 - Closure Notices/Orders – two-stage process covering licensed and non-licensed premises. Notice cannot last for more than 48 hours and may be followed by a Closure Order issued by the court and can last up to three months. Closure Notice/Order will automatically trigger premises reviews and replace s.161 and s.165 of the Licensing Act 2003

These new powers are intended to be faster, more effective and available to more agencies to tackle a range of place-specific ASB and criminal behavior

- Part 5 – to be used by RSLs for the recovery of possession of dwelling houses. ASB can have a negative impact on neighbourhoods/communities and RSLs have a key role. Provisions in the Act introduce a new ground for possession to speed up the process in the most serious ASB cases, thereby potentially bringing faster relief to victims and communities
- Part 6 – seeks to involve the community/victims in both punishment and remedies for ASB. The Police and Crime Commissioner (P & CC) must prepare a Community Remedy Document listing possible remedies to be carried out by offenders/perpetrators. These remedies can be accepted and undertaken without going to court as an alternative to prosecution. The P & CC must consult with the Police, Local Authorities and the wider public during the preparation of the document and then publicise when it is finalised. Part 6 also introduces the 'Community Trigger' (or ASB case review) allowing victims of persistent ASB to request a case review. In that case, the relevant bodies must share information, discuss previous action taken and decide on any further action. There is a statutory duty for the threshold, criteria and mechanism for the community trigger to be published by councils. Applicants must be informed of the outcome and advised of the arrangements for reviewing the process if they are not satisfied.

The 'Community Trigger'

The plan for Newcastle-under-Lyme is to adopt a 'community trigger' threshold of 'three complaints from one complainant (or somebody on their behalf) to a statutory agency within a six month period regarding three separate ASB incidents' or alternatively an immediate trigger if the complaints are deemed to be hate crime related in line with the minimum statutory requirement.

The Borough Council, County Council, Staffordshire Police, Health or RSLs may all be approached by a victim of persistent ASB to instigate the trigger.

Partners will co-ordinate trigger requests via the Partnership Hub, which meets on a weekly basis to provide assistance/solutions to vulnerable residents.

The appeal process for victims of persistent ASB who are not satisfied with the trigger review will be determined within the partner organisation with which the review was requested. For example if received by the Borough Council then the appeal would progress to the Head of Business Improvement, Central Services and Partnerships and if received by Aspire Housing it would progress to the Head of Housing. This follows the principle adopted elsewhere in the County and provides some independence to the decision making process and the person considering the appeal should not have had any previous involvement in the case or subsequent investigation.

Partners have been consulted on the proposal and have all agreed to adopt the Community Trigger threshold and accompanying procedure in their respective organisations.

Changes to the Scheme of Delegation

It is necessary to add to the Council's Scheme of Delegation to enable the Council to make use of the various provisions within the Act. The Scheme of Delegation relating to this Act has been designed to facilitate the use of the statutory provisions provided to the Council in a timely manner. The proposed additions to the scheme of delegation are detailed within Appendix A.

The Act enables the Council to issue a Fixed Penalty Notice (FPN) for offences involving a breach of a Community Protection Notice or a Public Spaces Protection Order in order to discharge a liability to conviction. Fixed penalties will only be offered where it is considered appropriate to do so and in any case in line with the council's adopted Enforcement Policy.

Subject to the FPN being paid in full within 14 days, the recipient is not liable to prosecution by the council for the relevant offence. If the FPN remains unpaid after the 14 days, the offender will normally be prosecuted by the Council in line with the council's adopted Enforcement Policy.

The maximum penalty that can be imposed is £100 and this must be paid within 14 days of service of the FPN. However, it is possible to impose a lesser penalty for early payment and it for each authority to decide their penalty in the absence of statutory guidance. Accordingly the following Fixed Penalty amounts are proposed:

- Payment of FPN within 10 days of issue £70
- Payment of FPN between 10 and 14 days of issue £100.

There are a number of gating orders, dog control orders and orders restricting consumption of alcohol operating in various areas across the Borough

These orders will automatically expire at the end of 3 years once Chapter 2 of the Act comes into force. Should the council wish to exercise similar controls moving forward, these will need to be in the form of Public Spaces Protection Order(s). Once an order is made it will be the subject of a formal 3 yearly review by the relevant committee in order to extend the order for it to remain in force.

It is not proposed to amend any existing orders at present.

Questions to be Addressed

A number of questions can be posed as a result of these changes, including:

- Do Members believe that the new powers under the Act will be effective in dealing with ASB and related issues?
- Is the 'Community Trigger' threshold set at an appropriate level?
- Do Members feel that the community trigger appeal process is reasonable?
- Are the FPN amounts set out in this report acceptable to Members?

- Do Members feel that any of the other orders outlined in this report should be changed?

Outcomes

- For Members to be aware of the changes to the ASB process being implemented as a result of this Act
- For Members to have the opportunity to input into the process and make suggestions
- For Members to participate fully in any future action around ASB and to be able to action the proposals set out in the Act

Supporting Information

Appendix A – Proposed Amendments to the Council’s Scheme of Delegation

Invited Partners/Stakeholders/Residents

Staffordshire Police

Locality Action Partnerships

Residents’ Associations

Constraints

The provisions of the Act are yet to be implemented, so this is work in progress at this stage.

Conclusions

The report sets out the provisions of the Anti-Social Behaviour, Crime and Disorder Act 2014.

The report also provides a summary of the changes being proposed in Newcastle by the Borough Council and its partners.

The report requests Members to take note of the changes and provide input into the process.

Relevant Portfolio Holder(s)

Safer Communities – Cllr Tony Kearon

Local Ward Member (if applicable)

N/A – covers all wards

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Proposed amendments to the adopted scheme of delegation

| | FUNCTION | EXERCISED BY |
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| Anti-Social Behaviour, Crime and Disorder Act 2014 Functions | | |
| Part 1 Injunctions | | |
| | <p>Injunctions Application for Injunction / Interim injunction / Variation of Injunction / Discharge if injunction (Part 1 sections 5, 6, 7, 8)</p> <p>Arrest warrant and prosecution of injunction Application for arrest warrant and authority to prosecute (Part 1, section 10)</p> <p>Consultation on injunction Requirements to consult etc. (Part 1, section 14)</p> | <p>Head of Business Improvement, Central Services & Partnerships</p> |
| Part 2 Criminal Behaviour Orders | | |
| | <p>Application for CBO, Interim order, variation, discharge Application for criminal behaviour order / interim order / Variation of order / Discharge of criminal behaviour order (Part 2 sections 23, 26, 27)</p> <p>Consultation with YOT prior to application for CBO on under 18's Requirement to consult with YOT if offender is under 18 (Part 2 section 29)</p> <p>Review of CBO's imposed on under 18's Duty to cooperate with chief officer of police in review of orders imposed on under 18's (Part 2 sections 28/29)</p> | <p>Head of Business Improvement, Central Services & Partnerships</p> |
| PART 4 CHAPTER 1 - COMMUNITY PROTECTION NOTICES | | |
| | <p>Issuing and consulting on CPN's prior to service Power to issue community protection notices to persons over 16 or a body (Part 4 Chapter 1 section 53)</p> <p>Obligation to inform anybody or individual that the serving officer sees fit prior to issuing a community protection notice (Part 4 Chapter 1 section)</p> | <p>Head of Business Improvement, Central Services & Partnerships</p> <p>Head of Environmental Health</p> <p>All Environmental Health Officers and appropriately qualified Technical Staff (officer initiating CPN)</p> |
| | <p>Authority to take remedial action to comply with CPN</p> <p>Authority to undertake remedial action for failure to comply with a community protection notice section (Part 4 Chapter 1 section 47)</p> | <p>Head of Environmental Health</p> <p>Head of Business Improvement, Central Services & Partnerships</p> |

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| Power of entry in respect of CPN Power of entry to undertake remedial action work under (Part 4 Chapter 1 section 47) | All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service |
| Cost recovery for remedial action in default of CPN Issue of notice of costs to defaulter for remedial action (Part 4 Chapter 1 section 47) | Head of Service whose officers initiated remedial action |
| Prosecution proceedings in respect of CPN Authorisation of proceedings for failing to comply with a community protection notice (Part 4 Chapter 1 section 48) | Public Protection Committee |
| Remedial order Application to court for a remedial order (Part 4 Chapter 1 section 49) | Head of Business Improvement, Central Services & Partnerships |
| Seizing items involved in breach of CPN Seizure of items used in the commission of suspected offence under section 48 (Part 4 Chapter 1 section 51) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| Fixed penalty notice for non-compliance with CPN Service of fixed penalty notice for offence of failing to comply with a Community Protection Notice which is an offence under section 48 (Part 4 Chapter 1 section 52) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| PART 4 CHAPTER 2 PUBLIC SPACES PROTECTION ORDERS | |
| Making a PSPO Power to make Public Spaces Protection Orders (Part 4 Chapter 2 section 59) | Public Protection Committee |
| Publishing PSPO Publishing of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 59(8)) | Head of Business Improvement, Central Services & Partnerships |
| Extension to PSPO Extension of Public Spaces Protection Orders beyond 3 years (Part 4 Chapter 2 section 60) | Public Protection Committee |
| Publishing extension to PSPO Publishing of extension to Public Spaces Protection Order in accordance with regulations made by Secretary of State (section 60(3)) | Head of Business Improvement, Central Services & Partnerships |
| Variation and discharge of PSPO Variation and discharge of current Public Spaces Protection Orders (Part 4 Chapter 2 section 61) | Public Protection Committee |
| Publishing of variation or discharge of PSPO Publishing of variation to or discharge of Public Spaces Protection Order in accordance with regulations made by Secretary of State (Part 4 Chapter 2 section 61(5) /section 61(6)) | Head of Business Improvement, Central Services & Partnerships |
| Power in relation to consumption of alcohol Power to require a person not to consume alcohol or to require surrender of alcohol or containers for alcohol contrary to requirements of public spaces protection order(Part 4 Chapter 2 section 63(2)) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| Authorisation of prosecution proceedings relating to PSPO for alcohol Authorisation of prosecution proceedings for failure to comply | Public Protection Committee |

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| | with a requirement to not to consume alcohol or to require surrender of alcohol or containers for alcohol Part 4 Chapter 2 section 63(6)) | |
| | Authorisation of prosecution proceedings for failure to comply with PSPO Authorisation of prosecution proceedings for failure to comply with anything either prohibited or required by a public spaces protection order (Part 4 Chapter 2 section 67) | Public Protection Committee |
| | Fixed penalty notices for failing to comply with PSPO Power to issue a fixed penalty notice for offences of not complying with a public spaces protection order under section 63 (Consumption of alcohol in breach of an order) or section 67 (failing to comply with an order) (Part 4 Chapter 2 section 68) | Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing |
| | Convention rights, consultation, publicity and notification Duty to have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights before making, extending, varying or discharging a public spaces protection order Duty to carry out consultation, publicity and notification before making, extending, varying or discharging a public spaces protection order | Head of Business Improvement, Central Services & Partnerships |
| | Part 4 Chapter 3 – CLOSURE OF PREMISES ASSOCIATED WITH NUISANCE OR DISORDER | |
| | Power to issue closure notices for up to 24 hours Power to issue closure notices for up to 24 hours where use of particular premises has resulted , or is likely to soon result in nuisance to members of the public or there has been or is likely soon to be disorder associated with the use of premises (Part 4 Chapter 3 section 76) | Chief Executive or person designated by him or her Head of Business Improvement, Central Services & Partnerships Head of Environmental Health |
| | Duty to consult prior to service of closure notice Duty to consult anybody or individual prior to service of closure notice (Part 4 Chapter 2 section 76(7)) | Chief Executive or person designated by him or her Head of Business Improvement, Central Services & Partnerships Head of Environmental Health |
| | Power to extend closure notice beyond 24 hours to 48 hours (Part 4 Chapter 2 section 76(7)) | Chief Executive or person designated by him or her |
| | Cancellation or variation of closure notice Power to vary or cancel a closure notice (Part 4 Chapter 3 section 78) | Officer who originally signed notice or in their absence the Chief Executive or person designated by him or her |
| | Power of court to make closure orders Application to a magistrates' court for a closure order within 48 hours of service of closure notice (unless closure notice has been cancelled) (Part 4 Chapter 3 section 80) | Head of Business Improvement, Central Services & Partnerships |

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| | <p>Entry to premises to fix closure orders Fixing closure orders in at least one prominent place on premises, to each normal means of access and outbuildings which appear to be associated with premises. (Part 4 Chapter 3 section 79(2))</p> | <p>All Environmental Health Officers and appropriately qualified Technical Staff. And agents acting on behalf of the authority expressly authorised by the relevant Head of Service</p> |
| | <p>Extension of closure orders Application to the court for an extension of period of a closure order or further extension (Part 4 Chapter 3 section 82)</p> | <p>Head of Business Improvement, Central Services & Partnerships</p> |
| | <p>Discharge of closure orders Application to the court to discharge a closure order. (Part 4 Chapter 3 section 83)</p> | <p>Head of Business Improvement, Central Services & Partnerships</p> |
| | <p>Enforcement of closure orders Access to a premises etc. to enforce closure order, to secure premises against entry and carrying out essential maintenance or repairs. (Part 4 Chapter 3 section 85)</p> | <p>Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing</p> |
| | <p>Proceedings for breach of closure notice / order Application to court for prosecution for breach of closure order (Part 4 Chapter 3 section 86)</p> | <p>Public protection committee</p> |

| | FUNCTION | EXERCISED BY |
|--|---|---|
| | The Dangerous Dogs Act 1991 | |
| | Section 5 Seizure / entry to premises and evidence | |
| | <p>Seizure of dangerous dogs in any place power of entry onto premises to seize a dangerous dog</p> | <p>Environmental Health Officers, Technical Assistants and Enforcement Officers authorised in writing</p> |

Anti-Social Behaviour, Crime and Policing Act 2014



How is it Different?

- Replaces the current toolkit for dealing with anti-social behaviour and places new duties on Local Authorities and Police to deal with conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- New streamlined approach to anti-social behaviour
- Timescale – the implementation is scheduled for 20th October 2014.

To summarise.....

Part 1 - Injunctions to replace ASBOs

Part 2 - Criminal Behaviour Orders to replace CRASBOs

Part 3 - Dispersal Powers

Part 4 – Community Protection

This part is split into three chapters covering:

- **Community Protection Notices**
- **Public Spaces Protection Orders**
- **Closure orders**

Part 5 - Recovery of possession of dwelling-houses: anti-social behaviour grounds

Part 6 – Preparation of a Community Remedy document by PCC and introduction of the ‘Community Trigger’ (or ASB Case Review)

Community Trigger

- Enables victims of persistent ASB to request a case review
- Statutory duty for the threshold, criteria and mechanism for the community trigger to be published by Local Authorities
- Applicants must be informed of the outcome and advised of the arrangements for reviewing the process if they are not satisfied.
- Proposed Trigger for the Borough;

‘three complaints from one complainant (or somebody on their behalf) to a statutory agency within a 6 month period about three separate incidents or an imminent trigger if the complaints are deemed hate related’ in line with minimum requirement.

Questions?

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Newcastle-under-Lyme Borough Council
2014/2015 Recommendations made by Cleaner, Greener and Safer Communities Scrutiny Committee
Wednesday 25 June 2014, 7.00pm in Committee Room 1

| Agenda Item No. | Topic | Recommendations | Action to date |
|-----------------|---|---|---|
| 4 | Police and Crime Commissioner Funding for NuL Borough 2014/2015 | That the Senior Partnerships Officer provide a document to the Members of the Cleaner, Greener & Safer Communities Scrutiny Committee showing the initiatives and assessment criteria | Completed |
| 6 | Integrated Recycling and Waste Service July 2016 (Presentation by the Head of Recycling and Fleet Services) | That the Committee were agreed for the Recommendations to be submitted to Cabinet on 23 July 2014 | The Committee were in agreement for the recommendations to be submitted to Cabinet on 23.07.14 |

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Members: Colin Eastwood, Dave Allport, Bert Proctor, Joan Winfield, Chloe Mancey, Simon Tagg, Peter Hailstones, Marion Reddish and David Harper

CLEANER, GREENER AND SAFER COMMUNITIES SCRUTINY COMMITTEE

Chair: Councillor Mrs Gillian Williams

Vice Chair: Councillor William Welsh

Portfolio Holder(s) covering the Committee's remit:

Councillor Trevor Hambleton (Leisure, Culture and Localism)

Councillor Mrs Ann Beech (Environment and Recycling)

Councillor Tony Kearon (Safer Communities)

Work Plan correct as at: Friday 19 September 2014

Remit:

Cleaner, Greener and Safer Communities Scrutiny Committee is responsible for:

- Anti-Social Behaviour Orders
- Civil contingencies
- CCTV
- Community Cohesion and Safety
- Community Safety and Section 17
- Decriminalised Parking Enforcement and On-Street Parking
- Emergency Planning
- Older People
- Streetscene – Litter, Grounds Maintenance, Parks and Gardens
- Street and Community Wardens
- Buses and Concessionary Travel and Taxis
- Car Park Management
- Climate Change, Sustainability and Energy Efficiency
- Environmental Health
- Flooding and Drainage
- Flooding and drainage
- Highways and transport (Operational)
- Recycling and Waste Management

| Date of Meeting | Item | Reason for Undertaking |
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| 25 June 2014 (agenda dispatch 13 June 2014) | Police Crime Commissioner Funding Update | An update on projects which would like to receive funding |
| | A500 Cleansing Operations | To address on-going problems of litter and cleansing operations |
| | Integrated Recycling & Waste Service (Presentation from the Head of Recycling & Fleet Services) | An update on the new integrated recycling and waste service which will commence from 2016 onwards |
| | Work Plan | To discuss and update the work plan to reflect current scrutiny topics |
| 1 October 2014 (agenda dispatch 19 Sept 2014) | Anti-Social Behaviour, Crime and Disorder Act 2014 | This replaces the current toolkit for dealing with anti-social behaviour and places new duties on Local Authorities and Police to deal with conduct that has caused, or is likely to cause harassment, alarm or distress to any person |
| | Portfolio Holder Question Time (Portfolio Holders for Environment and Recycling and Safer Communities) | An opportunity for the Committee to question the Portfolio Holder on their priorities and work objectives for the next six months and an opportunity to address any issues or concerns that they may currently be facing. It is an opportunity for the Portfolio Holder to flag up areas within their remit that may benefit from scrutiny in the future. |
| | Licensing of Hot Food Takeaways (as agreed at the last meeting on 25.06.14) | To look at the current policy on licensing of hot food takeaways. Agreed on the 24.03.14 to be kept as an agenda item and for the Head of Planning to pursue it as part of the Local Plan |
| | Recommendations made by Cleaner, Greener and Safer Communities Scrutiny Committee (25.06.14) | To provide an overview of the recommendations made by Scrutiny at the last meeting held on 25 June 2014 |
| | Work Plan and Scrutiny Topics for 2014/2015 | To discuss the work plan and potential topics that Committee members would like to scrutinise over the forthcoming year |
| 4 March 2015 (agenda dispatch 20 Feb 2015) | Anti-Social Behaviour, Crime and Disorder Act 2014 | A progress update to be provided |
| | Annual Review of Scrutiny Committee's Work | To evaluate and review the work undertaken during 2014/2015 |

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| Task and Finish Groups: | |
| Future Task and Finish Groups: | |
| Suggestions for Potential Future Items: | <ul style="list-style-type: none"> • Warm Zone Delivery of Green Deal (potentially email to committee) • Decriminalised Car Parking • 'A' Frames Obstruction on Pavements (Agreed on 24.03.14 to be kept as an agenda item and invite the Town Centre Partnership Manager or a representative and Dave Greatbatch, Community Infrastructure Liaison Manager, Staffordshire County Council to a future meeting) |

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| DATE OF FUTURE MEETING: | Wednesday 4 March 2015, 7.00pm, Committee Room 1 |
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| DATES AND TIMES OF CABINET MEETINGS: | Wednesday 18 June 2014, 7.00pm, Committee Room 1 |
| | Wednesday 23 July 2014, 7.00pm, Committee Room 1 |
| | Wednesday 10 September 2014, 7.00pm, Committee Room 1 |
| | Wednesday 15 October 2014, 7.00pm, Committee Room 1 |
| | Wednesday 12 November 2014, 7.00pm, Committee Room 1 |
| | Wednesday 14 January 2015, 7.00pm, Committee Room 1 |
| | Wednesday 4 February 2015, 7.00pm, Committee Room 1 (BUDGET) |
| | Wednesday 25 March 2015, 7.00pm, Committee Room 1 |
| | Wednesday 24 June 2015, 7.00pm, Committee Room 1 |

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