

**Minutes of a meeting of Scrutiny Committee for Community,
Housing and Planning
held on Tuesday, 29th January, 2019
from 7.00 pm - 7.53 pm**

Present: N Walker (Chairman)
M Hersey (Vice-Chair)

E Belsey
R Cherry
S Ellis

C Hersey
C Holden
E Matthews

A Watts Williams
J Wilkinson
M Binks

Absent: Councillors A Barrett-Miles, P Coote, S Hatton, A Jones and
P Wyan

Also Present:

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Binks substituted for Councillor Hatton.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Barrett-Miles, Coote, Hatton, Jones and Wyan.

**3. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

None.

**4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS
URGENT BUSINESS.**

None.

**5. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
21 NOVEMBER 2018 AND THE JOINT SCRUTINY COMMITTEE HELD ON 18
DECEMBER 2018.**

The minutes of the Committee held on 21 November 2018 and the joint Scrutiny Committee meeting on 18 December 2018 were agreed as correct records and signed by the Chairman.

**6. EXPANSION OF USE OF POWERS CONTAINED WITHIN THE ANTISOCIAL
BEHAVIOUR, CRIME & POLICING ACT 2014**

The Chairman highlighted para 16 of the report and reminded Members that this was an expansion of powers already held by the Council. He thanked the officer for the flowcharts which helped to explain the issue of Community Protection Notices (CPN) and Public Spaces Protection Orders (PSPO).

Kate Wilson, Business Unit Leader for Community Services, Policy and Performance introduced the report. The Business Unit Leader commented that the Council was only using some of the powers of the Act and it was not the Council's responsibility to be a police force but to use their powers where it was appropriate to do so. Members were advised that this was not a quick fix or a solution for all Anti-Social Behaviour (ASB) and the Council would continue to work with their statutory partners, i.e. Police.

Members discussed whether the use of CPNs would be the appropriate action to take for ASB issues, if there were issues all across Mid Sussex, what support was available for abusers and their families and how the success would be measured. The Business Unit Leader commented that the powers would be used in a measured and proportionate manner in line with the guidance; however ASB usually stops once a Community Protection Warning has been issued. If required the matter could be escalated by issuing a Fixed Penalty Notice (FPN) on a person or a body whether they had an active or passive role in the behaviour and only a delegated and trained officer could escalate the matter with a FPN. She noted that if a FPN is breached then the matter would be reviewed by a Magistrate.

Minors and family members would be offered support from various agencies and a Mid Sussex Anti-Social Behaviour Risk Assessment Conference (ASBRAC) should be held fortnightly to assess the requirements and monitor each breach. The success of expansion of powers would be assessed annually.

The Business Unit Leader advised that any comments regarding the provision of Police Wardens should be directed to the Town Council and the powers could be expanded to other agencies and training would be offered. The agencies would all work in the same way and share information. She noted that Empowering Communities Inclusion and Neighbourhood Management System (ECINS) is a national database and some agencies have access and confirmed that it is used by the Police and British Transport Police. With regard to pressures on budgets the Mid Sussex work closely with the Task and Finish Group.

In response to a question the Business Unit Leader advised Members that landlords would be at the Mid Sussex Anti-Social Behaviour Risk Assessment Conference (ASBRAC) meetings and they could apply to a Magistrate for a CPN once a criminal conviction was received. Norman Webster, Cabinet Member for Community acknowledged that some Housing Associations do evict tenants but this is the ultimate sanction after all other avenues have been exhausted. He noted that some complex issues take a while to resolve and agencies should always be mindful of the circumstances.

Members also discussed the time frame to escalate issues, how the public would be made aware of the Council's expanded powers, whether the extended powers cover front and back gardens and queried actions regarding noise issues.

The Business Unit Leader confirmed that the public would be advised of the extended powers as part of an educational process and that alone might prevent some issues and a 30 day consultation involving the public, police and police crime office must take place before any PSPOs are put in place.

Tom Clark, Solicitor to the Council noted that planning officers can serve a Section 215 notice if untidy front gardens are detrimental to the street scene. He also confirmed that Environmental Health would act on noise issues.

The Members were advised that with car cruising the actions of the congregated car enthusiasts usually caused the problems, such as loud music and revving of engines.

Norman Webster, Cabinet Member for Community stated that the expansion of powers was another tool the Council could use to address issues which had caused traffic congestion and deaths in other local authorities. He noted that parents/carers/guardians were responsible for minors and a FPN could be issued to them. Using the services of various support agencies parents would be provided with the necessary skills to control the minor.

As there were no more questions, the Chairman took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee;

- (i) Noted the contents of the report and agreed to adopt the additional powers under the ASBCP Act 2014 for the uses specified,
- (ii) Approved delegation of authority to specified officers to use these powers,
- (iii) Approved authorisation to further extend the scope of the powers to be at the discretion of the relevant Head of Service.

7. STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

Lois Partridge, the Business Unit Leader for Planning Policy and Economy introduced the report and noted that it is a legal requirement to update the Statement of Community Involvement (SCI) at least every five years. The current SCI dates from 2011 and has been updated to ensure it complies with all national policy and guidance and the District Plan. It was noted that the draft went to public consultation in the autumn of 2018. Several responses proposed no changes and the adjustment to the wording on page 15 of appendix two encourages planning applicants to engage with Town or Parish Councils. The Business Unit Leader for Planning Policy and Economy commented that the consultation included the Guidance on Planning Performance but no comments were received. The SCI is not a statutory document but requires adopting by the Council to fulfil its legal compliance.

In response to a Member's question Judy Holmes, Assistant Chief Executive confirmed that the Council was working towards adopting the Community Infrastructure Levy (CIL) and could not do so until the Government had concluded their consultation.

Andrew MacNaughton, Cabinet Member for Housing and Planning noted the comprehensive report and advised that the Council had to have an SCI or they could be challenged.

The Chairman noted that only 5 responses were received and commended the highly qualified officers on their work. He advised Members that the Business Unit Leader

for Planning Policy and Economy was leaving the Council and thanked her for her hard work.

As there were no more questions the Chairman took Members to the recommendations as set out in the report, which were agreed unanimously.

RESOLVED

The Committee:

- i) Considered the proposed changes to the draft Statement of Community Involvement in response to public consultation;
- ii) Considered the Guidance Note on PPAs and;

Recommended that:

- a) The Council adopts the draft Statement of Community Involvement and
- b) The Cabinet Member for Housing and Planning approves Guidance on the use of Planning Performance Agreements for publication on the Council's website.

8. SCRUTINY COMMITTEE FOR COMMUNITY, HOUSING AND PLANNING WORK PROGRAMME

The Chairman noted the tabled amended work programme.

Tom Clark, the Solicitor to the Council introduced the work programme and informed Members that the report on the conservation work would be presented at a future committee meeting.

The Chairman moved to the recommendation which was agreed unanimously.

RESOLVED

The Committee agreed the tabled work programme.

9. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.53 pm

Chairman