

**Minutes of a meeting of Scrutiny Committee for Community,
Customer Services and Service Delivery
held on Wednesday, 13th November, 2019
from 7.00 - 7.49 pm**

Present: A Boutrup (Chair)
Anthea Lea (Vice-Chair)

P Chapman	I Gibson	S Smith
R Clarke	J Henwood	A Sparasci
B Dempsey	T Hussain	

Absent: Councillors L Bennett, S Ellis, J Mockford, M Pulfer and D Sweatman.

Also Present: Councillor Bates.

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

Councillor Stockwell substituted for Councillor Ellis. Councillor Dabell substituted for Cllr Sweatman.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Bennett, Sweatman, Mockford and Ellis.

**3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

Councillor Smith declared a personal interest in Item 7: Waste Management, Recycling and Street Cleansing Services – Annual Report For 2018-19 as her son works for Serco, the Council's waste collection contractor.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
18 SEPTEMBER 2019**

The Minutes of the meeting of the Committee held on 18 September 2019 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

**6 IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER (PSPO) FOR
THE ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL**

Mandy Cunningham, Community Safety and Safeguarding Manager, introduced the report which sought to inform the Committee on the proposals to implement a Public

Space Protection Order (PSPO) for the anti-social use of vehicles in Burgess Hill (also known as car cruising). On 11 February 2019, Cabinet agreed to expand the use of these powers to help tackle persistent anti-social behaviour through the use of Community Protection Notices and the use of PSPOs to address on-going issues in public spaces such as the anti-social use of vehicles. The Council has worked closely with Sussex Police in managing issues to date and in developing the PSPO and will continue to work in partnership in identifying and acting against offenders. A recent public consultation showed that 91% of respondents supported the proposal to implement the PSPO.

A Member referenced Item H, Paragraph 2.2 of Appendix A and noted that, while it is unacceptable, the use of threatening, intimidating or anti-social behaviour is subjective. He enquired whether there are guidelines on how particular behaviour is viewed.

The Community Safety and Safeguarding Manager confirmed that the reporting method is through the Police who will take a consistent view in issuing a fixed penalty notice to anyone they have reason to believe has committed an offence under the Order.

The Cabinet Member for Community added that Police Officers would have to view the offence and react appropriately which would create a consistent approach.

A Member commended the report and noted that the PSPO will only be implemented in Burgess Hill. He sought clarification on what would occur if the 'car meets' and associated anti-social behaviour moved elsewhere within the District.

The Community Safety and Safeguarding Manager explained that her team will be working with the Police to identify areas where displacement may occur and to monitor the activity and take a reactive approach.

A Member noted that the concept of PSPOs was originally designed for application across the District, rather than a particular town or area and highlighted anti-social behaviour involving vehicles within his own parish. He appreciated the approach officers had taken however he felt that PSPOs should be implemented district wide.

The Community Safety and Safeguarding Manager recommend that Members report any anti-social behaviour to Officers. She noted that this matter is particular to Burgess Hill however if this becomes a problem elsewhere in the District then the Council can consider implementing the PSPOs in other areas.

The Cabinet Member for Community highlighted that there is a district wide approach to anti-social behaviour. He stated that the problem is particular in Burgess Hill and particular to 'car meets' which results in anti-social behaviour.

A Member expressed sympathy for the residents of those who live around the car park adjacent to McDonalds as she herself feels intimidated when a car blaring music speeds past her.

A Member enquired whether the PSPO will cover the A2300.

The Community Safety and Safeguarding Manager confirmed that the PSPO does not cover the A2300; it covers the 6 wards of Burgess Hill including the Burial Ground which has become a hotspot for 'car meets' when they have been asked to move on by the Police.

The Member then enquired whether the Council has engaged with the colleagues in East Sussex to see the potential impact on them following this policy.

The Community Safety and Safeguarding Manager confirmed that they had not liaised with East Sussex County Council, but officers had liaised with neighbouring councils in West Sussex.

A Member noted that after the PSPO has been made, the public has six weeks to appeal the decision and sought reassurances that the Council would be able to defend on appeal.

The Community Safety and Safeguarding Manager explained that the six weeks is a requirement of the Anti-Social Behaviour, Crime and Policing Act. She believed the Council would be in a good position if an appeal against the PSPO were to be made.

The Cabinet Member for Community highlighted the importance of consistency in the application of the PSPO.

Tom Clark, Head of Regulatory Services and Solicitor to the Council, stated that the Council has the power to make the Order and also highlighted the importance of a consistent application of the PSPO. He added that it is usual for the Council to make an appeal available on the policies it implements.

Emma Sheridan, Business Unit Leader for Community Services, Policy and Performance, added that the Police had been consulted.

A Member noted that the A2300 is due to become a dual carriageway and believed that it could become a racetrack.

The Community Safety and Safeguarding Manager said that should this activity occur on the A2300 then the Council would ask the observer to report it to the Police as speeding is a motoring offence.

The Chairman noted that no Member wished to speak so moved to the recommendation which was agreed unanimously.

RESOLVED

Scrutiny Committee for Community, Customer Services and Service Delivery recommend to Council that it:

- (i) Note the contents of the report and agree to implement the PSPO under the ASBCP Act 2014 for the prohibited activities outlined in Appendix A within the area defined on the map at Appendix B;
- (ii) Approve the delegation of authority to specified officers to use those powers.

7 WASTE MANAGEMENT, RECYCLING AND STREET CLEANSING SERVICES – ANNUAL REPORT FOR 2018-19

Rob Anderton, Divisional Leader for Commercial Services and Contracts, introduced the report which sought to provide the Committee with a review of the activity of waste management, recycling and street cleansing services from April 2018 to

Marc2019. He highlighted the progress of projects that had occurred within the year, drawing attention to the success of the British Heart Foundation pilot and expansion of the Garden Waste collection service. He noted that among the key priorities for 2019/20 are; the expansion of the textiles and small WEEE kerbside collection service, continued work to improve to the quality of recycling; and preparing for the potential implementation of a food waste collection trial.

A Member noted that West Sussex County Council (WSSC) compost the garden waste that Mid Sussex collects and enquired whether the Council receive any monetary reimbursement for this.

The Divisional Leader for Commercial Services and Contracts confirmed that the Council does not receive an income for the provision of garden waste it collects to WSSC. He added that WSSC pay a contractor to turn the garden waste into reusable compost.

The Member noted that residents are now asked to prove that they live in West Sussex when attending the Waste & Recycling Sites however there are some residents of Burgess Hill that reside within East Sussex. She enquired whether this change would encourage more fly-tipping and therefore whether the Council is expecting an increase in fly-tipping.

The Divisional Leader for Commercial Services and Contracts explained that there is no suggestion or evidence that the requirement to pay or provide ID to enter a Waste & Recycling Site would result in an increase of fly-tipping.

The Member questioned when the food waste collection scheme pilot will be brought forward.

Judy Holmes, Assistant Chief Executive, confirmed that a report will be presented to this Scrutiny Committee which will detail the proposal timeline and provide information on the proposed locations for the trial.

A Member referenced Item B, Paragraph 7 and queried whether the number was correct as it had seemed considerably different to that in Item A.

The Divisional Leader for Commercial Services and Contracts noted that the figure was in fact incorrect and should read 23,800.

A Member asked when the next stage of the textiles and small WEEE kerbside collection service would occur.

Jo Reid, Business Unit Leader for Waste, Landscapes & Leisure, confirmed that a report was presented at the previous Committee Meeting which detailed the progression of a kerbside collection service provided through the Council's existing waste and recycling collection contractor, for recycling and the introduction of a collection of textiles and small WEEE, for resale in partnership with a charity.

A Member enquired if there is any relationship with this work and that of the Sustainability Strategy and the Sustainability and Climate Change Advisory Panel.

The Assistant Chief Executive explained that sustainability is embedded in all the Council's work. She highlighted that the expansion of the garden waste service and the implementation of a food waste collection will further improve the sustainability of the Council's Services.

The Member believed that there should be an interrogation of how the Council connects its strategies together and sought reassurances that officers are actively managing the links between the strategies, to ensure they complement each other.

The Assistant Chief Executive stated that the Council is well aware and highlighted the need to be aware of the economic development strategy which is also embedded in all the Council's work. She added that the Council works corporately across all workstreams to ensure they are cognisant of one another. Performance indicators on sustainability are reviewed by the Scrutiny Committee for leader finance and performance and other such work that the Council is involved in.

A Member noted that it is almost impossible to obtain clean recycling from flats. She understood that a piece of work was carried out to address the issue however she has not heard of any recent work taking place. She enquired what the Council is doing to address the issue of contaminated recycling in flats.

The Business Unit Leader for Waste, Landscapes & Leisure explained that the Council offers a Champion Scheme which is currently active and available for members to join. She encouraged Members to promote the scheme. WSCC employ waste prevention advisors and suggested that they contact them in order to become a Champion.

The Member questioned whether it would be possible to use Mid Sussex Matters to feature photographs of rubbish at landfill disposal sites to further publicise the reality of what occurs with waste. She encouraged all councillors, especially new councillors to visit to view the Mechanical Biological Treatment plant in Horsham.

The Divisional Leader for Commercial Services and Contracts stated that there is a regularly dedicated communications budget between Mid Sussex District Council and WSCC and a range of targeted campaigns are run every year. He did however understand that there is always room for improvement in communication.

The Chairman suggested that the Member pursue any further questions relating to communication outside of the meeting.

A Member referenced Paragraph 29, P.25 and noted that if a serious service performance failure were to occur then the Council would be able to make financial deductions from the contractor. She enquired whether the deduction is equivalent to the 1% the contractor receives if they exceed their performance targets.

The Divisional Leader for Commercial Services and Contracts replied that there are separate mechanisms within the contract that enable the Council to assess the level of time depending on the significance of the service failure. He added that there are more severe consequences for not providing a service as specified than the 1% award.

The Cabinet Member for Environment and Service Delivery added that he has posted on social media to encourage the public to visit the Mechanical Biological Treatment Plant. He outlined that those who engaged with the information are usually members of the public who already actively participate in recycling and the challenge was to convert the more 'hard to reach' residents; however, he committed to working with the team to encourage greater participation in recycling.

The Chairman noted that no Member wished to speak so moved to the recommendation to note the contents of the report which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

8 SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2019/20

Tom Clark, Head of Regulatory Services and Solicitor to the Council, introduced the Work Programme which presented the future reports for the final meeting of the Committee for the municipal year. He highlighted the Equalities and Diversity Scheme Annual Progress Report not only looks back at equality and diversity this past year but will also set the policy going forward.

A Member sought clarification on the timetable for the report on the Sustainability Strategy.

The Head of Regulatory Services and Solicitor to the Council stated that the Committee is waiting for the Climate Change and Sustainability Working Group to progress work before a report can be brought forward to the Committee.

Judy Holmes, Assistant Chief Executive, noted that the report on the Sustainability Strategy will be coming before the Committee but noted that it is specific to the strategy and will report on the work of the of the Working Group.

The Chairman noted that no Member wish to speak so moved to the recommendation to note the contents of the Committee's Work Programme for 2019/20 which was agreed unanimously.

RESOLVED

The Committee noted the Committee's Work Programme as set out at paragraph 5 of the report.

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

No questions were received.

The meeting finished at 7.49 pm

Chairman