

Democratic Services

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Date: 07.03.13.

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**To: All Members of the Economic and Community Development Policy
Development and Scrutiny Panel**

Councillor Robin Moss
Councillor Ben Stevens
Councillor Patrick Anketell-Jones
Councillor Brian Simmons
Councillor Michael Evans
Councillor Lisa Brett
Councillor Manda Rigby

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Economic and Community Development Policy Development and Scrutiny Panel:
Thursday, 14th March, 2013**

You are invited to attend a meeting of the **Economic and Community Development Policy Development and Scrutiny Panel**, to be held on **Thursday, 14th March, 2013 at 1.00 pm** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Jack Latkovic
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jack Latkovic who is available by telephoning Bath 01225 394452 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Jack Latkovic as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Jack Latkovic as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Economic and Community Development Policy Development and Scrutiny Panel -
Thursday, 14th March, 2013**

at 1.00 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** or **an other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES OF THE MEETING ON 24TH JANUARY 2013 (Pages 7 - 16)

To confirm the minutes of the above meeting as a correct record.

8. CABINET MEMBER FOR NEIGHBOURHOODS UPDATE (Pages 17 - 20)

The Panel are asked to consider an update from the Cabinet Member for Neighbourhoods.

9. COMMUNITY SAFETY PLAN: ANTI-SOCIAL BEHAVIOUR GOVERNMENT REVIEW (30 MINUTES) (Pages 21 - 30)

The report provides a briefing of the Government's draft Anti-social Behaviour Bill and the rationale behind this.

The Panel will receive a presentation on the new proposals and will set out what this means for Bath and North East Somerset Council and the Community Safety Partnership.

There will be an opportunity to hear about the latest outcomes from the recent Home Office 'Community Remedy' consultation – which closed 7 March 2013.

The Panel will be invited to an open question and answer session at the end of the presentation.

10. POLICE AND CRIME COMMISSIONER: UPDATE (30 MINUTES) (Pages 31 - 46)

This report sets out an update on the work of the Police and Crime Commissioner for Avon and Somerset, focusing in particular on activities impacting on communities within Bath and North East Somerset.

The Economic and Community Development Policy Development and Scrutiny Panel are asked to agree that:

- The report be noted
- Any key issues or questions raised be reported through the relevant processes

11. WORKPLAN (Pages 47 - 54)

This report presents the latest workplan for the Panel.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.

BATH AND NORTH EAST SOMERSET

ECONOMIC AND COMMUNITY DEVELOPMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Thursday, 24th January, 2013

Present:- Councillors Robin Moss (Chair), Ben Stevens (Vice-Chair), Patrick Anketell-Jones, Brian Simmons, Lisa Brett, Manda Rigby and Anthony Clarke (In place of Michael Evans)

52 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

53 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the emergency evacuation procedure.

54 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Michael Evans had sent his apology to the Panel. Councillor Anthony Clarke was a substitute for Councillor Evans.

55 DECLARATIONS OF INTEREST

There were none.

56 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

57 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The Chairman informed the meeting that Nicolette Boater will address the Panel under item 13 on the agenda (River Corridor Report).

58 MINUTES OF THE MINUTES ON 22ND NOV 2012

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman subject to the following amendment:

- Page 5 of Minutes, second paragraph, first sentence should read: 'The Chairman said that the Panel received confirmation that the BDUK will go ahead with the State Aid as agreed with the EU.'

The Chairman said part of the Medium Term Plans discussion at the last meeting was about the Victoria Art Gallery charges and the Panel was informed that discovery card owners will not be charged admission to the gallery. However, that has changed now and the Chairman asked what the latest position in terms of admission charges is.

Mike Butler (Interim Divisional Director - Tourism, Leisure & Culture) said that the situation had changed slightly. Static exhibition will be free for everyone whilst for special exhibitions all adult visitors charged (children are free) and charges will vary by exhibition. Season tickets will be available and there will be no other concessions.

The Chairman said that he appreciated discussions are fluid and things can change between two meetings but if there are changes like these in future then the Panel Members should be informed as soon as those changes take place.

Mike Butler took that comment on board.

59 CONNECTING FAMILIES IN BATH & NORTH EAST SOMERSET (20 MINUTES)

The Chairman invited Paula Bromley (Principal Youth Officer and Operational Lead for Connecting Families) to give the presentation.

Paula Bromley highlighted the following points in her presentation:

- Overview
- The way we will work
- Degrees of the Family Intervention Services
- Purpose of Connecting Families
- Map of households matching ≥ 2 Criteria
- How we will work with our families
- Family Intervention
- Measures of Success

A full copy of the presentation is available on the Minute Book in Democratic Services.

The Panel made the following points:

The Panel commented that for some of the methods in the scheme will require co-operation and positive participation of all people involved and asked if there is active participation and/or resistance and how the service will deal with those issues. The Panel asked if benefit payments will be affected with this scheme. The Panel also said some families have been known in the system for a number of years and asked how this new scheme will make the difference. The Panel also asked if there is intention to work together with the housing associations.

Paula Bromley reminded the Panel that the team have not started to work yet as the plan is to start with the scheme from 1st February this year. The team is still working on methodology of the scheme. Paula Bromley said that it is good to have sanctions for those families who do not participate in the scheme though we also have to have rewards. This scheme is about making an approach to those families with an offer and taking that offer to them explaining that this is to help them, their future. If they don't accept that offer then sanctions will be enforced. There will need to be clear understanding on what the offer is and what the sanctions will be. Skilled workers will be working alongside families and they will be their advocates and best friends. The difference from previous schemes is that even the social services don't have very often a real feel for the whole family. They tend to work with mum, dad, etc but not the whole family. The proposal here is that families will have skilled worker who will spend 2,3,4 hours a day providing the support to them. The Government feels that this scheme does work and there are lot of positive trials across the country and the evidence from those trials will be looked at.

The Panel asked how the team will be able to demonstrate that the efficiencies had been made in order to continue the financial support from the Central Government.

Paula Bromley responded that this will be crucial for the service to prove these to the Central Government. Staff will be looking at data mapping in order to focus on families and also to work with the housing associations and the Police in data exchange (i.e. do housing repairs go down or up, is there reduction in Anti-Social Behaviour). All these information will then be used to calculate financial implications of the scheme.

The Panel asked about the number of families in the scheme.

Paula Bromley replied that at the moment there are 117 families and the number for three years is 210 families in total.

The Panel commented that these families are quite difficult to get back to work, in terms of the liability, though the easiest way for them to find their feet is voluntary work.

Paula Bromley agreed with this comment from the Panel and said that some organisations are much more flexible with volunteers than with the paid staff (i.e. delays for work, etc.).

It was **RESOLVED** to note the presentation. The Panel also requested further update at one of the future meetings.

60 LEISURE STRATEGY (20 MINUTES)

The Chairman invited Mike Butler to introduce the report.

The Panel made the following points:

The Panel commented that the report suggested that there were a number of capital success in getting investments but the evidence shows in order to get capital investment you have to have a proper revenue budget to get the best out of the capital investment so it doesn't deteriorate.

The Panel also commented that there is nothing about the accessibility in the report so as many residents as possible could make use of the facilities.

The Panel also commented if the aim is to reduce the net expenditure on various facilities to zero over the next few years then they would like to see some kind of interim business plan on that could be achieved. The Panel noted that this might not be possible considering that the recommendation 2.4 of the report mentions the cost to BANES due to inactivity. The Panel also noted that bullet point 3.11 of the report says continue to work closely with commissioners to enhance and develop front services to meet the challenge though part of the budget and the business planning is that there may need to be revenue investment in order to offset the expenditure on another part of the budget. So, aiming for zero within the leisure services provision may increase expenditure on Health and Wellbeing part.

The Panel felt that the report makes more questions rather than giving answers and the Members felt that they could not support all of the recommendations in the report.

Some Members of the Panel commented that they were not aware on the consultation on this Strategy.

Mike Butler responded that the consultation process hasn't started yet. The only thing that has been worked on is the platform for the Strategy.

The panel also commented that they would wish to see more information on whether there are plans to build something new in Keynsham or other sites in the area in order to replace the existing.

Mike Butler said that the Council is in constant communication with the partners on how best they can use the existing facilities.

The Panel expressed their concerns with the plan to stop investing in Sport and Leisure though the Council will soon, as from April 2013, take over responsibilities for Public Health.

Mike Butler responded that 3.13 of the report is about the emphasises that the Leisure Strategy is down to put on working with other directorates to improve the health and wellbeing in the area. Mike Butler also said that the report could be more clear on what the Council try to achieve with the Strategy.

The Panel suggested that the future report should first outline what the Council want to achieve in providing sports facilities, than what sports facilities will be provided in order to achieve those outcomes and at the end to look at the cost of it.

The Panel requested for further report on the Leisure Strategy for their March meeting and to invite the relevant Cabinet Member for the same meeting.

It was **RESOLVED** that the Panel:

- 1) Noted the report
- 2) Raised a number of issues that they wanted to see addressed in more detail to include:
 - a. Accessibility
 - b. Business planning
 - c. Holistic sports coming across BANES
 - d. Current public health costs to potential revenue investment.

The Panel also **REQUESTED** that further report be presented at the next meeting of the Panel (14th march 2013).

The Panel also **ASKED** the Cabinet to delay the approval of this strategy until they have the opportunity to scrutinise further report on Leisure Strategy.

61 BATH TOURISM PLUS LTD - COUNCIL FUNDING (20 MINUTES)

The Chairman invited Mike Butler to introduce the report.

The Panel made the following points:

The Chairman reminded the Panel that at the last meeting on 22nd November 2012, under Medium Term Plans, the Panel requested the following: ' A report on the discussions with the Bath Tourism Plus in terms of the consensual agreement on transition of funding' due to Panel's concern on how would that work if the Council would reduce direct funding and replace it with the tourism levy.

Councillor Cherry Beath (Cabinet Member for Sustainable Development) said that nothing has been set out, nothing agreed, yet in terms of tourism levy. The idea of levy is something that it will be worked on.

The Chairman agreed with Councillor Beath that the Panel also asked a report on how Tourism Levy will come out in practice, including models of charging versus income. The Chairman said that the Panel did not have anything against tourism levy s long as it works in practice and as long as Bath Tourism Plus get involved in those discussions. The Chairman informed the meeting that Bath Tourism Plus did not have any problems with the principle if the funding regime change but they needed to know details. That is why the Panel wanted a report on the funding for the Bath Tourism Plus.

The Chairman said that he appreciated that officers could not give more details in the report and said that the Panel will be looking forward for more detailed report in near future.

It was **RESOLVED** to note the report and receive further update at one of the future meetings.

62 BATH WORLD HERITAGE SITE - 25 YEARS ON (20 MINUTES)

The Chairman invited Tony Crouch (World Heritage Manager) to give the presentation.

Tony Crouch highlighted the following points in his presentation:

- Definition for the 'World Heritage Site'
- Steering Group for Bath
- Impacts: Challenges
- Impacts: Positive
- World Heritage Enhancement Fund
- Moving forward: Great Spas of Europe
- Conclusion

A full copy of the presentation is available on the Minute Book in Democratic Services.

The Panel made the following points:

The Panel commented that one of the most distinctive things about the city is the setting with the rural surrounding. The Panel asked what would UNESCO say about developing the rural surrounding considering the housing need pressure.

Tony Crouch responded that UNESCO would be interested in that as one of the reasons Bath is described as the World Heritage Site (WHS) is the way that the built heritage merges into landscape setting. Planning Services recently brought forward Setting Study supplementary planning document which is already been used in possible location of extension sites. There will be inevitably be some degree of harm in any development that happens in the WHS but that needs to be compared with the benefits for the city.

The Panel commented that despite some of the negative headlines in the media about recent developments, Bath still retained the WHS status. The Panel asked if there is special policy that new developments have to use special colour, stone, etc.

Tony Crouch commented that there is a policy document called Vienna Memorandum which states that we should look to replicate past styles. Some inspectors were not in favour of Southgate development yet they were complimentary for Holburne Museum and Bath Spa. It is all about pushing forward and build with the quality. Negative headlines happen all the time. We were never in danger to lose WHS though it only took one headline like 'Bath to lose the WHS?' from famous newspaper and then you are on the back foot.

It was **RESOLVED** to note the presentation.

63 LIBRARY SERVICE: CHARGING SCHEDULE FOR PEOPLES NETWORK

COMPUTERS (10 MINUTES)

The Chairman invited Mike Butler to introduce the report.

The Panel unanimously supported the report and supported that the preferred option number 2 be implemented as of April 2013.

It was **RESOLVED** that the Panel supported the preferred option number 2 which be implemented as of April 2013.

64 RIVER CORRIDOR GROUP REPORT (20 MINUTES)

The Chairman invited Nicolette Boater to read her statement.

Nicolette Boater thanked the Chairman for the opportunity to address the Panel. Nicolette Boater congratulated a number of people who had their input in the report. The work described in this report has been undertaken over a period of unprecedented financial challenge, uncertainty and structural change for the Council, but also one full of opportunity for those who want things to be done differently or better than before. Nicolette Boater said she was pleased how the vision and change agendas of many diverse organisations can combine and develop momentum in this way. However, as the report also recognises, a strong and widely owned vision is not enough alone. Therefore, Nicolette Boater hoped the Panel will urge the Cabinet to grab the opportunity inherent in our River Corridor by wholeheartedly supporting the two main recommendations suggested in this report, and be forthcoming with suggestions as to how the report might be made even more complete, persuasive, and authoritative.

A full copy of the statement is available on the Minute Book in Democratic Services.

The Chairman thanked Nicolette Boater for her statement. The Chairman introduced the report and thanked everyone who took part in the report.

The Panel made the following points:

Councillor Brett said that she couldn't attend the Scrutiny Inquiry Day (SID) and asked if the Trust could influence planning decisions, would the Trust have resources, would the Trust work with Councils and Ward Councillors so the vision becomes reality.

The Chairman said that the simple answer to all these questions would be yes. The Chairman also said that quite a range of people and organisations were involved in this review. To come up with very specific proposals that would have unanimous agreement from all involved would not be possible. But, if we are looking to make developments in the future it has to be on basis involving all those with interest and expertise, which is why the independent Trust model is one of the suggestions in the report. The Chairman said he would hope that BANES representative (officer and/or Councillor) sits on the Trust as the Council is the main landowner along the river but not the only one. If we have an independent Trust then it makes it better and easier

to influence planning decisions as there will be minimum of conflict in the interest. The Trust should also work with local Councillors.

Councillor Brett welcomed the comment from the Chairman and added that she would like to see the Vision of what the entire river corridor could potentially look in the future as a driver for the future. Councillor Brett also said that the Trust could become only talking block unless they have the Vision.

The Chairman responded that it is up to the Trust to define the vision.

Councillor Clarke said that he was not keen on the Trust. Councillor Clarke was very much in favour for river to be developed but this would not be done if we decided to redevelop another part of the city or authority (i.e. formation of the Trust) and the concern he had was democratic accountability for what it is actually quite a major group of policies that have to come forward. Councillor Clarke added that he is in favour to get the best possible advice though he would be very concerned to hand over democratic responsibility to the Trust.

The Chairman responded that it is not the intention that any Trust should supersede responsibilities in planning, for example. The Chairman understood the point about the democratic deficit but one of the problems is that BANES is one amongst many who has interest and influence in land and none of that gives us any right to supersede planning process.

Councillor Clarke added that this is not about the planning. The reason why Councillors are here is to represent, as elected Members with officers' support, the residents out there.

Councillor Stevens said that the Trust would not need any support from the Council anyway though, to some extent, if the body decide to establish themselves then the Council should offer some support. The Council, in his view, should not be involved in the establishment of the body at all. The Council, in case the Trust is established, can choose to be part of it or not. The overall Vision and Strategy is covered in the 1st recommendation.

Councillor Rigby said that she is in favour of the Trust because the Members proved not to be experts in the river before. The key would be that the Trust has the right people and expertise on board. The Council has absolutely part to play but we don't own the riverbanks. As a Council we could share our Vision with the Trust.

Councillor Anketell-Jones said that we are only part of what is catchment area. It would be useful to have a trust to put all expertise in one place to address not only what is required in the city of Bath but also to neighbouring authorities.

The Chairman confirmed the recommendations as they are printed in the report and that the report should also include comments made by the public at and out of the meeting and also to include comments made at the meeting today before it goes to the Cabinet.

Councillor Dave Laming commented that the Trust will have a range of right people and expertise on board. Councillor Laming welcomed the River Corridor report and also added the Strategy will be a Vision for the river and not the planning document.

Councillor Brett commented that at the moment it all feels a little bit intangible in the report and personally she would want to see something more cohesive in order to develop the Strategy and to know exactly what we want to achieve.

It was **RESOLVED** to:

- 1) Note the report
- 2) Support the recommendations
- 3) Include comments made by the Panel on 24th January, and also comments made by the public, in the final report and present it to the Cabinet.

65 WORKPLAN

It was **RESOLVED** to note the workplan with the following additions:

- Further report on the Leisure Strategy – March 2013
- Youth Offending Service – March 2013
- An update on the draft Anti-Social Behaviour draft Bill – March 2013 tbc
- Connecting Families update - date to be confirmed
- Bath Tourism Plus funding - further update (date tbc)

The Panel also asked the Senior Democratic Services Officer to investigate when the 'Post-Midnight Economy and its contribution to overall economy' item will appear before the Panel.

The meeting ended at 3.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Cabinet Member update

ECD PDS Panel

Cllr Dixon

1. CONNECTING COMMUNITIES

We recently held an event to which PDS Chairs and Vice Chairs were invited to look at how we can better work with communities to get things done “on the ground”. We found there were a lot of really useful projects happening across the area ranging from snow wardens to “In Bloom” many of which members are involved in. **Community@67** from Keynsham gave a presentation on how they had developed their project to serve a local community. Key points coming out were

- How to share this good practice
- How to work within Bath where there are no parishes
- How the Council and public services can get closer to communities- eg through the employee volunteering scheme

The aim is to create better support in localities without creating a bureaucratic structure. A number of ideas have been considered such as social media and building on initiatives such as the Student Community Partnership and Bath City Conference.

We will be doing more work with our community on this and are aiming for a report to May Cabinet- how would this Panel like to be involved?

2. ASSETS OF COMMUNITY VALUE

The Panel has received a number of reports in the last year or so on how this scheme will work.

The Council has recently placed the first Asset of Community Value on its local list- the **Packhorse Inn** in South Stoke. The nomination was made by South Stoke Parish Council. The key points are:


- Although the pub is not currently open, it had been in use recently and had provided social uses such as for police surgeries and local meetings.
- There was strong local support for the contribution the asset had made to local social wellbeing
- It was considered realistic by the Council to think that in the next five years it could be used again to promote local social wellbeing.

A related item- **the Bell** in Walcot has launched a share issue in a bid to bring the pub into community ownership.

A website is also being prepared (screenshot below) which sets out clearly how the new community rights and other tools can be used by communities to get things done

I want to...

Protect a local community building 🏠




There are many ways you can help keep valued local facilities such as pubs, shops or halls. These include:

- Increasing use so the service can remain viable
- Holding community events- for example to raise funds
- Bringing in more volunteers

There is also the option of nominating a local asset to be on the Register of Assets of Community Value.

[See resources](#)

Influence local services




There are many ways you can work to improve or change a valued local service. These include:

- Contacting the service directly to suggest changes- if you aren't sure who that is, the Policy and Partnerships team can help put you in touch with the right person
- Work within the community to get what you need- eg through litter-clearing events
- Working with Parish and Town councils

[See resources](#)

Get help for a community group



There are many types of help that benefit a local community group. These include:

- Volunteering to be involved in running the group or taking part in its work
- Identifying potential funding- sometimes small amount can make a difference

Planning ahead for the future

3. POLICE AND CRIME COMMISSIONER- PLANS AND FUNDING

The PCC recently consulted on two Plans- one for the force area and one for B&NES. Our response has focused on ensuring the diverse needs of our area are fully reflected, for example

- Bath – a reminder that this is the second biggest city in Avon and Somerset with a vibrant city centre that is an international visitor attraction
- Villages and market towns- reflecting local concerns such as speeding traffic, Anti Social Behaviour etc (see report on CAP below)

Members will also be aware that all Government funding to Councils for Community Safety is ceasing from 1st April. Instead a new fund is going to Police and Crime Commissioners some of which is being allocated back to local partnerships. The PCC has now broadly decided how this fund is to be allocated (although there are still some final decisions to be made in relation to substance misuse funds), and there is a reduced amount for B&NES compared to last year (£86,000 to £60,000).

The Council has been preparing for some time for these expected reductions through planned efficiencies in community safety as well as staff reductions. We have also secured Police agreement to funding the ASB team and the PCC has agreed that Independent Sexual Violence Advisers (based in Bristol and who help victims of sexual assault from our area) will be funded centrally by the Police from now on.

As a result of these measures we are able to use the funding available to support victims of domestic violence and hate crime and to help young people particularly with substance misuse. We need to be aware however that next year this funding is rolled in with all Police funding so we need to ensure we are flexible.

4. MIDSOMER NORTON COMMUNITY ALCOHOL PARTNERSHIP

The **Designated Public Places** Order has now been agreed by the Licensing Committee and will become operational once the formal order is published and “sealed” and signs are put up in the street. This will happen very shortly

The CAP has also led to **Street Marshalls in Midsomer Norton**

- 2 Marshalls operate 10pm-3am Friday/Saturday
- They are linked to the CCTV control room
- They are jointly funded by Midsomer Norton Town Council and B&NES to 1st April
- We understand that Midsomer Norton will pick up funding from 1st April 2013 (NB- not yet formally confirmed)

The marshalls, as in Bath, provide reassurance and tackle lower-level issues before they can escalate. One positive is that the marshalls have noted generally good street environment/cleanliness- this had been a previous concern in the area.

Here is a summary of an incident from the Marshalls' log of Saturday 8 December 2012, at 10.10pm to give a flavour of the work

Marshalls attended the triangle area as there had been a report of youths making excess noise in the area outside of elderly persons' home. The young people were gathered around a car: the marshalls requested that they move away as there had been a complaint from the residents about the noise. The young people apologised and started to move on.

5. PUBLIC PROTECTION

River Safety - We are working with RoSPA who are producing the report that they have been commissioned for the stretch of river from Pulteney Weir to Windsor Bridge. A workshop is being organised with key stakeholders for RoSPA to report back.

6. LEISURE STRATEGY

With a new strategic director due to join the Council shortly we have decided that it would be more worthwhile holding back for the strategy so that the new director can have an input.

The recent Prior Information Notice attract a wide range of interest with over 15 different operators expressing interest in running our various leisure facilities in Bath and North East Somerset.

7. LIBRARIES

It is a very exciting time for our library service, we have three new community libraries due to open very soon in Chew Stoke, Larkhall and Combe Hay. The new Paulton Hub has also progress extremely well and we hope to have an opening date for that soon. The levels of interest from volunteers has been very good and the capacity that will be freed up as a result of these new facilities will influence the new mobile library timetable.

Bath & North East Somerset Council	
MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	14 March 2013
TITLE:	Community Safety Plan: Anti-social behaviour Government review
WARD:	ALL
AN OPEN PUBLIC ITEM	

1 THE ISSUE

- 1.1 The report provides a briefing of the Government's draft Anti-social Behaviour Bill and the rationale behind this.
- 1.5 The Panel will receive a presentation on the new proposals and will set out what this means for Bath and North East Somerset Council and the Community Safety Partnership.
- 1.6 There will be an opportunity to hear about the latest outcomes from the recent Home Office '**Community Remedy**' consultation – which closed 7 March 2013.
- 1.7 The Panel will be invited to an open question and answer session at the end of the presentation.

2 RECOMMENDATION

- 2.1 To note the Government's proposed draft Anti-social Behaviour Bill.
- 2.2 To question officers about the implications of this Bill.
- 2.3 To make any recommendations to Cabinet or Responsible Authorities Group.

3 FINANCIAL IMPLICATIONS

- 3.1 It is anticipated there will be a small financial implication directly arising from this report relating to training staff.
- 3.2 The proposal to Part 5 (below) relate to the Absolute Grounds for Possession. It is anticipated that the demand from this will be a 'low risk', and estimate there will not be a flood of ant-social behaviour evictions, which would not otherwise have occurred - where people could be deemed as intentionally homeless and the Council has a duty to carrying out further investigations. It is therefore not possible to identify what the costs will be at this current time. We will monitor this over the next 12 months should it receive Royal Accent - the Government imply the Bill will be in place around 2014-2015.

- 3.4 Overall, many of the proposed powers replace other existing provisions such as Street Litter Control Notices and Litter Clearing Notices (s.92A and s.93 Environmental Protection Act 1990 respectively). Essentially, officers will be doing the same work but under different powers. It is therefore agreed, there will be no or little (low risk) financial implications to the Council.
- 3.5 The above will be carefully monitored over the next 12 months to evaluate any risk and financial implications.

4 THE REPORT

- 4.1 In December 2012, the Government published a draft Anti-social Behaviour Bill for pre-legislative scrutiny, which applies to England and Wales. The draft Bill includes amended powers and two new measures (Part 6).
- 4.2 The rationale behind the Bill is to put the victims first, to tidy up the current 19 tools and powers and, to speed up the process of tackling anti-social behaviour for lasting solutions, while cutting the cost of managing nuisance neighbours. The Bill also introduces a new mandatory ground for possession.
- 4.3 The draft Bill is in seven parts and includes amended powers and two new measures.
1. **Part 1** makes provision for a new, civil **Injunction to Prevent Nuisance and Annoyance** (IPNA), which replaces four current orders: the Anti-social Behaviour Injunction, drinking banning order on application, intervention orders and individual support orders.
 2. **Part 2** makes provision for an order on conviction to prevent anti-social behaviour, to be called **Criminal Behaviour Order** (CBO) and is designed to replace the Anti-social Behaviour Order (ASBO) on conviction. A CBO would be given on application by the prosecution, in addition to a court sentence.
 3. **Part 3** contains power for the **police to disperse people** whose presence or behaviour in an area they have reasonable grounds to suspect has contributed or is likely to contribute to ASB, crime or disorder.
 4. **Part 4** covers new powers given to the police, local authority and some housing associations to deal with community protection and for these bodies to serve on individuals a **Community Protection Notice** (CPN). It also contains provisions to close properties associated with nuisance or disorder.
 5. **Part 5** makes provision for the **possession of houses** on anti-social behaviour grounds, including a new mandatory ground for possession.
 6. **Part 6** of the Bill contains provisions on establishing a new "**Community Remedy**", which will allow victims of anti-social behaviour to choose from a list of punishment options (such as mediation, compensation to the victim or reparation) and a "**Community Trigger**", which would launch a review of a response to ASB when a certain locally-determined threshold (such as five calls) is reached.
 7. **Part 7** of the draft legislation contains **general provisions**.

4.4 The Home Office anticipate that the draft will be progressed to a Government Bill (98 clauses) and is expected to be announced in the Queen's Speech in May 2013. The provisions may then take effect from 2014 or 2015, subject to Parliamentary approval. In the meantime, ASBO's will continue.

4.5 The report offers additional summary of the key proposals highlighted in the attached briefing paper (drawn from the Local Government Association), and the full draft '**Anti-social Behaviour Bill**' can be found on the Home Office website link below.

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 Promoting equality and opportunity for all groups and individuals across the equality strands and promoting community cohesion is integral to this work.

7 CONSULTATION

7.1 Divisional Director, Policy and Partnerships; Democratic Services.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Community Safety, Section 17 and 115 Crime and Disorder Act 1998; Other Legal Considerations.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance), Housing Services and Environmental Services had the opportunity to input to this report and have cleared it for publication.

Contact person	Sue Dicks, Community Safety Manager - 01225 477415 Sue_dicks@bathnes.gov.uk
Background papers	Draft Antisocial Behaviour Bill (PDF file - 1mb - Warning: large file) Local Government Association briefing paper – draft ASB Bill
Please contact the report author if you need to access this report in an alternative format	

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Briefing on the Local Government Association (LGA) position in relation to the Government draft Anti-social Behaviour Bill

Background

The Government has published a draft Bill on the future of anti-social behaviour, which applies in England and Wales takes forward measures to:

- focus the response to anti-social behaviour on the needs of victims
- empower communities to get involved in tackling anti-social behaviour
- ensure professionals can protect the public quickly through faster, more effective powers and proposals to speed up the eviction of the most antisocial tenants
- focus on long-term solutions.

Amongst the 98 clauses in the draft Bill there are two important new measures to help focus the response to anti-social behaviour on the needs of victims:

- The **Community Trigger** to give victims and communities the right to require agencies to deal with persistent anti-social behaviour that has previously been ignored. The trigger could be activated by a member of the public, a community or a business if repeated complaints about anti-social behaviour have been ignored
- The **Community Remedy** to give victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. This means victims will get justice quickly, and the offender has to face immediate and meaningful consequences for their actions.

The Local Government Association key response messages

- Local government welcomes the added flexibility to tackle anti-social behaviour that this package of measures provides. The LGA are pleased that the proposals for Crime Prevention Injunctions now include a power of arrest;
- Police and Crime Commissioners and councillors know that anti-social behaviour continues to be the top concern for residents. As PCCs draw up their Police and Crime Plans over the next few weeks, they will want to draw on the wealth of experience and expertise in councils to ensure all resources are brought to bear to tackle this issue;
- Working in partnership with schools, health, fire and probation services, councils know that most effective way of tackling anti-social behaviour is to stop it happening in the first place. This means working in partnership with and the police to steer people away from activity which causes harassment or distress to others and can end up making people's lives a misery;
- The proposal to make PCCs responsible for out of court disposals will be valuable in ensuring victims have a strong voice and see swift and effective remedies;
- Proposals for a community trigger are unproven. Although the LGA recognise the issue this is trying to solve, The LGA would urge the Government to consider the evaluation of the pilots before finalising their proposals.

In summary, the main elements and key proposals in the draft Bill are as follows:

Part 1 – Crime Prevention Injunctions to prevent nuisance and annoyance (replacing the standalone Anti-Social Behaviour Order)

- Youth courts, county courts or the High Court can grant an injunction against anyone aged 10 or over where they have engaged or threaten to engage in ASB;
- ASB, in the context of this power, is defined as conduct capable of causing nuisance or annoyance to any person;

- Councils, housing providers, the police (including BTP), TfL, the Environment Agency and in Wales the NHS Business Services Authority can all apply for the injunction, if necessary without having to give notice, though the most the court can do in these circumstances is grant an interim injunction. Interim injunctions cannot include requirements on the respondent to participate in particular activities;
- Where the respondent is under 18 the youth offending team has to be consulted before an application is made;
- The injunction can both prohibit activity on the part of the respondent and;
- require positive activity, provided they do not conflict with the respondent's religious belief, do not prevent someone working or going to school or college or conflict with any other court orders;
- In addition the injunction can only exclude someone from where they live if they are in social housing, and either the council or housing provider applied for the injunction, and the ASB the respondent has been involved with includes the use or threat of violence or there is a significant risk of harm to others;
- Councils and social housing providers can apply for these 'tenancy injunctions' only against their tenants where they have breached their tenancy agreement by engaging or threatening to engaging in ASB, and the ASB involves or threatens violence or significant risk of harm. As well as excluding the tenant from specified premises they can also be excluded from an area, and again a power of arrest can be attached to the injunction;
- The injunctions can be time limited or indefinite;
- Any requirements in the injunction must specify who is responsible for supervising compliance with it, and before including a requirement the court must take evidence about its suitability from the individual or organisation to be specified in the injunction;
- Where a respondent fails to comply with the requirements the person who applied for the injunction and the police must be informed;
- A power of arrest can be attached to any prohibition or requirement in the injunction if the court thinks the ASB the respondent has engaged in or threatened to engage in will result in violence, or there is a significant risk of harm to others from the respondent. Where the power of arrest has been exercised the court can either remand the person in custody (for up to 3 days if it is with a police officer) or bail them;
- This allows the police to arrest the respondent if the officer believes they are in breach of the injunction;
- Where an organisation that has applied for an injunction thinks the respondent is in breach of it they can apply for an arrest warrant. The court will only grant this where it has reasonable grounds for believing the injunction is being breached;
- With a child between 10 and 17 breach of the injunction can result in being subject to supervision, a curfew, electronic monitoring, having to undertake activity or being detained;
- Transitional arrangements mean that existing orders to deal with ASB continue in force after the bill comes into effect, but cannot be varied or extended, and after 5 years will come to an end.

LGA view: _____

- *The LGA supports the creation of a genuine civil order that allows councils and other partners to act swiftly to protect victims and communities, and can be obtained on a civil burden of proof.*
- *As the proposals were being developed The LGA were concerned that a power of arrest could not be attached to the injunction, so the government's decision to provide for a power of arrest to be attached to the injunction is welcome.*
- *The LGA also expressed concerns that breach of the injunction would just be treated as contempt of court where no power of arrest was attached. The ability of organisations to apply for an arrest warrant addresses this point, which is again a welcome change.*
- *The LGA support the ability of the court to impose positive requirements as part of the injunction. Councils take their supportive role seriously here and have a good track record of providing services that turn lives around. However continuing this support will not be easy due to the budget pressures on councils and other public services. It is deeply concerning therefore that in the impact assessment the Home Office have not quantified the cost of imposing positive requirements on probation, councils and others relies on costs being met through other, un-quantified, savings.*

Part 2 Criminal Behaviour Orders

- Courts can grant these orders on application by the prosecution where an offender has been convicted or been given a conditional discharge.
- The court can only grant this order where the offender has caused or is likely to cause harassment, alarm or distress to people outside their household, and making the order will help prevent them doing it again.
- The prosecution have to consult the youth offending team before seeking an order against someone under 18.
- They come into effect on the day they are made, and must set out how long they will last, with the minimum for an adult offender being a fixed period of at least 2 years. For those under 18 the order has to last for more than a year and no more than 3 years.
- These orders can prohibit or require the offender to undertake positive activities, within the same restrictions set out for the crime prevention injunctions.
- The order can make provision for it to end where the offender satisfactorily completes an approved course, provided there are places available on the course and the offender agrees to this requirement in the order.
- These courses are to be approved by county, metropolitan and unitary councils, London boroughs, and the City of London and fees can be charged. This is not available to district councils. In giving approval councils can only do so for a maximum of 7 years, and can impose conditions, as well as withdraw their approval.
- In considering an order the court can hear evidence from the prosecution and the offender and take into account evidence not related to the case.
- As with crime prevention injunctions in imposing requirements the court must specify who is responsible for supervising compliance with the order, and before including a requirement the court must take evidence about its suitability from the individual or organisation to be specified in the injunction.
- Where an offender fails to comply with the requirements the prosecution and the police must be informed.
- Breach of the order is an offence punishable on summary conviction by up to 6 months in prison or a fine or both, and on indictment by up to 5 years in prison or a fine, or both. Where someone is convicted of breaching an order the court cannot grant a conditional discharge.
- Again there are transitional arrangements which mean that existing orders continue in force after the bill comes into effect, but cannot be varied or extended, and after 5 years will come to an end.

LGA view:

- *This order is in many ways similar to the anti-social behaviour order currently available on conviction.*
- *The new element so far as councils are concerned is the requirement on upper-tier local authorities in England, and councils in Wales to approve courses for offenders to complete. This is a new burden that is financed by the ability under the bill for councils to charge fees for approving courses, though it is not clear from the power given to the Secretary of State to issue general directions to councils whether this will allow the government to specify what the fees are.*

Part 3 Dispersal powers

- These allow police officers and PCSOs to direct people to leave a public place and not return for a specified time (but not more than 48 hours) provided the officer has reasonable ground for suspecting the presence or behaviour of the person will result in people being harassed, alarmed or distressed, or will lead to crime and disorder, and ordering a person to leave will reduce or end the likelihood of this happening. (NB: this is not the same as the Police simply moving people on, which remains unchanged)
- In making a direction under this part the officer must if possible put it in writing, specify the area it applies to, and by when the person must have left, and how – including their route.

The direction can be varied but cannot extend the duration of the direction beyond 48 hours from when it was originally given.

- The direction cannot prevent a person having access to where they live, or work or have to go by virtue of a court order, or a place where they would have to go to receive medical treatment or education or training. It also cannot be used to disperse people engaged in lawful picketing.
- Where someone is under 16 the officer can escort the person home or take them to a place of safety, but cannot issue a direction to children under 10.
- In directing people police officers can also tell people to surrender items they have with them that could be used in behaviour causing harassment, alarm or distress, provided they also tell them how to recover it.
- Failure to comply with a direction to leave is an offence liable on summary conviction to up to 3 months in prison or a fine not exceeding level 4, while failing to hand over an item is also an offence punishable by a fine.

LGA view: _____

- *These provisions would see the decision made on whether to use dispersal powers resting solely in the hands of the police. While rationalisation of the powers is welcome, the current powers are exercised in consultation with the local authority, while in some cases councils have responsibility for making the orders. Use of such powers can on occasion prove very controversial, which is why their use should be dependent on democratic oversight. This can be provided by Police and Crime Commissioners, but given the local nature of issues dispersal powers are used for, and the large geographic area Police and Crime Commissioners cover, this will be challenging. Councillors on Police and Crime Panels, and local authority scrutiny of the responsible authorities on community safety partnerships may also provide alternative mechanisms. Councillors should be seen as vital people to consult as key partners.*

Part 4 Community protection
Community protection notices

- Designed to deal with particular, on-going instances of environmental antisocial behaviour. They can be used against individuals, businesses or organisations, and can be issued by the police, council officers or staff of social housing providers.
- In issuing a notice the person doing so has to believe the behaviour is detrimental to the local community's quality of life, is unreasonable and is having a persistent effect.
- Community protection notices can impose a requirement to stop or start specified activity to achieve specified results.
- Breach of the notices is a criminal offence. An individual guilty of an
- offence under this section is liable to a fine not exceeding level 4 on the standard scale. A body is liable to a maximum fine of up to £20,000.
- Local authorities can take remedial action if a person issued with this notice does not comply with it.
- They cannot be issued for nuisance matters regarding the Environment Protection Act 1990.

LGA view: _____

- *The LGA are pleased that local authorities will have the power to issue these orders. This will enable councils to take action swiftly and effectively and impose sanctions on non-compliance.*
- *The proposals give councils greater flexibility to deal issues which are not dealt with effectively by existing legislation, such as greater scope for dealing with litter on private land, and for nuisance not covered by the Environmental Protection Act 1990, eg people noise including banging and shouting.*
- *The potential new powers are relatively unrestricted and unspecific, giving councils flexibility to decide how to use them. The LGA welcome this, and will be seeking to work with councils to make effective use of these powers.*
- *Because the potential new powers create an arrestable offence, it extends current powers and could help speed up the time taken to deal with offences.*

Public spaces protection orders

- These orders are intended to deal with a particular nuisance or problem in a particular area and apply to everyone.
- The orders relate to a restricted area and can impose a requirement to stop or carry out specified activity for a maximum of three years, with the possibility to extend the order for up to a further three years.
- A local authority can make these orders if activities in a public place have had or are likely to have a detrimental effect on the quality of life of local people, and are or likely to be of a persistent or continuing nature, unreasonable and justifies the restrictions of the notice.
- Local authorities must consult the police and appropriate community representatives before issuing these orders.
- A prohibition in these orders on consuming alcohol does not apply to premises licensed to sell alcohol.
- A person is guilty of an offence if they breach this order and are liable on summary conviction to a fine not exceeding level 3 on the standard scale and/or a fixed penalty notice.

LGA view:

- *The LGA are pleased that local authorities will have the power to issue these notices, which will enable them to take action swiftly and effectively with local partners.*
- *Councils already regulate premises through the Licensing Act and recently introduced Early Morning Restriction Orders offer other ways of managing the way licensed premises are run.*

Closure notices and orders

- A closure notice prohibits access to the premises for a specified period up to a maximum of 48 hours. A closure order prohibits access to a premise for a maximum of 3 months.
- A local authority or the police can issue a closure notice if it believes that the use of a particular premise has resulted or is likely to result in nuisance to the public, or there is or likely to be such nuisance nearby.
- Appropriate bodies or individuals must be consulted.
- Local authorities or the police must apply to a magistrates court for closure orders, which must be heard no later than 48 hours after service of the notice closure.
- Local authorities and the police can apply to extend the closure order before its expiry.
- A person guilty of an offence under this section is liable to imprisonment up to 51 weeks, or a fine not exceeding level 5 on the standard scale.

LGA view:

- *The LGA are pleased that local authorities will have the power to issue these notices. Councils are familiar with problem premises and will be able to take action swiftly and effectively with local partners to ensure property does not house or lead to anti-social behaviour*
- *The bill extends councils' licensing powers, which may facilitate partnership working and shared enforcement.*
- *The LGA have a concern however about closure notices only being made if 'reasonable' efforts have been made to inform the owner in advance. Sometimes premises need to be shut down immediately for the protection of the public, so the process should not be delayed and this should be clarified in any subsequent guidance.*

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

Currently the court is left with discretion as to whether to evict a tenant under the Housing Acts 1985 and 1988 when landlords seek possession of secure and assured tenancies because the tenant has been involved in anti-social behaviour.

- The bill seeks to amend these Acts so landlords can seek to evict tenants involved in anti-social behaviour or criminal activity on the basis that if proves the involvement of the tenant in this behaviour the courts will have to order the eviction of the tenant.
- Grounds for such possession include, but are not exclusive to a tenant, or a person residing or visiting the dwelling-house:
 - being convicted of a serious offence in or near the house;
 - the serious offence being committed elsewhere against a person with a right to reside in or occupy housing in the locality of the dwelling house or against the landlord (or a connected employer) of the dwelling house;
 - found by a court to have breached certain conditions of a criminal behaviour order;
 - the dwelling house being subjected to a closure order; and
 - convicted of an offence under sections of the Environment Protection Act 1990.
- The tenant may raise the issue of proportionality as a defence to the proceedings.

LGA view:

- *These proposals will rest on a) ensuring the landlord can easily demonstrate that the criteria for awarding possession is met and b) the anti-social behaviour is serious, housing related and that the landlord's actions are proportionate.*
- *These powers represent a serious sanction and councils will continue to use them in a proportionate way, investing in prevention and working with partners. Clearly it is crucial that the use of these powers do not result in displacement of the problem rather than solution. This is particularly important when considering councils' homelessness duties and Government should clarify how the new powers will interact together.*

Part 6 – Local involvement and accountability

- Police and crime commissioners will be required to consult, prepare and publish a community remedy document for their force area in consultation and with the agreement of the chief constable.
- This will set out what reasonable and proportionate 'punishment' they think it would be appropriate for an offender to undertake where there is an out of court disposal.
- The draft bill also imposes a duty on councils, the police, health providers and social housing providers to set up a community trigger mechanism, with an agreed trigger point, to carry out a review of the response.
- The arrangements for reviewing complaints must be published, with the PCC having to be consulted before making and revising the arrangements. The bill also provides for joint arrangements to be made over a larger area
- In conducting a review recommendations can be made which any person or body carrying out public functions will have to have regard to.
- Information will have to be published about the number of applications and number of reviews undertaken.

LGA View

- *Councils face a continual challenge to ensure the most vulnerable victims of antisocial behaviour do not slip through the net. The police now have a casework system clearly identifying vulnerability of victims of anti-social behaviour and people who make regular complaints already have the ear of their local council. Evidence from the community trigger pilots will be important in assessing the value and reach of the community trigger proposal.*

Part 7 – General

- This includes details of minor and consequential amendments.

Bath & North East Somerset Council	
MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	14 th March 2013
TITLE:	Police and Crime Commissioner: Update
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Police and crime commissioners: a guide for councils	

1 THE ISSUE

- 1.1 This report sets out an update on the work of the Police and Crime Commissioner for Avon and Somerset, focusing in particular on activities impacting on communities within Bath and North East Somerset.

2 RECOMMENDATION

The Economic and Community Development Policy Development and Scrutiny Panel is asked to agree that:

- 2.1 The report be noted
- 2.2 Any key issues or questions raised be reported through the relevant processes

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. However, funding which had come previously to the local authority for community safety has been consolidated with other funding streams to create a fund which from 2013/14 is under the control of the Police and Crime Commissioner. Although it is difficult to compare old and new funding streams on a “like for like” basis, an assessment of the impact of these changes has identified no financial implications for the Council in 2013/14. From 2014/15 this funding will be consolidated within overall funding for Policing and any impacts of this change will need to be considered when information is available.

4 THE REPORT

4.1 Elections for Police and Crime Commissioners took place on 15th November 2012. Sue Mountstevens was elected as the Police and Crime Commissioner for Avon and Somerset and took the “oath of impartiality” on 21st November 2012.

4.2 The Police and Crime Commissioner’s roles are to secure the maintenance of an efficient and effective police force within their area, and to hold the Chief Constable to account for the delivery of the Police and Crime Plan. PCCs raise the local policing precept from Council Tax (subject to a power of veto from two thirds of the Police and Crime Panel) and are responsible for the appointment, suspension and dismissal of the Chief Constable.

4.3 Police and Crime Panels have been established to scrutinise, challenge and maintain a regular check and balance on the performance and activities of the Commissioner. Panels have the power to request reports and call the Police and Crime Commissioner to attend their meetings. The LGA document Police and crime commissioners: a guide for councils, attached as an Appendix to this report, sets out in more detail the various relationships.

4.4 Below is a summary of key activities and milestones undertaken by the PCC so far in carrying out the various roles of the office:

- The PCC has agreed a budget comprising expenditure of £279m and no increase to the precept
- The PCC has appointed a new Chief Constable
- Consultation has taken place on the Police and Crime Plan. One document will cover the force area and there will also be local plans for each of the Police Districts in the force area including Bath and North East Somerset. The PCC has identified the following priorities, which are reflected in these documents:

Tackle anti-social behaviour

Tackle violent crime, particularly against women and girls

Tackle burglary

To give victims a louder voice, especially the 'quiet ones'

- As part of the consultation, the PCC visited our area on 4th February, holding feedback sessions in Keynsham, Midsomer Norton and Bath
- The PCC has also visited local projects in Bath & North East Somerset. A visit on 13th December 2012 involved meeting with Julian House, the Bath and District Business Crime Reduction Partnership, Developing Health and Independence, Project 28 and the Council’s new Communications Hub which houses the 24-hour CCTV monitoring and control operation. The PCC also met partners at the Community Safety Partnership meeting held on 15th January. Further visits are planned.

4.5 In anticipation of the introduction of PCCs, the Community Safety Partnership in Bath and North East Somerset has in recent years refocused its work to concentrate on:

- Using partner resources to help deliver Community Safety Plan priorities - for example, attracting BID funding to create an integrated marshalling service in Bath city centre
- Involving communities in local projects such as the Midsomer Norton Community Alcohol Partnership.
- Planning for the ending of Government funding to Councils for Community Safety from 1st April 2013 and its replacement by a new fund under the control of Police and Crime Commissioners

4.6 The PCC has now made decisions about the method by which the Community Safety funding received from Government will be allocated. Some funding will be used for force-wide projects, including support for Independent Sexual Violence Advisors, which had previously been funded by Community Safety Partnerships. The PCC has also agreed to allocate sums back to Community Safety Partnerships for local projects. In the case of Bath and North East Somerset, it is proposed that this be used to deliver outcomes relating to domestic violence, vulnerable victims and young people's substance misuse.

5 RISK MANAGEMENT

A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance

6 EQUALITIES

An EqIA has not been completed for the following reasons

- 6.1 The report is an information/update report on the activities of a third party which is itself subject to relevant Equalities legislation
- 6.2 EqIAs will be undertaken where the Council is considering its own decisions in relation to activities, projects and budgets which are impacted by processes set out in this report

7 CONSULTATION

- 7.1 Cabinet Member; Staff; Section 151 Finance Officer; Monitoring Officer
- 7.2 Views were sought on an initial draft of this report and feedback incorporated

8 ISSUES TO CONSIDER IN REACHING THE DECISION

- 8.1 Social Inclusion; Customer Focus; Young People; Human Rights; Corporate; Other Legal Considerations

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andy Thomas, Policy and Partnerships, Bath & North East Somerset 01225 394322 andy_thomas@bathnes.gov.uk
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Police and crime commissioners:

a guide for councils





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Introduction

The government is committed to replacing police authorities with directly elected police and crime commissioners (PCCs) in England and Wales. The Police Reform and Social Responsibility Act has completed its passage through parliament and the Home Office is looking to hold elections for PCCs on 15 November 2012.

The introduction of police and crime commissioners will have a considerable impact on local authorities. There will be a mutual duty on PCCs and community safety partnerships (CSPs) to cooperate. Both will also have to have regard to each other's priorities when drawing up the police and crime plan (in the case of the commissioner) and their strategic assessments (in the case of CSPs). More fundamentally perhaps, funding (which has until now been given to CSPs by the Home Office) will, at the start of April 2013, be in the hands of PCCs.

Councillors will also play a vital role in holding PCCs to account. In England all the councils in a force area will have to appoint a member to serve on the police and crime panel for that area, while in Wales the Home Secretary will seek nominations from councils for councillors to serve on the panels. The panels' role will be to scrutinise PCCs' decisions and actions and also assist them in carrying out their functions. Panels will have the power to veto PCCs' precepts and nominees for chief constable, to summon the PCC to answer questions and to review the commissioners' police and crime plans.

This guide:

- explains what the role of police and crime commissioners will be
- sets out what they mean for community safety partnerships
- looks at the implications for partnerships of PCCs commissioning community safety services
- examines the role and responsibilities of police and crime panels.

In the next few months the Local Government Group (LG Group) will be publishing more detailed guides for CSPs on working with commissioners and for councils on setting up police and crime panels. The LG Group is also able to provide more in-depth assistance for member councils on these issues for free. Contact details can be found at the end of this booklet.

Police and Crime Commissioners

The government's intention is that the police authorities holding the police to account in Greater London, England and Wales will be abolished from November 2012 and replaced with police and crime commissioners in 42 police force areas. The City of London will remain the police authority for the City.

In London the role of police and crime commissioner for the Metropolitan Police will be carried out by the Mayor of London through the Mayor's Office of Policing and Crime. In the rest of England and Wales the government's plan is for elections for the post of police and crime commissioner to be held on Thursday 15 November 2012 using the supplementary vote system that is used in London to elect the Mayor. The PCCs will then hold office for four years.

In many ways the PCC will have the same role as police authorities. Their main responsibilities will be to:

- secure an efficient and effective police force for their area
- appoint the chief constable, hold them to account for the running of the force and if necessary dismiss them
- set the police and crime objectives for their area by producing a five year Police and Crime Plan (in consultation with the chief constable)

- set the annual force budget and police precept, and produce an annual report setting out their progress against the objectives in the Police and Crime Plan
- contribute to the national and international policing capabilities set out by the Home Secretary in the Strategic Policing Requirement
- co-operate with the criminal justice system in their area
- work with partners and fund community safety activity to tackle crime and disorder.

It will be up to the PCC to decide what support they need to fulfil their role, though they have to appoint a chief of paid staff and a chief finance officer, and will have the option of appointing a deputy police and crime commissioner. Other staff can be appointed as appropriate on merit, but the PCC will have to publish details of the function and cost of the staff supporting them. Initially existing police authority staff will be transferred to support PCCs.

Although the PCC sets the local objectives for their force and holds the police to account, operational responsibility for the day-to-day work of the police remains with the chief constable. Funding for the police will come from a variety of sources including the police grant paid by the Home Office, the precept the PCC sets and various other grants such as the Community Safety Fund.

PCCs and Community Safety Partnerships

The introduction of PCCs will mean a fundamental change for community safety partnerships. Unlike police authorities, commissioners will not be 'responsible authorities' under the Crime and Disorder Act 1998, so will not be members of CSPs.

There is however a provision included in the Police Reform and Social Responsibility Bill that places a mutual duty on PCCs and the responsible authorities on CSPs to cooperate to reduce crime and disorder and re-offending. The bill expands on this duty to also require that a PCC, when putting together their police and crime plan, must have regard to the priorities of the responsible authorities in their force area, while the CSPs will have to have regard to the objectives in the PCC's police and crime plan when exercising their functions.

In addition to having to cooperate with PCCs and have regard to their priorities when carrying out their functions, CSPs will to some extent find themselves accountable to commissioners. Where CSPs are looking to merge they will need the agreement of the commissioner, though they will no longer have to seek the approval of the Home Secretary to do so. PCCs will also be able to require a report from a CSP on their work to reduce crime and disorder, if the commissioner is of the view that the partnership is not carrying out its crime reduction functions in an efficient and effective manner. PCCs will, as well, be given powers through regulations to convene and chair meetings with the CSPs in their force area to discuss strategic priorities.

PCCs and Community Safety Partnership Funding

Alongside these provisions PCCs will also be able to make crime and disorder reduction grants to any organisation or person in their force area. In order to give PCCs a budget to make these sorts of grants the Home Office is looking to transfer various funds to PCCs from 2012.

The Community Safety Fund, which is due to be reduced by 60 per cent from April 2012, will be paid to PCCs from April 2013 at the latest (though the fund for London boroughs was transferred to the Mayor of London from April this year). The government would like to see the Community Safety Fund transferred to PCCs ahead of April 2013, so it is likely that some of the fund will be handed to PCCs in the 2012/2013 financial year, with one option being for CSPs to get six months funding and the PCC getting the remainder once they are in post. Though a final decision has yet to be made, it is also likely that these funds will not be ring-fenced, so PCCs will not be compelled to use them to fund community safety services.

In England other funding will also be given to PCCs; commissioners will receive the proportion of Drug Intervention Programme funding not going to Health and Wellbeing Boards, as well as funding for services to address violence against women and girls. The Welsh government have indicated that any funding they currently give Welsh CSPs will continue to be provided to CSPs and not diverted to PCCs. PCCs will, as well, be able to decide how much of the funding available for Police Community Support Officers is used to support neighbourhood policing and how much is put towards other priorities.

CSPs across the country are likely to find they face different funding issues as PCCs become commissioners of services. Some PCCs may take the view that all their budgets ought to go into funding policing, with none left for community safety services. Others may decide they will commission all community safety services in their area (as will happen in London from next year), leaving CSPs to compete with voluntary, charitable and private sector providers for community safety funding from the PCC. Other public services, such as probation trusts, may also be in a position to bid for funding, as well as commissioning services themselves. Still other PCCs may decide to work with CSPs to commission services jointly.

CSPs will therefore have to decide whether or not they wish to compete for funding to provide community safety services in their area. CSPs will want to consider this carefully as only a few services, if any, can continue to be delivered from their own resources. If a CSP does decide to compete for funding to deliver community safety activity in its area it will have to quickly be in a position to:

- demonstrate its effectiveness to a new PCC by evidencing what its programmes have delivered in terms of outcomes and evaluating the quality of services provided
- consider whether services need to be merged to lower costs and drive efficiencies, possibly with other CSPs
- review whether it can work with other partners in the force area to create a single commissioning framework so that services are more efficient and effective
- look at how it can tailor programmes to ensure delivery of key priorities for the PCC.



Police and Crime Panels – holding PCCs to account

Alongside the relationship councils will have with PCCs through CSPs, they will have a direct role in holding commissioners to account. A police and crime panel (PCP) will have to be established for every police force area to scrutinise the PCC, and support them in the effective exercise of their functions.

In London this role will be undertaken by a specific committee of the Greater London Assembly, which will perform the same function as other panels, but will operate in a slightly different manner. **In the rest of England** councils will have to come together to form the panels as joint committees of the relevant authorities.

In Wales, due to the decision by the Welsh Assembly Government to refuse to allow the creation of panels as local government committees (which is a devolved matter), the Home Secretary will appoint and support the police and crime panels. The Home Secretary also has the power to appoint the panels in England where councils have not appointed a panel, so if councils are unable to agree on the setting up of a panel the matter could be taken from them by the Home Office.

Each council in the force area will appoint a councillor on to the panel, with the panel having a minimum of 10 councillors and two co-opted members. Where there are less than 10 councils in the force area it will be up to them to decide how the additional places needed to reach the minimum figure of 10 councillors are filled. A panel may co-opt additional members including extra councillors provided the panel does not exceed 20 members – and the Home Secretary agrees to the increased size of the panel.

In setting up the panel, the councils involved will need to make arrangements that deal with how the panel is supported and how this support is paid for; how long members of the panel hold office for; what happens when panel members resign; what allowances are paid to members of the panel; how the role of the panel is promoted; and what support and guidance is provided to the members of the panels.

When appointing councillors to the panel, the councils concerned must look to satisfy the balanced appointment objective, and the panel then has to take the objective into account when appointing co-opted members. Additionally the panel must from time-to-time consider whether its power to co-opt members would enable it to meet the objective. The objective is for the members of the panel to represent all parts of the force area, represent the political make-up of the councils in the

force area when taken together, and have the requisite skills, knowledge and experience for the panel to function effectively.

There are no restrictions in the bill on what type of councillors can be appointed to the panel (as there are with council overview and scrutiny committees). However where there is a directly-elected mayor they will automatically become their authority's representative on the panel unless they appoint another representative. When starting to consider which councillors should be appointed to the panel, councils will have to consider whether the role executive councillors play might generate a conflict of interest. Leaders and community safety portfolio holders are likely to be in regular discussion with the PCC about local crime and disorder issues. Would they then be well placed to scrutinise the PCC on arrangements they may have reached with the PCC?

PCPs will have a range of powers to provide a check and balance to the PCC. The panel has the power to:

- require the commissioner or a member of their staff to attend the panel to answer questions
- request the chief constable attends the panel to answer questions where it has already required the commissioner to appear before the panel
- appoint an acting commissioner from amongst the commissioner's staff if the commissioner has resigned, has been disqualified from office, or is incapacitated or suspended

- veto the commissioner's proposed precept if two-thirds of the members of the panel vote in favour of doing so
- veto the commissioner's proposed appointment of a chief constable if two-thirds of the members of the panel vote in favour of doing so.

Once it has been established, there are a number of things the panel is required to do. It will have to review the PCC's draft police and crime plan; review the commissioner's annual report; hold confirmation hearings for the PCC's proposed chief executive, chief finance officer and deputy police and crime commissioner appointments; and deal with complaints made about the PCC – passing on any allegations about criminal offences to the Independent Police Complaints Commission for them to investigate.

Councils will therefore need to work through a range of issues in the next few months in order for them to ensure that their police and crime panel is established as soon as possible after the elections in November 2012 for police and crime commissioners. In fact the Home Office is keen for councils to have arrangements in place before PCCs are elected, so that commissioners can be scrutinised from an early stage.

Local Government Group support

The LG Group has been working with a number of councils in police force areas to start looking at the implications of police and crime commissioners for community safety partnerships, and what issues councils need to consider as they consider establishing police and crime panels.

This has been really helpful in working through the issues councils will face, such as:

- the options available for the composition of PCPs
- how the panel will be hosted and supported
- what changes need to be made to existing structures and processes for collaborative working such as putting together joint strategic assessments
- whether a joint commissioning framework could be established
- what links need to be made with other bodies in the force area.

If you would like to discuss what free support the LG Group can give your council, community safety partnership, or group of councils or CSPs, then please contact:

Chris Williams, about preparing CSPs for police and crime commissioners at chris.williams3@local.gov.uk

Mark Norris, about setting up police and crime panels at mark.norris@local.gov.uk

You can also keep in touch with the latest developments around police and crime commissioners on the Community Safety Community of Practice at <http://www.tinyurl.com/SaferCommsCoP>





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Bath & North East Somerset Council	
MEETING: ECONOMIC AND COMMUNITY DEVELOPMENT PDS PANEL	
MEETING DATE:	14th March 2013
TITLE:	WORKPLAN FOR 2013
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 – Panel Workplan	

1 THE ISSUE

- 1.1 This report presents the latest workplan for the Panel (Appendix 1).
- 1.2 The Panel is required to set out its thoughts/plans for their future workload, in order to feed into cross-Panel discussions between Chairs and Vice-chairs - to ensure there is no duplication, and to share resources appropriately where required.

2 RECOMMENDATION

- 2.1 The Panel is recommended to
 - (a) consider the range of items that could be part of their Workplan for 2012/13

3 FINANCIAL IMPLICATIONS

- 3.1 All workplan items, including issues identified for in-depth reviews and investigations, will be managed within the budget and resources available to the Panel (including the designated Policy Development and Scrutiny Team and Panel budgets, as well as resources provided by Cabinet Members/Directorates).

4 THE REPORT

4.1 The purpose of the workplan is to ensure that the Panel's work is properly focused on its agreed key areas, within the Panel's remit. It enables planning over the short-to-medium term (ie: 12 – 24 months) so there is appropriate and timely involvement of the Panel in:

- a) Holding the executive (Cabinet) to account
- b) Policy review
- c) Policy development
- d) External scrutiny.

4.2 The workplan helps the Panel

- a) prioritise the wide range of possible work activities they could engage in
- b) retain flexibility to respond to changing circumstances, and issues arising,
- c) ensure that Councillors and officers can plan for and access appropriate resources needed to carry out the work
- d) engage the public and interested organisations, helping them to find out about the Panel's activities, and encouraging their suggestions and involvement.

4.3 The Panel should take into account all suggestions for work plan items in its discussions, and assess these for inclusion into the workplan. Councillors may find it helpful to consider the following criteria to identify items for inclusion in the workplan, or for ruling out items, during their deliberations:-

- (1) public interest/involvement
- (2) time (deadlines and available Panel meeting time)
- (3) resources (Councillor, officer and financial)
- (4) regular items/"must do" requirements (eg: statutory, budget scrutiny, etc)?
- (5) connection to corporate priorities, or vision or values
- (6) has the work already been done/is underway elsewhere?
- (7) does it need to be considered at a formal Panel meeting, or by a different approach?

The key question for the Panel to ask itself is - can we "add value", or make a difference through our involvement?

- 4.4 There are a wide range of people and sources of potential work plan items that Panel members can use. The Panel can also use several different ways of working to deal with the items on the workplan. Some issues may be sufficiently substantial to require a more in-depth form of investigation.
- 4.5 Suggestions for more in-depth types of investigations, such as a project/review or a scrutiny inquiry day, may benefit from being presented to the Panel in more detail.
- 4.6 When considering the workplan on a meeting-by-meeting level, Councillors should also bear in mind the management of the meetings - the issues to be addressed will partially determine the timetabling and format of the meetings, and whether, for example, any contributors or additional information is required.

5 RISK MANAGEMENT

- 5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

- 6.1 Equalities will be considered during the selection of items for the workplan, and in particular, when discussing individual agenda items at future meetings.

7 CONSULTATION

- 7.1 The Workplan is reviewed and updated regularly in public at each Panel meeting. Any Councillor, or other local organisation or resident, can suggest items for the Panel to consider via the Chair (both during Panel meeting debates, or outside of Panel meetings).

8 ADVICE SOUGHT

- 8.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Jack Latkovic, Senior Democratic Services Officer. Tel 01225 394452
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Last updated 06.03.13.

Economic and Community Development Policy Development & Scrutiny Panel Workplan

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
14th Mar 13	Cabinet Member written update		Cllr D Dixon			
	Community Safety Plan: Anti-social behaviour Government review		Sue Dicks			
	Police Commissioner update		Sue Dicks/Andy Thomas			
23rd May 13	Community Safety – Youth Offending Service		Sally Churchyard			
	Apprenticeships, Interns, Placements, Work Experience and Volunteering Policy		tbc			Email from DL on 22 Jan
	Post-Midnight Economy and its contribution to overall economy		Andrew Cooper			
18th Jul 13	Community Safety					
	Leisure Strategy (tbc)		Mike Butler/Lynda Deane			

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
26th Sep 13	Community Safety					
28th Nov 13	Community Safety					
23rd Jan 14	Community Safety					
13th Mar 14	Community Safety					
Future items						
	Connecting Families update		Paula Bromley			
	Bath Tourism Plus funding - further update/Tourism Levy		Mike Butler			
	Parish Charter		Andy			Following

Last updated 06.03.13.

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
			Thomas			conversation with D Trethewey on 28.11. 01.02. Andy T suggested to wait until new Place Director is set and then present it. Maybe summer.

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