

Time Commenced – 6.00 pm
Time Finished – 7.43 pm

**Integrating Communities Overview and Scrutiny Board
17 August 2015**

Present: Councillor Bayliss (Chair)
Councillors Froggatt, Hassall, Poulter, Sandhu and Skelton
In attendance: Councillor Tittley

01/15 Apologies for Absence

Apologies were received were received from Councillor J Khan.

02/15 Late Items

There were no late items.

03/15 Declarations of Interest

There were no declarations of interest.

**04/15 Items Referred from Corporate Scrutiny and
Governance Board**

There were none.

05/15 Remit, Work Programme and Topic Reviews

The Board received a report of the Chief Executive on the Remit, Work Programme and Topic Reviews and asking them to receive a report agreed by Council on 20 May 2015 that set out the new arrangements for Overview & Scrutiny. The Board were asked to discuss and agree the future work programme and topic review for the forthcoming municipal year.

Members considered the draft work programme in the report and were in agreement that the review they wished to take forward was the review of how section 106 funding was allocated. The Board would receive a report detailing how and where the funding was spent, including reviewing the supplementary planning document. A scoping report would be provided to the Board at the next scheduled meeting.

Resolved to note the report and agree the topic review – the review of how section 106 funding was allocated.

**06/15 The Use of Section 61 Powers in Relation to
Unauthorised Encampments**

The Board received a report of the Director of Neighbourhoods on The Use of Section 61 Powers in Relation to Unauthorised Encampments. It was reported that the establishment of an unauthorised encampment could raise concerns with the landowner and neighbouring members of the settled community. Some of these concerns were unfounded, and could be based on ignorance and prejudice; however there still remains a significant number of encampments that cause high levels of anti-social behaviour and disproportionate to the community into which they move. Police powers in relation to unlawful encampments are mainly governed by S61 Criminal Justice and Public Order Act 1994.

Chief Superintendent Jack Atwal (CSI), Derbyshire Constabulary provided an overview to Members on the use of Section 61 Criminal Justice and Public Order Act 1994. The act was summarised to Members as per the report.

CSI Atwal reported that when visiting unauthorised encampments officers must consider national and local policies. This could be whether the local amenities were deprived to communities or if the site had a significant impact on the environment, whether there was local disruption to the economy, or whether there was other significant disruption to the local community or environment. Also to consider would be whether there was danger to life, or the need to take preventative action.

Members raised concern that the use of section 61 varied from area to area and that dependant upon who was dealing with the issue within the constabulary could depend upon the outcome and how long the issue took to resolve.

CSI Atwal reported that officers were required to consider whether the encampment was on private land or district and city council land. Should the encampment fall on private land, then it falls initially on the landowner to take steps to remove them. This would be using common law power for landowners to use reasonable force to remove anyone moving onto their land. It was noted that what would happen in practice is that landowner's employee bailiffs who serve notices and remove them if they refuse to go. The Board were informed that should the encampment be on council land, it would fall initially on the council to take steps to have the travellers removed. Council officers would visit the site to issue notices and inform them that steps were taken to have them removed.

It was noted that during this process, welfare checks have to be undertaken re health and education. Once these were complete, officers wouldn't attend the site again and issue direction to leave forms.

Should the travellers fail to leave the site, the local authority were required to go to the local magistrates court to obtain an order for removal of persons / vehicles.

Once the order was issued, the travellers were usually given 24 hours to leave site. After this time the Council may enter the site and remove any vehicles/caravans remaining. This would be done with the assistance of a bailiff company with the police in attendance.

It was noted that the majority of encampments were concentrated on the Ascot Drive / Pride Park estates.

CSI Atwal reported that all sites were visited and assessments of using Section 61 would have been considered.

Members noted that the police would continue to use Section 61 when the criteria was met however any use would need to be proportionate, justified. Legal and necessary. The Board were informed for information that a number of the sites were the same persons being moved from one site to another.

Olu Idowu, Head of Legal Services, provided the board with details of the protocol that Derby City Council uses and stated that this worked well but was prescriptive in terms of its use.

Any use of Section 61 would require the welfare checks which could prolong the unauthorised encampment. Details of this protocol would be circulated to Members for their information.

Andy Waterhouse, Spatial Planning Group Manager, reported that study had been carried out in Derbyshire and East Staffordshire on the number of sites ideally required in that area. It was noted that in the City, a further 2 sites, similar to Russell Street in size were required.

Resolved to thank Chief Superintendent Atwal for attending and to note the representation received from officers.

07/15 Highways Maintenance Programme – 2016/17 onwards

The Board received a report of the Director of Neighbourhoods on the Highways Programme – 2016/17 onwards. The report set out how the Council prioritised highways maintenance work and now in accordance with new guidance provided by central government and the impact this will have on the Local Transport Plan Programme and future Neighbourhood Board Priorities.

Officers informed the Board that the report highlighted the key highway assets and the steps required to manage them correctly, considering all risks and limited funds. It was noted that planned preventative maintenance at regular intervals was the most effective and cost effective method of keeping the road surface in good condition.

The Board noted the new guidance issued by Central Government and the impact this would have on the local transport plan programme and future neighbourhood board priorities.

Members stated that local people knew their biggest issues but they needed to be intelligent on how they considered their priorities. This would require officers advising the neighbourhood board accordingly in order that they could understand the policy and requirements from central government.

Resolved to note the contents of the report and the importance placed by central government on sound asset management principles and the direct

relationship that successfully demonstrating we follow these principles has on our potential for future maintenance funding.

08/15 Public Area CCTV – Implications of Budget Reductions 2015/16

The Board received a report of the Director of Neighbourhoods on the implications of the budget reductions for public area CCTV. In March 2015 the Council confirmed the reduction of the £200k reduction of the CCTV budget. A small budget of £50k remains to cover the cost of basic maintenance of the CCTV cameras and control room equipment this financial year. It was noted that various attempts to raise the required finance to continue active monitoring were unable to raise the necessary funds. The control room equipment still continues to operate but active monitoring of the system ended on 31st May 2015.

The Board noted that there had been suggestions previously that the Constabulary were investigating whether they could fund the use of the system. CSI Atwal informed Members that currently this was not the case but a highly specialised policy unit may have requirements to use the system on occasion.

Members asked officers to consider approaching the BID partnerships for part funding, to enable the service to be resumed during peak times. It was also considered whether volunteers could be used to control the system. A legal view would be sought on this and reported back to the next meeting.

The Chair stated that this cut was due to a budget pressure and that the Board should invite the responsible Cabinet Member to the next meeting to explain his strategy and how he intends to move the situation forward.

Resolved to invite the Cabinet Member for Cohesion and Integration to the next meeting of the Board.

09/15 The Costs and Benefits of Marketing the Brown Bin Scheme

The Board received a report of the Director of Neighbourhoods on the costs and benefits of marketing the brown bin scheme. It was reported that in March 2014 the Council launched the new garden recycling scheme. Based on the learning of other, similar authorities and best practice elsewhere, the Council introduced a £40.00 charge for 126 collections during the peak gardening period.

It was reported that the experience of other Councils suggested that the customer base would grow over the first few years by 10% per annum. The Council wished to encourage this growth and therefore ahead of the 2015/2016 scheme, implemented a marketing plan. Details of the costs and benefits of the 2015/16 garden recycling scheme and net impact of these efforts were explained to Members.

Concern was raised by Members regarding the cost for the marketing campaign. It was noted that this was a cost of £13,149.00. Members were anxious that the cost of

neighbourhood officer staffing was not included within this cost, who delivered recycling leaflets to key target areas and where the most customers were in 2014/15.

It was reported that no particular media advertising seemed to have an impact on sign-up rates, the key influence appeared to be the timing to guarantee the customer they'd receive all of the collections.

Officers reported that they were investigating the possibility of customers payment being taken annually from there card details to encourage them to continue to use the service year on year.

Resolved to note the report.

MINUTES END