

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 8 SEPTEMBER 2014



COMMITTEE MEMBERS PRESENT

Councillor Ray Auger
Councillor Vic Kerr
Councillor Alan Parkin (Vice-Chairman)
Councillor Rob Shorrock
Councillor Raymond Wootten (Chairman)

OFFICERS

Executive Manager Environment (Ian Yates)
Executive Manager Corporate (Lucy Youles)
Business Manager Neighbourhoods (Mark Jones)
Democratic Officer (Lucy Bonshor)

48. DISCLOSURE OF INTERESTS

None disclosed.

49. MINUTES OF THE MEETING HELD ON 9 JUNE 2014

The minutes of the meeting held on 9th June 2014 were agreed as a correct record of the recommendations made.

50. REFORM OF ANTI SOCIAL BEHAVIOUR POWERS

Decision:

The Constitution Committee recommends to Council the following amendments to the Scheme of Delegation contained within the Constitution following powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act comes in to force on 20th October 2014). Also that references to the Operations Director be changed to the Executive Manager Environment

- *Constitution – Part 3 ~~Operations Director~~ Executive Manager Environment – “Waste Services” paragraph 1, after “.....in respect of*

Your council working for you

the following statues" insert:-

"including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014 "

- ***Constitution – Part 3 – ~~Operations Director Executive Manager Environment~~ "Waste Services" at the end of paragraphs 3,4 and 5 insert:-***

"as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014 "

- ***Constitution – Part 3 – ~~Operations Director Executive Manager Environment~~ "Community Safety" remove paragraph 1 and replace with:-***

"Authorised and to authorise Officers to exercise any of the powers in relation to anti social behaviour as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 (and any amendments) and authorised to delegate power to officers and Lincolnshire Police (including Police Community Safety Officers) to issue Fixed Penalty Notices on behalf of the Council."

- ***Constitution – Part 3 "Head of Housing & Neighbourhood" at the end of paragraph 12 insert :-***

"including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014"

The Executive Manager Environment gave a presentation to the Committee about changes necessary to the Constitution following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 which would come into force on 20th October 2014. A presentation had also been given to the Communities PDG highlighting the proposed changes to the Anti Social Behaviour Legislation.

The Executive Manager Environment together with the Business Manager Neighbourhoods then gave an overview of the new tools and how they would replace the existing tools. The legislation was more comprehensive and the powers enabled a more streamlined approach with the burden of evidence being more civil based rather than criminal. It was hoped that the use of the new powers would lead to a more proactive approach with action being taken in advance with a view to prevention.

The six main powers covered;

- Criminal Behaviour Order
- Civil Injunction
- Community Protection Notice

- Public Space Protection Order
- Closure Powers
- Dispersal Powers

Dispersal Powers were the only power only available to the Police.

Key features of each power were highlighted and examples given. A comment was made about any resource implications but the Executive Manager Environment stated that each issue would go through the current system and would be dealt with as appropriate. Currently there was a realignment of services and a trial had been undertaken to integrate how anti social behaviour was dealt with between teams. Until the legislation had been in place for a period of time it was hard to tell the impact, it was a “learning curve” for everyone involved.

Comments were made about aspects of the new legislation with regard to the making of orders and the criminality aspect of the legislation to which Officers responded.

A short discussion followed on Community Remedy (the responsibility of the Police Crime Commissioner) and Community Trigger. The Community Trigger had been trialled in a number of areas including Boston but there had been a very low complaint rate. Due to the joint partnership working and the shared data base used by relevant organisations including the Police information was shared regularly and meetings held monthly with key issues discussed. A draft guidance document was currently being compiled by the Lincolnshire Partnership and until such time as this was available government guidance would be used.

Reference was made to the change of job title from the Operations Director to the Executive Manager Environment following the realignment of services currently happening within the Council and it was asked that this be taken into consideration when making recommendations to Council.

A further comment was made about the powers to make a Public Space Protection Order, currently that was a decision for Council. Unless a change was made to the Function Regulations, this power could be exercised as a matter of local choice by Cabinet or an individual Cabinet Portfolio Holder. It was proposed, seconded and agreed to make the recommendations to Council as outlined in report ODES03 subject to the change of name from Operations Director to Executive Manager Environment.

51. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

The following item was considered as a matter of urgency following the requirements of the Openness of Local Government Bodies Regulations 2014 which came into force on 6th August 2014

Decision:

The Constitution Committee recommends to Council the following amendments to the Constitution:

- 1. Members' Conduct – delete clause 21.7 at page 138 – Recording of meetings.***
- 2. At page 305 delete the words – “it is intended that Council Procedure Rules will be amended to preclude any other form of audio recording of meetings when the official system is operative.”***
- 3. At page 305 – paragraph 5 and 6 – Ownership, add the words “made by the Council” after the word “recordings”.***

Members had been circulated with report LDS132 which concerned amendments necessary to the Constitution following the Openness of Local Government Bodies Regulations 2014 which had come in to force on 6th August 2014.

The Regulations allowed anyone attending meetings of the District Council to take photographs, film, audio-record and report on the meeting. This included tweeting, blogging or face booking. It did not permit oral reporting or commentary and it did not apply where the public had been lawfully excluded from the meeting.

The Council Procedure Rules needed to be amended as currently Members were prevented from making their own recordings of meetings and this was contrary to the Regulations.

Members were happy with the proposed recommendation to Council and it was proposed seconded and agreed.

Meeting closed at 12.02pm