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28 January 2013

CUSTOMERS AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL

Wednesday 6 February 2013
4 pm
Council House (Next to the Civic Centre), Plymouth

Members:

Councillor Tuffin, Chair.

Councillor Michael Leaves, Vice Chair.

Councillors Ball, Casey, Damarell, Philippa Davey, Haydon, Jarvis, Jordan, Martin Leaves and Ricketts.

Co-opted Representative:

Steve Meakin, Money Advice Co-ordinator Devon & Cornwall

Members are invited to attend the above meeting to consider the items of business overleaf.

Tracey Lee
Chief Executive

CUSTOMERS AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL

AGENDA

PART I (PUBLIC MEETING)

1. APOLOGIES

To receive apologies for non-attendance submitted by Panel Members.

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES (Pages 1 - 6)

The Panel will be asked to confirm the minutes of the meeting held on 7 November 2012.

4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. TRACKING RESOLUTIONS (Pages 7 - 8)

The Panel will monitor progress on previous resolutions and receive any relevant feedback from the Overview and Scrutiny Management Board.

6. CLAUSE 5 OF THE GROWTH AND INFRASTRUCTURE BILL (Pages 9 - 12)

The Panel will receive an update on changes to the planning system, as a result of Clause 5 of the Growth and Infrastructure Bill, and consider the impact on local communities.

7. REVIEW OF NOISE SERVICES - UPDATE (Pages 13 - 28)

The Panel will receive for its information an update on noise services.

8. POLICE AND CRIME PANEL MINUTES (Pages 29 - 34)

The Panel will receive for information minutes of the Police and Crime Panel meeting held on 17 January 2013.

9. WORK PROGRAMME

(Pages 35 - 36)

The Panel will consider its work programme for 2012/13.

10. EXEMPT BUSINESS

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

PART II (PRIVATE MEETING)

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

NIL.

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Customers and Communities Overview and Scrutiny Panel

Wednesday 7 November 2012

PRESENT:

Councillor Tuffin, in the Chair.

Councillor Michael Leaves, Vice-Chair.

Councillors Ball, Casey, Damarell, Philippa Davey, Haydon, Jordan, Martin Leaves and Ricketts.

Apology for absence: Councillor Jarvis.

Also in attendance: Darin Halifax, Lead Officer, Katey Johns, Democratic Support Officer, Carole Burgoyne, Director for People, Tony Hopwood, Programmes Director, David Greenwood, Everyone Active, Matt Garrett, Housing Options Manager, Sally Walsh, Library Service Manager (Customer Relations), Dave Saunders, Strategic Manager (Customer Services), Councillor Penberthy, Cabinet Member for Cooperatives and Community Development and Councillor Peter Smith, Deputy Leader.

The meeting started at 4 pm and finished at 5.55 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

Councillor Jarvis

The Chair advised panel members that Councillor Jarvis was recovering from surgery following an emergency appendectomy and asked that they join him in wishing him all the very best for a speedy recovery.

34. **DECLARATIONS OF INTEREST**

In accordance with the code of conduct, the following declarations of interest were made –

Name	Subject	Reasons	Interest
Councillor Jordan	Library Modernisation Progress Update	Director of Trading Route (Café operating in Devonport Library)	Personal
Councillor Michael Leaves	Tenancy Strategy Consultation	Landlord	Pecuniary
Councillor Ricketts	Tenancy Strategy Consultation	Landlord	Pecuniary
Councillor Damarell	Tenancy Strategy Consultation	Employee of Plymouth Community Homes	Personal

35. **MINUTES**

Agreed the minutes of the meeting held on 12 September 2012.

36. **CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

37. **CULTURE, SPORT AND LEISURE PROGRAMME UPDATE**

Members received an update on the Culture Sport and Leisure Programme in respect of progress against the following projects –

- Plymouth Life Centre
- Leisure Management
- Plymouth Pavilions

In response to questions raised, Members heard that –

- (a) an opportunity had presented itself to deal with the removal of the spoil heap at a cost of £347,000. Balfour Beatty were already on site and were able to incorporate its removal into their strategy. The spoil heap removal had never formed part of the Life Centre contract and it would have cost in excess of £1m for anyone else to remove it from the site;
- (b) additional staff had been taken on at the Life Centre to help cope with demand which had far exceeded expectations. Everyone Active now employed 125 FTE staff, including the 43 FTE staff who had transferred with the contract from Plymouth City Council and 11 apprentices.

38. **LIBRARY MODERNISATION PROGRESS UPDATE**

The panel received for its information a summary of the results of the survey undertaken in respect of library services modernisation. Members were advised that over 1,500 users and non-users had been asked for their views on current services and a range of options for future developments.

Concern was expressed at the relevance of some of the questions asked, particularly in regard to a person's sexual orientation and, whilst it was appreciated that the Council had a duty under the Equalities Act to ask such questions, it would seem to be sensible to explain in the survey why they were being asked. In addition, it made little sense to ask someone if they were disabled and then not ask for the nature of that disability.

Agreed that –

- (1) the Library Modernisation task and finish group would be undertaken in December;

- (2) a full copy of all of the survey responses received would be circulated to members of the Library Modernisation task and finish group.

(Councillor Jordan declared a personal interest in respect of the above item).

39. **TENANCY STRATEGY CONSULTATION**

The panel received for its consideration a copy of the Tenancy Strategy Consultation document. Members were advised that Section 150 of the Localism Act 2011, 'Tenancy Strategies' requires Local Authorities to produce a tenancy strategy which Registered Housing Providers must have 'regard to' in formulating policies that cover:

- the kind of tenancies granted;
- circumstances in which particular types of tenancy will be granted;
- lengths of tenancies granted when these are for a fixed term;
- circumstances in which a further tenancy may be granted on expiry of an existing tenancy.

The Council's draft strategy would shortly be available and Members would have the opportunity to discuss/comment on the document via open door drop-in sessions with either Matt Garrett or Kevin Neil, Housing Options Team Leader.

In response to questions raised, the panel heard that –

- (a) the installation of wired smoke alarms in homes was something that was being looked at across the city with the fire brigade, however, this did not form part of this particular strategy;
- (b) one of the priorities identified in the Council's Housing Strategy related to bringing empty properties back into use.

(Having declared disclosable pecuniary interests in respect of the above item, Councillors Michael Leaves and Ricketts left the meeting).

(Councillor Damarell declared a personal interest in respect of the above item).

40. **UPDATE ON POLICE AND CRIME PANEL**

The panel received for its information an update on the developments of the Police and Crime Panel for Devon and Cornwall.

Members noted the report and agreed that minutes of the meetings of the Police and Crime Panel be included as a standard information item on future agendas of the Customers and Communities Overview and Scrutiny Panel.

41. **SOCIAL FUND REPLACEMENT TASK AND FINISH REPORT**

The panel received for its information a copy of the task and finish group report into Social Fund Replacement. The Chair took the opportunity to thank all of those involved in the review.

Agreed that -

- (1) the report be recommended to the Overview and Scrutiny Management Board subject to the following amendments –
 - the removal of the last sentence in the introductory paragraph at 1.1 and replacement with “With rising living costs and reductions in income to some families in Plymouth as a result of Welfare Reform, together with a shift in Government policy on welfare distribution; this council will be forced to make tough decisions on how increases in demand, on an already stretched service, will be managed”;
 - the removal of the first bullet point from recommendation R5 and replacement with “that the limit for crisis loans be set at one claim in a 12-month period with any subsequent applications being considered in exceptional circumstances only and on a case by case basis”;
- (2) Steve Meakin, co-opted representative for the purposes of the task and finish group be invited to serve as a co-opted representative on the Customers and Communities Overview and Scrutiny Panel;
- (3) letters of thanks would be sent to all of the witnesses who participated in the review.

42. **PROJECT INITIATION DOCUMENT - THE COMPACT**

The panel considered the project initiation document submitted in respect of The Compact. The purpose of the task and finish group was to advise on how the Council’s relationship with the third sector could be further developed, taking into account the principles of a co-operative council. Councillor Penberthy commented that it was vital for the success of Plymouth that the Council, as a mature local authority, worked in partnership with the community and voluntary sector and that every opportunity to develop relationships should be explored. He also highlighted that the current contract arrangement would expire on 31 March 2012 and it would therefore be more appropriate for pre-decision scrutiny to be undertaken during December 2012 rather than in April 2013, as scheduled in the panel’s work programme.

Agreed that –

- (1) membership of the task and finish group will comprise Councillors Tuffin, Jordan, Martin Leaves and, subject to there being no conflict of interest, Councillor Casey;

- (2) membership would be opened up to other councillors outside of the panel in order to make the numbers up to five;
- (3) the Compact task and finish group should be undertaken in December 2012.

43. **TRACKING RESOLUTIONS**

The panel noted its tracking resolutions schedule.

44. **WORK PROGRAMME**

The panel noted its work programme for 2012/13, including that consideration of the Compact and Library Modernisation would now both be undertaken in December 2012.

45. **EXEMPT BUSINESS**

There were no items of exempt business.

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TRACKING RESOLUTIONS

Customers and Communities Overview and Scrutiny Panel

6 February 2013

Date/min number	Resolution	Officer	Progress	Target Date
07/11/12 38 (1) (2)	Library Modernisation Progress Update the Library Modernisation task and finish group would be undertaken in December; a full copy of all of the survey responses received would be circulated to members of the Library Modernisation Task and Finish Group	Darin Halifax, Lead Officer / Katey Johns, Democratic Support Officer	The task and finish group commenced in December and has, to date, met on three occasions with a further meeting scheduled to take place on 05/02/13. Copies of the full survey were provided to task and finish group members at the meeting held on 17/12/12.	
07/11/12 40	Update on Police and Crime Panel that minutes of the meetings of the Police and Crime Panel be included as a standard information item on future agendas of the Customers and Communities Overview and Scrutiny Panel.	Katey Johns, Democratic Support Officer	Minutes of meetings held on 18/12/12 and 17/01/13 attached at agenda item 8.	
07/11/12 41 (1)	Social Fund Replacement Task and Finish Group the report be recommended to the Overview and Scrutiny Management Board with the amendments discussed;	Katey Johns, Democratic Support Officer	The report was approved by the Overview and Scrutiny Management Board on 14 November 2012 and considered by Cabinet on 15 January 2013 who recommended establishment of an Emergency and Welfare Fund to be reviewed by the Customers and Communities OSP after six months implementation.	Review in October 2013

Date/min number	Resolution	Officer	Progress	Target Date
(2) (3)	Steve Meakin be invited to serve as a co-opted representative on the Customers and Communities Overview and Scrutiny Panel; Letters of thanks would be sent to all of the witnesses who participated in the review.		Letter of invitation sent on 14/01/13. Invitation accepted and Steve Meakin to attend first meeting on 06/02/13. E-mails of thanks sent immediately following review. A further update will be sent following consideration of the issue by City Council on 28/01/13.	
07/11/12 42	Project Initiation Document – The Compact (1) membership of the task and finish group will comprise Councillors Tuffin, Jordan, Martin Leaves and Councillor Casey; (2) membership would be opened up to other councillors outside of the panel in order to make the numbers up to five; (3) the Compact task and finish group should be undertaken in December 2012.	Katey Johns	Councillor Mrs Aspinall has joined the membership of the task and finish group which will now commence in February.	

PLANNING DEPARTMENT

Customer and Communities OSP, 6th February 2013

Clause 5 of the Growth and Infrastructure Bill



Introduction

On 18th October 2012 the Growth and Infrastructure Bill was laid before Parliament. It makes provision for promoting growth and facilitating infrastructure. On 21st November 2012 the Growth & Prosperity Overview and Scrutiny Panel considered a report on the Government's proposed reforms of the planning system. Amongst other matters the panel resolved to ask the Customer and Communities Overview and Scrutiny Panel to review the impact of Clause 5 (modification or discharge of affordable housing requirements secured through Section 106 agreements) in the Growth and Infrastructure Bill, to determine the impact this clause may have on local communities as a result of applicants applying to the local authority for modifications to or the removal of agreed Section 106 agreements with respect to affordable housing where an authority fails to make a determination within the specified time or determines that no modification will be made, the applicant may appeal to the Planning Inspectorate.

Growth and Infrastructure Bill

The Bill is currently at Committee Stage in the House of Lords. Clause 5 inserts new Sections 106BA and 106BB into the Town and Country Planning Act 1990. Clause 5 allows for the modification or discharge of affordable housing requirements secured through Section 106 agreements attached to the grant of planning permission. Specifically it:

- Allows a developer to apply to change the affordable housing requirement, for it to be replaced with a different requirement, for it to be completely removed, or, where it is the only obligation, for it to be discharged – S.106BA (1) (2).
- Requires the Local Planning Authority to determine any application made to make the application viable if the cause of unviability was the affordable housing element –S.106BA (1) (3) (a) .
- Prevents any obligation changes being more onerous on the developer – S.106BA (1) (7).
- Requires Local Planning Authorities to have regard to any guidance issued by the Secretary of State – S.106BA (1) (8).
- Requires the Local Planning Authority to determine the application within a period to be prescribed by the Secretary of State – S.106BA (1) (9).
- Allows specifically for appeals to be made on affordable housing obligations only– S.106BB (1)
- Irrespective of what modifications may have been acceptable to the Local Planning Authority, the Secretary of State will determine any appeal as if were the original obligation - S.106BB (2)

In its impact assessment on the Bill the Department for Communities and Local Government indicate that the strategic problem this clause is trying to address is the low levels of housing delivery and the high number of stalled sites. It states that the objective is to “unlock stalled development by allowing and **encouraging** applicants to renegotiate the level of affordable housing...” (My emphasis). It is envisaged that appeals determined by the Planning Inspectorate under these provisions will be valid for 3 years – thus providing an incentive to build out the development early.

Possible Impacts of Clause 5

Localism and Democracy

Clause 1 of the Growth and Infrastructure Bill, together with other clauses and various other implemented and proposed Government reforms to the planning system, enable greater central control and direction over local decision-making. Clause 1 would remove planning powers from local authorities that the Government declares as poorly performing and Clause 5 would allow by-passing of agreed affordable housing provisions to be determined by unelected Planning Inspectors. Both are inherently undemocratic and therefore fundamentally flawed provisions. The implicit encouragement to developers to renegotiate agreed affordable housing requirements undermines current Core Strategy policy and the targets based on it.

Unintended Delays in Development

The proposed review mechanisms suggested by Clause 5 could themselves cause developments to be delayed as developers wait for these provisions to be enacted rather than discuss new or revised planning applications and Deeds of Variation on existing Section 106 agreements to get development moving on sites. Although there are a number of lapsed planning permissions and sites that have planning permission but have yet to commence, it is clear that the level of affordable housing secured as part of Section 106 agreements is not the only factor preventing some investment decisions being taken forward. There are more demand side factors such as limited mortgage availability and much more restrictive developer access to finance.

Additional Burdens

At a time of significant resource reductions within English local planning departments these set of legislative burdens will cause additional workload pressures. Moreover there has to be a fundamental concern about using **primary** legislation as a means to determine **how** Section 106 agreements are renegotiated at the local level. It is a crude and completely disproportionate tool which rules out other solutions – for example in relation to the density of a scheme, mix of uses, tenure balance, phasing, timing of other Section 106 payments or even the overall scale of development - all of which can help development viability.

In addition proactive and positive planning departments can work with developers to address other deliverability issues such as utility requirements, land assembly issues, and other site constraints. In Plymouth these have all been done: alongside coordination and direct support for funding bids to help overall scheme viability.

Stifling Innovation and the Positive Planning Framework

It is always been good practice to formally review and monitor not only Section 106 obligations but the delivery of all planning permissions. There have been annual reports to the Growth & Prosperity Overview and Scrutiny Panel on progress with the delivery of Plymouth's ambitious and radical growth agenda. These reports contain commentaries as to what targets are on track and what are not being met – with an indication of the corrective planning action being taken to address these. In addition Plymouth has a record of innovative solutions to delivering development that meets its policy priorities as set out in the Core Strategy and its suite of adopted Area action Plans. These include: the Market Recovery Action Plan, the Market Recovery Scheme, the response to A Plan for Growth, the Barrier Busting Initiative, and the “Get Plymouth Building” programme. There is careful monitoring of developments and a regular and constructive dialogue with the local development community through the Plymouth Regeneration Forum and the Local Agents Forum in order to ensure that Plymouth's positive planning framework is responding to global, national and local economic issues. Most recently, this has included close working on the Community Infrastructure Levy and the announcement of a programme of 10 City Council-owned sites to drive housing delivery. All of these locally-driven responses to housing delivery will potentially be prejudiced if the provisions of Clause 5 are enacted – as it will undermine confidence in these local measures.

Less Affordable Housing Delivery

The Government's own impact assessment accepts that there is a risk that applicants may be successful in revising down affordable housing obligations where the initial Section 106 requirement did not make the site unviable. The rather weak response to this is that the proposed guidance will “encourage” open book assessments and a “focus on evidence”. The City Council's own Section 106 processes already require both – so this is no safeguard at all for the situation in Plymouth. Moreover because the clause includes a provision that the modified obligation cannot be more onerous on the developer this means that should market conditions improve then there is no mechanism for a higher level of affordable housing to be secured to meet local needs at some point in the future when development viability would be better. There is no doubt that were a number of larger major developments which have already secured consent to successfully appeal under Clause 5 the result would be less affordable homes delivered overall, and, if sustained over a number of years, this would lead to the failure to achieve the Core Strategy target of 30% affordable homes by 2021 (a target that is currently on track).

Less Sustainable Developments

Although each planning application is dealt with on its own merits, it is rarely the case that any proposed development can be seen in glorious isolation from the wider neighbourhood, and in the case of “super-majors” the wider city. There will be cases where the provision of infrastructure (either publically funded or provided in association with another development) would allow an increase in affordable housing on a site where the level is being challenged through these provisions. Equally the provision of this infrastructure could result in extremely lucrative profits for a site that had successfully appealed its own affordable housing obligation. As such the levels of affordable housing will suffer even if there are other reasons for non-viability or non-delivery of a planning permission. Moreover, new policy changes (brought about through for example the Plymouth Plan) could be avoided by the provisions of Clause 106BA (1) (7). Again this militates against locally determined solutions to the long-term needs of cities like Plymouth.

More Legal Challenges

There have been a number of court cases where judges have ended up determining the viability of developments through legal challenges to planning decisions and appeals. These provisions increase the possibility of legal challenge and will potentially place a further burden on local authority resources in order to respond to any litigation.

Conclusions

The provisions in Clause 5, when taken alongside the powers that will be conferred on the Secretary of State by Clause 1 of the Growth and Infrastructure Bill, run contrary to local democratic decision making over planning matters that affect local people. It is hard to see how these provisions are themselves consistent with the Coalition Government's flagship legislation – the Localism Act 2011.

Clause 5, if enacted as drafted, could result in delaying developments, rather than speeding up the planning system which is one of the stated aims of the Coalition Government. Developers will have the ability to negotiate, apparently in good faith, levels of affordable housing in accordance with locally determined adopted policies that have been the subject of extensive public consultation themselves, and then use this power to by-pass the Local Planning Authority to seek the reduction or complete removal of affordable housing provision.

The provisions in Clause 5 are likely to result in more unsustainable developments and planning permissions that no longer meet local housing needs. In addition they are likely to place an even greater administrative burden on already stretched local planning departments.

Clause 5 is fundamentally flawed and will have potentially significant impacts on the city's growth agenda generally and specifically on the levels of affordable homes that will be delivered in the future to meet the needs of local communities.

Recommendations

That the Customer and Communities Overview and Scrutiny Panel note the implications of Clause 5 of the Growth and Infrastructure Bill as set out in the report.

Customers and Communities Overview and Scrutiny Panel

6 February 2013

Report for Scrutiny on Review of Noise Services

Executive Summary

The Public Protection Service has reviewed and subsequently improved the Noise Services available to residents of Plymouth. The driver for this review and improvements has been the manifesto pledge, “Look for ways to improve the way the Council deals with noisy neighbours and antisocial behavior, especially in the evenings and weekends”.

The report acknowledges noise disturbance is known to be a problem that can cause residents real problems and can in some cases have health impacts.

The current Council response to noisy neighbours is provided by the Public Protection Service,(PPS). During normal week days PPS is able to respond to noisy neighbours problems by the provision of information, advice, support, informal mediation and through investigations leading to formal legal action. During “Out of Hours” PPS provides information, advice and signposting services. PPS also provide an “Out of Hours” response system to clients who have registered chronic / persistent problems. That service operates for those clients during Friday night / Saturday morning and Saturday night / Sunday morning. PPS does also arrange to visits clients at any time by prior agreement.

An examination of the current services provided by the Council and it’s partners has been undertaken. An analysis of available demand data has also been conducted. This was sourced from council records and from records held by partner agencies. These have confirmed that the Council is already targeting its “Out of Hours” response at the busiest periods of demand.

During the PPS analysis opportunities to improve the current service were identified. Many of these have now been implemented. These include: -

- Improved reporting procedures to be adopted by other agencies that receive residents calls.
- Improved information, advice and sign posting protocols for other agencies.
- Updated Council web site with improved information.
- Improved reporting system for residents through the Council Website

- Updated PPS answer phone message providing residents with improved information and signposting.
- Training for Police call handlers and PCSO's, Housing Associations, Private Landlords Association and ABS Unit staff.
- Sharing intelligence and difficult case management with other agencies.
- Regular meetings with ASB Unit staff on complex cases.

PPS is working to make further improvements by improving systems and protocols. The viability of several options to extend the scope of the "Out of Hours" service were also assessed. The assessment concluded that options to extend the scope of the service would create a budget pressure and that these pressure may not be justifiable bearing in mind: -

- The improvements already made to the service.
- The relatively low frequency, of use of the existing service, by our clients. (Only 71 calls made in the last 12 months)
- The increased number of formal actions achieved by PPS.
- The lack of useful demand data to justify an increased scope of service, based on the detail within the data available from the Police.

This report makes the following recommendations

- For PPS to continue to implement the improvements to communication and signposting and improved advice.
- To assess the success of the improvements already made after a minimum of 12 months operation. Any further demand analysis from available from Call 24 and Police to be fed into improvements and the review.
- To maintain the scope of the service within the constraints of the resources allocated to the service

I Introduction

- 1.1 The Public Protection Service (PPS) was asked to examine how the Council responds to noise nuisance and noise related Anti Social Behavior, (ASB), and to consider improvement that could be made to this service.
- 1.2 A series of key actions were developed to examine these services across the Council and other agencies including:-
 - A demand assessment for responses to noise and ASB complaints from residents of Plymouth.
 - Review the service currently provided by the Council to respond to noise.
 - Suggested measures to improve these services and present a report to Scrutiny of the review and options available.

2 Background

- 2.1 Unwanted noise disturbance is known to have a significant impact on those suffering from it. It can affect health and wellbeing, causing stress, anxiety, sleeplessness, cardiovascular problems, as well as the more obvious symptoms of sleep disturbance and increased annoyance. The characteristics of the noise, determined by factors such as, volume, tone, frequency, duration and time of occurrence and the level of background noise, contribute to the severity of the impact. The tolerance people have to noise is also a factor and this is dependent on their own personal circumstances and their sensitivity to noise or to a particular frequency of noise.
- 2.2 Noise is generated from a range of sources which can be loosely classified as, transport, aircraft, industrial, wind turbines, alarms, dogs, entertainment, domestic and street noise.
- 2.3 Nationally there is an increased prevalence of complaints about noise pollution /disturbance, as reported by the Health Protection Agency and the Chartered Institute of Environmental Health. Noise disturbance is very complex and the factors that may be contributing to this trend include planning rules, licensing decisions, building standards, greater affluence, mental health in the community and less sense of community or consideration for neighbors.
- 2.4 Noise complaints can be loosely classified as chronic / persistent or acute and can be considered as one off events, inadvertent, deliberate, or inevitable.

3 Control on noise disturbance.

- 3.1 A range of agencies and organisations have a role to play in controlling noise disturbance. The most effective method of control is to remove the noise source from the receptor. The planning process and planning policies have some control on where noise sources can operate and how those sources can be controlled. Noise experts in PPS always comment on planning applications that have a potential for noise disturbance. On major developments, the Environment Agency, (EA) will be a statutory consultee to the planning process and their comments form part of the planning decision making process. The EA also have a regulatory role through the “permitting regime” for some larger developments.
- 3.2 Where noise sources cannot be removed, they are reduced by careful design, building standards and by operating limitations. Within the Council building control officers have a role to ensure that correct standards of build are achieved. Licensing decisions and licensing policies also have a role in potentially controlling noise disturbance. PPS are responsible for the administration and enforcement of the Councils Licensing responsibilities.
- 3.3 Finally there is a matrix of rules, laws and agreements that ensure that noise is controlled. These rules are enforced by a range of agencies and organisations. Broadly speaking :-
- EA will enforce noise controls on permitted industrial processes although PPS also has a parallel role in statutory nuisance.
 - The Police will deal with street noise,
 - Housing associations will deal with domestic noise from tenants,
 - Planning and building control will enforce planning rules and building standards.
 - Aviation Authorities control noise from aircraft in flight.
 - PPS deals with all other noise matters from sources such as domestic premises, dogs, construction and industrial sites, and entertainment.
- 3.4 PPS use powers derived from the Environmental Protection Act, associated regulations or through licensing legislation. PPS use a range of other tools to resolve noise problems including Antisocial Behavior Orders (ASBO) and Criminal Antisocial

Behaviour Orders (CRASBO). The Council's ASB Unit works along side PPS where appropriate.

- 3.5 The Council, through PPS, has a legal duty to investigate complaints of noise nuisance, and where a "Statutory Nuisance" is found to exist, to serve an Abatement Notice on the person responsible for noise. "Statutory Nuisances" are those matters which, dependent on time, duration and frequency affect the use and enjoyment of a person's property. The vast majority of noise nuisance is by its nature a chronic, rather than an acute problem. A one off incident, such as a noisy party, is not normally categorised as a "Statutory Nuisance" and although many may consider such events as anti social they would not normally be categorised as ASB.

4 Demand for noise and noise related ASB Services

- 4.1 Complaints of noise are made to the Council, the police, housing associations and private landlords. An analysis has been made of the available information to understand the demand for noise services during the week, including demand for services out of normal working hours. The agencies that hold associated complaint data do not always record information in the same way. Consequently the statistics available do not demonstrate the type of noise, whether the event was a one off or a regular occurrence.

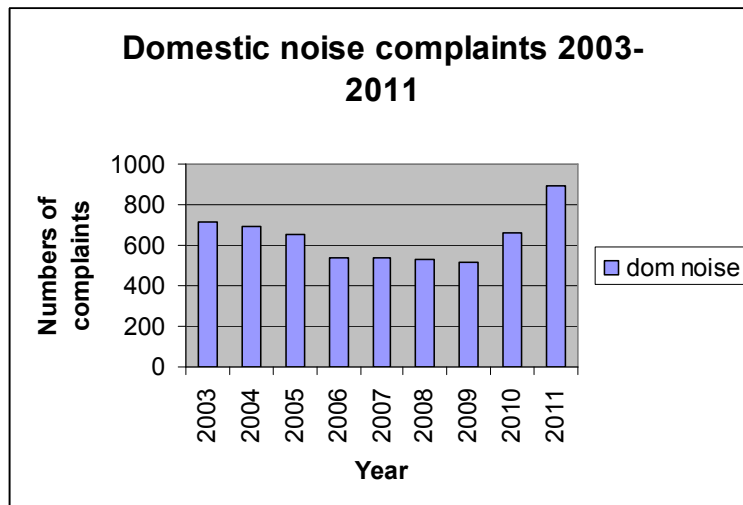
- 4.2 Data from the following sources has been used in the analysis of demand:-

- Public Protection Service
- Call 24 (Council out of hours switchboard)
- Out of hours services from housing associations
- Police.

5 Complaints recorded by PPS

- 5.1 The PPS records all complaints it receives about noise. The number and type of complaint is held but not the time of the noise disturbance nor the duration of the noise. Complaints about noise from domestic premises are the most common complaint type, for example from loud music or slamming doors. Other common sources of noise include commercial and leisure premises, industrial sources, dogs and other such as construction noise etc.
- 5.2 PPS most frequently use the statutory nuisance regime and the licensing laws to control noise problems.

- 5.3 PPS received 1738 complaints about noise in 2011/2012. The majority of these were chronic / persistent cases of noise. Because of the constraints of the Statutory Nuisance law and rules of evidence, one off events are often not able to be dealt with by these powers and formal investigations. PPS dealt with these matters through neighbour mediation, information, advice and dealing with more appropriate agencies such as housing associations.
- 5.4 Complaints are received by telephone (70%), e-mail (22%) and referral from other agencies (8%). During the day, contacts by telephone are directed to PPS staff or through the Call Centre. Out of hours contact can be made by PPS answer phones and through Call 24 or by e-mail.
- 5.5 PPS is scheduled to introduce a new online facility that allows recording of complaints from 24th January 2013. This new system will enable customers to register a complaint with PPS on line directly from our website.
- 5.6 Although constrained by the statistical information held our analysis confirms the sporadic nature of noise complaints and that Thursday and Fridays between 23:00hrs and 03:00hrs are the busiest days, although there is demand for access to noise officers on other day. It also confirms that noise complaints are rising in line with the national trend.



6 Complaints recorded by ASB Unit

- 6.1 Prior to 2012 and the introduction of Flare reporting software, the ABSB Unit had no single dedicated reporting software to record or log calls received by the Unit. Although the calls were logged on an access database the ability to interrogate that

database for demand analysis re noise services has proved difficult. Figures provided for this year indicate that the total for all ASB referrals was in the region of 650 referrals arising from Housing Associations or the police for assistance and an additional 114 referrals from other sources.

- 6.2 No information is held relating to the number of noise related cases however where cases involve noise, these are passed to officers of PPS and are recorded within the PPS system. No out of hours service is available through the ASB Unit and calls received at this time are recorded on an answer machine. Any noise related calls are then forwarded to PPS the next working day.

7 Call 24

- 7.1 Call 24 operates when the Council switchboard is closed, after the hours of 7pm, including weekend days and Bank Holidays. Any calls received by the Council switchboard before Call 24 takes over, are directed to the PPS answer machine.
- 7.2 Over 300 noise related calls were received by Call 24 over a 12 months period, accounting for approximately 12 % of all the calls to the Council out of hours. This data indicates that Friday and Saturday nights are the busiest nights. The rest of the week demand is at fairly constant levels throughout.
- 7.3 Calls are logged on a data base. No advice or guidance information is provided to callers on how to resolve noise related complaints. Callers are advised that no out of hours noise service is provided. It is not clear that any further contact number is provided for the public to make contact with PPS or other agencies. No messages are taken and no details are passed to PPS.
- 7.4 To improve the system PPS staff are working with Call 24 to ensure their response to clients is improved. See point 10.3

8 Out of Hours services from Housing Associations

- 8.1 The majority of the large housing associations within Plymouth, (PCH, Tor Homes, Devon and Cornwall Housing Association and Sovereign) use a service called 'Platinum', which operates to coordinate repairs, emergency calls from tenants about a variety of problems and records ASB and noise. Additional information where call handlers may have made some observations, for example, heard information over the telephone of noise levels etc, is recorded and details are passed through the next working day for action by Housing Association Officers.

- 8.2 As landlords, they have a responsibility to deal with such issues, and would be the first port of call for tenants to contact about concerns. None of the Housing Associations offer responses out of hours, although some are using noise monitoring equipment to record noise and ASB issues. Figures from these sources have not been included, as it is expected that they take responsibility for the investigation, and make contact with PPS for assistance when required.

9 Devon and Cornwall Police

- 9.1 The Police were able to provide a sample statistical return for July 2012 showing the number of calls they receive classified as ASB. The police logging system changed in July 2012, to reflect the nature of the activity on the victim and calls are now logged into categories which do not identify noise as a complaint type, but ASB, with the type of ASB being logged as either environmental, nuisance or personal. This has made exact analysis of noise difficult, and relied on the verbal information provided by call handlers.
- 9.2 The police have reported to us half of the calls they take on Friday and Saturday nights have noise as an aggravating factor. Accepting the limitations of available data, there are indications that demand for noise services on Friday night early Saturday morning and Saturday night early Sunday morning are highest. The next busiest night is Wednesday night. These busy periods are similar to those experienced by PPS and Call 24. Our analysis indicates that on a typical Friday night, on average, 15 calls to the Police may relate to some form of ASB, which may be noise related.
- 9.3 At the moment it is not possible to estimate whether the Council are already investigating some of the same noise complaints. However if this level of demand is consistent throughout the year, it could mean that approximately 780 ASB/ noise related calls are received on Friday nights alone over a twelve month period.
- 9.4 The police call centre is also under the impression that the Council does not provide any out of hour's service, and advises residents accordingly, with no follow on or adhoc, inconsistent advice to residents on strategies they could adopt to deal with the noise problem.
- 9.5 Discussion are underway with the police to obtain direct information from the call centre so a full analysis can be made of the calls to fully understand the call types, times and nature of the noise. This will be used to fully inform the decision making process and provision of noise services out of hours. PPS and ASBU are also involved in a multi agency workshop to improve data exchange planned for early 2013.

10 Provision of Information

10.1 PPS provide suitable advice at first point of contact with residents at the same time our investigation is commenced. This currently takes place within normal working hours and can be delivered by reception staff, investigating officers, by web site information and by published literature. This is an important and effective response in dealing with complaints about noise disturbance as it provides the resident with a strategy for dealing with the problem to ensure that they feel supported and that they are aware of what actions the Council can take.

10.2 The first point of contact for residents who are suffering noise disturbance out of hours will in most cases be with Call 24 and the Police. Discussions were held with these and others agencies to understand how advice is provided to callers about noise. It is evident that their information and referral to the PPS service has been less effective and inconsistent. In response to this finding PPS is working to implement the following measures to greatly improve the current system: -

- From January 2013, the Council website has been updated to enable on line reporting of noise and ASB incidents.
- The provision a single telephone contact point for both noise and ASB and the Council will refer callers' details through to the most relevant team for action at the earliest opportunity.
- Provide a consistent message for all services receive calls out of hours about simple advice, sign posting to the Council website noise pages, answer machine, or take details of caller and refer on to a dedicated e-mail address with relevant information. This information has already been provided to police call handlers, ASB team and Call 24.
- Provide training opportunities to other agencies to advise what PPS/ASBU can offer and how best to share intelligence and resources for maximum benefit. Training has already been delivered to police Call handlers, PCSO's across the whole city, housing association, ASB unit, private landlords association, with action underway for Call 24.

11 Noise Investigations

11.1 Investigations into noise complaints can be technical and complex. Domestic noise complaints represent about 60% of all noise complaints and these are often the most challenging to resolve because the underlying problems often relate to unassociated

neighbour disputes. Investigations are carried out by PPS staff using a number of different techniques, including:-

- Information and advice.
- Informal mediation.
- Planned day time and evening visits.
- On request day time and evening visits, when noise occurs during normal office hours or when officers are available out of hours (OOH) (8pm to 1am, Friday and Saturday)
- Matron- recording equipment left for one week at a time.
- Use of evidence from another party such as the police, or other independent party, such as a housing officer.

11.2 Officers will initially seek to resolve the noise problems through informal mediation with all parties and by advice to noise makers. This is effective in many cases especially when dealing with industrial noise sources and noise from entertainment sources.

11.3 Many noise problems will be resolved simply and easily however for those cases where noise problems continue and evidence is gathered formal action is taken. In 2012/13 to date PPS served 67 abatement notices, seized noise making equipment on 5 occasions, achieved 24 convictions and obtained 3 CRASBO's for noise, with a further 26 breaches of abatement notices pending court decisions.

11.4 PPS prioritises chronic / persistent problems. The constraints of the legal controls can prevent effective and instant resolution of one off incidents which will not necessarily fall into the definition of "Statutory Nuisance".

12 Out of Hours Service.

12.1 The current Out of Hours Service operates on Friday and Saturday nights. This period reflects the busiest period identified by PPS and is supported by the data available from Call 24 and the Police. Clients cases are assessed prior to going onto the system. In addition, PPS will arrange planned visits to clients at any time should this be the most effective method of resolving a persistent problem.

- At any one time over 300 clients have access to the noise service, although this is demand led.
- The system deals effectively with those clients that are suffering "Statutory Nuisance" and enables case resolution times to be significantly reduced.
- All new noise cases are currently vetted due to considerations for health and safety of staff.
- The service is designed to gather high quality evidence that will support formal legal action. In some circumstances officers are able to resolve noise problems at the time of their visit, although this may depend on the availability of police support.

- The service provides the most cost effective response enabling officers to be available at times to coincide with peak demands and enabling planned visits to be made where suitable.
- It is under-used by those that have access to it with only 71 calls being received in 2012 from domestic callers.

12.2 Although the Out of Hours service has been effective in dealing with noise problems and has speeded up resolution times, analysis of the demand for the service shows that the service is under-utilised by those clients on the system although it is not clear why, with only 71 calls being received in 2012 from domestic callers.

13 Options for improvements to the Out of Hours service provision

13.1 The review of the Out of Hours Noise service has already brought about improvements. These include: -

- Improved reporting procedures to be adopted by other agencies that receive residents calls.
- Improved information and advice and sign posting protocols for other agencies.
- Updated Council web site with improved information
- Improved reporting system for residents through the Council Website
- Updated PPS answer phone message providing residents with improved information and signposting.
- Training for Police call handlers and PCSO's, Housing Associations, Private Landlords Association and ABS Unit staff.
- Sharing intelligence and difficult case management with other agencies.
- Regular meetings with ASB Unit staff on complex cases.

13.2 PPS are also progressing Call 24 improvements and are working meeting with the Police to further improve how Police answer calls from residents to ensure that the Police provide the most effective intervention.

13.3 PPS have also worked through our current service and our response protocols and we are currently evaluating the effectiveness options to improve those protocols with the aim of becoming effective and responsive on the nights the service is available.

13.4 The current cost of the out of hours service is approximately £25000. PPS has carried out initial analysis of options for increasing the scope of the service we currently

provide. It is believed that some of these could be very expensive to implement. For example initial estimates show that a 24 hour service could cost an additional £200,000 a year.

The options considered were:-

- The service remains in its current format,
- The current service is amended to make it more flexible and responsive.
- To include an on call response by officers in addition to normal duties
- Provide a full 24 hour response to noise, with a specialist team working to investigate and take enforcement action out of hours.

13.3 The analysis concluded that options to extend the scope of the service would create a budget pressure. This pressure may not be justifiable bearing in mind: -

- The improvements already made.
- The relatively low frequency, of use of the existing service, by our clients.
- The increased number of formal actions achieved by PPS
- The lack of useful demand data we have been able to obtain from the Police.

14 Conclusions

14.1 A review of the services offered by the Council and other agencies who may receive calls about noise has been undertaken. This has looked at information available, services available and the demands for the service to provide an increased response to noise.

14.2 The demand for noise and ASB services has been estimated on the number of calls received by the Council, police and switchboard services operating on behalf of the council. The level of demand taken from the police is not fully understood due to the Police recording systems constraints. Further steps are underway to access the detailed information from callers to undertake a full analysis of the information.

14.3 PPS provides an out of hour's services that operates during the periods of maximum demand, Friday and Saturday nights, which is under utilised by those having access to it. PPS will also organise visits to clients at any other times by prior agreement.

14.4 A number of key improvements have been made to the way the PPS and partner agencies respond to residents concerns about noise disturbance. These improvements include access, signposting, information and advice. PPS is continuing to introduce further improvements to the current system.

- 14.5 An increase in the scope of the service beyond that currently provided will introduce growth pressures. The cost of the current system is justified by the licensing enforcement work undertaken by the same officers during the Out of Hours period.
- 14.6 Increasing the scope of the service to investigate the potential demand represented by the Police calls will create a significant increase in service demand.

15 Recommendations

- For PPS to continue to implement the improvements to communication and signposting and improved advice.
- To assess the success of the improvements already made after a minimum of 12 months operation. Any further demand analysis from available from Call 24 and Police to feed into improvements and the review.
- To maintain the scope of the service within the constraints of the resources allocated to the service.

Background Information

Details of actions contained within the Pledge on noise and anti social behavior.

5. Improve approach to noisy neighbours and anti- social behaviour

Cabinet Lead: Portfolio Holder, Councillor Chris Penberthy

Lead: Jayne Donovan, John Drury

Officer(s): Robin Carton, Nicola Horne

Description:

- Gain an understanding of and raise awareness of the service currently provided to residents regarding the response to complaints/ issues of noise and anti social behaviour.
- Identify the demand for responses to noise and anti social behaviour and identify any gaps in the current service provision.
- Identify ways of improving the approach to noisy neighbours and anti social behaviour including partnership working, awareness raising and targeted enforcement.

Outcome

Provide a briefing paper by **JAN 2013** on the options to improve the current arrangements for dealing with noise and anti social behaviour, identifying in particular:-

- Potential gaps in service provision
- Improvements already implemented
- Cost benefits analysis of further options to improve service provision.

'Quick Win' description:

- Media message out to highlight ASBOs continual use until new powers come into force-completed July 2012
- Devise an ASB training package for Councillors to improve communication between councillors and officers-due for completion 29th October
- Targeted and timely enforcement.media awareness ref prosecutions, seizure of noisy equipment etc ... already implemented since May 2012.
- Further opportunities for quick win improvements will be implemented as work progresses.

How pledge will be delivered:

- Partnership working between Environmental Services, Registered Housing Providers, ASBU, Police and the Community

	Key actions:	Outcome	Timeline
1	Analyse calls to Police and Council requesting help with anti-social behaviour to understand volume and time of day/day of week requirements.	Understand the demands on the service and focus resources on demand	Completed.
2	Update website information and share common information between agencies to ensure consistent message and advice	Provide relevant and useful information to advise members of public how to report and record noise and anti social behaviour	Completed
3	Set up regular meetings with senior managers in Environmental Services and ASBU to scope out improved working practices and innovative use of available powers.	Integrated collaborative working between Environmental services and ASB	Completed
4	Cross council teams to share on-going complex cases to increase problem solving opportunities. Multi agency meetings to continue to assist and maximise communications between 'enforcement' teams	Effective and quicker responses to problems that involve different agencies, departments.	Completed
5	Environmental Services and ASBU to jointly consider the impact of the proposed changes in ASB tools and powers and ensure new powers are used to maximum effect	Council teams should be fully aware of the range of tools available and be effective in their use, when available	Completed
6	Set up a multi agency forum to look at how noise nuisance is tackled, especially out of hours noise, and other related ASB across the city, how agencies are currently responding, what powers are available by whom, how best to maximise the effectiveness of approaches, identify any gaps in provision and draw up proposals to improve further.	Capacity to build resilience in communities to resolve issues themselves. Produce a Briefing Paper on options available to improve the service dealing with noise and anti-social behaviour	06.02.13
7	Develop a range of sessions for councillors on related subjects to increase	Increase awareness of how noise and anti-social behaviour is responded to	Completed

	awareness of available approaches and increase effectiveness of responses.	currently.	
8	Timely and targeted enforcement action, maximising the intelligence or evidence available from other agencies such as police, housing associations.	Sharing information between parties to resolve noise and anti social behaviour at the earliest opportunity.	Completed
9	Consideration of implementation of further measures identified in the briefing paper, following cost benefit analysis.	Make improvements to the service available for out of hours response to noise and anti social behaviour.	Ongoing review

Timeline:

As detailed in above programme.

Briefing paper on current service, all improvements implemented under this pledge and cost/benefit analysis of further improvements for consideration by **JAN 2013**

Costs:

- Officer costs can be accounted for within existing budget for the implementation of key action number 1 to 7.
- For implementation of any measures agreed with key action number 9, additional resources may be required, dependent on what actions are agreed.
- Other costs to be identified as process evolve.

Devon and Cornwall Police and Crime Panel**Thursday 17 January 2013****PRESENT:**

Councillor Croad, in the Chair.

Councillor Kennedy, Vice Chair.

Councillors Barker, Boyd, Folkes, Maddern, Penberthy, Saltern, Sanders, Sutton, Williams and Wright (substitute for Cllr Diviani).

Independent Members: Yvonne Atkinson and Rev Mike Firbank.

Apologies for absence: Councillors Diviani, Hare-Scott, Hicks and Wood

Also in attendance: Peter Aley, Head of Safer Communities, Sarah Hopkins, Community Safety Partnership Manager, and Judith Shore, Democratic and Member Services Manager.

The meeting started at 11am finished at 1pm.

Note: At a future meeting, the panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

20. **MINUTES**

AGREED the minutes of the meeting held on 22 October 2012.

21. **OFFICE OF THE POLICE AND CRIME COMMISSIONER AND THE POLICE AND CRIME PANEL - WAYS OF WORKING**

The Chair, Councillor Croad, reported that he had met with the Police and Crime Commissioner, Mr Tony Hogg, on 28 November 2012. Discussions had centred around the need for the Panel and the Commissioner to work effectively together; the timetable and notification process for the appointment of the Chief Constable; the role of the Panel as a 'critical friend' and the desirability of early notification to the Panel of the proposed precept. The Chair confirmed that there was no immediate plan to adopt a formal memorandum of understanding but this could be revisited at a later stage should the need for one be identified.

22. **EMERGING STRATEGIC THEMES, OBJECTIVES AND PRIORITIES FOR THE POLICE AND CRIME PLAN**

The Police and Crime Commissioner (PCC), Mr Tony Hogg, gave a presentation about the emerging strategic themes, objectives and priorities for the Police and Crime Plan.

The PCC confirmed that the Plan was still under development and that the consultation period would start in the next few days. He considered that there

should be a closer working relationship between the business community, the health sector and the voluntary sector.

He strongly believed that the role of the PCC would be an effective one, looked forward to representing the police force, to working with the Chief Constable and the community and to consulting closely with the community. The draft Plan explained the role of the PCC and his priorities and how they would be delivered. He promised to be open, fair and accountable, to close the gap between the police and the public, to hold surgeries, to take account of local views, to work closely with the peninsula's community safety partnerships and to 'put the victim first'.

The presentation included references to how the plan would be developed, emerging objectives, reducing crime and bringing offenders to justice, giving victims and witnesses a stronger voice, listening and responding to the public, strong leadership and measuring success.

Following the presentation, the PCC answered members' questions:

Q How would the PCC ensure that the police were representative of the community they served?

A Public equality duty assurances would be contained in the Plan

Q The consultation period was going to be very short. How did the PCC intend to consult hard to reach groups? How did he intend to consult and communicate in future?

A Due to statutory timescales the consultation process in this first year was truncated. The Independent Advisory Group would assist with representing the interests of minority communities and the public engagement strategy was not yet finalised. The PCC undertook to inform the Panel about his consultation strategy.

Q You stressed the importance of community safety partnerships however they do not have secure finances – will you provide any funding?

A The PCC would meet with the partnerships to ensure that the Plan took account of their requirements/interests.

Q How transparent and open would the process for appointing your advisers be? You have appointed a Chief Adviser but no public adverts had been seen.

A The legislation allowed the PCC to appoint a deputy and other advisers. Generally, the appointment system would be transparent and the PCC would set up a recruitment group which would consider the points raised at this meeting. He would keep the Panel fully informed about his recruitment plans.

Q Which matters would not be a priority for you?

A Some specific areas had been included under more general headings. If anyone considered that something was missing from the Plan the PCC would be pleased to hear from them.

Q Did the PCC have more detail about the consultation strategy? Did he have

- a communications strategy? Would he use social networking?
- A The community engagement strategy and the communications strategy, which included the use of multi-media, were being finalised. A variety of methods would be used to communicate as widely as possible.
- Q How did the PCC plan to address public concern regarding understaffing, especially the lack of road traffic enforcement in the Tamar Valley?
- A This would be an operational matter and therefore the responsibility of the Chief Constable.
- Q Did the PCC agree that stronger partnerships would be key to closer working arrangements particularly in relation to children and adult safeguarding?
- A The PCC agreed and had signed off a paper about a new approach to safeguarding vulnerable people.
- Q The public didn't understand whose role it was to police issues relating to alcohol misuse – would you agree that partners must work more closely together as the public weren't aware who to complain to.
- A The PCC had asked for information about the responsible authorities and would be looking to meet with them and discuss these matters further. He confirmed that reducing alcohol misuse was a priority.
- Q How would you differentiate between dissimilar areas with regard to reducing crime?
- A This question will prompt us to consider whether we should undertake performance reviews at strategic or more local levels.
- Q The area was diverse, had an urban/rural divide and scarce resources to be targeted at reducing crime. People would look for an assurance that resource allocation addressed specific issues in different localities – the Plan didn't include this.
- A Resource allocation was usually based on the analysis of crime figures. Rural communities had specific needs and urban areas such as Plymouth would have additional pressures around the level of crime. Performance was monitored and considered in conjunction with resource allocation. The PCC undertook to look at the issue of providing greater clarity in the Plan.
- Q How were special constables, including training and equipment and seasonal variations, costed?
- A There were approximately 360 special constables at present and their use would be continued. Communities, especially in rural areas, were encouraged to help themselves. If a person wanted to apply and met the criteria they could be interviewed and, potentially, be located in their own area.
- Q With regards to anti-social behaviour issues, it was important that potentially vulnerable people were identified at an early stage and this would depend upon data and information sharing with partners. Could you give a commitment to progressing that?
- A The PCC undertook to progress the matter.

- Q You have considered alcohol related domestic violence and there was a tendency to put the blame on the licensee. However, the figures illustrated that drinking at home greatly contributed to domestic violence and to problems in the streets. Will you take this, and the contribution that licensees make to the night time economy, into account when you examine alcohol related problems?
- A The PCC advised that 50% of domestic abuse was alcohol related and tackling alcohol related issues was very resource intensive. There were excellent licensee schemes and considerable police effort expended on tackling the issue. He confirmed that close working relations with the licensing authorities should ensure a joined up and proportionate approach.
- Q With regards to reoffending rates – there was a lack of public tolerance towards ex-offenders, very few schemes that would offer employment and too few agencies willing to work with ex-offenders. It was essential to commission more support to reduce the reoffending figure - would the PCC agree?
- A The PCC agreed that this was an important area and advised that the commissioning budget would be retained for the 2013/2014 financial year. Future funding would be reviewed with the aim of gaining additional benefits.

The Chair, Councillor Croad, thanked Mr Hogg for presenting his draft Police and Crime Plan to the Panel and for answering Members' questions.

23. **CHIEF CONSTABLE APPOINTMENT - CONFIRMATORY HEARING PROCESS**

Mrs Hopkins introduced the report which included the proposed date (8 February) for the confirmatory hearing. She advised that the media had already widely reported that Mr Shaun Sawyer was the preferred candidate for the position of Chief Constable. However, the Panel had not yet been formally notified of this choice though it expected to be notified imminently. The Host Authority, in liaison with the Chair, had done all it reasonably could to prepare for the confirmatory hearing process.

Mrs Hopkins advised that the PCC had asked the Host Authority to consider holding a confirmatory hearing earlier than 8 February. She acknowledged that convening meetings to suit the availability of all Members was challenging, especially at short notice. She reminded the Panel that the Local Government Association's advice was that the public should be given ample opportunity to attend the confirmatory hearing and that, in order for the Panel to be able to exercise the power of veto, 2/3rds of the Panel members (14 Members) would need to be present.

Members considered that trying to organise an additional Panel meeting at short notice would be impracticable. A number of dates were proposed and Members' availability was canvassed; it was evident that not enough Members would be able to attend on any date earlier than 8 February. Therefore, there would be no change to the date.

The PCC advised that he would be present at the confirmatory hearing for the Chief Constable.

In response to Members' questions, the Chair confirmed that:

- the PCC would be asked supply information which would assist in the process of ensuring that the confirmatory hearing did not duplicate the interview process
- the LGA advised that a private meeting should take place at which the questions should be agreed and this was scheduled to take place immediately after the Panel's formal meeting

A member stated that although the Panel had not received formal notification of the PCC's preferred candidate, that information had appeared in the media. The PCC responded that it was regrettable that the information was in the public domain as only a few people had known who the preferred candidate was.

AGREED:

- the process outlined in this report and in Appendix 2 for the confirmatory hearing of the PCC's proposed Chief Constable appointment
- the principles of professional competence and personal independence contained in Appendix 4 of this report, for the evaluation of the candidate
- that further discussions will be held, in private, following this meeting to formulate questions to be asked at the confirmatory hearing.
- that any further refinements to the questions following receipt of any additional information from the PCC is delegated to the Head of Safer Communities, in consultation with the Panel chair, before the confirmatory hearing is held
- that, subject to having received the PCC's notification, the confirmation hearing will take place on Friday 8 February 2013
- if there is any further delay in the PCC notifying the Panel, the confirmation hearing meeting is provisionally scheduled to take place on Friday 22 February 2013

There was a five minute adjournment before the next item.

24. **HANDLING NON-CRIMINAL COMPLAINTS**

Mrs Hopkins introduced the report and confirmed that a further, detailed report would be brought before the Panel so they would be able to properly consider the most appropriate method of handling non-criminal complaints.

Members who had received copies of complaints about the PCC were advised to send them to the Community Safety Partnership Manager.

Members commented that there should be a three month time limit for a report about the handling of non- criminal complaints to be received by the Panel. They

questioned whether the PCC's office could properly investigate a complaint about the PCC.

The Head of Safer Communities advised that a number of aspects had to be taken into consideration including resources (both financial and staffing) as well as the unknown number of complaints. He further advised that a complaints procedure delegated to the Office of the PCC (OPCC) would not be dissimilar to local authority complaints procedures, in that the local authority investigated all complaints in the first instance. The Panel had responsibilities with regard to complaints conferred on it by legislation and not every aspect could be delegated to the OPCC. The future report would take this into account.

AGREED that:

- the handling of non-criminal complaints is delegated, for a three month period, to the OPCC.
- the OPCC will report back to the Panel about the number and nature of complaints and how many were successfully resolved
- officers of the Host Authority will continue to work with the OPCC to draft options for presentation to a Panel meeting in the near future

25. **PRECEPT REGULATION AND TIMELINE**

Mrs Hopkins introduced the report.

Members commented that the Home Office did not necessarily appreciate the conflict between the various sets of legislation.

AGREED that:

- the letter that the Chair of the Devon and Cornwall Police and Crime Panel wrote to the Home Office copying in all other Police and Crime Panels is noted
- the Home Office reply and feedback from other Panels is noted

26. **PUBLIC QUESTIONS**

No public questions were submitted.

Customers and Communities Overview and Scrutiny Panel

Work Programme 2012/13

Work Programme	J	J	A	S	O	N	D	J	F	M	A
Task and Finish											
Library Modernisation							13, 17 & 20		5		
Social Fund Replacement (part of Welfare Reform)				24	2 & 8	7					
Compact									tbc		
Updates											
Plymouth Life Centre / Leisure Management Contract						7					
Police Crime Panels/Commissioner				12		7					3
Noise Nuisance									6		
Government Policy Changes											

N.B – items will be automatically deleted from the work programme once they have been considered by the Panel

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