

# Customers and Communities Overview and Scrutiny Panel

Wednesday 18 July 2012

## PRESENT:

Councillor Tuffin, in the Chair.

Councillor Michael Leaves, Vice-Chair.

Councillors Ball, Casey, Damarell, Haydon, Jarvis, Jordan, Martin Leaves, Ricketts and Singh (substitute for Councillor Philippa Davey).

Apology for absence: Councillor Philippa Davey.

Also in attendance: Andy Netherton, Manager Safety, Health and Licensing, Robin Carton, Head of Public Protection Service, Darin Halifax, Community Cohesion Officer (Lead Officer), and Katey Johns, Democratic Support Officer.

The meeting started at 4 pm and finished at 4.50 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.*

## 11. DECLARATIONS OF INTEREST

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

Name	Subject	Reason	Interest
Councillor Jordan	Library Modernisation – Project Initiation Document	Director of Trading Route (Café operating in Devonport Library)	Personal
Councillor Damarell	Noise Nuisance	Plymouth Community Homes Employee	Personal

## 12. MINUTES

Agreed the minutes of the meeting held on 20 June 2012.

## 13. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

14. **NOISE NUISANCE**

Robin Carton, Head of Public Protection Service, and Andy Netherton, Manager Safety, Health and Licensing, were in attendance to inform the panel on how the department responded to noise nuisance. Members were advised that –

- (a) the service dealt with three types of noise nuisance, namely –
  - domestic noise (including dogs);
  - commercial noise; and
  - leisure facility noise;
- (b) the law states that it must first be established that a noise nuisance exists before action can be taken;
- (c) the department operated on a limited budget and had to deal with incidents in order of priority. Current policy was to deal with established persistent noise;
- (d) officers had the use of recording equipment available to them and undertook visits at various times of the day, this included a weekend out of hours service which covered Friday and Saturday evenings between the hours of 8 pm and 1 am;
- (e) the out of hours service contact number was not generally available to the public but was currently only provided to complainants who had already established the existence of a persistent noise nuisance in order that officers on-call could attend the scene at very short notice with a view to catching the offenders in the act;
- (f) it was often the case that many complaints (80%) could be solved by officers simply talking to the offender and bringing the problem to their attention;
- (g) officers worked closely with the anti-social behaviour unit and registered social landlords to deal with domestic noise to try and resolve issues at a local level;
- (h) where situations could not be resolved locally by mediation the following enforcement options were available, including –
  - serving of notice under the Environmental Protection Act;
  - use of anti-social behaviour byelaws;
  - issue of Fixed Penalty Notice;
  - revoking of premises licence;
  - confiscation of equipment;
- (i) a review of the service was planned to include –

- possible extension of the availability and scope of the out of hours service;
- considering full implementation of the use of fixed penalty notices in the night time hours.

In addition, a breakdown of statistics was provided as follows –

Year	Commercial	Domestic	Dogs	Total	Notices	Licence Revocation	Prosecutions
2010/11	204	915	322	(1441)	44	2	4
2011/12	230	1141	367	(1738)	41	2	5 + ASBO
1 <sup>st</sup> Quarter 2012/13	63	303	75	1 <sup>st</sup> Q only	28	0	4 8 pending

Councillors Michael Leaves and Damarell congratulated the officers and their team for the work undertaken and their achievements given the confines of their budget.

Agreed that –

- (1) a further update is presented to the panel later in the year with the Cabinet Member for Cooperatives and Community Development being invited to attend and comment on the outcome of the service review;
- (2) the statistics quoted during the presentation is circulated to panel members.

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

#### 15. **LIBRARY MODERNISATION - PROJECT INITIATION DOCUMENT**

The panel's lead officer presented the project initiation document in respect of Library Modernisation, highlighting the objectives and key dates for consideration.

Agreed that membership of the task and finish group will comprise Councillors Casey, Jarvis, Jordan, Martin Leaves and Tuffin.

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

#### 16. **SOCIAL FUND REPLACEMENT - PROJECT INITIATION DOCUMENT**

The panel's lead officer presented the project initiation document in respect of Social Fund Replacement, highlighting the objectives and key dates for consideration. Members were advised that –

- (a) the task and finish group would also need to take place in September as, should one of the recommendations be to commission the service, a contract would have to be in place by April 2013;
- (b) it was anticipated that the total funding to be received for this project would be £750k;

- (c) the lead officer advised that, due to his close working involvement in this particular area he would be unable to support the panel for the purposes of this task and finish group, however, a suitable replacement lead officer would be identified.

Agreed that membership of the task and finish group will comprise Councillors Ball, Damarell, Jarvis, Ricketts and Tuffin.

17. **TRACKING RESOLUTIONS AND FEEDBACK FROM THE OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

The panel noted the tracking resolutions schedule.

18. **WORK PROGRAMME**

Members were advised that –

- (a) the Overview and Scrutiny Management Board would be considering the panel's draft work programme at its meeting on Wednesday 25 July 2012;
- (b) appropriate dates were still being sought from Directors regarding submission of the Life Centre and ICT/Customer Service Improvement Updates;
- (c) the Gambling Act Statement of Licensing Policy – 3 Year Review was currently under way and out to public consultation. The timeframe for approval of any changes was as follows –
- Closure of public consultation – 28 September 2012;
  - Customers & Communities OSP – 12 September 2012 (if agreed);
  - Cabinet – 13 November 2012;
  - City Council – 3 December 2012.

It was anticipated that, as a result of the first review in 2009, there would be little need to make any significant change to the Policy on this occasion.

Agreed that a briefing paper in respect of the Gambling Act Statement of Licensing Policy – 3 Year Review is circulated to panel members via e-mail. Members will advise the Democratic Support Officer if they wish for the matter to be included in the work programme for discussion at the next panel meeting on 12 September 2012.

19. **EXEMPT BUSINESS**

There were no items of exempt business.