



RUNNYMEDE BOROUGH COUNCIL

REVIEW BOARD

Wednesday, 10 December 2003, at 7.30 p.m.

in the Council Chamber,
at the Civic Offices, Addlestone

A G E N D A

Members of the Review Board

Councillors D.P. Easton (Acting Chairman), A. Alderson, J. Broadhead, Ms D.V. Clarke, J.M. Edwards, P.A. Greenwood, J.E. Haas, Mrs V.A. Smallman and P.B. Tuley

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Review Board so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. J. Gurmin, Committee Section, Administration & Leisure Department, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425624). (E-mail: john.gurmin@runnymede.gov.uk)**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

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- a) Exempt Information
(No reports to be considered under this heading)

- b) Confidential Information
(No reports to be considered under this heading)

1. NOTIFICATION OF CHANGES TO REVIEW BOARD MEMBERSHIP

The Conservative Group has notified the Chief Executive Officer of its wish that Councillor J.M. Edwards replaces Councillor P.J. Poole as a Member of the Board until further notice. The Chief Executive Officer has given effect to this wish in accordance with Section 16(2) of the Local Government and Housing Act 1989.

Officers will also advise the Board of any changes to its membership which will apply for a fixed period ending on the day after the meeting.

2. APPOINTMENT OF CHAIRMAN

As Councillor P.J. Poole was Chairman of the Review Board, the Board is requested to appoint a new Chairman for the remainder of the Municipal Year.

3. MINUTES

To confirm and sign the Minutes of the Review Board meeting held on 9 October 2003, which will be contained in the December Council Summons/Minute Book to be circulated on 3 December 2003.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

Members may wish to note Paragraph 11 of the Code of Conduct which reads as follows:-

Overview and Scrutiny

"11.(1) For the purposes of this Part, a Member must if he is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee (Review Board) of the authority or a sub-committee of such a committee, regard himself as having a personal interest if that consideration relates to a decision made, or action taken, by another of the authority's -

- (a) committees or sub-committees; or
- (b) joint committees or joint sub-committees,

of which he may also be a Member.

(2) Such a Member must, if so advised by the Chairman of the Review Board, also regard the interest as prejudicial. If the Member involved is the Chairman, he or she must take and follow the advice of the Monitoring Officer.

(3) But sub-paragraph (1) above shall not apply if that Member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action."

6. RAIL TRANSPORT IN THE BOROUGH – SCOPING REPORT (DTS)
(Ref: Minutes of Review Board, April 2003, page 1237, para. 768)

1. Purpose of Report

1.1 **To seek the Board's views on the scope of this investigation into railway stations.**

2. Background Information

- 2.1 At its meeting of 10 April 2003, the Board considered a proposal from the Chairman that railway stations in the Borough be reviewed as "gateways" to Runnymede. It was intended that the review should include the impressions that visitors, commuters and local train users received and was intended to build up a comprehensive picture of this area and the impression that was created.
- 2.2 It was recognised that the review would require a range of survey work and co-operation from outside bodies, and South West Trains had already indicated a willingness to respond to written questions and the Local Transportation Director was also fully co-operative.
- 2.3 The proposal was welcomed by the Board, who also confirmed that the input of the wider community was vital. To this end, it was agreed that a sum be used from the Board's budget to instigate a survey of rail users and consultation with partners in the Community and Cultural Strategies. The Board also agreed that the formal review take place in 2004 when the franchise has been let.

3. Report

- 3.1 This report seeks to define the scope of the review, and aims to ensure that Members are satisfied with the form, content and direction proposed for the review.
- 3.2 The proposed scope of the review is detailed at Appendix 'A'. The Board's comments on this generally are invited, together with any proposed additions.
- 3.3 In addition, there are some specific points on which the Board's views are requested. Firstly, the form of the review, whether by traditional Committee report or a scrutiny format (as previously undertaken in relation to flooding).
- 3.4 Secondly, the extent of the review in terms of stations covered. There are six stations in the Borough in total, including Longcross Halt. Does the Review Board wish this to be a comprehensive review including all stations?

4. Council Policy

- 4.1 This review would address issues that are clearly in line with improving the quality of life and improved transportation, set out in the Leader's Position Statement and Community Strategy.
- 4.2 It could assist in tackling crime and disorder in compliance with the Community Safety Strategy and help boost trade and tourism in line with the Economic Strategy and Cultural Strategy. It would also complement work being undertaken by the Runnymede Business Partnership Travel Initiative.

5. Resource Implications

- 5.1 The review will have to take into account the resource implications of the project and any proposals that derive from it.

THE REVIEW BOARD IS ASKED -

to consider whether the scoping report attached at Appendix 'A' reflects the wishes of the Board, and the Review Board's views on the points in paragraphs 3.3 and 3.4 are requested.

(TO RESOLVE)

Background Papers

None stated

7. COMMUNICATIONS STRATEGY – AREAS FOR INVESTIGATION BY THE WORKING GROUP (DAL)
(Ref: Minutes of Corporate Management Committee, October 2003, page 726, para. 370)

At the last meeting of the Board a Member suggested that the Board might look at the Communications Strategy. Members will recall that detailed consideration of the Strategy is to be undertaken by a cross party Member Working Group who will report to Corporate Management Committee. Officers do not suggest that the Board should seek to duplicate the work undertaken by this Group, but would welcome any comments the Board may wish to offer on areas which may particularly repay the Working Group's consideration.

A copy of the Strategy, as presented to Corporate Management Committee in October 2003, is attached at Appendix 'B', together with the consultant's recommended timescale. A copy of the complete consultant's report and recommendations is in the Members' Room.

THE REVIEW BOARD IS ASKED -

to consider the Communications Strategy and to suggest approaches or areas of investigation for particular consideration by the proposed Working Party.

(TO RESOLVE)

Background Papers

Report of Messrs Luther Pendragon, September 2003.

8. ANTI-SOCIAL BEHAVIOUR (DAL)

1. Purpose of Report

1.1 **This report is by way of an update on legislative and other developments. The Review Board has decided to examine the effectiveness of multi-agency working to combat anti-social behaviour as part of its work programme for the current year and early cycles in 2004/05. The information below will be background for such an examination.**

2.1 Anti-Social Behaviour Act 2003 - A Brief Summary

2.1.1 The Director of Administration and Leisure acknowledges with thanks the assistance of the Land and Property Department of Wigan Council in preparing the summary below, in allowing him to substantially adapt it from a report of theirs on the Bill as it stood in August this year.

2.2. Background Information

2.2.1 The Crime and Disorder Act 1998 (Section 1) allowed for the imposition of Anti-Social Behaviour Orders with effect from 1 April 1999. The Police Reform Act 2002 filled a number of gaps left in the original legislation but added a number of important new powers, not least the power to impose an Interim Anti-Social Behaviour Order.

2.2.2 The Anti-Social Behaviour Act 2003 brings further refinements to the existing anti-social behaviour legislation, including a number of amendments to other relevant Acts of Parliament. It adds some new powers and extends others. "Anti-Social Behaviour" is a general term to cover the range of undesirable activities covered by the Act. In the context of Anti-Social Behaviour Orders it means conduct by a person aged over 10 years in a manner likely to cause harassment, alarm or distress to people outside his or her own household.

2.2.3 The Act received Royal Assent on 20 November 2003. It will be brought into force in stages starting in January 2004.

2.3 The Main Provisions

2.3.1 The Anti-Social Behaviour Act is divided into ten parts:

- (1) Creates new powers to close premises that are being used for dealing drugs.
- (2) Extends powers for tackling anti-social behaviour in Social Housing (local authorities, Housing Action Trusts and Registered Social Landlords).
- (3) Develops mechanisms for enforcing parental responsibility for children.
- (4) Creates new powers for the Police to designate areas where they can disperse groups causing intimidation.
- (5) Develops the existing sanctions of Anti-Social Behaviour Orders, Fixed Penalty Notices and Supervision Orders.
- (6) Deals with the misuse of air and other weapons.
- (7) Extends powers for Local Authorities to deal with noisy premises and clean the environment.
- (8) Amends Police powers for dealing with public assemblies and trespassers.
- (9) Creates new controls over high hedges.
- (10) Contains procedural provisions.

2.4 Summary of Main Points

2.4.1 The following is a brief summary of the Parts of the Act.

1. **Premises where drugs are used unlawfully**

(Primarily for use in the closure of 'crack houses'). These provisions allow a senior Police Officer to serve notice and apply to a Magistrates' Court for an order prohibiting access to the premises for up to three months.

2. **Housing**

There will be a new duty on social landlords to publish anti-social behaviour policies and procedures and to keep them under review. In this context anti-social behaviour is that which causes nuisance or annoyance, or constitutes unlawful use of premises, and affects the housing functions of the Landlord.

Where a tenant is guilty of anti-social behaviour, a Court may, as an alternative to ordering possession, make a Demotion Order. This replaces a secure tenancy with a demoted tenancy, without the distinctive rights and security of a secure tenancy. In addition, in considering ordinary possession proceedings on the grounds of the tenant's conduct, the Court must take into account the effect of anti-social behaviour on other persons. The circumstances in which injunctions can be sought are slightly extended, to deal with practical issues which have arisen in use of the earlier legislation.

3. **Parental Responsibilities**

This Part contains some amendments and development of Parenting Orders when a pupil has been excluded on disciplinary grounds or has failed to attend school regularly. Penalty Notices may be issued to parents in respect of failure to secure a young persons regular attendance at school, giving them the option of paying a fine or going to Court.

A Youth Offending Team may enter into a parenting contract with a parent of a child or young person if a member of that team has reason to believe that the child or young person has engaged, or is likely to engage, in criminal conduct or anti-social behaviour. The contract can include a requirement to attend a counselling or guidance programme. The aim is a mixture of support and sanctions.

Under Part 5, if an Anti-Social Behaviour Order is made in respect of a person under the age of 16 years, the court which makes the Order must make a parenting order, if it is satisfied that the relevant condition is fulfilled.

4. Dispersal of Groups, etc.

Where a senior Police Officer has reasonable grounds for believing:-

- (a) that any members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence of groups of two or more persons in public places; and
- (b) that anti-social behaviour is a significant and persistent problem in the relevant locality,

he or she has the power to disperse the group and remove them (in the case of persons under the age of 16 years) to their place of residence or other suitable place.

Where a constable in uniform has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in the relevant locality has resulted, or is likely to result, in any members of the public being intimidated, harassed, alarmed or distressed, he or she may:

- (a) direct the group to disperse
- (b) direct non-local residents to leave the locality
- (c) direct non-local residents not to return to the locality for a period of up to 24 hours

Between the hours of 9.00 p.m. and 6.00 a.m., a constable in uniform may return to their place of residence, a person in any public place believing:

- (a) he / she is under the age of 16 years; and
- (b) is not under the effective control of a parent or a responsible person aged 18 years or over.

5. Sanctions, etc.

The law on Anti-Social Behaviour Orders is expanded in certain matters of detail. There are some restrictions on publicity for the protection of young offenders. On the spot fines for disorderly behaviour can be levied on 16 year olds. The Home Secretary is given the power to extend on-the-spot fines to young people and children as young as 10 years of age.

6. Guns

This part contains a number of amendments to the Firearms Act 1968, with particular regard to air weapons and imitation firearms, prohibiting possession in a public place and placing age limits on ownership. There is also a substantial ban on air cartridge weapons which can be adapted to fire live ammunition.

7. The Environment

Local authorities are given the power to close licensed premises where noise is causing a public nuisance, for up to 24 hours. There are new powers to require property owners to remove graffiti. The Act widens the availability of Fixed Penalty Notices to deal with flyposting and graffiti, and allows them to be applied to 16 – 17 year olds. It will be illegal to sell aerosol paint to a person under the age of 16 years. The maximum penalty for flyposting is increased.

8. Public Order and Trespass

The minimum number of persons constituting a public assembly on whom conditions can be imposed under the Public Order Act 1986 is reduced from 20 persons to 2 persons. The number of persons to whom the controls on raves can be applied under the Criminal Justice and Public Order Act 1994 is reduced from 100 persons to 20. The offence of aggravated trespass, (which occurs where lawful users of land are intimidated or obstructed), is extended, by deleting the condition that it has to be in the open air. Police powers to deal with traveller incursions under Section 62 of the Criminal Justice and Public Order Act 1994 are extended, but only if there is an alternative local authority caravan pitch for the travellers in question.

9. High Hedges

Local authorities are given powers to serve notice requiring the height of a domestic hedge to be reduced if it exceeds two metres and is adversely affecting a neighbour's reasonable enjoyment of their property. There are rights of appeal to the Secretary of State, and powers for the authority to ensure that the work is done if the owner of the hedge does not comply.

10. General

These are purely interpretive and administrative provisions.

3. Recent Developments in Runnymede
- 3.1 The Community Safety Officer's job title was changed last year to Community Safety and Anti-Social Behaviour Officer, in response to Home Office advice that local authorities must identify an individual with this role.
- 3.2 The Officer in question is currently drafting an anti-social behaviour strategy as required by the Home Office.
- 3.3 The Safer Runnymede Manager attended the Government launch of the Anti-Social Behaviour Action Plan, where three ministers including the Prime Minister and Home Secretary spoke to emphasize the importance this has within the Government agenda.
- 3.4 The Crime and Disorder Reduction Partnership will receive £30,000 direct from central Government, ring fenced to spend on anti-social behaviour measures in the next financial year.
- 3.5 The Council is recognised as a leader in the county, with systems in place to obtain evidence for Anti-Social Behaviour Orders, Acceptable Behaviour Contracts etc, and is working very well with other agencies.
- 3.6 An Anti-Social Behaviour reporting system will be launched in the New Year.
- 3.7 All of these points will be picked up and enlarged upon in the detailed examination which the Review Board has requested.

(FOR INFORMATION)

Background Papers

e-mail from Safer Runnymede manager to DAL, 24 November 2003
Report to Wigan Council Community Safety Panel August 2003

9. PROGRESS ON NET REVENUE REDUCTION TARGETS (DAL)

1. At its last meeting on 9 October 2003, the Review Board considered the Council's progress in achieving its net revenue reduction targets, which is one of the items on the Board's work programme for the rest of the Municipal Year and early cycles in 2004/05. The Board noted that for 2004/05, £650,000 of savings had been found which amounted to £350,000 less than the £1 million target. £155,000 of additional savings were also needed to compensate for new initiatives required by the Government. These targets meant that difficult decisions would have to be made.
2. The Board considered how further net reductions could be achieved and discussed various potential courses of action to make up the shortfall. The Board recommended to the Corporate Management Committee that a Task Group be set up under the direction of the Leader of the Council to look at ways of achieving savings and in particular to consider whether some existing services could be combined or if discretionary and statutory spending could be reduced. The Board also recommended that the provision of the new Civic Offices be reviewed and that it should be considered whether any savings could be made on that project.
3. The Board's recommendation was considered by the Corporate Management Committee at its meeting on 6 November 2003. That Committee recognised the useful nature of the Review Board's comments and recommendations but emphasised that it had been agreed that Service Committees would be responsible for progressing the revenue reduction initiatives and the identification of any items necessary to achieve the target figures.
4. The Corporate Management Committee also noted that the construction of the new Adlestone Community Centre, which represented the first stage in the Civic Offices re-provision project, was now in hand. Once the works were under way a report would be prepared outlining the implications of the Civic Offices re-provision itself in order to enable full consideration of the issues arising by the Corporate Management and Economic Development Committees and Council. It was likely that this would be presented in the January/February cycle of meetings.
5. The Committee did, however, resolve to request the Review Board to review the progress being made by the Service Committees as part of the revenue reduction exercise.
6. At its last meeting, as one of the items on its work programme, the Board considered the Financial Forecast covering the period up to the 2008/09 financial year and the target budget for 2004/05. The Board supported the Corporate Management Committee's recommendations on these matters, which have subsequently been agreed by Full Council. This included details of the latest savings targets.
7. Therefore, in accordance with the Corporate Management Committee's resolution at its meeting on 6 November 2003, the Review Board will receive periodic reports on the progress being made by Service Committees regarding the latest savings targets.

(FOR INFORMATION)

Background Papers

None.

10. COUNCIL'S TEN PRIORITY INDICATORS OF PERFORMANCE – SECOND QUARTER OF 2003/04 (CEO)

A copy of the report to the Corporate Management Committee on 4 December 2003 is attached at Appendix 'C'. The comments of the Committee will be reported to the Board's meeting.

(FOR CONSIDERATION)

Background Papers

None

11. BUDGET MONITORING STATEMENT (DF)

A budget monitoring and summary forecast statement plus a projected outturn for the General Fund is attached at Appendix 'D'. The Corporate Management Committee will be considering this item at its meeting on 4 December 2003. The comments of the Committee will be reported to the Board's meeting.

(FOR CONSIDERATION)

Background Papers

None

12. CAPITAL PROJECTS (DF)

A list of capital projects whose value exceeds £100,000 is attached at Appendix 'E'.

(FOR CONSIDERATION)

Background Papers

None

13. PROGRESS REPORT ON ENFORCEMENT OF PLANNING CONTROL (DTS/DAL)

Attached at Appendix 'F' is the progress report on enforcement of planning control as at 28 November 2003.

(FOR INFORMATION)

Background Papers

None

14. REMAINING ITEMS ON REVIEW BOARD WORK PROGRAMME (DAL)

At its meeting on 2 September 2003, the Review Board agreed the following work programme for the rest of this Municipal Year and early cycles in 2004/05:

5 Year Financial Forecast 2004/05 to 2008/09
Leader's Position Statement
Progress On Net Revenue Reduction Targets
Rail Transport in the Borough (particular regard to stations as "gateways")
Benefit Fraud
Annual Personnel Report 2003/04
Anti-Social behaviour
Parks and Open Spaces

At its last meeting in October, the Board considered, inter alia, the 5 Year Financial Forecast 2004/05 to 2008/09, the Leader's Position Statement, and Progress on Net Revenue Reduction Targets. The latter item is on the Agenda again at this meeting, along with reports on Rail Transport in the Borough and Anti-Social Behaviour.

(FOR INFORMATION)

Background Papers

None

15. EXCLUSION OF PRESS AND PUBLIC

If the Review Board is minded to consider the foregoing reports in private session, it is the

OFFICERS' RECOMMENDATION that -

where appropriate, the press and public be excluded from the meeting during the discussion of the reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection

a) Exempt Information

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)