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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

Thursday, 15th February, 2018

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, Cllr D Markham, Cllr R V Roud and Cllr T B Shaw.

Together with Addington, Aylesford, Birling, Borough Green, Burham, Ditton, East Malling and Larkfield, Hadlow, Kings Hill, Leybourne, Offham, Platt, Plaxtol, Shipbourne, Snodland, Stansted, Wateringbury, West Malling, Wouldham and Wrotham Parish/Town Councils and County Councillor Mr H Rayner.

Councillors Mrs S Bell, Mrs A S Oakley, D A S Davis, O C Baldock, M R Rhodes and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T I B Cannon, R W Dalton, D Lettington, B J Luker, Hildenborough, Trottscliffe and Mrs S Hohler.

### PART 1 - PUBLIC

#### **PPP 18/1 MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16 November 2017 be approved as a correct record and signed by the Chairman.

#### **PPP 18/2 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES**

The Chairman referred to Minute Number PPP 17/7 (Parish Charter) and as the final version of the Parish Charter had been approved by Cabinet on 8 February 2018, it was formally signed by the Leader of the Borough Council (Councillor N Heslop) and the Chairman of the Kent Association of Local Councils (Tonbridge and Malling branch) (Patrick Thomas) on behalf of the parish councils.

#### **PPP 18/3 KENT POLICE AND CRIME COMMISSIONER**

The Kent Police and Crime Commissioner (Mr Matthew Scott) set out future aspirations and priorities for Kent Police and advised of a number of new initiatives planned to recruit additional officers.

Members were reminded that the Police and Crime Commissioner (PCC) was an elected representative who set policing priorities for the county; created a Police and Crime Plan in consultation with the public; held Kent Police to account and had overall responsibility for the policing

budget, including setting the council tax precept for policing. In addition, services for victims of crime were commissioned and community safety projects funded. The overarching guiding principles of the Police and Crime Plan was safer communities, ensuring people got the right care from the right people; protection of vulnerable people; putting victims first and tackling all forms of abuse and exploitation.

Particular reference was made to initiatives supporting vulnerable people and one of Mr Scott's priorities was to make sure that those with mental health issues who came into contact with the police had access to the right support. Funding had been allocated within the commissioning budget to enable schemes or projects directly related to this priority to be supported.

Future priorities were summarised and included continuing discussion and liaison with communities, parish councils and the Kent Association of Local Councils, with visible and accessible policing remaining the primary focus.

Particular reference was made to the financial challenges around the policing budget which had resulted in a £12 increase to the police element of Council Tax. However, this increase represented a significant commitment and investment in neighbourhood policing as £1 per month funded 200 additional police officers. This also enabled a further 80 call operators to be recruited to improve the 999 and 101 call handling. Government funding for local policing remained unchanged and Mr Scott would continue to press and lobby for increased funding.

There was a commitment to maintain and protect Police Community Support Officer (PCSOs) numbers at 300; increase the size of rural and road policing and maintain a visible police presence.

In-depth discussion followed on a range of issues as summarised below:

**Speeding on rural roads:** Wouldham Parish Council asked whether it was possible to undertake 'speed traps' to enforce speed limits in the village and change road priorities. Mr Scott reiterated that road safety remained a policing priority and that many organisations could offer assistance. Acting Chief Inspector Martin advised that many options were available to address speeding on rural roads and parish councils were encouraged to contact Kent Police direct to discuss the Speed Watch initiative.

**On-line reporting:** In response to a query raised by Aylesford Parish Council, Mr Scott confirmed that on-line reporting of some offences was currently being piloted. Unfortunately, it was not possible to upload attachments, such as photographs, at the current time but this would be introduced in the future. However, if photographs were available individuals could be contacted by officers for further information.

**Police Community Support Officers:** Burham Parish Council thanked Mr Scott for successfully getting PSCOs 'powers' to address certain issues.

**Visible policing in communities:** Snodland Town Council asked that local police officers consider patrolling side roads in communities to be more visible. Reference was made to incidents of anti-social behaviour at allotments and the difficulties in contacting 101 to report these offences. Acting Chief Inspector Martin asked that any local intelligence regarding anti-social behaviours be shared with local PCSOs to follow up. Police operations could then be considered for those areas or wards where problems had been identified.

**Helping vulnerable people:** Reference was made to the number of cases where police were offering support to vulnerable people in Accident and Emergency, especially those with mental health issues. It was observed that this reduced the number of visible police officers available to deal with crime. As this was recognised as a significant problem, Members asked what steps were being considered to alleviate this and whether there was a risk that the additional officers being recruited would be diverted away from policing to support vulnerable people.

Mr Scott referred to an initiative called Street Triage being piloted in Medway and which aimed to improve assistance to those in mental health crisis. This involved one mental health nurse supporting police officers to help people get into the right health based place of safety quicker by identifying what the issues were. There was potential for this pilot to be rolled out further across Kent.

In addition, it was noted that Mind based in Tonbridge operated a well-being café that offered support to vulnerable people.

**Increase of pavement parking:** Several parish councils expressed frustration at the increase of pavement parking which created obstructions for both pedestrians and motorists. Mr Scott recognised these frustrations and would encourage the Road Policing Unit to include guidance on considerate parking as part of their road safety campaign. Acting Chief Inspector Martin advised that local PCSOs were pro-actively tackling inconsiderate parking in their areas by speaking to individuals where possible. Referrals could also be made to the Road Policing Unit who could contact Kent County Council to see if it was possible for road traffic orders to be amended and double yellow lines introduced.

If the obstruction was in a dangerous place, such as a junction, and concerns were raised, Kent Police would look into the matter.

**Investment in additional police officers:** In response to a question raised regarding increased police visibility on streets as a result of the

announced recruitment, Mr Scott confirmed that investment in 200 extra officers would mean more would be allocated to community policing. Demand on policing was significantly higher than in previous years and represented significant challenges when handling resources. It was reported that police officers were busier than in the past due in part to increased anti-social behaviour and support of those in a mental health crisis. However, Members were assured that Kent Police continued to investigate all crimes.

**Community Police Volunteering Scheme:** Kings Hill Parish Council asked for an update regarding the volunteering scheme for community policing and whether there were any volunteers from the Tonbridge and Malling area. In response, Mr Scott explained that volunteers would be available to provide 16 hours per week of visible policing and work with communities. The volunteers would be in addition to PCSOs. There had been a positive response and once the pilot scheme was implemented further details would be shared.

**Attendance at parish council meetings:** A lack of police attendance at some parish council meetings was reported. Acting Chief Inspector Martin reminded Members that police resources needed to be managed carefully and it was important to use officers to deal with service priorities. However, Members were assured that Kent Police would try and attend a parish meeting once a quarter and if it was not possible to attend in person due to ongoing operations, then a written report would be provided.

**Neighbourhood Watch:** Kent Police were supportive of local neighbourhood watch schemes and details of the local co-ordinator (David Spitter) were available on the following link:

<https://www.kent.police.uk/advice/community-support/neighbourhood-watch/>

**Youth Education Officer:** A Youth Education Officer was working with local schools to educate and improve relationships with young people. The Chairman suggested that Kent Police liaise with the Advisor Network which was an initiative that aimed to strengthen links between education and businesses for the benefit of young people.

In closing, Mr Scott advised that attending this type of forum and discussing issues with community representatives was beneficial. Parish councils were also encouraged to promote the fact that Kent Police was actively recruiting and there were good career opportunities for the right candidates.

The Chairman thanked Mr Scott for attending the meeting and participating in such a detailed discussion. An open invitation to attend a future meeting of the Parish Partnership Panel was also extended.

**PPP 18/4 KENT POLICE SERVICES UPDATE**

As any significant items of business had been discussed as part of the Kent Police and Crime Commissioner debate, Acting Chief Inspector Martin provided a brief update on current police operations and initiatives.

Particular reference was made to a spate of thefts from motor vehicles, primarily BMWs, in the Aylesford and Ditton area. This was part of a national crime series and media releases had been produced to encourage and offer crime prevention. Unfortunately, no perpetrators had yet been apprehended.

There had also been recent operations to tackle drug offences.

Acting Chief Inspector Martin emphasised that Tonbridge and Malling remained a low crime area and that Kent Police had a good working relationship with partners, especially the Borough Council.

**PPP 18/5 PUBLIC SPACE PROTECTION ORDERS**

The Kent Association of Local Councils requested further advice in respect of Public Space Protection Orders (PSPOs) and the consequential position of parish councils with Dog Control Orders.

In response, the Head of Service for Licensing, Community Safety, Customer Services and Tonbridge Castle advised that a number of documents giving further guidance were available on the website, together with some Frequently Asked Questions.

<https://www.tmbc.gov.uk/services/community-and-living/community-advice/community-safety/pspo-consultation>

A briefing paper had also been prepared which attempted to answer further questions raised and this would be circulated with the Minutes for information.

The current PSPO would end in April 2020 and in order to ensure continuity the process of reviewing its operation had already begun. It was reported that the Borough Council would start looking at evidence for either continuing the existing Order or whether any new provisions should be included to address recurring issues of anti-social behaviour.

The points to consider when gathering evidence for this process was to understand if there had been any continuous behaviours which were having an adverse effect on the quality of life of residents.

In addition, during 2018 the Borough Council would review how parish councils could provide evidence of breaches of existing PSPOs.

Particular reference was made to bye-laws and Dog Control Orders (DCO) and it was noted that where bye-laws were already in place these would remain. However, this was only to the extent that they regulated activities covered by the PSPO and the bye-law would be of no effect for the duration of the Order. From April 2020, existing bye-laws would come back into effect unless a further PSPO had been granted.

In summary, any existing Dog Control Orders had been superseded by the Public Spaces Protection Order so enforcement fell to the Borough Council.

The Head of Service reiterated that the Borough Council enforced PSPOs and if sufficient evidence was provided this would be progressed. A number of authorised officers within the authority were being trained on how to identify a breach of the PSPO and this would involve not only the current Enforcement Officers, but other officers who travelled around the borough during their day to day work. At the current time, it was difficult to predict the number of officers that would be used for enforcement.

In response to a question raised about using parish council volunteers, the Head of Service advised that an initiative to train and empower parish council representatives for the future could be considered as part of the ongoing review.

Members expressed frustration about enforcement of dog fouling and any support offered by the Borough Council was welcomed, although the pressure on already stretched resources was recognised. Specific issues would be raised and discussed at the next PSPO Review meeting. In the meantime, Members were reminded that Environmental Health Services could be contacted for advice and assistance.

Kings Hill Parish Council highly recommended contacting the Environmental Projects Co-Ordinator who had implemented a series of educational events, including 'flag and bag', which had been a great success.

#### **PPP 18/6 BOROUGH COUNCIL BUDGET 2018/19**

The Cabinet Member for Finance, Innovation and Property presented the report of the Director of Finance and Transformation, which set out information on the Borough Council's budget preparations for 2018/19.

It was reported that the Borough Council was due to see a further reduction in its Settlement Funding Assessment (SFA) cumulating into a decrease by 2018/19 of some 23% since the start of the 4 year settlement. Fortunately, the New Homes Bonus allocation for the year would be better than expected due to the exceptional delivery of new homes, so the additional funding over expectation negated some of the loss in the SFA.

Particular reference was made to the recent announcement of the Secretary of State that for shire district councils, a referendum would be triggered when council tax was increased by 3%, or more than 3% and more than £5. Proposals for setting the Borough Councils budget assumed that the option to levy a council tax increase of up to 3% would be taken up. This represented an increase of £5.91 per annum on last year's council tax.

The continued need to deliver savings was reiterated and further detail was set out in paragraph 1.3 of the report. However, in summary it was anticipated that the focus for any potential future savings would be around the themes of 'contracts' and 'service change and reduction'.

Parish Councils were advised that Full Council was due to meet on 20 February to set the Borough Council's budget and council tax.

The Cabinet Member for Finance, Innovation and Property emphasised that the Borough Council's financial position remained challenging, especially against a continuing reduction in Government funding.

[Subsequent to the meeting, Full Council on 20 February had agreed the proposals summarised at the Parish Partnership Panel and the full detail would be set out in the Council Minutes in due course].

#### **PPP 18/7 KENT COUNTY COUNCIL SERVICES UPDATE**

Members noted the report of the Kent County Council Community Liaison Officer (Anne Charman), which set out details of a number of County initiatives and consultations.

All Kent County Council consultations could be viewed online at:

<http://consultations.kent.gov.uk/consult.ti>

#### **PPP 18/8 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE**

The Chairman, in his role as Leader of the Borough Council, advised that there were no significant issues to report that had not already been raised earlier in the meeting.

However, reference was made to a commitment made at a previous Parish Partnership Panel regarding the creation of a 'directory' that would provide information on points of contact for areas of relevance to parish councils, such as development control, licensing and street scene.

It was anticipated that a draft 'directory' would be circulated in advance of the next meeting (June 2018), either attached to these Minutes or as soon as possible thereafter, for comment.

The meeting ended at 9.10 pm



## Parish Partnership Panel - Thursday 15 February

### Raised questions and answers

#### Points of reference

The current PSPO will end in April 2020, in order to ensure continuity; TMBC has begun the process of reviewing the operation of the current Order with a view to adopting a new PSPO well in advance of the end date for the current Order.

On Tonbridge & Malling Borough Council web site, there is a page in respect of PSPOs - <https://www.tmbc.gov.uk/services/community-and-living/community-advice/community-safety/pspo-consultation>, including a set of "Frequently Asked Questions".

#### Power to make a PSPO

The power to make a PSPO is with the Local Authority, which for the purposes of the PSPO legislation means Tonbridge & Malling Borough Council. Likewise the decision on what goes into a PSPO is for the Local Authority, based on the evidence it holds at the time an Order is made or a review of existing Orders carried out.

#### Fixed Penalty Notices (FPN)

A FPN can be issued by a Police constable or Authorised Person (that is, a person authorised by the local authority to issue FPNs under the legislation).

Extract from the FAQ's on the TMBC web site -

[https://www.tmbc.gov.uk/\\_data/assets/pdf\\_file/0005/357134/PSPO-FAQ.pdf](https://www.tmbc.gov.uk/_data/assets/pdf_file/0005/357134/PSPO-FAQ.pdf)

#### **"6. Who will enforce the PSPO?"**

*There has been a lot of concern about the ability of the Borough Council to enforce these new restrictions. There will be no additional officers available to enforce any breaches of the PSPO. However, the Borough Council is looking at how it can use its staff to effectively enforce the PSPO.*

*A number of authorised officers within the Council are being trained on how to identify a breach of the PSPO and what to do if they witness someone committing a breach. The officers who will be used will include our current Enforcement Officers but will also involve other officers who travel around the borough during their day to day work.*

*The officers will take down the details of the breach (where safe to do so) and will then complete a PSPO incident reporting form. This will then be investigated by the appropriate Borough Council department (e.g. if it is a dog related breach then Street Scene and Leisure Services will deal with this). If the evidence supports a breach of the PSPO then a Fixed Penalty Notice will be sent by post to the individual.*

*At present, we want to ensure that this system works first before looking at whether or not we could use other people, such as appropriately trained Parish Council officers. However, this could be something that we might consider using in the future as it might give us additional resources to enforce the PSPO.*

*We are also working with Kent Police to identify whether their officers are able to provide evidence to support a breach of some of the restrictions, particularly those around the controlled alcohol zone and public urination/defecation.”*

### **Gathering Evidence for a FPN to be issued**

A PSPO incident form needs to be completed by a Police constable or Authorised Person detailing the evidence of the breach of a PSPO. These forms are then sent to the Community Safety Partnership (CSP).

Once the form has been assessed, if the evidence is sufficient an FPN will be issued. In broad terms, the Council has to have the same level of evidence to issue an FPN as it would need to take a prosecution, including sufficient details of the offender and the circumstances of the offence (i.e. how a relevant provision of the PSPO has been breached by that person).

### **Bye Laws and Dog Control Orders (DCO)**

If a Parish Council has a bye-law in place then these will remain, but to the extent that they regulate activities which are covered by the PSPO, they will be of no effect for the duration of the PSPO.

Any existing Dog Control Orders are superseded by the PSPO to the extent that the PSPO regulates the activity which would otherwise be regulated by the DCO, and this applies to any Dog Control Orders whether they were put in place by the Borough Council or by Parish Councils.

Where a Dog Control Order is in place that is not covered by a PSPO, then that DCO will continue to have effect, but as if it was a PSPO, so enforcement falls to the Borough Council.

In summary any existing Dog Control Orders have been superseded by the Public Spaces Protection Order, so enforcement falls to the Borough Council.

### **On-going review of current PSPO**

With the current PSPO's ending in April 2020, during 2018 we will need to start looking at evidence for continuing the existing PSPO, and evidence for whether the Order should include any new provisions to address current recurring issues of antisocial behaviour. The points for consideration when gathering evidence for this process is to understand if there have been any continuous behaviours which are having an adverse effect on the quality of life of residents.

In addition during 2018 the Borough Council is reviewing how Parish Councils can provide evidence of breaches of existing PSPO's.