

## PLACE SCRUTINY COMMITTEE

12 January 2017

### Present:

Councillor Brimble (Chair)

Councillors Lyons, Foggin, D Henson, Prowse, Robson, Wardle and Wood

### Apologies:

Councillors Keen and Mitchell

### Also present:

Deputy Chief Executive, Assistant Director Environment, Assistant Director Public Realm, Environmental Health and Licensing Manager, Service Manager, Business and Commercial Operations Public Realm, Economy and Enterprise Manager, Principal Accountant (PM), Principal Accountant (MH), Democratic Services Officer (Committees) (MD) and Democratic Services Officer (Committees) (SLS)

### In attendance:

Councillor Philip Bialyk	- Portfolio Holder Sport and Health and Wellbeing
Councillor Rosie Denham	- Portfolio Holder Economy
Councillor Rob Hannaford	- Portfolio Holder Place
Councillor Rachel Sutton	- Portfolio Holder City Development
Councillor Chris Musgrave	- Speaking Under Standing Order 44
Inspector Simon Arliss	- Devon and Cornwall Constabulary

### **1 Minutes**

The minutes of the meeting held on 10 November 2016 were taken as read and signed by the Chair as correct.

### **2 Declaration of Interests**

No declarations of disclosable interest were made.

### **3 Questions from the Public under Standing Order 19**

Two members of the public, Mr John Taylor and Ms Trish Oliver, had submitted questions under Standing Order 19, in relation to the Public Spaces Protection Order proposals. Councillor Rob Hannaford, as Portfolio Holder for Place, responded and a copy of the replies were appended to the minutes.

### **4 Management of Exeter's Waterways**

The Assistant Director Public Realm presented a report with a proposal for the improved management of the Exe Estuary Harbour, Canal and Waterways. The proposal would also address specific governance and management issues associated with the waterways, with a formal structure to comply with the requirements of the Port Marine Safety Code and operation of a Statutory Port. The

report also outlined a change in the Council's direction with the conclusion of work on the business case for the transfer of the Exeter Ship Canal to the Canal and River Trust, and in its place the development of a management plan. This would include a new approach to deal with abandoned boats, live-aboard boats, moorings and maintenance. A business case would also be developed to employ a Harbour Master, or similar, to deliver the Port Marine Safety Code compliance.

The Portfolio Holder for Sport and Health and Wellbeing attended the meeting and spoke in support of the proposed process, which had been invaluable in ensuring there was a better understanding of the needs of the stakeholders and issues around the management of the waterways. He also supported the preparation of a robust marketing plan for the waterways as a way to investigate new income opportunities. He had met many of the groups associated with the waterways, who had a genuine interest in its future and he hoped that they would continue to involve as many partners as possible to ensure the canal and waterways continued to be of benefit for the citizens of Exeter. He also welcomed the enthusiasm and contribution made by the Service Manager, Business and Commercial Operations Public Realm and his staff.

The Assistant Director Public Realm responded to the following Members' questions:-

- amendments to the Council's Constitution, as outlined in section 2.3.1 of the report were a requirement to meet the terms of the Port Marine Safety Code, and the Council would then be able to delegate the responsibility to a designated Duty Holder.
- the support and expertise of the Canal and River Trust had been very welcome over the last two years, but they would no longer be directly involved in the delivery of the current proposals.
- Members would have the opportunity to have a continued input in the development of the Management Plan through the Scrutiny process. She thanked Members for their support for the planned improvements.

The Service Manager, Business and Commercial Operations Public Realm, also responded to a Member's enquiry for consideration for the removal of the barrier and repair to the Topsham lock gate on the canal. The Member agreed that it would be wonderful to see the lock opened and working again.

Place Scrutiny Committee supported and requested Executive to recommend to Council the approval of the following:-

- (1) work on a business case to transfer the Exeter Ship Canal to the Canal and River Trust to cease and that a Management Plan for the Canal be developed in-house;
- (2) officers be tasked to develop a business case to employ a Harbour Master or similar to deliver Port Marine Safety Code compliance, improve safety and improve operational management on the River Exe; and
- (3) that, in compliance with the Port Marine Safety Code, the following also be noted:-
  - (a) the Service Manager, Business and Commercial Operations Public Realm be designated as the 'Duty Holder' in respect to the Port of Exeter and the Constitution be amended accordingly;

- (b) an external competent body be engaged to fulfil the role of 'Designated Person' as defined by the Port Marine Safety Code to undertake competency and safety audits;
- (c) that a budget of £10,000 be identified from within existing resources to engage specialist marketing and business development expertise to support the preparation of a Marketing Plan for the Waterways and to deliver the additional income requirements;
- (d) that the Mooring Licence issued since 2013 be applied to all moorings in the Port of Exeter and that, where the licensee is unwilling to accept the new licence conditions, action be taken to remove the vessel from the Port;
- (e) that only vessels deemed suitable at the Council's absolute discretion be permitted into the canal, with responsibility to make such a determination to be delegated to the relevant Service Manager; and
- (f) where repairs were necessary or 'off season' maintenance was required, these activities be confined to the Eastern side of the Basin or the Boat Park (in Michael Browning Way) and this be cordoned off from public access.

## 5 Portfolio Holder Updates

Councillors Sutton, Denham and Hannaford presented the following progress reports on priorities within the Economy, City Development and Place:-

### Economy

The Portfolio Holder for Economy provided the following updates:-

- Exeter City Futures work had progressed. The 10 'Challenges' identified and the results of the voting could be viewed through the Crowdicity platform which was launched on 7 December 2016, as well as through social media.
- the Growth and Productivity Strategy for the four Local Authorities had been finalised and an updated version on this was included on the agenda.
- the Exeter Venue Advisory Group included representatives from Exeter College, the University of Exeter, and the Cathedral. The consultant's Brief included looking at ways to address the look and feel of the South Street area and wider cultural quarter and identify what future investment opportunities there might be. A drop in session, would be held at the Corn Exchange on 25 January 2017 and would be open between the hours of 8.00am and 8.00pm. In response to a Member's question, the Portfolio Holder for Economy confirmed that a press release with more detail had been issued this week.

### City Development

The Portfolio Holder for City Development reported the following updates:-

- a Member Steering Group had been established to contribute towards the discussion on the lack of five year housing supply in Exeter. The development of a Greater Exeter Strategic Plan should also provide a better opportunity for the four neighbouring authorities to more cohesively address such issues rather than work on an individual basis. A Briefing would be arranged for Members to ensure they were kept informed and had the opportunity to contribute.

- as part of the governance arrangements for the Community Infrastructure Levy, the Exeter Community Forum 'Grass Roots' Grants Programme was due to meet that evening to discuss a number of grant applications.
- a recruitment exercise was being undertaken to fill a number of vacant posts in Planning to ensure that Government targets for the determination time of planning applications would be met.

In response to Members' questions, the Portfolio Holder for City Development responded as follows:-

- the ratio of residential and affordable housing had been established and student accommodation could not be counted towards the Five Year Housing Supply. She referred to the work that had been taking place with Exeter's neighbouring District Councils to identify a joint approach towards housing and employment across the greater Exeter and travel to work area.
- there was the potential to take a wider view of the resources and contributions from funding such as the Community Infrastructure Levy (CIL) as well as other strategic funding for transport infrastructure to support Exeter and its near neighbours.

### Place

The Portfolio Holder for Place reported the following updates:

- the Community Safety Partnership had introduced more collaborative ways of working to assist the Police.
- smarter ways of working with the use of new technology should help to identify those areas with lower rates of recycling.

In response to Members' questions, the Portfolio Holder for Place and Assistant Director Environment responded as follows:-

- the acronyms detailed in the report were as follows Child Sexual Exploitation (CSE), Alcohol Violence and the Night Time Economy (AVENTE), the Street Attachment Group (StAG), and the Anti-Social Behaviour Action Team (ASBAT). The full titles would be included in future reports.
- targeted education and information initiatives were already taking place to address issues relating to the relatively low level of recycling in some communities and localities in the City. The Council's Recycling Team worked closely with Exeter University and the Student Guild in recognition that many students would be coming from different parts of the UK and beyond, where recycling arrangements may be very different.

A Member referred to his membership of the Devon Strategic Waste Group and confirmed that the largest part of the waste found in Exeter's black bins was food waste (36%). As Exeter does not currently recycle waste food, unlike neighbouring Districts, it was unfair to compare Exeter's recycling rates. It should be noted the Council's Material Reclamation Facility (MRF) at Exton Road, was a good facility, and also handled recyclates from Mid Devon District Council.

## **6 Estimates and Fees and Charges 2017/18**

The Principal Accountant (PM) presented the report on the Estimates and Fees and Charges, which outlined the strategic framework, within which the estimates had been prepared; changes in accounting practices which affected all budgets and gave

detailed reasons for major changes in the Management Unit estimates. A detailed schedule of the Capital Programme and the proposed Fees and Charges for 2017/18 were included as an appendix. The Principal Accountant also reported one amendment to the Capital Programme, which related to an additional expenditure of £30,000, which was an increase in the cost for the replacement of an air quality monitoring station at the Royal Albert Memorial Museum.

Place Scrutiny Committee supported the draft Revenue Estimates for 2017/18, the proposed Capital Programme, Fees and Charges for further consideration by Executive on 14 February 2017 and Council on 21 February 2017.

## **7 Proposals for the Implementation of a Public Spaces Protection Order**

The Assistant Director Environment presented the report advising Members of the key features of the implementation of a Public Spaces Protection Order (PSPO), in the city centre area of Exeter; this was a discretionary power under the Anti-Social Behaviour Crime and Policing Act 2014 that a Council could adopt and shape for local circumstances to deal with persistent anti-social behaviour that had a detrimental impact on communities. He detailed the outcome of an inclusive on-line formal consultation exercise carried out over a four month period from November 2015 to February 2016 and which had resulted in over 1,200 responses. He also explained that by its very nature the inclusive on-line consultation was not confined to citizens living and working within Exeter. This online consultation had been targeted by a campaigning petitioner on [Change.org](http://Change.org) who had campaigned against many other proposed PSPOs by other councils; the 12,000 individuals signing this petition had been encouraged to take part in Exeter's online consultation, and consequently the views of those living and working in Exeter may have been diluted by others with no particular connection to Exeter, but who had been motivated by the campaign.

The Assistant Director Environment also drew Members' attention to representation from the Green Party that had been circulated separately to the report.

Members had previously considered a proposal for a PSPO, reported to the former Scrutiny Committee Community in 2015, and this had included proposals to restrict the following activities – intoxicants, public urination, street encampments, begging, and anti-social behaviour of individuals and groups, with powers to disperse groups. Details of the responses were contained in the report, and in light of the consultation, the provisions of the proposed PSPO had been revised to remove 'street encampments' entirely, and change the focus from begging to aggressive begging, which was the type of intimidating begging that most people found to be anti-social.

A revision of the proposals had included an innovative use of the inclusion of an Acceptable Behaviour Contract as an option within the Fixed Penalty Notice system, so that in most cases of escalation, any recipient would also have the option of an Acceptable Behaviour Contract (ABC) with a zero penalty fee attached. The detail of an 'ABC' would relate to the misdemeanour and the circumstances of the individual concerned, with lead agencies being involved to assist in the drafting of the 'ABC' where appropriate. Discussions had already taken place with lead agencies such as RISE (Recovery and Integration Service), Julian House, St. Petrocks, Gabriel House and Exeter Community Voluntary Services to see how best this could be achieved. This should be seen as more of a positive and restorative pathway that would help change offending behaviour rather than a punitive intervention that could result in the criminalisation of an individual.

In order to establish whether the Council had got the balance right with the revised PSPO proposals, the Assistant Director Environment also highlighted a series of four open public meetings, held on dates in December 2016, for residents and businesses within the proposed PSPO area.

Councillor Musgrave attended the meeting under Standing Order 44. He commended the Council's decision to revise the original PSPO proposals, but urged Place Scrutiny Committee Members not to proceed with the Order. He acknowledged residents' concern about anti-social behaviour, and that they should have the right to go about their daily business unhindered, but equally he felt that unsupported individuals, such as the street homeless should not be penalised because of their living conditions. He felt the implementation of this Order would fail some of the poorest and most vulnerable in our society, and the Police already had all of the necessary powers to deal with any challenging behaviour. The introduction of a zero cost fixed penalty charge for those offenders signing up to an Acceptable Behaviour Contract would have the greatest impact on members of the street community, because of an inability to sign up to such contracts. He also questioned what alternative provision there was for a street homeless person caught urinating in the street, when public toilets closed at 7pm until the following morning.

Councillor Musgrave suggested that the Council was setting itself up to fail by the virtue of the local authority picking up work that the Police no longer appeared to have the resources to do. He considered the risks associated with implementing this Order, including the possibility of challenge to the validity of the Order, by way of appeal to the High Court, which could be an expensive and embarrassing exercise for the City Council. In his view, members of the street community would be disproportionately and adversely impacted by enforcement proposals. The homeless charity 'Crisis', had suggested that 80% of people who engaged in begging were genuinely homeless. The remaining 20% were vulnerable in some way and likely to have either mental health conditions and or drug or alcohol addictions. Exeter had established excellent initiatives such as Sleep Safe which would be impacted, by this PSPO.

Councillor Musgrave asked Members to consider an alternative approach:-

1. use the Council's communication resources to highlight the underfunding across the public sector.
2. use existing legislation and the Police to deal with issues arising from anti-social behaviour.
3. open public toilets 24 hours a day and consider portable toilet solutions at late night reveller sites.
4. a reallocation of any financial and administrative resources identified for the implementation of the PSPO for prevention initiatives (such as Sleep Safe).
5. a review of existing budgets to establish whether additional funds could be identified to support initiatives such as Sleep Safe or other initiatives.
6. a meeting to be arranged with representatives from the Police, Devon County Council, the NHS and Her Majesty Courts Services (HMCS) to develop a cross department strategy, jointly funded, to tackle issues of anti-social behaviour, focusing on prevention rather than enforcement.

The Assistant Director Environment responded to some of the main points made by Councillor Musgrave:-

- the existing Vagrancy Act 1824, was an archaic and unwieldy piece of legislation that did not distinguish between passive and more aggressive forms of begging - it criminalised begging, with no option of a Fixed Penalty Notice or an Acceptable Behaviour Contract to discharge liability.

- there was currently no power to stop the use of 'legal highs' in a public place. The Acceptable Behaviour Contract (ABC) could be used as an additional and positive intervention tool to work with addiction services offering a positive pathway for the individual.
- concerns around the [Change.org](#) issue, should not be confused with attempts to influence the consultation by an individual making multiple submissions, as although there was evidence of the latter, this was limited, and multiple submissions by one individual was not thought to have influenced the overall results substantially.
- the four open public meetings held in December were well-publicised, with individual flyers going to every household within the PSPO area and beyond, many posters being put up in key notice boards and shops, publicity in the Express and Echo, on the Council website, and notice being put out via key networks. The Police had also attended those meetings. The meetings were not part of the formal consultation, nor were they a 'sleight of hand' as had been suggested, they were organised to further explain the revised restrictions, how the revised PSPO would operate, and to answer any questions from the floor. They had been purposefully held in public venues within the proposed PSPO area to engage with local residents and businesses. There had been a robust and healthy debate at all four meetings, with some challenging questions, but in the end 89% supported the revised PSPO of those who had participated in indicating their support or opposition.
- the PSPO provisions were not a tool for replacing Police resources with Council resources, they were a flexible tool that could be crafted by a Council to deal with the local context. The Police would be the principal agency using the PSPO powers on the front-line, as a more appropriate intervention tool to the other powers they may use. In general the PSPO was likely to have a deterrent effect, and in many cases would allow a timely intervention. The inclusion of an Acceptable Behaviour Contract within the Fixed Penalty Notice would offer a positive and restorative pathway that was more likely to change offending behaviour in a sustained way, and reduce future demand on scarce resources. It avoided the use of other legislative tools that resulted in the criminalisation of an individual.
- there was a possible risk of displacement of anti-social behaviour, but both the Council and the Police would monitor this and intervene if appropriate. The issue with St. Thomas was that residents felt that there was already chronic anti-social behaviour adjacent to the boundary of the proposed PSPO, and wanted the boundary extended to encompass these areas - they were not complaining that the PSPO would worsen the situation.
- there would be a significant cost to keeping public toilets open 24 hours a day. The report suggested piloting the extension of opening times of some city centre toilets, but that in itself would not prevent street urination. Street urination was primarily a late night time economy issue with males moving from one drinking establishment to another; although they were able to use toilets at these establishments, many chose not to do so. The Council's public toilets were closed at night due to the high cost of dealing with misuse such as vandalism and drug litter. The £1000 cost of implementing the PSPO would only go as far as keeping the Council's public toilets open for one day.

The Environmental Health and Licensing Manager also addressed Councillor Musgrave's reference to the Police failure to respond to 75 cases reported to them, and these related to incidences in the city centre referred to them by the Council's CCTV Control Room, and not as a result of a 999 call. The Police made an assessment on each of those calls on the basis of public threat, risk and harm, and sometimes it meant that resources were diverted to higher priority issues, and/or a further call was received that the incident was over, negating the need for the Police

to attend. He also referred to regular meetings that were already taking place with the Police to discuss individual cases of anti-social behaviour, which might currently result in a more punitive consequence, but which could be broadened to include other lead agencies and the more restorative pathway of an Acceptable Behaviour Contract with the PSPO powers.

Members also made the following comments:-

- engagement with Sleep Safe had revealed that despite having accommodation available, some individuals still chose to sleep outside. The number of street homeless sleeping rough was 42 at the last official count. The lowest number sleeping in Sleep Safe was 9 and the highest sleeping there in a single night was 29.
- fear for one's personal safety was a consequence of aggressive begging, particularly for women in the city centre who felt unsafe when approached.
- a pilot for opening toilets 24/7 would be welcome, but it was acknowledged that people would likely only be prepared to walk a short distance for a toilet - temporary toilet provision in hot-spots on particularly busy nights might prove useful. He felt that toilets being closed from 7.00pm to 7.00am were potentially penalising the street homeless community. (The Assistant Director Environment advised that street urination was not seen as a problem of street homeless, rather it was people overtly relieving themselves as part of the night time economy; people discretely relieving themselves in the early morning when no one was around were unlikely to cause offence and face an intervention under the PSPO).
- St David's Ward had traditionally always been a challenging area.
- the City Council made a valuable contribution to the efforts made to assist the homeless in the city, and that whilst the Member originally had some concerns for the potential for social injustice, those concerns had now been put to rest - he had found the report to be objective and well written, and thought the PSPO offered an additional, non-criminalising tool for the Police to use.

At the invitation of the Chair, Police Inspector Simon Arliss advised that the existing powers of the Police were sometimes unwieldy, and often did not allow an early intervention to defuse things because a higher threshold of harm had to be reached for those existing powers. This inevitably resulted in the criminalisation of an individual for non-compliance, which may not be the most beneficial outcome for the individual nor society. They had to use their powers proportionately, appropriately and compassionately, and they would do so with the PSPO. Although the Police had limited resources, the emphasis now was on partnership working, including the local authority and others, and he welcomed the opportunity for a positive outcome that the PSPO could bring in diverting offenders on a different pathway from one that criminalised them.

It was noted that this report would go to Executive and then to Council for consideration in February. If approved, the PSPO would be given a commencement date of June 2017, in order to allow time for the necessary publication, signage, and development of a joint protocol for interventions under the PSPO, together with joint training of authorised persons.

Place Scrutiny Committee supported the proposals for the Implementation of a Public Spaces Protection Order and requested Executive support and recommend to Council the approval of the following :-



- (1) implementation of a Public Space Protection Order, in the area defined by the map (attached at Appendix 1A), with the restrictions (contained in the attached Appendix 1B), for a period of three years from the commencement date of 1 June 2017;
- (2) this Order would replace the Designated Public Places Order that currently exists in the City Centre to control the problematic consumption of alcohol within public places, and which is contained within the boundary of the proposed Public Spaces Protection Order;
- (3) officers work with the Police and Exeter Community Safety Partnership in the development of an enforcement and positive/restorative pathway protocol for the Public Spaces Protection Order, together with a supporting training programme. The purpose of this is to provide clear guidance on what action is deemed appropriate, proportionate, reasonable and compassionate, with particular regard given to the rights of freedom of expression and freedom of assembly as set out in articles 10 and 11 of the Convention on Human Rights;
- (4) the adoption of a zero penalty fee where a recipient of a fixed penalty notice issued for a breach or the PSPO commits to the option of an Acceptable Behaviour Contract contained within and offered by the respective fixed penalty notice;
- (5) that any funding received by the Council from fixed penalty notices issued for a breach of any PSPO will be ring-fenced for programmes to address anti-social behaviour and the funding administered by the Exeter Community Safety Partnership; and
- (6) officers to report back to Place Scrutiny Committee after six months of any Order being implemented as to its operation and effectiveness in reducing the problematic anti-social behaviour it seeks to manage together with any negative or unforeseen impacts that it may develop, and any recommendations for varying or discharging the Order.

## **8 Exeter and the Heart of Devon Joint Growth and Productivity Strategy 2017 - 2020**

The Economy and Enterprise Manager presented the report which informed Members of the new shared Growth & Productivity Strategy, covering Exeter, East Devon, Mid Devon and Teignbridge. This work would strengthen the relationship with neighbouring local authorities for the benefit of the Exeter economy, its residents, businesses and student population, and improve local outcomes by delivering specific joint projects across a recognised functional economic market area. It was noted that the 'travel to work' area for Exeter had expanded significantly over the past ten years, and covered much of Exeter's neighbouring local authorities. The Strategy would ensure work being undertaken by the emerging Greater Exeter Growth & Development Board and the Economic Development teams for each local authority were able to work in parallel and to a common shared vision and goal.

A Member enquired why the comparator years of 2001 and 2011 to explain the changes in the Exeter travel to work area were used, and also recalled another survey conducted in 2007 which had provided a profile of use for some of the city's car parks. The Economy and Enterprise Manager stated that the 2001 and 2011 period mirrored the most recent Census data, and showed where people lived and worked. She thanked the Member and would speak with colleagues to obtain a copy of the 2007 survey.

Place Scrutiny Committee supported the report and recommended approval by Executive of the following:-

- (1) Exeter & the Heart of Devon, Shared Economic Strategy - A Collaborative Approach to Growth & Productivity 2017 – 2020;
- (2) to continue working in partnership with East Devon, Mid Devon and Teignbridge Local Authorities on common economic development objectives; and
- (3) to work in partnership with the proposed Greater Exeter Growth & Development Board to ensure consistency with vision, objectives and individual projects and initiatives.

## 9 **Unemployment in Exeter**

The Economy and Enterprise Manager reported the levels of unemployment in Exeter, and provided a comparison of the city with Exeter's neighbouring towns as well as referring to regional and national trends. She also provided an update on the support and trends regarding unemployment, the employment sector and impact this had on the city and the surrounding area. She informed Members that, between 2010 and 2016, unemployment had reduced by 23%, compared with a 16% reduction between the 2013 and 2016 period. The Economy and Enterprise Manager also compared the number of Job Seekers Allowance (JSA) claimants between Exeter and the neighbouring local authorities, which had all risen over the past 12 months.

Exeter and the surrounding areas were noted as having near full employment, and future projects and initiatives through the Growth and Enterprise team would focus on working in partnership with the Employment & Skills Board, Innovation Exeter and neighbouring local authorities, in an effort to improve productivity by increasing skills and wages.

The Economy and Enterprise Manager responded to a Member's comment on those individuals who were economically inactive and his suggestion that a reduction in the unemployment rate, may not automatically mean an increase in employment, and if the figures were checked against data from Her Majesty's Revenue and Customs (HMRC). She stated that the information used was from the Office for National Statistics (ONS), but she would ensure that the information correlated with other such sources and be sent to Members. She would also send the details of the funding for one of Exeter City Football Club's initiatives, designed to improve confidence and self-esteem.

Place Scrutiny Committee noted the report and supported a watching brief through an annual update on unemployment within the city, unless trends should change, and to work more closely with the Exeter & the Heart of Devon Employment & Skills Board and Innovation Exeter to increase skills levels, salary levels and productivity within the city.

## 10 **Support for Small Businesses**

The Economy and Enterprise Manager presented the report which updated Members on the progress made in expanding the contract for 2016/17, to cover Exeter and the Heart of Devon area and update plans for the management of the contract for the 2017/18 period. It was also important to ensure that there was a fit for purpose business support, advice and guidance for the residents of the Exeter and the Heart

of Devon area to gain free advice and guidance on setting up a new business, and improving the prospects of an existing business.

An update was provided on the support provided by the Business Information Point (BIP) who run Business Boost, which offered a range of free advice and support across the city and in the travel to work area, including business viability evaluation, business health check, marketing reviews, social media support and financial advice. In order to secure the best value for the four local authorities, the Business Boost contract would be retendered in order to deliver payment by results, rather than at a set annual fee. Mid Devon District Council would lead on procuring the new contract and had with a maximum budget of up to £100,000, but that figure could reduce significantly. Discussions were ongoing with additional business support providers to avoid any duplication.

A Member welcomed the Pop-Up Shop Initiative, which seemed to offer new business opportunities for a relatively small investment by all parties and he enquired if this was still in use due to the number of vacant shops. The Economy and Enterprise Manager stated that the scheme had worked well, and a new Project Officer would be working to develop the Pop-Up shop concept at premises in Sidwell Street and South Street. The Member requested a report to the next meeting.

Place Scrutiny Committee supported the following:-

- (1) continuation by Exeter City Council to fund business support for embryonic, new and existing businesses in providing opportunities for individuals to secure the means of improving their financial position and promoting job creation, at a cost of £25,000; and
- (2) Officers within Exeter City Council's Growth and Enterprise Section be authorised to work with officers at Mid Devon District Council to negotiate a contract for up to £100,000 for the financial year 2017 – 2018. £25,000 had again been secured from each of the neighbouring local authority areas of East Devon, Mid Devon and Teignbridge to contribute to business support.

## 11 **Legacy Leisure Working Group Minutes**

The minutes of Legacy Leisure Working Group held on the 12 December 2016 were circulated for information.

Place Scrutiny Committee noted the minutes.

The meeting commenced at 5.30 pm and closed at 8.30 pm

Chair

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## **PUBLIC QUESTIONS RECEIVED for Place Scrutiny Committee – 12 January 2017 for Cllr Rob Hannaford**

### **Question for Place Scrutiny Committee From John Taylor**

**Could the St Thomas area of the PSPO map be extended to cover further areas of St Thomas, as many people requested at the meeting held in St Thomas on the 5 December 2016, when the operation of the Public Spaces Protection Order (PSPO) is reviewed after 6 months?**

#### *Response by Councillor Rob Hannaford, Portfolio Holder for Place*

*Councillor Rob Hannaford as Portfolio Holder for Place responded to the question. He advised that those Members who attended the open public meeting at St. Thomas on 5 December last year, recognised the strength of feeling from the audience. In their opinion, the proposed Public Spaces Protection Order (PSPO) boundary in St. Thomas should be widened to include public areas, where, there had recently been continuing anti-social behaviour, that had a detrimental impact on residents.*

*The Council, and certainly he, as both Lead Councillor for Place and also one of the Ward Councillors for St. Thomas, would be asking officers to work with the Police and collate information about the level and types of anti-social behaviour being experienced with a view to establishing whether there were grounds to extend the boundary of any PSPO (should it be approved), in the St. Thomas area. He stated that he would expect this to be carried out and a decision made within six months of the PSPO being implemented.*

*The Assistant Director Environment responded to a comment from Mr Taylor, and outlined the process. He confirmed that if the PSPO was approved by Full Council, on 21 February it would be implemented in June 2017. There would be a review of the PSPO reported back to Place Scrutiny Committee and also the Community Safety Partnership within six months of implementation, and this could include any recommendations to modify the PSPO, such as alterations to the boundary. He reiterated that if there was a justifiable case of severe anti-social behaviour taking place in St Thomas or any other area, Exeter City Council officers would work with the Police to coordinate the collation of evidence, and if the appropriate response was to extend the boundary, then a report would also be presented to Place Scrutiny Committee, Executive and Council with that recommendation in due course.*

**Question for Place Scrutiny Committee  
From Trish Oliver**

***As medical guidance states that people addicted to alcohol should not stop drinking “suddenly” due to the risk of seizures and death, how will this risk be managed?***

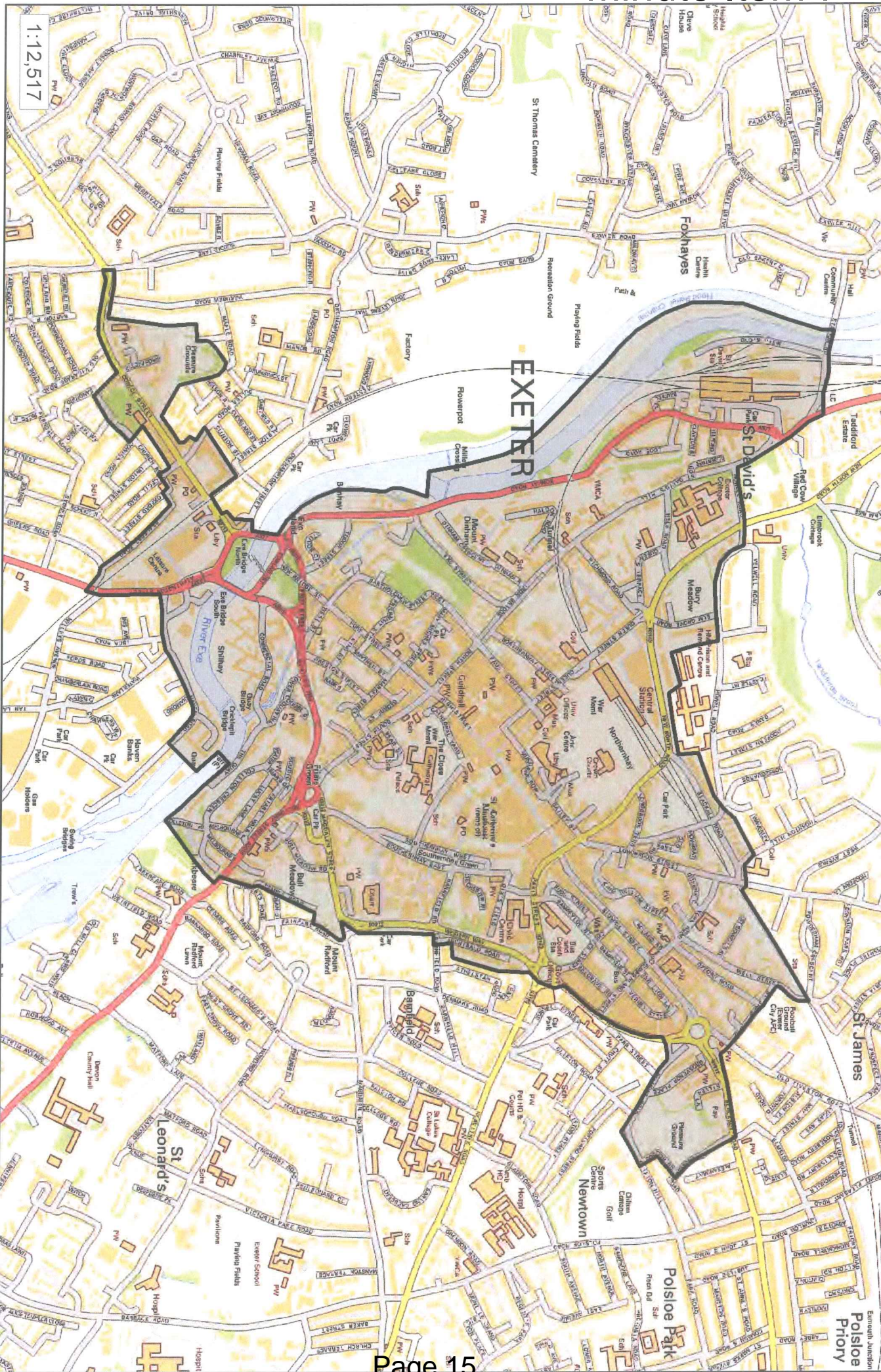
*Response by Councillor Rob Hannaford, Portfolio Holder for Place*

*Councillor Rob Hannaford as Portfolio Holder for Place responded to the question and referred to the risk management approach by the Council which would always include an empathy and understanding of the needs of an individual’s addictions. He stated that there was very little risk that a person addicted to alcohol would find themselves subject to an enforced abstinence, as a consequence of any Public Spaces Protection Order (PSPO) being implemented in the City Centre. It was important to understand collectively about the complexity of addiction and how the individual could be on a journey to reduce or change their drinking habits, and to offer the appropriate support through a variety of outreach and partnership working.*

*The PSPO was designed to reduce anti-social drinking in public places, such as in a park or on a street corner. Anyone with an addiction to alcohol could avoid an intervention under the powers of the PSPO and be able to consume alcohol if they did so within a building, at a licensed premises, or outside the boundary of the PSPO. They were only likely to risk an intervention if they choose a public space that brought them in to conflict with other users of that space, and he hoped that they would be unlikely to face an intervention if they chose a discreet place out of public gaze where such conflict with other users did not occur.*

*The Assistant Director Environment stated that the PSPO powers in relation to alcohol, were a continuation of the current Designated Public Places Order (DPPO) which had been in place since 2005 to help reduce problematical street drinking in the city centre, and interventions under the DPPO had been pragmatic and proportionate. This style of police intervention was unlikely to change should the PSPO replace the DPPO (which by law had to take place by October 2017). He was not aware of any negative impacts on an individual’s health caused by the implementation of the DPPO, in fact the DPPO and the PSPO should it replace it, were more likely to have a positive impact, because any intervention was likely to diminish the total amount of harmful over-consumption of alcohol that day for someone with an addiction to alcohol.*

*Ms Oliver thanked Councillor Hannaford for the reply, but stated that she was still concerned with the likely approach. Councillor Hannaford invited Police Inspector Simon Arliss for the city centre to speak. He echoed the views of Councillor Hannaford and the Assistant Director Environment, and agreed it was about working closely with other partners to offer a solution, rather than a punitive action.*



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## APPENDIX 1B

### Prohibitions and actions contained in Public Spaces Protection Order (PSPO)

Person(s) within this PSPO area, whilst situated in the street or other public space where the public have access without payment, shall:

- A. Surrender any intoxicating substance in their possession to an authorised person on request, if they are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances, or are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, where the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.**

#### **Notes**

*Intoxicating Substances is given the following definition (which includes Alcohol and new psychoactive substances [NPS] that are commonly referred to as 'legal highs'): substances with the capacity to stimulate or depress the central nervous system.*

*Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances fall within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.*

*An authorised person shall be a Police Constable, Police Community Support Officer or authorised Exeter City Council Officer, who must be able to present their authority upon request.*

#### **A. Not urinate in a street or public open space.**

*The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment.*

*Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council, and with its agreement.*

#### **B. Not carry out aggressive begging.**

*Aggressive begging is defined as behaviour that a reasonable person would regard as intimidating and which is designed to cause a member of the general public to offer money to a person not known to them.*

*Exeter City Council would define that behaviour as:*

*(1) clearly intimidating, i.e. through the use of threatening language or gestures, or*

*(2) intimidating by being passive aggressive, such as standing or sitting in close proximity (i.e. within 5 metres) to a cash machine or pay station either singly or in a group of two or more, where people expect privacy and/or feel vulnerable with their money, bank cards, wallets or purse on display.*

## APPENDIX 1B

- C. Not behave (either individually or in a group of two or more people) in a manner that has caused or is likely to cause a member of the public to suffer harassment, alarm or distress by that behaviour.**
- D. Persons within this area who breach Prohibition D while in a group shall when ordered to do so by an authorised person disperse either immediately or by such time as may be specified and in such a manner as may be specified.**

*The manner specified by the authorised person may include a requirement not to re-enter a defined zone within the PSPO area until a certain time, which shall be no later than 6 hours from the time that an authorised person orders persons in a group to disperse.*