

NEIGHBOURHOOD SERVICES COMMITTEE

AGENDA



Friday 31 July 2020

at 11.30 am

in the Council Chamber,
Civic Centre, Hartlepool

PLEASE NOTE: this will be a 'remote meeting', a web-link to the public stream will be available on the Hartlepool Borough Council website at least 24 hours before the meeting.

MEMBERS: NEIGHBOURHOOD SERVICES COMMITTEE

Councillors S Akers-Belcher, Cassidy, Hunter, James, Little, Prince and Tennant.

1. **APOLOGIES FOR ABSENCE**

2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

3. **MINUTES**

- 3.1 To receive the Minutes and Decision Record of the meeting held on 13 March 2020 (*previously circulated and published – attached for information*).

4. **BUDGET AND POLICY FRAMEWORK**

- 4.1 No items.

5. **KEY DECISIONS**

- 5.1 Local Transport Plan Scheme Update – *Interim Assistant Director (Place Management)*
- 5.2 Public Space Protection Orders (PSPO's) – *Interim Assistant Director (Regulatory Services)*



6. OTHER ITEMS REQUIRING DECISION

- 6.1 Allotment Service Review and Dispute Resolution Process – Risks and Legal Implications – *Assistant Chief Solicitor and Deputy Monitoring Officer*

7. ITEMS FOR INFORMATION

No items.

8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

FOR INFORMATION

Date of next meeting – to be arranged.



NEIGHBOURHOOD SERVICES COMMITTEE

MINUTES AND DECISION RECORD

13 MARCH 2020

The meeting commenced at 11.00 am in the Civic Centre, Hartlepool.

Present:

Councillor John Tennant (In the Chair);

Councillors: Stephen Akers-Belcher, Tom Cassidy, Dave Hunter, Marjorie James, Sue Little and Amy Prince.

Also Present: Councillor Lesley Hamilton (Vice-Chair of Audit and Governance Committee)
Councillor Tony Richardson.

Officers: Tony Hanson, Assistant Director, Environment and Neighbourhood Services
Sylvia Pinkney, Head of Public Protection
Sarah Scarr, Heritage and Countryside Manager
Kieran Bostock, Transport and Infrastructure Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Angela Armstrong, Scrutiny Support Officer
Steve Hilton, Communications Team
David Cosgrove, Democratic Services team

59. Apologies for Absence

None.

60. Declarations of Interest

None.

61. Minutes of the meeting held on 21 February 2020

Received.

62. Anti-Social Behaviour in Hartlepool – Final Report (Vice-Chair of Audit and Governance Committee)

Type of decision

Non-key Decision.

Purpose of report

To present the Audit and Governance Committee's finding following completion of its investigation into Anti-Social Behaviour in to Hartlepool.

Issue(s) for consideration

The Vice-Chair of the Audit and Governance Committee presented the final investigation report and recommendations agreed by the Audit and Governance Committee at its meeting on 5 March 2020 which had been circulated to the Members of the Committee. The report was also to be presented to the Safer Hartlepool Partnership at its meeting on 20 March 2020.

The next steps in the process would involve the development of a detailed Action Plan to allow the Committee to formulate an informed view on each of the recommendations in the investigation report. Whilst the Committee's response to the report would normally be submitted to the Audit and Governance Committee within 28 days of its receipt, it was recognised that this would not be possible in light of the forthcoming elections and purdah. The Committee was requested, therefore, to receive the report and at its first meeting of the new Municipal Year formulate a response to its recommendations, based upon the Action Plan provided. The Committee's response to the report would then be submitted to the Audit and Governance Committee and the implementation of its recommendations monitored on a six monthly basis.

Decision

That the report be received pending consideration of a detailed Action Plan at the Committee's first meeting of the new municipal year to consider the implementation of the report's recommendations.

63. 5 Year Highway Maintenance Programme *(Assistant Director, Environment and Neighbourhood Services)*

Type of decision

Key Decision test (i) and (ii) applies. Forward Plan Reference No. RN01/20.

Purpose of report

To seek approval for a 5 year Highway Maintenance Programme, determined by carriageway condition surveys and following Department for Transport recommended asset management processes.

Issue(s) for consideration

The Assistant Director, Environment and Neighbourhood Services reported that for the financial year 2020/2021 the capital grant allocation for highway maintenance was expected to be broadly similar to 2019/20 (£1,188,000), though this was yet to be confirmed by government. The new 5 year programme had been prepared assuming a similar level was to be allocated each year.

Due to the large number of roads having the same condition rating, results were also supplemented by rating assessments carried out in house on the basis of Highway Inspector's reports to determine the schemes that should be given priority within the 5 year programme. Consideration had also been given to requests received from members of the public and Elected Members, through the Community Forums or directly to Officers.

Appendices to the report set out the programme of works proposed.

Decision

1. That the proposed programme, as set out in the appendices to the report be approved, and it was noted that this would fully commit the funding available in 2020/2021.
2. That any changes to the proposed programme be delegated to the Director of Regeneration and Neighbourhoods, in consultation with the Chair of Neighbourhood Services Committee.

64. Local Transport Plan 2019/20 Outturn and 2020/21 Programme *(Assistant Director, Environment and Neighbourhood Services)*

Type of decision

Key Decision test (ii) applies. Forward Plan Reference No. RN 02/20.

Purpose of report

To inform the Neighbourhood Services Committee of the progress made under the Local Transport Plan delivery programme during 2019/2020, and to identify potential schemes for 2020/2021.

Issue(s) for consideration

The Assistant Director, Environment and Neighbourhood Services reported that the third Local Transport Plan (LTP) 2011-2026, set out how a safe and sustainable transport system could be delivered within Hartlepool. The strategy was not limited to the five year timescale of previous LTP's but was designed to look towards 2026 and evolve over this period. This extended timescale ensured that the LTP was aligned with regional strategies and local development frameworks.

In March 2015, the final year of the LTP Delivery Plan (2011-2015) was completed. A subsequent LTP Strategic Delivery Plan (2015-2021), had already been approved at the Neighbourhood Services Committee meeting on 16th March 2015, covering the 6 year period, (indicative allocations only, for the final 3 year periods) which were set out in Appendix 1 to the report. Year 5 (2019/2020) of the Strategic Delivery Plan (2015-2021), would be completed in March 2020, and Year 6 (2020/21) would commence in April 2020. Appendix 2 to the report detailed the works delivered during 2019/2020, and also included proposed schemes for 2020/2021 (subject to further committee reports where necessary).

A new Strategic Delivery Plan would be developed over the coming year for approval in 2021, once an indication had been forthcoming from government on the future direction of Local Transport Plans.

Decision

1. That the works / schemes delivered during 2019/2020 be noted, and the proposed budget breakdown for 2020/2021 be approved as set out in the appendices to the report.

2. That any changes to the proposed programme be delegated to the Director of Regeneration and Neighbourhoods, in consultation with the Chair of Neighbourhood Services Committee.

65. Allotment Review Update (*Assistant Director, Environment and Neighbourhood Services*)

Type of decision

Key Decision – Test (ii) – General Exception Notice applies.

Purpose of report

To consider the referral from Full Council on the 12th September 2019 for this Committee to carry out a review of the Authority's Allotment Service and consider the opportunities available to bring forward proposals for the development of a sustainable funding structure to support the Allotment Service, and more recently a referral from Full Council 20th February 2020 when it was agreed by Members that a report would be submitted to the Neighbourhood Services Committee before the end of the municipal year and the issue in relation to the location of allotments in the departmental structure would be considered at the next meeting of the Finance and Policy Committee.

Issue(s) for consideration

The Assistant Director, Environment and Neighbourhood Services reported that following the Council referrals a number of changes to allotment rules and regulations and site management were proposed. There had been a Members' Seminar and meetings of the Allotments Focus Group where, following the comments of allotment holders, it had been agreed that any changes proposed would not be introduced until 1 April 2021 and not 2020 as stated in the report.

The changes proposed were detailed more fully in the report and briefly included the following amendments: -

- Once a person becomes a registered partner on a plot, they may not become a partner on any further plots and plot allocation would be restricted to one plot per person.
- Allotment Associations would be required to provide information on how they were run, details of members and appointments and their financial accounts.
- There were currently no allotment sites in Hartlepool that were self-managed, though Woodcroft had been for a ten year period from 2003. It was proposed that officers would look to promoting self-managed sites.

- Clarification would be provided in the rules that would allow the inspection of allotments and any sheds, greenhouses etc for reasons such as; animal welfare, chemical storage, Health and Fire safety, tenancy/land management while not interfering with an allotment holders 'quiet use and enjoyment of their allotment garden'.

Members welcomed the prevention of sub-letting which had been the cause of some significant issues and the inspection of allotments to prevent criminality and to ensure fire safety and health and safety. There was concern at the original intention to introduce the new rules from this April but Members supported the proposed date of 1 April 2021. Members did seek additional information on subletting and the Assistant Director stated that he would supply Members with those details following the meeting.

Members noted the reference to the changes to the management structure approved at Finance and Policy Committee but stated that without full details of those decisions, which were not available in the meeting, no note could be taken of them, so reference to them should be removed.

In terms of the dispute resolution process, some concern was expressed at the inclusion of an independent Chief Officer reviewing the process in light of their already high workloads. It was suggested that after the Chief Officer review stage, an additional stage should be introduced where Members had an opportunity to determine a resolution to any complaints. It was suggested that this be through the Audit and Governance Committee. Complainants would still have the opportunity to refer the matter to the Local Government Ombudsman after such process. This addition to the resolution process was agreed by Members on a majority vote.

In relation to the inspection of allotment sites, there were a number of allotment holders present at the meeting who considered this to be a move too far and there was a lengthy debate on the pros and cons of inspections. Members acknowledged the reluctance of some allotment holders but considered the inspections appropriate in light of the Council's duties in relation to fire safety at allotment sites and ensuring the Fire Brigade had the right information on chemicals and Gas bottles that may be on the site. There were also issues around the general storage of gas bottles and chemicals that the authority had to be aware of in light of its duty to protect the wider general public. The Assistant Director assured Members and allotment holders that this was not a means to get at allotment holders and was likely to be used sparingly, however, it was essential to allow officers to carry out their duties appropriately.

Decision

1. That the proposed changes to the Allotment Rules and Regulations of Tenancy as outlined in the report be approved.

2. That the proposal to introduce a dispute resolution process involving a Chief Officer as detailed in the report be approved with the addition of a referral to the Audit and Governance Committee for the final consideration of a complaint/dispute by a Member Sub Committee.
3. That the proposal to move the service to Adults and Community Based Services department, that had been considered in a separate report to the Finance and Policy Committee and referred to full Council, be noted.

66. Review of Civil Enforcement Provision (*Assistant Director, Environment and Neighbourhood Services*)

Type of decision

Non-key decision.

Purpose of report

On 31st October 2019, Full Council referred the following motion to Neighbourhood Services Committee:

“That the Neighbourhood Services Committee explore the costs and delivery of introducing two separate enforcement teams, as part of this year’s budget process.”

On 17th January 2020 Neighbourhood Services Committee it was agreed by this Committee:

“That a report be provided to this Committee, prior to the end of the current municipal year, in relation to the costs and delivery of two separate enforcement team’s in relation to dog fouling and littering.”

The purpose of the report was to enable Elected Members to consider the review.

Issue(s) for consideration

The Assistant Director, Environment and Neighbourhood Services reported that the Civil Enforcement Team was made up of a Team Leader, two Supervisors and eight Civil Enforcement Officers with an annual cost of £239,000. However, over the last twelve month period there had been a number of vacant Civil Enforcement Officer posts and as such the team had only been fully staffed since the beginning of February 2020.

Over recent months Officers had been in discussions with Thirteen Group who had offered to fund two additional civil enforcement officer posts for period of eighteen months. While these additional posts would carry out the full range of duties, as part of the pilot project with Thirteen Group, the additional resource would be directed to, and dedicated towards,

environmental enforcement work such as littering, dog related offences and fly tipping.

The report considered the suggestion to create two enforcement teams and how that could be achieved and the Assistant Director highlighted there would be a significant additional cost associated with that.

Members considered that two separate enforcement teams could not be justified but did wish to see greater enforcement in relation to dog fouling as this was the primary issue for the public. Members acknowledged the issues enforcement officers could have when dealing with members of the public but an ability to deal with confrontation was a key part of the role. It was suggested that an increased use of bodycams would help in this regard. The Assistant Director stated that officers were working with staff in the team on improved monitoring and increased enforcement. Members reinforced their total support to staff should they be subject to any threatening behaviour or abuse to follow that through to prosecution if necessary.

The Assistant Director highlighted the use of the FirmStep software utilised by the Council for the recording of service requests through the website and the Contact Centre. These reports could be forwarded onto enforcement officers out on duty and those officers could also use it to report other issues into the department.

The Assistant Director suggested that in light of the new posts in partnership with Thirteen, and the changes being introduced that a further update report be brought to Members in six months' time.

Decision

1. That the additional officers being recruited to the service as part of a pilot project with Thirteen Group be noted and that consequently no further changes are carried to this service at present;
2. That Members receive an update report on progress in 6 months;
3. That approval be given to a campaign being undertaken to encourage the public to provide us with more detailed information to allow us to be more effective in this role.

67. Any Other Items which the Chairman Considers are Urgent

None.

The Chairman closed the last meeting of the Committee in the Municipal Year by commenting that much had been achieved in the service over the

year and by thanking Members and Officers for their input into making this the case.

The meeting concluded at 12.30 pm.

H MARTIN

CHIEF SOLICITOR

PUBLICATION DATE: 25 MARCH 2020

NEIGHBOURHOOD SERVICES COMMITTEE

31st July 2020



Report of: Interim Assistant Director (Place Management)

Subject: Local Transport Plan Scheme Update

1. TYPE OF DECISION/APPLICABLE CATEGORY

- 1.1 Key Decision test (i) and (ii) applies. Forward Plan Reference No. RN05/20.

2. PURPOSE OF REPORT

- 2.1 To seek approval for a delivery programme of safety schemes across Hartlepool for financial year 2020/2021.

3. BACKGROUND

- 3.1 Neighbourhood Services Committee approved the Local Transport Plan (LTP) for 2020/21 at committee on 13th March 2020.
- 3.2 Within this report a number of Local Safety and Safer Routes to School schemes were proposed for delivery in 2020/21. The impact of Covid-19 has also meant that a small number of schemes from 2019/20 have been carried forward, with the A689 cycleway works recommencing in early July and Springwell/ St. Teresa's School schemes due to start during the summer holidays so as to minimise disruption.
- 3.3 Safety schemes are requested from residents and Elected Members across the Borough and are also identified through a review of accident statistics.
- 3.4 The level of demand for safety schemes exceeds the Local Transport Plan budget and as such a scrutiny assessment is undertaken by the team to develop the preferred list of schemes within the budget. Analysis of each request is undertaken based on factors such as accident data, speed survey results, the presence of a school/ playground, higher pedestrian usage, and community concerns raised.

- 3.5 Accident figures are scored on a points system whereby 3 points are allocated for an accident classified as fatal, 2 for serious and 1 for slight, to assist with the prioritisation process.
- 3.6 Accident levels within Hartlepool are currently at their lowest ever and it is therefore becoming more difficult to identify schemes based on just accident data alone. Cluster sites are becoming rarer, as are accidents where engineering measures can be implemented to mitigate against them. Information continues to be reviewed and problem sites are addressed appropriately.

4. PROPOSALS

- 4.1 A programme of potential safety schemes has been developed as detailed below. This builds on the prioritisation approach approved at Committee in October 2019.
- 4.2 As well as a review of the accident data, a high number of schemes have also been requested from both Elected Members and residents. These requests considerably exceed the budget available and as a result it is only possible to enable some schemes to be taken forward this financial year.
- 4.3 All potential schemes have been included on the list at **Appendix 1**, and prioritised using the criteria outlined in Section 3. Whilst the schemes recommended for 2020/21 have been allotted a budget, it is acknowledged that through detailed design changes may be required. Therefore it is possible that further scheme(s) may be brought forward on the list should the main programme come in under budget.
- 4.4 Similar to the Highway Resurfacing programme, this list is live and new requests are invited for consideration throughout the year.
- 4.5 Detailed designs on the proposed schemes are still required and these will be progressed should Committee approve the proposed 2020/21 schemes.

Safety Scheme Programme

- 4.6 **Raby Road (Hart Lane – Chester Rd)** (*Budget estimate £30k*) – A busy approach road to the town centre, which has seen 3 serious accidents and 2 slight over a relatively short length of road (300m). A number of local shops along the road lead to increased pedestrian activity and car parking manoeuvres, and the proposed scheme would see the formalisation of parking bays along with improved and additional pedestrian crossing points. These would incorporate physical build outs where feasible, to reduce crossing width and encourage slower vehicle speeds. The carriageway centre line would be relocated to give two clear running lanes, along with the installation of electronic signage, and guard rail to prevent pedestrians crossing directly across junctions.

- 4.7 **Raby Road (Chester Rd – Powlett Rd)** (*Budget estimate £40k*) – A further section to that detailed in 4.6, with 1 serious accident and 3 slight. The presence of Dyke House Sports and Technology College along with shops at each end give the road a more congested feel than others of a similar nature.

The proposed scheme would provide right turn arrangements at key junctions to ease traffic flows and improve turning manoeuvres, along with the refreshing of the existing central hatching.

There are also a number of footpath links which emerge from the estates on either side, and short sections of fencing will be installed to prevent pedestrians from entering straight into the carriageway. Additional pedestrian islands and improved crossing points/ dropped kerbs will also be investigated.

- 4.8 **Lansdowne Road** (*Budget estimate £25k*) – A residential street which has seen 2 serious accidents. Traffic calming installed in the adjacent Osborne Road in recent years may have led to traffic being displaced into Lansdowne Road, and this will need to be assessed for further reallocations in the future. A road hump scheme is proposed to reduce vehicle speeds, and this will incorporate a raised table at the junction with Lister Street.
- 4.9 **Elwick School Safety Scheme** (*Budget estimate £25k*) - The Council has had a programme of school safety schemes for several years now, and Elwick School is one of the few remaining locations where a scheme has yet to be implemented. Concerns have been raised by parents, Ward Members and the school itself about the speed of traffic and difficulties crossing the road, and a scheme is to be developed to address these. This scheme will be funded from a specific School Safety Scheme budget, rather than the main stream local safety scheme pot.

5. CONSULTATION

- 5.1 Consultation will be undertaken on all schemes where residents/ businesses are directly affected. Should objections be received in line with the constitution then these will be reported back to Committee for further consideration.

6. FINANCIAL CONSIDERATIONS

- 6.1 The scheme estimates total approximately £120,000 and will be funded from the Council's Local Transport Plan.

7. LEGAL CONSIDERATIONS

- 7.1 A Traffic Regulation Order will be required for traffic calming (speed humps etc.) and yellow lines where identified.

8. OTHER CONSIDERATIONS

Risk Implications	No relevant issues
Child/Family Poverty Considerations	No relevant issues
Equality and Diversity Considerations	No relevant issues
Section 17 of The Crime And Disorder Act 1998 Considerations	No relevant issues
Asset Management Considerations	No relevant issues

9. STAFF CONSIDERATIONS

- 9.1 All schemes will be designed through the Councils internal Engineering services.

10. RECOMMENDATIONS

- 10.1 That Members note continuation of the oversubscribed LTP budget and the requirement for prioritisation.
- 10.2 To note that the list proposed is live and further scheme(s) may be deliverable should savings within the 2020/21 programme be identified.
- 10.3 That the proposed safety scheme programme be approved for 2020/21.
- 10.4 It is recommended that Committee approves any changes to the proposed programme be delegated to the Director of Regeneration and Neighbourhoods, in consultation with the Chair of Neighbourhood Services Committee.

11. REASONS FOR RECOMMENDATIONS

- 11.1 To reduce casualties and improve road safety in Hartlepool.
- 11.2 To allow for the prioritisation of schemes when demand exceeds the budget.

12. BACKGROUND PAPERS

12.1 None.

13. CONTACT OFFICER

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LOCATION	SCHEME	ACCIDENTS	POINTS	SPEED DATA (85th %ILE)
Raby Rd (Hart Lane – Chester Rd)	Safety scheme	3 serious, 2 slight	8	None
Raby Rd (Chester - Powlett)		1 serious, 3 slight	5	None
Lansdowne Road	Road humps	2 serious	4	None
Skelton Street	Road humps	2 serious	4	None
Mowbray Road	Build outs	1 serious, 2 slight	4	None
Blakelock Gdns (Shrewsbury St area)		4 slight	4	None
Easington Rd/ Hartville Rd	Pedestrian Island	1 serious, 1 slight	3	None
Rossmere Way	Island/ crossing/ build outs	1 serious, 1 slight	3	35mph
King Oswy Drive (Top section)	Build outs	1 serious, 1 slight	3	None
Hart Lane	VAS	3 slight	3	38mph
Coronation Drive	Crossing at Warrior Drive	1 serious	2	43mph (In 40mph limit)
Jesmond Road	Pinch points/ cycle lane	1 serious	2	None
Blakelock Rd		2 slight	2	None
West View Rd (East of Brus)		2 slight	2	None
Merlin Way (A179 – Osprey)		1 slight	1	36mph
Maritime Ave	Traffic calming (Residential area)	1 slight	1	30mph
Elwick Rd/ Dunston Rd	R'dabout/ access improvements	1 slight	1	None
Warren Road (East)	Road humps	1 slight	1	None

Chester Rd/ Thornhill Gdns	Road humps	1 slight	1 None
Fernwood Avenue	Road humps	1 slight	1 None
Clavering Road	Raised platform at bend	1 slight	1 None
Westbrooke Ave	Traffic calming		0 33mph
Valley Drive	Road humps		0 32mph
Clifton Avenue	Road humps		0 30mph
Elwick Rd/ Egerton Rd	Raised platform at bend		0 None
Elwick Rd/ Elwick Rise Area	Pedestrian Island		0 None
Ventnor Avenue	Speed Humps		0 29mph
Sinclair Road	Road humps		0 28mph
Southbrooke Avenue	Road humps		0 None
Dalkeith Road	Road humps		0 None
Macaulay Road	Road humps		0 27mph
Tristram Avenue	Road humps		0 None
North Lane, Elwick	Traffic calming		0 None
Tanfield Road	Road humps		0 25mph
Dowson Rd	Road humps		0 21mph
Jones Road	Road humps		0 20mph
Avondale Gardens	Road humps		0 None
Dalton Piercy	Traffic calming		0 None
Miers Ave (W)	Traffic calming		0 None
Allendale St/Berwick St/ Carlisle St/ Farndale Rd	Road humps		0 None
Westwood & Woodstock	2 x zebra crossings		0 None
Spalding Rd	Road humps		0 None

Sandbanks Drive	Road humps	0 None
Garside Drive	Road humps	0 None
Honiton Way	Road humps	0 None
Primrose Road	Road humps	0 None
Dunbar Rd	Road humps	0 None
Seaton Lane Service Road	Road humps	0 None
Philips Rd/ Daley Close	Road humps	0 None
Thirsk Grove	Road humps	0 None
Brough Court	Road humps	0 None
Hayfield Close	Road humps at entrance of street	0 None
Clifford Close	20mph limit and road humps	0 None

**5 Year Figures (Aug '15 – July '20)*

NEIGHBOURHOOD SERVICES COMMITTEE

31st July 2020



Report of: Interim Assistant Director (Regulatory Services)

Subject: PUBLIC SPACES PROTECTION ORDERS (PSPO's)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (Test (ii)) – General Exception applies.

2. PURPOSE OF REPORT

2.1 To seek approval for the commencement of the renewal process for Public Spaces Protection Orders (PSPO's) already in place.

2.2 To consider what further PSPO's are, or may be, required.

3. BACKGROUND

3.1 Public Spaces Protection Orders (PSPO's) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and give local Councils additional optional powers to deal with anti-social behaviour.

3.2 Councils can use PSPO's to prohibit specified activities and/or require certain things to be done in defined locations in order to stop or prevent anti-social behaviour.

3.3 The breach of a PSPO is a criminal offence but can be dealt with through the issue of a Fixed Penalty Notice (£100).

3.4 Councils may only introduce PSPO's where there is, or there is likely to be, persistent anti-social behaviour in a particular location or area.

3.5 PSPO's have a maximum duration of three years but may be renewed for a further three years indefinitely.

3.6 PSPO's are not intended to be used to tackle specific individuals or properties (other powers exist for such purposes) but rather identified anti-social behaviour problems in known locations.

3.7 Existing PSPO's in Hartlepool

- 3.8 When the Anti-social Behaviour, Crime and Policing Act 2014 was first introduced it automatically replaced a number of legal controls that were in place at that time, including Dog Control Orders and Gating Orders.
- 3.9 These PSPO's are due to expire in October 2020 and, as such, it is necessary to consider whether they should be renewed.
- 3.10 Two additional PSPO's relating to dog control (length of dog leads and 'proof of means to pick up') were introduced last year and, although they are not due to expire in October 2020, it is proposed that they are renewed with the others, so that all PSPO's run to the same timetable.

4. **PROPOSAL**

4.1 Dog Control

4.2 There are currently 7 dog-related PSPO's in Hartlepool, namely:

- Dogs On Leads – dogs may enter the specified area but only if they are held on a lead;
- Dog Exclusion – dogs may not enter a specified area;
- Dog On Lead By Direction Order – An authorised officer can instruct a person responsible for a dog to put it on a lead if it is causing a nuisance. This order applies to the whole town;
- Fouling Of Land – The person responsible for a dog must clean up its faeces forthwith. This order applies to the whole town;
- Specified Maximum Number Of Dogs – Any one person may take out up to a maximum of 4 dogs at any one time. This order applies to the whole town;
- Restricted Lead Lengths – Dog leads are limited to 1.5 metres in length in all cemeteries; and
- Proof of Means to Pick-up - The power for authorised officers to request proof that a dog walker has the means to pick up their dog's faeces. This order applies to the whole town.

4.3 Whilst most of the above originate from Dog Control Orders and therefore need to be renewed in October, some were introduced last year and do not need to be renewed so soon. However, for efficiency reasons and to streamline the consultation process for all concerned, it is proposed that they are all reconsidered now and, if appropriate, they are all renewed in October 2020 – providing a common renewal date for all PSPO's in future.

4.4 Gating Orders

4.5 The Committee will be aware that there are a large number of alleygates in Hartlepool – most of which were installed to help combat crime and anti-social

behaviour that was facilitated by the easy and unrestricted access to back alleys.

- 4.6 As back alleys are legally regarded as highways, the installation of a gate obstructs that highway and, as such, authorisations must be in place to allow for that obstruction to take place lawfully.
- 4.7 Prior to the introduction of the Anti-social Behaviour, Crime and Policing Act 2014, this was done by means of 'Gating Orders'.
- 4.8 These Gating Orders automatically became PSPO's in 2017 and therefore they must be renewed in October 2020 for them to continue to have effect.
- 4.9 If the PSPO covering alleygates is not renewed in October, all alleygates covered by the Order would need to be left open so as not to illegally obstruct the highway.
- 4.10 Drink Banning Orders
- 4.11 There are currently no legal restrictions in place in Hartlepool that prevent the consumption of alcohol in public areas.
- 4.12 Controlling the public consumption of alcohol in defined areas can be achieved by means of a PSPO but enforcement of the controls must be in accordance with procedures detailed in the Anti-social Behaviour, Crime and Policing Act 2014.
- 4.13 These procedures, detailed in Section 63 of the Act, require any individual who is consuming alcohol in a designated area to stop drinking, or hand over their drink, when asked to do so by a Police Officer or other authorised person. Only if they fail to comply with that request would the individual be in breach of a PSPO and be liable to either prosecution or a Fixed Penalty Notice.
- 4.14 It can therefore be seen that a PSPO does not automatically create an offence of consuming alcohol in a designated area. The offence only occurs where the individual does not comply with a request to stop, or to hand over their alcohol, by an authorised officer.
- 4.15 Nevertheless, signage that a PSPO is in place in a designated area is a legal requirement and, as such, the presence of a PSPO would be advertised to everyone in an area and this may have a deterrent effect - especially where any 'offender' may be required to hand over any alcohol they may have in their possession.
- 4.16 Whilst it is recognised that there will likely be demands for the prohibition of consumption of alcohol in some public spaces, the law and the statutory guidance both state that PSPO's may only be introduced where there is sufficient and suitable evidence to support them. As such, any proposals

received for alcohol related PSPO's will, by necessity, require the gathering and consideration of evidence.

- 4.17 It is proposed that Members and key partners are consulted to establish whether any alcohol related PSPO's are needed and, if so, the evidence for such can be obtained and considered.

4.18 Other PSPO's

- 4.19 PSPO's can be introduced to help tackle persistent anti-social behaviour in any identified area and it may be that there are ongoing problems that could be addressed by the introduction of new PSPO's.

- 4.20 In addition to consultation on banning the consumption of alcohol in designated areas, it is proposed that Members and key partners be consulted to establish whether PSPO's could be a useful tool to help prevent ongoing issues – whilst recognising the statutory limitations within which PSPO's may be introduced and the necessity for sufficient evidence being available.

5. RISK IMPLICATIONS

- 5.1 If the PSPO's currently in force are not renewed in October 2020 they will cease to have effect.

6. FINANCIAL CONSIDERATIONS

- 6.1 The renewal of existing PSPO's, and the introduction of new ones, requires consultation and the erection of appropriate signage etc. The actual cost is dependent on how many PSPO's are renewed/introduced. If all PSPO's renewals and proposals are introduced the costs will be funded from the existing revenue budget.

7. LEGAL CONSIDERATIONS

- 7.1 There is a legal requirement that PSPO's may only be renewed or introduced where there is sufficient relevant evidence to justify it. The gathering and consideration of such evidence would form part of the renewal/introduction process and be reported back to this committee.

8. CONSULTATION

- 8.1 Consultation on the renewal and introduction of PSPO's is a statutory requirement and would involve Members, Cleveland Police, key partners and the general public.

9. STAFFING CONSIDERATIONS

- 9.1 Responsibility for the enforcement of the current PSPO's lies with the Police and the Council's Civil Enforcement Team. The renewal of existing PSPO's will not create any additional staffing demands but the introduction of new ones will inevitably have an impact.

10. ASSET MANAGEMENT CONSIDERATIONS

- 10.1 The Council owns a large number of alleygates and should the PSPO that allows them to be used not be renewed, the alleygates would become irrelevant and unusable.

11. RECOMMENDATIONS

- 11.1 That Committee approves the commencement of consultation with a view to the renewal of all existing Public Space Protection Orders.
- 11.2 That Committee approves the commencement of consultation with a view to establishing whether any new Public Space Protection Orders are required.

12. REASONS FOR RECOMMENDATIONS

- 12.1 The renewal of the existing Public Space Protection Orders will allow the Council to continue to enforce various dog control measures in Hartlepool and permit the continued use of alleygates.

13. BACKGROUND PAPERS

- 13.1 Public Space Protection Orders – Neighbourhood Services Committee 13th June 2018
Public Space Protection Orders – Neighbourhood Services Committee 21st January 2019

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Neighbourhood Services Committee

31st July 2020



Report of: Assistant Chief Solicitor (Deputy Monitoring Officer)

Subject: ALLOTMENTS SERVICE REVIEW AND DISPUTE RESOLUTION PROCESS – RISKS AND LEGAL IMPLICATIONS

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key decision.

2. PURPOSE OF REPORT

2.1 To advise Members of the Committee of the risks and legal implications of their decision regarding the Allotment Services – Dispute Resolution Process made on the 13 March 2020.

3. BACKGROUND

3.1 On the 20th February 2020 a motion was presented to Full Council regarding the allotment service as follows:

“Given the recent interest in the application of policies and procedures for allotments, can Council resolve that Neighbourhood Services review the dispute resolution process in respect of allotments to specifically allow for a review stage outside of the department and such process must be completed before any eviction action is taken”

“Can it also be requested that the Head of Paid Service review the location of allotments in the departmental structure and consider designation of allotments to Adult and Community Based Services taking into consideration the impact allotment use has on individuals, community groups and associations in tackling isolation, family poverty and promoting wellbeing.”

3.2 Members approved the motion unanimously and it was agreed that a report would be submitted to Neighbourhood Services Committee and that the issue in relation to location of allotments within the departmental structure would be considered at the next meeting of the Finance and Policy

Committee. Furthermore it was confirmed that a report would be submitted back to Full Council before the end of the Municipal year, which unfortunately was delayed due to the impact of COVID-19.

- 3.3 At its meeting on the 13th March, 2020, the Neighbourhood Services Committee considered the report attached at **Appendix A**.
- 3.4 The report to Members set out the proposed changes to the Allotment Rules and Regulations of Tenancy, the proposal to introduce a dispute resolution process involving a Chief Officer.
- 3.5 At this meeting, Members of the Committee proposed amendments to the recommendations, and as such the following were approved:
 1. *That the proposed changes to the Allotment Rules and Regulations of Tenancy as outlined in the report be approved.*
 2. *That the proposal to introduce a dispute resolution process involving a Chief Officer as detailed in the report be approved with the addition of a referral to the Audit and Governance Committee for the final consideration of a complaint/dispute by a Member Sub Committee.*
 3. *That the proposal to move the service to Adults and Community Based Services department, that had been considered in a separate report to the Finance and Policy Committee and referred to full Council, be noted.*
- 3.6 The report also noted the proposal to move the service to Adult and Community Based Services be considered separately in a restructure report being considered at Finance and Policy Committee on 9th March 2020. That report was subsequently presented to that Committee and was approved by Members, and the Heritage and Countryside Section has now moved across from the Environment and Neighbourhood Department to Preventative and Community Based Services.

4. RISK / LEGAL CONSIDERATIONS

- 4.1 Before the recommendations regarding the dispute resolution process are referred back to Full Council, it is important that Members of the Committee are fully appraised of the risks and legal implications of the decision.
- 4.2 The revised/proposed process recommended by the Committee is as follows:
 - 1) Informal dialogue and negotiation with tenant
 - 2) 1st warning letter
 - 3) 2nd warning letter
 - 4) Notice to Quit issued by Officer
 - 5) Allotment holder has opportunity to apply to county court for injunctive relief
 - 6) A request to review the decision by a Manager.
 - 7) Review of decision by a Chief Officer from another department.

- 8) Corporate Complaints Procedure (where appropriate grounds apply, a corporate complaint can run alongside):
 - a. STAGE 1
 - b. STAGE 2
 - c. STAGE 3
 - 9) A referral to the Audit and Governance Committee
 - 10) Member sub committee
 - 11) Local Government and Social Care Ombudsman (LGSCO).
 - 12) Judicial review
- 4.3 This process is likely to take a significant period of time to conclude in the event that a tenant were to challenge a decision at every stage. This process will offer the tenant the maximum level of protection but it will undoubtedly inhibit the authority in responding appropriately to breaches and protecting others that are affected by those breaches.
- 4.4 The Authority has a duty to discharge its duties efficiently and this duty is enshrined within the Constitution. A failure to discharge duties efficiently is maladministration and is in itself subject to challenge by way of both the Ombudsman and Judicial Review.
- 4.5 The Ombudsman considers that the usual three stage complaint procedure is appropriate and in most cases expects complaints to be dealt with within 12 weeks. The proposed process does not allow for this.
- 4.6 The proposed process does not enable the local authority to respond appropriately and efficiently to complaints received regarding a tenant's breach of the rules. This inability to respond in a timely manner will leave the Authority susceptible to both an Ombudsman investigation and/or a judicial review. The process will likely contribute towards service failure and amount to maladministration.

5. OTHER CONSIDERATIONS

Financial Considerations	No relevant issues
Consultation	No relevant issues
Child/Family Poverty Considerations	No relevant issues
Equality and Diversity Considerations	No relevant issues
Section 17 of The Crime And Disorder Act 1998 Considerations	No relevant issues
Staff Considerations	No relevant issues
Asset Management Considerations	No relevant issues

6. RECOMMENDATIONS

- 5.1 It is recommended that Members note the content of this report and reconsider the recommendations taking into account the risks associated before the matter is referred back to Full Council.

7. REASONS FOR RECOMMENDATIONS

- 7.1 To ensure Members of the Committee are fully appraised of the risks and legal implications of the decision before the matter is referred back to Full Council.

8. BACKGROUND PAPERS

- 8.1 Finance and Policy Committee Report – 9th March 2020.

9. CONTACT OFFICER

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NEIGHBOURHOOD SERVICES COMMITTEE

13th March 2020



Report of: Assistant Director (Environment and Neighbourhood Services)

Subject: ALLOTMENT SERVICE REVIEW AND DISPUTE RESOLUTION PROCESS

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision – Test (ii) – General Exception applies.

2. PURPOSE OF REPORT

2.1 To consider the referral from Full Council on the 12th September 2019 for this Committee to carry out a review of the Authority's Allotment Service and consider the opportunities available to bring forward proposals for the development of a sustainable funding structure to support the Allotment Service, and more recently a referral from Full Council 20th February 2020 it was agreed by Members that a report would be submitted to the Neighbourhood Services Committee before the end of the municipal year and the issue in relation to the location of allotments in the departmental structure would be considered at the next meeting of the Finance and Policy Committee.

3. BACKGROUND

3.1 On the 12th September 2019 it was agreed at the meeting of Full Council:

“That the Neighbourhood Services Committee will bring forward proposals for the sustainable development of allotments to Finance and Policy Committee as part of the 2020/21 MTFS process which assumes the ongoing allocation of public health grant in order to ensure that allotment rents do not increase at a rate greater than inflation.”

3.2 Funding for the Allotment Service comes from the rental income generated by the plots. The current rent structure was introduced in April 2016. This is

based on a formula whereby tenants pay rent based on the size of the plot, along with a standard service charge of £25. As part of the MTFs Full Council agreed to mainstream £50k of funding using the General Fund saving arising from the Public Health grant, with rent increasing by inflation only for the foreseeable future.

- 3.3 On the 20th February 2020 a further motion was presented to Full Council regarding the allotment service as follows:

“Given the recent interest in the application of policies and procedures for allotments, can Council resolve that Neighbourhood Services review the dispute resolution process in respect of allotments to specifically allow for a review stage outside of the department and such process must be completed before any eviction action is taken.”

Can it also be requested that the Head of Paid Service review the location of allotments in the departmental structure and consider designation of allotments to Adult and Community Based Services taking into consideration the impact allotment use has on individuals, community groups and associations in tackling isolation, family poverty and promoting wellbeing.”

Members approved the motion unanimously and it was agreed that a report would be submitted to Neighbourhood Services Committee and that the issue in relation to location of allotments within the departmental structure would be considered at the next meeting of the Finance and Policy Committee. Furthermore it was confirmed that a report would be submitted back to Full Council before the end of the Municipal year.

4. CHANGES TO ALLOTMENT RULES AND REGULATIONS AND SITE MANAGEMENT

- 4.1 In response to a number of questions raised with regards to the allotment rules and regulation handbook, a full review was undertaken with the purpose of removing any ambiguity. Furthermore this review also ensured that the proposed changes would reflect both the requirements of the service and the tenants.
- 4.2 Therefore a number of amends were identified and the proposed changes were presented for consideration to the Allotment Focus Group at the meeting held with them on 10th December 2019, and also to a Members Seminar held on 29th January 2020.

Changes to Current Tenancy Rules and Regulations 2018

- 4.3 Following recent issues of multiple illegal subletting of allotment land by individual tenants, which is contrary to Section 27(4) Small Holdings and Allotments Act 1908, the following rule is proposed,

‘Rule 1.5.10 – Once a person becomes a registered partner on a plot, they may not become a partner on any further plots.’

Further to this it is proposed that Rule 1.2.7 is amended to read,
‘Plot allocation is restricted to one plot per person.’

4.4 It is considered that these rule changes, along with previous amendments to direct correspondence only to tenants and not third parties, will assist officers dealing with subletting.

4.5 A number of allotment sites have associations however to date, the Council has not required these groups to provide any evidence of their status. In order to understand the representations that groups have on sites it is proposed that a new rule will be introduced,

‘All named Associations on Allotment Sites must provide the Council with the following information at the beginning of the Financial Year i.e. April 1st,

- a) Copy of the Minutes of the most recent Annual General Meeting*
- b) Copy of the most recent Accounts*
- c) Details of their Chair, Vice Chair, Treasurer and Secretary*
- d) List of members who are tenants and partners on allotment sites.*

4.6 This information will ensure Officers have an understanding of the Associations and their sites.

4.7 The rules will not be retrospectively applied but will be introduced and implemented on 1st April 2020.

Introduction of Self-Managed Sites within the Allotment Service

4.8 There are currently no allotment sites in Hartlepool that are self-managed. Historically, only Woodcroft has taken on this delegated responsibility. This was done for a period of ten years between 2003 and 2013, at which point following a request from Woodcroft, the lease was brought to an end and the management of the site was returned to the Council.

4.9 There is no legislation directly governing self-management of allotments, but there is best practice guidance which is based around a five level process of involvement. This ranges from stage one ‘dependence’ to stage five ‘autonomy’. It is generally accepted that stage five autonomy involves the Authority selling the land to the association.

4.10 The advantages of devolved management of an allotment site generally include the associations having greater control and therefore tenants taking care of the sites. Further to that, it allows the associations to make funding applications that are not open to Authorities. This allows the sites to benefit

from grants that would not be available if it were managed by the Allotment Team directly.

- 4.11 Officers are in discussion with two allotment associations to see if devolved management is viable and could be maintained in the current circumstances. It is generally accepted that having sites with delegated responsibility reduces both the financial and officer burden, and therefore the Service will support Associations who wish to progress with this solution.

Access to Plots

- 4.12 It is the intention to clarify the right of the tenant on their plot and the role of the Authority within the introduction of the rulebook, this would include stating,

‘The Council will grant the tenant(s) the quiet use and enjoyment of their allotment garden provided that the tenant adheres to their obligation under the tenancy agreement. An officer or agent of the Council may inspect your allotment and any shed, greenhouse or polytunnel on it. You must allow that officer or agent access at any reasonable time.’

- 4.13 The inclusion of this text indicates that the tenant would have a right to quiet enjoyment but they must understand that the land is not theirs and the Council are liable for anything which happens on it. Therefore for reasons such as; animal welfare, chemical storage, Health and Fire safety, tenancy/land management the Council must be able to inspect it when appropriate.

Right to Appeal

- 4.14 At the moment should a tenant wish to appeal a decision regarding a Notice to Quit that request is made to the Heritage and Countryside Manager. If the decision is not upheld, and the tenant wishes to take the matter further, they are advised to go through the Corporate Complaints Procedure and following the outcome of this, if they are still dissatisfied, the Local Government and Social Care Ombudsman (LGSCO).
- 4.15 To address the issue raised in the motion to Full Council on the 20th February 2020, it is proposed that an additional step be included in the process set out at 4.13 as a means of ‘dispute resolution’ whereby when a tenant remains dissatisfied with the decision of the Heritage and Countryside Manager’s response to their appeal, they may request that the matter be ‘reviewed.’ This ‘review’ would be carried out by a Chief Officer from another department. Where a tenant remains dissatisfied with the outcome of the aforementioned review, the next stage of the process would be for the tenant to be referred to the Corporate Complaints procedure where they can query the process followed. Should they remain unhappy with the outcome, then they may go to the Local Government and Social Care Ombudsman.

- 4.16 A copy of the existing Allotment Rules and Regulations Handbook can be found in the Members Library.

5. CONSULTATION

- 5.1 The review of the Allotment Rules and Regulations Handbook were discussed at the Allotment Focus Group Meetings in December 2018, June 2019, and most recently on the 10th December 2019.
- 5.2 Furthermore the Council offered to meet representatives at their sites to discuss the proposed changes and two sites took advantage of this opportunity
- 5.3 A Members Seminar was also held on 29th January 2020 to give Elected Members the opportunity to feedback comments and views on the proposed changes.

6. LEGAL CONSIDERATIONS

- 6.1 The proposed changes would be implemented on 1st April 2020 and a revised Allotment Rules and Regulations Handbook would be issued to Allotment Holders.

7. FINANCIAL CONSIDERATIONS

- 7.1 There are no financial implications with this report.

8. RISK IMPLICATIONS

- 8.1 The proposed changes to the rulebook will make it easier for tenants of the Council's allotment plots to understand the rules and regulations governing allotments in Hartlepool.

9. STAFFING

- 9.1 The Allotment Team currently sits in the Heritage and Countryside Service within the Regeneration and Neighbourhoods Division. At a meeting of Council in February it was proposed that the team should be moved to Adult and Community Based Services.
- 9.2 Although it may be considered that there are parallels between the leisure services provided by Adult and Community Based Services, this proposal

will be considered separately in a restructure report being considered at Finance and Policy Committee on 9th March 2020.

10. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 10.1 Historically, allotments have suffered from crime and anti social behaviour including vandalism, arson, theft and fly tipping. Efforts to improve site security and to make allotments a less attractive target have made some headway in recent years, and these works continue although it is acknowledged that there are still issues on some sites.

11. ASSET MANAGEMENT CONSIDERATIONS

- 11.1 Allotments are an important Council asset comprising 38 hectares (94 acres) of public land within the Borough. The service continues to manage the land in the most appropriate, cost effective way.

12. CHILD AND FAMILY POVERTY

- 12.1 Allotments provide benefits through increasing access to a healthy diet (fresh fruit and vegetables), exercise, fresh air and social interaction, all of which have proven benefits to health and mental well-being.

13. EQUALITY AND DIVERSITY CONSIDERATIONS

- 13.1 There are no equality and diversity considerations.

14. RECOMMENDATIONS

- 14.1 It is recommended that the Committee:
- i. Approves the proposed changes to the Allotment Rules and Regulations of Tenancy as outlined in paragraphs 4.3, 4.5 and 4.12 of the report;
 - ii. Approves the proposal to introduce a dispute resolution process involving a Chief Officer as detailed in paragraph 4.14 of the report; and
 - iii. Notes that the proposal to move the service to Adult and Community Based Services be considered separately in a restructure report being considered at Finance and Policy Committee on 9th March 2020.

15. REASONS FOR RECOMMENDATIONS

- 15.1 It was agreed at Council on 12th September 2019 that proposals would be brought forward for the sustainable development of allotments which assumes the ongoing allocation of grant funding in order to ensure that allotment rents do not increase at a rate greater than inflation.
- 15.2 The additional rules are necessary for the orderly management of the allotment sites and to prevent subletting of plots.

16. BACKGROUND PAPERS

Neighbourhood Services Committee Report 26th July 2016 Allotment Review

Neighbourhood Services Committee Report 19th February 2018 – Phase two Allotment Strategy and Review

Council Minutes – 12th September 2019

Council Minutes – 20th February 2020

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