



Agenda Supplement 1

Item 5

Overview and Scrutiny Committee

Thursday 25 January 2024
at 7pm

Guildhall, St Peter's Place, Canterbury

Agenda Supplement

5. MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2023

To confirm as a true record the minutes of the meeting of the Overview and Scrutiny Committee held on 21 November 2023.

Minutes attached.

Canterbury City Council

Overview and Scrutiny Committee

Minutes of a meeting held on 21 November 2023 at 7 pm in The Guildhall, St Peter's Place, Westgate, Canterbury.

Present: Councillor Paul Prentice (Chair)
Councillor Mike Bland (present as a substitute)
Councillor Dane Buckman
Councillor Roben Franklin (present as a substitute)
Councillor Rachel Carnac
Councillor Elizabeth Carr-Ellis
Councillor Liz Harvey
Councillor Keji Moses
Councillor Peter Old
Councillor Dan Smith
Councillor Naomi Smith
Councillor Jeanette Stockley
Councillor Clare Turnbull

In attendance: Councillor Nolan - Cabinet Member for Community, Culture, Safety and Engagement and Councillor Thomas

Officers: Suzi Wakeham - Director of People and Place
Marie Royle - Service Director People
Pippa Tritton - Democratic Services Officer

350. Apologies for absence

Apologies for absence were received from Councillors Flanagan and McKenzie.

351. Substitute members

Councillor Franklin was present as a substitute for Councillor Flanagan and Councillor Bland was present for Councillor McKenzie.

352. Declarations of interest by Members or Officers

No declarations of interest were made.

353. Public participation

The Chair advised that there were no public speakers for the meeting.

354. MINUTES OF THE MEETING HELD ON 14 September 2023

The minutes of the meeting held on 14 September 2023 were agreed and signed as a true record.

355. Creation of a New City Public Space Protection Order

The Service Director for People introduced the report and explained that public consultation had been carried out to inform the requirements proposed in the new city Public Space Protection Order (PSPO). This consultation had helped to address identified issues of anti-social behaviour in public spaces in the Canterbury City area.

Councillors debated the proposal and made comments as follows:

- There was concern over the low consultation response rate (103).
- Did records exist of the number of Fixed Penalty Notices (FPNs) issued?
- Would there be engagement with delivery drivers, some of whom may have a language barrier.
- There was concern over fining people who were begging and a question was asked where the restriction would just apply in the vicinity of cash machines?
- Questions were asked as to why engine idling and the use of e scooters were not included within the PSPO, but littering was.
- A councillor reported seeing delivery drivers abused by members of the public and felt that they may benefit from being added to the PSPO.
- Curious about graffiti in the city and if more could be done to facilitate designing out projects in some areas.
- A councillor asked if there was an option in the consultation for the public to add free text of things they found a nuisance.
- Ebikes were also a concern and where could they be reported?
- It was felt by some that the PSPO could be discriminatory to delivery drivers and anyone riding in the specified areas should be sanctioned.
- Were records kept on the race and age of those issued FPN in breach of the existing PSPO?
- Would the PSPO be regularly reviewed? Is there any evidence of engagement with delivery drivers?
- What was motivating the way delivery drivers rode? Had we spoken to their employers?
- Was it possible to work with Canterbury Business Improvement District (BID) to create a licensing scheme?
- A number of delivery drivers only had 'L' plates and not a full motorbike licence.
- A councillor felt that the council should lobby the government to take action in respect of the delivery company and to ensure drivers were not penalised for missing impossible deadlines.

Where required, clarification or responses were supplied by the Director of People and Place and the Service Director for People and included:

- Blean Ward was not included in the proposed PSPO, the footprint was

the same as the previous two 'city PSPOs' but a variation could potentially be made in the future, following consultation.

- Very few FPNs were issued as our policy was to first do engagement and advice by officers.
- The consultation had been widely advertised and although numbers were low, similar concerns were raised.
- Organised collections would be exempt.
- Begging would be banned in the whole of the city centre, not just around ATMs. The Rough Sleeper team were also proactive in the city centre and worked with the enforcement team to help people access the support services needed.
- Anti-idling had not been included as it had been previously considered through another initiative and it was concluded that enforcing would not be practicable - drivers must be given a warning and time to turn the engine off, by which time the level crossing barriers would have lifted. Scooters had deliberately not been included as riding them on public land is illegal and the police don't need any further powers to deal with that.
- As enforcement resources were limited, there was a need to tackle the issues that caused the most problems to the community.
- Graffiti had been an issue for many years and there had been successful projects in the past with designs created by colleges and art students for areas such as the subways.
- Graffiti was removed by Canenco or the in-house graffiti team, often before it was reported by the public.
- The consultation concentrated on issues known, but there was the option to include free comments. Once the new PSPO was in place, it could be varied to include new emerging issues following further consultation.
- Issues with ebikes could be reported via Community Voice or by contacting 111. This is how the issue with delivery drivers had been identified.
- No data was collected on near misses. There was a difference between somebody who was shouting in the High Street to those causing distress to other persons.
- Although there were reports of incidents with rudeness to the public,
- There had been engagement with delivery riders by both the police and enforcement teams, and informal engagement had taken place with delivery companies.
- As the consultation had specified delivery drivers, that is how the PSPO would need to be rolled out. A variation could be made if the problem was not fixed.
- The running of a licensing scheme for delivery drivers had been investigated but wasn't possible to implement for a variety of reasons.

There were three options available to councillors:

- 1 - to adopt a new PSPO and include the activities as listed in the agenda.
- 2 - to reduce the activities included.
- 3 - to not create a new City PSPO

The Committee agreed by general assent to ask the Cabinet to lobby the

Government, via an organisation such as the Local Government Association, to take action to:

- ensure riders have union rights
- ensure that delivery company business models do not put pressure on riders to meet impossible deadlines, motivating poor riding / driving - but are reframed to reward responsible delivery instead.

It was proposed and seconded and when put to a vote, adoption of a new PSPO, which includes the following activities was RECOMMENDED TO CABINET:

1. Someone drinking in public areas causing alarm harassment or distress

Record of voting

For (12): Councillors Mike Bland, Dane Buckman, Rachel Carnac, Elizabeth Carr-Ellis, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Jeanette Stockley, Clare Turnbull

Against (1) Councillor Naomi Smith

Abstained/absent (0)

2. Shouting, swearing or causing other alarm, distress or harassment to others - whether in the area or living nearby

Record of voting

For (10): Councillors Mike Bland, Dane Buckman, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Naomi Smith, Clare Turnbull

Against (3) Councillors Rachel Carnac, Elizabeth Carr-Ellis, Jeanette Stockley

Abstained/absent (0)

4. Urinating or defecating in any public place

Record of voting:

For (11): Councillors Mike Bland, Dane Buckman, Rachel Carnac, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Jeanette Stockley, Clare Turnbull

Against (2) Councillors Elizabeth Carr-Ellis, Naomi Smith

Abstained/absent (0)

5. Graffitiing, fly posting and affixing notices, pictures or signs to property without the owner's permission

Record of voting:

For (12): Councillors Mike Bland, Dane Buckman, Rachel Carnac, Elizabeth Carr-Ellis, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Naomi Smith, Jeanette Stockley

Against (1) Councillor Clare Turnbull

Abstained/absent (0)

The following recommendations were also proposed and seconded, but when put to a vote FELL.

3. No Begging

Record of voting:

For (5): Councillors Mike Bland, Roben Franklin, Peter Old, Paul Prentice, Dan Smith

Against (7): Councillors Dane Buckman, Rachel Carnac, Elizabeth Carr-Elllis, Liz Harvy, Keji Moses, Naomi Smith, Jeanette Stockley.

Abstained/absent (1): Councillor Clare Turnbull

6. The anti-social behaviour of delivery riders

- Aggressive driving/riding
- Dangerous manoeuvres
- Excessive noise
- Danger to other road users (including pedestrians)
- Damage or risk of damage to private property
- Harassment of individual from vehicles

Record of voting:

For (5): Councillors Mike Bland, Roben Franklin, Liz Harvey, Peter Old, Dan Smith

Against (7): Councillors Dane Buckman, Rachel Carnac, Elizabeth Carr-Elllis, Keji Moses, Naomi Smith, Jeanette Stockley, Clare Turnbull

Abstained/absent (1): Councillor Paul Prentice

Councillors were split on their reasons for not supporting the inclusion of delivery drivers. Most indicated that it was because it should be all riders. But others indicated it should be removed completely as more work was required.

356. **Review of fixed penalty notices for environmental crimes**

The Service Director for People introduced the report proposing an increase in the maximum fine level of Fixed Penalty Notices (FPNs) that is applied locally, following a government review that has increased the maximum fine that councils can impose for environmental related offences.

The purpose of the increase was to better reflect the impact on the environmental and public spend needed to put things right.

Councillors debated the report and made comments including:

- Would it be better to increase payment terms to one month from 14 days?
- What was a duty of care to household rubbish?
- Was a payment plan offered to those who were struggling to pay? Were certain demographic groups targeted?
- No issue with the fine issued to organised fly tippers, but some concern over the proposal generally. In areas where the charge to remove bulky goods had been reduced, flytipping had reduced massively.
- Could littering and graffiting be split into different issues? There was

concern about how people who were already struggling with the cost of living would afford to pay fines.

- Who was responsible for paying a fine given to a child of school age?
- Was the council looking to change behaviours or to increase revenue?
- It was difficult to get rid of bulky waste, particularly if you didn't own a vehicle. There were also some items that could not be disposed of in this way.
- What was the difference between fly tipping and litter?
- Organised fly tippers needed to be targeted and heavily fined.
- 30% of offenders don't pay fines. Work with other councils on behaviour change and best practice.
- Concern about concentration of littering fines in certain areas.
- Increasing the amount of the fine was not necessary.
- There was a perception that household waste centres were difficult to book and this could encourage flytipping.
- What information was given when a FPN was issued. Were full contact details made available as not everybody has use of the internet.
- Would fines be issued if people put the wrong waste in the wrong household bin?
- Councillors wished to vote on increases in littering and graffitiing fines separately.

Where required, clarification or responses were supplied by the Director of People and Place and the Service Director for People and included:

- A payment plan could be put in place if contact was made within 14 days.
- Litter FPNs had been outsourced to an external contractor who could deliver the service better than had been able to in-house.
- Where FPNs had been challenged, the footage had been reviewed and if necessary, had been written off.
- The duty of care means that every household has a responsibility to dispose of their household waste responsibly and correctly.
- In terms of a deterrent, the council had a really good track record with those who had been taken to court and those cases worked as a deterrent.
- There was a discount on bulky waste collections for those on lower incomes.
- Although there was a cost of living crisis, people did have to take responsibility - if they don't drop litter, they won't get fined.
- It was very definitely not about income revenue and never had been, the fines were a deterrent.
- Under 16s were not issued with fines, but there would be engagement with parents and schools.
- Part of the current NES contract involves school visits.
- Contractors were trained to know the difference between fly tipping and littering.
- A city centre management plan would cover commercial waste in the city centre alongside other littering problems.
- There were no plans to introduce fines for putting the wrong waste in the wrong bins, that was outside the scope of the FPNs
- The council gets around 30% of income from fines issued by NES. It

had previously been run in house, but had not been successful. The current arrangement works and would be kept under review.

- It was believed that there were no current plans to close Kent County Council waste disposal sites in the district.

It was proposed, seconded and when put to the vote RECOMMENDED to Cabinet to increase the level of the FPNs with effect from the 1 January 2024 as follows:

1a. Graffiti to increase to £200 with an early payment reduction to £100 if paid within 14 days.

For (11): Councillors Mike Bland, Dane Buckman, Elizabeth Carr-Ellis, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Naomi Smith, Jeanette Stockley

Against (2) Councillor Rachel Carnac, Clare Turnbull

Abstained/absent (0)

2. Fly tipping - £1,000 no early payment reduction

For (12): Councillors Mike Bland, Dane Buckman, Rachel Carnac, Elizabeth Carr-Ellis, Roben Franklin, Liz Harvey, Keji Moses, Peter Old, Paul Prentice, Dan Smith, Jeanette Stockley, Clare Turnbull

Against (1) Councillor Naomi Smith

Abstained/absent (0)

The following recommendations were also proposed and seconded, but when put to a vote FELL:

1a) Litter increases to £200 with an early payment reduction to £100 if paid within 14 days.

Record of voting

For (6): Councillors Mike Bland, Peter Old, Paul Prentice, Dan Smith, Naomi Smith, Jeanette Stockley

Against (7): Councillors Dane Buckman, Rachel Carnac, Elizabeth Carr-Ellis, Roben Franklin, Liz Harvey, Keji Moses, Clare Turnbull.

Abstained/absent (0)

3) Household Waste Duty of Care - £500 early payment reduction level of £300 if paid within 14 days.

Record of voting

For (4): Councillors Roben Franklin, Peter Old, Dan Smith, Jeanette Stockley

Against (5): Councillors Mike Bland, Dane Buckman, Elizabeth Carr-Ellis, Keji Moses, Naomi Smith.

Abstained/absent (4): Councillors Rachel Carnac, Liz Harvey, Paul Prentice, Clare Turnbull.

357. Date of next meeting

7pm, Thursday 25 January 2024

358. Any other urgent business to be dealt with in public

There was no business under this item.

359. Exclusion of the press and public

360. Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

There was no business under this item.