



Environment and Residents Services Select Committee Minutes

Tuesday 5 April 2011

PRESENT

Committee members: Councillors Robert Iggulden (Chairman), Wesley Harcourt (Vice-Chairman), Rachel Ford, Lisa Homan, De-Lisle, Matt Thorley and Peter Tobias

Other Councillors: Greg Smith (Cabinet Member for Residents Services) and Belinda Donovan

Officers: Nick Austin (Assistant Director, Public Protection and Safety), Valerie Ellison (Head of Commercial Operations), Sanju Manji (Trading Standards and Licensing Manager), Gary Marson (Principal Committee Coordinator), Janette Mullins (Head of Litigation) and Adrian Overton (Licensing Officer)

Witnesses: Annabelle Clarke (Cathnor Park Residents Association) and Tammy Willis (Shepherds Bush Pubwatch)

47. MINUTES AND ACTIONS

The Committee noted that some Members were still not receiving invitations from the Police to attend meetings of the relevant Safer Neighbourhood Ward Panels as had been requested in November 2010. Officers would follow the matter up with the new Borough Commander.

RESOLVED that;

- a) the minutes of the meeting of the Environment and Residents Services Select Committee held on 16 February 2011 be confirmed and signed as a correct record; and
- b) progress with the acceptance and implementation of recommendations be noted.

48. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Jane Law. Councillor Nick Botterill, Deputy Leader and Cabinet Member for Environment and Asset Management, also conveyed his apologies

49. DECLARATIONS OF INTEREST

Councillor Wesley Harcourt declared a personal interest in the adoption of a special licensing policy for the Shepherds Bush area since he lived within the proposed saturation zone. As he did not deem the interest to be prejudicial he remained in the meeting and participated in the debate thereon.

50. SHEPHERDS BUSH AREA - ADOPTION OF A SPECIAL LICENSING POLICY

The Committee was asked to comment upon proposals to introduce a cumulative impact policy (also known as a saturation zone) in order to strengthen licensing controls in the Shepherds Bush area in response to concerns over incidents of public disorder and nuisance.

Members noted that where the cumulative effect of many licensed premises within an area gave rise to problems of public disorder and nuisance to the surrounding area the Council was able to deem it inappropriate for any further licensed premises to be established in the area or for licensing hours to be extended.

In response to a question from Councillor Lisa Homan, concerned at the nature of recent licensing applications, it was emphasised that the adoption of such a policy in Shepherds Bush would not introduce a blanket quota or a new terminal hour for all premises. However, the Licensing Authority would be empowered to reject new applications and restrict changes to existing licences when a valid representation was received in relation to an application. It would reverse existing presumptions so that the onus would be on the applicant to prove that their application would not aggravate problems in the area. Arrangements of this type were already in place in respect of Fulham Broadway.

The Committee received details of a cumulative impact study and the outcome of consultation with residents and licence holders undertaken in order to establish if the Shepherds Bush area was suffering stress as a result of the cumulative impact of a concentration of licensed premises within a geographical area based upon historic complaint mapping and intelligence from the Metropolitan Police and Responsible Authorities.

It was noted that there were some 140 licensed premises in the area, comprising pubs, restaurants, nightclubs, off licences, takeaways, cinemas and hotels. Some 85% of these premises sold alcohol with 41% providing late night refreshments. Around 120 incidents were recorded in the area every night from low level littering to urination, vomiting, rowdy behaviour,

intimidation and violence. Formal consultation on the new proposals was now underway and the 120 responses received to date were largely supportive.

The Chairman enquired whether there was a presumption that the incidents recorded in the area every night were due to alcohol. Nick Austin, Assistant Director, Public Protection and Safety, confirmed that this was the case. The observations of behaviour and patterns of the incidents throughout the night, declining as premises closed, established a clear linkage.

Tammy Willis, the owner of licensed premises on Shepherds Bush Green and Chair of Shepherds Bush Pubwatch, attended the meeting to present the views of affiliated licence holders. She informed the Committee that those licensees looking to extend their hours felt aggrieved that the new policy would make it harder to do so. Other premises were of the view that it would become more difficult to establish Shepherds Bush as a destination area with a vibrant nightlife. Trade was reasonably good but mostly local and there was an aspiration to attract customers from other parts of London and entice Westfield shoppers to stay in the area.

Ms Willis reported that on balance opinion amongst her members was against the imposition of additional controls. There was, however, a view among some premises content with their existing licenses that a cumulative impact policy would help limit competition. Ms Willis suggested that many of the difficulties in the area stemmed from street drinkers who had obtained alcohol from off licences rather than pubs since the latter were generally well managed and prevented people taking drinks out of pubs. In response to a question from Councillor Homan, Ms Willis confirmed that consultation with the trade had been adequate.

Annabelle Clarke of Cathnor Park Residents Association also attended the meeting and informed the Committee of concerns amongst residents regarding anti social behaviour related to alcohol. There were long standing problems of large groups of young people drinking in Cathnor Park. Councillor Belinda Donovan, Assistant to the Cabinet Member for Residents Services for Crime and Street Scene issues confirmed that street drinkers and anti social behaviour were consistently the main concern of residents.

In response to a question from Councillor Peter Tobias regarding levels of enforcement of existing levels, Nick Austin confirmed that Officers worked closely with the trade to ensure that premises observed their licence conditions and minimised difficulties for residents. The quality of management was variable but the Council had powers to act where there was a breach of conditions and worked closely with statutory authorities which were empowered to call for a review of a premises licence.

Cllr Greg Smith, Cabinet Member for Residents Services, emphasised that difficulties in the area were not restricted to drunken behaviour. Disturbance to residents ranged from assault and anti social behaviour to chatter from well behaved customers as they dispersed in the streets in the early hours of the morning. He acknowledged the Chairman's comment that street drinkers could purchase their alcohol at any time but emphasised that a reduction in

availability of alcohol would reduce the potential for problems. A saturation zone was not a universal solution but it would provide greater powers to exert control. The Committee was in agreement with this view and endorsed the new policy.

RESOLVED that;

the proposals to establish a cumulative impact policy in Shepherds Bush be endorsed.

51. SERVICE AND PERFORMANCE UPDATE

The Committee agreed that this matter should be deferred to the next meeting.

52. REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

The Committee undertook its annual review of the Council's use of covert surveillance techniques for the purposes of preventing or detecting crime and disorder.

Members noted details of the Council's policies and delegation to Officers in respect of the use of powers under the Regulation of Investigatory Powers Act (RIPA), the legislation which provided the statutory framework for covert surveillance. The Committee was informed of the means by which the Council accessed data from postal and telecommunications services and authorised covert human intelligence sources and directed surveillance.

The Committee also received details of the frequency with which each form of surveillance was used and the purposes to which they were directed. During the 2010 calendar year a total of 36 directed surveillance operations had been authorised, either for the use of CCTV cameras or visual surveillance to identify perpetrators of anti social behaviour, criminal damage and drug dealing and to investigate disorder and public nuisance at licensed premises. Three notices had been issued for access to communications data in respect of a trading standards investigation. The Council had never authorised the use of covert human intelligence sources, whereby an Officer would establish or maintain a personal or other relationship with a person for the purposes of providing information. It was noted that these figures were higher than those in some neighbouring authorities, largely due to the efficient and pro active Safer Neighbourhood teams.

Janette Mullins, Head of Litigation, informed the Committee that the Protection of Freedoms Bill currently in Parliamentary passage would further strengthen the controls over usage of surveillance powers. In future it was likely that approval would be needed from a magistrate as well as internal authorisation and directed surveillance would normally only be permitted where the offence under investigation would carry a custodial sentence of six months or more. This would be likely to lead to a reduction in the use of RIPA

powers by the Council since it would not be able to investigate anti social behaviour unless it was suspected that it involved drug dealing.

RESOLVED that;

Annual reports continue to be submitted to the Committee to ensure that Members have the opportunity to scrutinise the Council's use of the Regulation of Investigatory Powers Act.

53. OFFENDER MANAGEMENT SCRUTINY REVIEW - DRAFT REPORT OF THE COMMITTEE

The Committee gave consideration to the final form of its report and recommendations on offender management activities.

Members noted that the draft report before the Committee reflected the observations and recommendations of Members during the course of a short enquiry into schemes offered to offenders by the Probation Trust and the Council's Youth Offending Team. The content was informed by;

- An informal session of the Committee held on 31st January 2011 in which Members had the opportunity to interview ex-offenders with experience of supervision from the Youth Offending Team and the Probation Service as well as key officers from both agencies and local voluntary and charitable groups involved in offender management initiatives.
- Member visits to witness Community Payback activities in operation.
- Informal consultation and discussion between Officers and those Members involved in the evidence gathering and site visits.

Councillor Lisa Homan, introducing the report on behalf of those Members present at the original witness session, commended it to the Committee as an interesting and worthwhile piece of original research which had benefited from the opportunity to drill down in more detail than was normally available in a Committee meeting.

The report recommended that all relevant agencies should work together to ensure that benefits payments were processed in advance of the release of offenders from custody and called for the Probation Service to liaise with Hammersmith & Fulham Volunteer Centre and other voluntary sector partners, as well as ward Councillors, on possible Community Payback scheme projects. It was recognised that the recommendations were relatively modest but it was felt that they could make a difference to peoples lives without placing any significant new burden on Council services. The work had been positively received by the Probation Service.

Councillor Greg Smith, Cabinet Member for Residents Services, informed the Committee that integrated offender management would fundamentally change the nature of the provision with local management of services specifically tailored to the needs of the individual offender. There would be the opportunity to ensure that offenders were put in touch with the right service

whether that be Probation, housing or education and skills. The new arrangements should close the existing gap in coverage for offenders in receipt of a sentence of less than 12 months. Hammersmith & Fulham was at the forefront of the new developments as a pilot for the integrated approach.

Councillor Peter Tobias, describing his experience of visiting a Community Payback scheme in operation at Wormwood Scrubs, highlighted the difficulties faced by ex offenders in obtaining employment and the need for adequate information to be made available on projects such as RESOLVE, which took a holistic approach to the support of young people at risk of re-offending. He enquired as to the level of provision for re-skilling offenders.

Councillor Smith, by way of response, emphasised that the Council and its partners were very successful at dealing with prolific re-offending, enjoying the second lowest rate of re-offending in the UK. Opportunities to learn new skills and prepare for employment were provided to people with community or short prison sentences through a mixture of state run schemes and social enterprises. It was noted that some social enterprises worked with young people while they were still in prison and then provided a placement as a form of apprenticeship for a period upon their release. Meanwhile companies such as Quadrant, the Council's grounds maintenance contractor, offered jobs to ex offenders each year which would assist in their development of new skills and trades.

The Committee agreed the content of the report and the accompanying recommendations and noted that they would then be conveyed to the London Probation Trust and other agencies responsible for implementation of the recommendations with a request for consideration of the proposals. Any formal response would be reported to the Committee.

RESOLVED that;

The report and recommendations be adopted and forwarded to the London Probation Trust and other relevant Government agencies for consideration.

54. WORK PROGRAMME AND FORWARD PLAN

The Committee gave initial consideration to its draft work programme for the 2011/12 municipal year. The Chairman was due to meet with Cabinet Members and senior service managers in order to finalise the programme for 2011/12 based on Members suggestions and the significant issues due to come forward during the course of the year which were likely to be of interest to the Committee. It was agreed that the outstanding items on the current year's programme should all be considered for carry forward.

Members also noted details of forthcoming relevant key decisions which were due to be taken by the Cabinet and were open to scrutiny by the Committee.

RESOLVED that;

Consideration be given to carrying forward the outstanding items on the current work programme to the 2011/12 municipal year.

55. DATE OF NEXT MEETING

Members noted that this was the last meeting of the Committee in the current municipal year. The dates for 2011/12 would be set at the Annual Meeting of the Council on 25th May 2011.

Meeting started: 7.00 pm
Meeting ended: 8.10 pm

Chairman

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