

Runnymede Borough CouncilOVERVIEW AND SCRUTINY SELECT COMMITTEE/  
CRIME AND DISORDER COMMITTEE8 July 2021 at 7.30 p.m.

Members of the Committee present: Councillors J Furey (Chairman), S Dennett (Vice-Chairman), A Balkan, D Coen, R King, M Kusneraitis, I Mullens, P Snow and S Williams.

Members of the Committee absent: None

Councillors A Alderson, T Burton, D Clarke, L Gillham, C Howorth, J Olorenshaw, D Whyte and S Whyte also attended.

122 FIRE PRECAUTIONS

The Chairman read out the Fire Precautions.

123 NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Groups mentioned below had notified the Chief Executive of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

<u>Group</u>	<u>Remove From Membership</u>	<u>Appoint Instead</u>
Conservative	Councillor S Walsh	Councillor P Snow
Runnymede Independent Residents'	Councillor A Alderson	Councillor I Mullens
Runnymede Residents and Community	Councillor S Mackay	Councillor M Kusneraitis

The Chief Executive had given effect to these requests in accordance with Section 16(2) of the Local Government and Housing Act 1989.

124 MINUTES

The Minutes of the meeting of the Overview and Scrutiny Select Committee held on 4 February 2021 and of the Crime and Disorder Committee meeting held on 4 February 2021 were confirmed and signed as correct records.

125 CALL – IN OF DECISION – PUBLIC SPACE PROTECTION ORDER, EGHAM HYTHE

The Committee considered a call-in which had been received on 23 June 2021 from Councillor Robert King which was supported by Councillor Furey. Call-in of a decision was a procedure available to the Overview and Scrutiny Select Committee which prevented implementation of a decision of a Policy Committee until it had been considered further. The decision of the Community Services Committee on 17 June 2021 that a Public Spaces Protection Order (PSPO) for the Egham Hythe area was not proportionate at this stage but was to be kept under review had been called-in. The Committee noted evidence in support of the call-in which had been provided by Councillor Clarke which referred to various

incidents and noted that a serious incident had taken place in Hythe Park on Thursday 25 June 2021.

The Committee was advised that with regard to the two call-ins which were on its agenda, it was appropriate for any Members who had taken part in the original decision of the Policy Committee to consider the call-in as the Overview and Scrutiny Select Committee was only making recommendations to the Policy Committee or Full Council and the Policy Committee or Full Council would make the final decision.

The Committee noted that the issue of a PSPO for Egham Hythe had been raised by former Councillor Neathey and had been discussed at the meetings of the Community Services Committee on 12 November 2020, 11 March 2021 and 17 June 2021. Officers would respond to a Member regarding a query on the use of officer delegated powers to make a PSPO.

The Committee noted the response of officers to the call-in. Many of the behaviours reported to the Council's Community Safety Co-Ordinator by former Councillor Neathey were criminal matters and were already subject to various enforcement routes. The behaviours referred to in the evidence in support of the call-in confirmed further that the behaviours of most concern were linked to criminal matters or those which had enforcement options already available.

Any PSPO which was to be implemented had to follow a process, for which the route was via the Joint Action Group (JAG), which was a multi-agency group which determined if a PSPO was a proportionate tool to use. The purpose of this was to ensure that there was a joined up, problem solving approach and that the Council followed the statutory framework with a particular emphasis on proportionality which meant that measures taken to address a situation (in this case, behaviours occurring in public spaces) had to be appropriate to the behaviours occurring. The JAG had to first consider whether other measures should be taken. If the JAG considered that a PSPO was appropriate, there was then a need for a public consultation period.

Part of being able to justify whether a PSPO was a proportionate measure was to look at what other measures had been tried and/or considered but ruled out as being inappropriate. Measures taken to address situations had to be evidence based and therefore the Council had to be satisfied that the test was met before it could make a PSPO. Each case was looked at on its own merits, and simply having used a particular measure in another area did not mean that it was the right option in all cases.

A PSPO, if breached could result in a fixed penalty notice of up to £100 or prosecution with a fine up to £1,000. Therefore it was also necessary to consider the knock on implications – in this context, it was likely to be young people who are the offenders and likely that they did not have means to pay any such fines. Whilst there was a generic consensus amongst the public that parents of offenders should be made to pay fines, this was not something that the courts had allowed.

PSPOs applied to everyone in the area, not just the individuals causing a detrimental effect. Practical steps could be taken to identify the individuals for enforcement action, particularly with regard to ringleaders. There were enforcement options available to use which were specific to individuals such as Injunctions and Community Protection Notices.

There were organisations and clubs, such as Liberty and the Manifesto Club, who might respond to PSPO consultations and might make a challenge against the use of a PSPO which they felt was too draconian or interfering in a way that it should not do. The Council needed to be aware of this, particularly in relation to vulnerable groups. There were Human Rights implications to be considered when implementing a PSPO, particularly Article 10 (freedom of expression) and Article 11 (freedom of assembly). Other Articles could also apply. This was in addition to the Public Sector Equalities Duty.

Lesser restrictive measures that might be more appropriate should first be considered. Section 59(5) of the Anti Social Behaviour, Crime and Policing Act 2014 stated that restrictions should only be imposed that were reasonable – this therefore had to be specific to the behaviours with any restrictions or requirements imposed having to be connected to the behaviour which was having a detrimental effect.

In the case of *Summer v Richmond Upon Thames BC*, (in relation to a PSPO used for dog control), Mrs Justice May noted that local authorities were given a wide discretion to decide what behaviours were troublesome and required to be addressed within their area. As such a certain amount of deference was given to local authorities which also meant there was a certain amount of trust and power given. This made it important that local authorities ensured that they had the required evidence base and followed the right process when adopting PSPOs.

The evidence provided for the call-in queried why mobile CCTV cameras could not be deployed in Egham Hythe. It was noted that all of the Council's redeployable cameras were in use at the moment and there was no budget for additional cameras. Such cameras were only able to be deployed in places identified as areas of concern by the JAG.

Reporting of incidents in Egham Hythe had been low so many of the incidents referred in the evidence provided for the call-in might have not been reported and without this data a case could not be made for a PSPO. The evidence provided in support of the call-in referred to residents being afraid to report incidents and being afraid to go out later in the day. Members at the Community Services Committee on 17 June 2021 reported that a level of fear existed in the community, including concerns about reprisals and intimidation by the often known perpetrators of anti-social and sometimes criminal behaviour.

At the Community Services Committee meeting on 17 June 2021, some Members also reported that residents were not reporting as much as they could due to a lack of feedback from the police on previous occasions. The need for residents to feel they were being listened to was noted at that meeting, as well as focussing on positive activities which would distract those from engaging in anti-social behaviour. The reporting by a member of the public of an incident of crime and/or anti-social behaviour helped significantly in the long term by evidencing need of further actions. If reports were not made, then there was not the level of evidence required to be able to pursue enforcement or to pursue a PSPO.

The police had provided the ability for the public to report crime and/or anti-social behaviour via phone (999 and 101), online webform, online live chat and via social media (direct message to Surrey Police account). Anonymous reports could also be made to CrimeStoppers. Therefore there were multiple options for reports to be made to the police dependent on the preference of the public. These various options for reporting to the police were in addition to the Council's Anti-Social Behaviour report form.

Councillor Robert King stated that the call-in of the decision had been made on behalf of local residents as, in his view and in the view of many local residents, other reasonable measures had been tried in Egham Hythe but they had not resulted in a lessening of criminal and anti-social behaviour. He reported that threatening behaviour, peer pressure to behave in an anti-social way and drug use were all problems in the area. He considered that the call-in provided an example of effective cross party working amongst Councillors. He was concerned that if a PSPO was not implemented then disorderly behaviour in Egham Hythe would escalate.

The Chairman expressed the view that lack of funding or resources should not be put forward as a reason why crime and anti-social behaviour could not be tackled effectively. Other Members expressed the view that a PSPO for Egham Hythe would not be an effective measure as, in their view, the types of young people that engaged in anti-social or criminal behaviour could not be frightened into reasonable behaviour, did not respect

authority and could not afford to pay fines. They considered that a better approach would be to seek to improve the facilities available for young people in the area to divert them from perpetrating anti-social behaviour. They considered that the Community Services Committee's decision was appropriate for the circumstances in Egham Hythe. All members of the community would be affected by a PSPO, not just the individuals causing a detrimental effect and a PSPO was not proportionate at this time. The Council's Health and Wellbeing Member Working Party would discuss what constructive solutions could be put forward to improve the behaviour of young people and also would discuss ways of increasing Anti-Social Behaviour reporting.

It was noted that at its meeting on 17 June 2021, the Community Services Committee had agreed that, subject to the outcome of an exercise being undertaken in Spelthorne, further consideration of the proportionality of a Borough wide PSPO in relation to Nitrous Oxide be given and the Community Safety Co-ordinator take this forward through the JAG, if necessary. Regarding a comment made in the evidence provided in the call-in about 14 year olds being too young to prosecute, it was noted that the age of criminal responsibility was 10 years and therefore prosecution of a person aged 10 or above was an option which was available to the police.

It was noted that the police anti-social behaviour (ASB) reporting process recorded incidents relating to the Thorpe And Hythe area. It was suggested that this was not helpful when considering whether a PSPO was appropriate for Egham Hythe, as Thorpe and Hythe consisted of three separate and distinct communities, Egham Hythe, Thorpe Park and Thorpe and police ASB recording did not take place specifically for Egham Hythe. It was suggested that the evidence base that was before the Community Services Committee on 17 June 2021 needed to be more comprehensive, that the views of residents should be taken into account and that a more detailed breakdown of anti-social behaviour across the whole borough was needed to consider the matter properly.

Inspector James Wyatt of Surrey Police, who was the new Borough Commander for Runnymede, advised the meeting that a PSPO was essentially a blanket power which would affect all young people in an area. He had been in post for approximately two months and from his analysis of the position over this relatively short time period it appeared that there was a core group of troublemakers and that problems could be alleviated by dedicating time to deal with that group. It was not possible at this stage for the JAG to reach the conclusion that a PSPO was appropriate. Any response to criminal and anti-social behaviour in Egham Hythe would be evidence led. He chaired the JAG and that was the appropriate body to consider the making of PSPOs.

Inspector Wyatt advised that when assessing whether a PSPO was appropriate, it was not just a question of looking at the numbers of incidents. There were many different forms of anti-social behaviour and different solutions were appropriate depending on the type of anti-social behaviour that was being perpetrated. For example, a PSPO would not be useful in dealing with vehicle nuisance. He would explore whether it was possible to divide the police anti-social behaviour data for the Thorpe and Hythe area into more specific areas so that the data would relate more closely to the Egham Hythe segment. He would also wish to consider whether the current PSPOs in the borough were effective. He made the observation that the level of resourcing at present in Runnymede for community safety was at the lower end of the scale when compared to other Surrey District Councils and that Runnymede Borough Council did not currently have the ability to enforce PSPOs through internal patrolling officers as part of a Joint Enforcement Team (JET). Surrey Police had delegated authority to enforce PSPOs within Runnymede and act as the primary enforcers.

It was suggested that residents in Egham Hythe would want to see that the Council was concerned about anti-social behaviour in their area and was doing all that it could, in partnership with the police, to address the problem. The Chairman of the Community Services Committee assured the meeting that the Committee which he chaired took the issue of anti-social behaviour very seriously. The question to consider was whether the

tools being used to address anti-social behaviour were appropriate. He understood that a Member of the Council had sought to make representations on behalf of residents to the JAG but that Member had been informed that this was not possible. He queried how Members of the Council could represent the interests of their residents to the JAG. The Chairman agreed to take up this matter outside the meeting. He considered that the Community Services Committee had been correct to conclude that a PSPO was not appropriate at that time taking into account the data available and officer advice but agreed that the Community Services Committee should look at the matter again at a future meeting with different data.

The Committee agreed not to refer the decision back to the Community Services Committee for reconsideration. However, the Committee agreed to recommend to the Community Services Committee that it should agree to receive a future agenda item that investigated the manner in which anti-social behaviour and criminal behaviour was reported to enable it to be better informed when considering the making of PSPOs.

**RECOMMEND TO COMMUNITY SERVICES COMMITTEE ON 16 SEPTEMBER 2021 that –**

**the Committee agrees to receive a future agenda item that investigates the manner in which anti-social behaviour and criminal behaviour is reported to enable it to be better informed when considering the making of Public Space Protection Orders (PSPO)s.**

126 RUNNYMEDE POLICING UPDATE

The Committee received an update on policing in the borough provided by Inspector Wyatt, the Borough Commander. Inspector Wyatt informed the meeting that he had experience of neighbourhood policing across Surrey and in Woking and Guildford in particular. His appointment at Runnymede would consolidate the knowledge he had gained elsewhere in Surrey and he had a particular interest in Runnymede having grown up in the area.

Runnymede police had experienced increased demand with the easing of Covid restrictions, which constituted the 7<sup>th</sup> highest level of demand amongst the 11 Surrey districts. Total notifiable offences were up by 11.8% compared to this period last year. 13.7% of incidents resulted in a solved outcome (i.e. a charge, a caution or a community resolution) – this was the second highest solved outcome percentage in Surrey. There had been reductions in hate crime, vehicle crime and thefts from vehicles but increases in burglary and violence crimes. Four County Lines (i.e. drugs networks) had been disrupted since January 2021 and 13 warrants had been issued across Runnymede. An illegal puppy farm in Lyne had been closed down and 8 dogs had been rescued. A local Member reported the Lyne community's appreciation for this action.

Anti-social behaviour (ASB) remained a priority and work continued with partners to prevent ASB and divert those involved where appropriate. There had been a 39% reduction in ASB reports but the high level of ASB in 2020 could be attributed to the Covid lockdown - for example, a gathering in a garden had been classified as ASB. An ASB car was being used to target ASB hotspot locations. The ASB car supplemented the ASB work of local police officers. Every ward in Runnymede was visited.

The police encouraged the reporting of ASB through their website or through social media. Customer satisfaction with ASB responses had increased from 67% to 78% and ASB would be a particular focus for Inspector Wyatt who stated that he would be adopting a long term problem solving approach to ASB. This would focus upon the type of behaviour and partners working together to find solutions. He agreed to provide for the Committee a breakdown of anti-social behaviour across Runnymede.

Runnymede police had dealt with 376 Covid related incidents and issued 84 fines in 2021. Demand had increased as restrictions had eased. It was noted that residential burglaries included thefts from garages and sheds. A Member asked whether domestic violence figures could be broken down into gender groups, i.e, men to women, men to men, etc. It was agreed that a further breakdown of different domestic violence categories would be circulated to Members of the Committee.

Another Member reported that a resident had informed them that the police crime reporting on line form was excessively long and had queried whether the number of questions on the form was really necessary. Inspector Wyatt informed the meeting that the online form was a national form and dealt with a range of crime types so the questions were required. However, it was possible that the questions could be changed to be phrased differently and he agreed to ask the national on line crime report service to consider whether some of the questions set out in the service could be changed. The same Member also asked Inspector Wyatt how, in his view, the Police and Crime Commissioner of Surrey could support the work of Runnymede police on ASB. This Member had also requested that the Police and Crime Commissioner for Surrey be asked how they would seek to tackle ASB in Runnymede. The Chairman stated that these questions would be answered at another time and that his intention was that the Police and Crime Commissioner for Surrey would be invited to speak to Members on these matters on another occasion.

One of the options that the public were given on the Surrey Police website when they wished to report a crime was to make a telephone call to the number 101. A Runnymede Member had reported that local residents were informing him that the response time when they rang 101 was more than 20 minutes and as a result some of them were giving up phoning this number. Inspector Wyatt had requested information from the contact centre regarding 101 calls. This information showed that the average waiting time was 4 minutes 23 seconds. However, on occasions the waiting time could be more in the region of 20 minutes. He recommended that, where possible the public should use the alternative methods to contact the police, such as the website or social media. If people changed the way that they reported, this would then free up the 101 lines. Inspector Wyatt emphasised that there were a number of different ways in which the police could be contacted. 101 or 999 telephone numbers could be used in an emergency and the Surrey Police website, social media and Crimestoppers were all available.

A Member asked whether thefts of catalytic converters from vehicles continued to be a particular problem. Inspector Wyatt advised that since October 2020 the numbers for these types of offences had reduced as a result of targeting hotspots and scrap metal yards. The "Meet The Beat" programme where the police met the public continued to be in operation and Inspector Wyatt would be visiting all the wards in Runnymede himself.

The Chairman advised Inspector Wyatt that Runnymede residents liked to see a police presence on the streets. For the next meeting, he asked Inspector Wyatt to inform the Committee of the Chief Constable's five priorities for the County of Surrey and the five local priorities for Runnymede which were set by him as Borough Commander, along with any interaction that there might be between those priorities.

#### 127 COMMUNITY SAFETY AND SAFER RUNNYMEDE ANNUAL REPORTS 2020/2021

The Committee noted the annual reports for Community Safety and Safer Runnymede for 2020/2021.

#### 128 CALL-IN OF DECISION – APPOINTMENTS TO OUTSIDE BODIES

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The Committee considered a call-in received on 1 June 2021 from two Members of the Runnymede Independent Residents' Group, namely Councillor A Alderson and Councillor S Williams. Call-in of a decision was a procedure available to the Overview and Scrutiny Select Committee which prevented implementation of a decision of a policy

Committee until it had been considered further. The decision of the Corporate Management Committee on 27 May 2021 on appointments to outside bodies had been called -in. Councillors Alderson and Williams had called-in the decision as they did not consider that there had been a proper opportunity at the meeting on 27 May 2021 for Councillors to make the case for alternative nominations for some of the outside body appointments.

At its meeting on 27 May 2021, the Corporate Management Committee had made a number of appointments to outside bodies. For most of those appointments only one nomination had been received, i.e those appointments had not been contested. After the call-in was received, in order to prevent any delay in appointments being notified to those bodies for which appointments were uncontested at the Corporate Management Committee, the Leader of the Runnymede Independent Residents' Group agreed that the call-in would only apply to those outside body appointments that were contested.

The Overview and Scrutiny Select Committee noted the response of Officers to the issues raised in the call-in and at the Corporate Management Committee meeting on 27 May 2021. The Committee discussed the way in which contested appointments (i.e. those appointments where more than one nomination was received) had been considered at the Corporate Management Committee meeting on 27 May 2021. It was confirmed that advice had been given at the meeting on 27 May 2021 that if a Member who had been nominated for an external appointment wished to speak in support of their own nomination for an appointment to an outside body they could not do so. Members at the meeting on 27 May 2021 had interpreted the advice which had been given to mean that no speech could be made in support of a nomination to an outside body. The Overview and Scrutiny Select Committee noted that a speech could be made by another Member who was proposing the nomination, but not by the Member who was nominated.

Some Members at the Overview and Scrutiny Select Committee meeting considered that these arrangements for speaking were satisfactory. Other Members at the Overview and Scrutiny Select Committee meeting considered that the Member nominated should be able to speak in support of their nomination – those Members who were of this view were advised that they should seek support of other Members for that matter to be considered by the Constitution Member Working Party. Some Members at the Overview and Scrutiny Select Committee considered that a nomination for a person to represent the Council on an outside body should be able to be made by a Member who was not a Member of the Corporate Management Committee. The Corporate Head of Law and Governance was requested to investigate and provide further advice to Members on this point. (Advice on this point was given to the Corporate Management Committee on 22 July 2021 when it considered the Overview and Scrutiny Select Committee's comments on the call-in).

The opinion of the Overview and Scrutiny Select Committee was that as Members at the meeting of the Corporate Management Committee on 27 May 2021 had not been clear about the procedure to be followed in respect of contested appointments to outside bodies, the contested outside body appointments should be considered again at the next meeting of the Corporate Management Committee and be determined in accordance with Standing Order 39.6. The Overview and Scrutiny Select Committee recommended accordingly (recommendation 1).

The Overview and Scrutiny Select Committee also recommended (recommendation 2) that for future outside body appointments an External Appointments Sub-Group be convened (this could meet remotely as it would not be making decisions) which would make recommendations on the appointments to the Corporate Management Committee for decision. This recommendation was made as the Corporate Management Committee had a large volume of business to consider and more time was needed to consider this item in future in view of the greater number of nominations being made by the different groups on the Council.

The Overview and Scrutiny Select Committee also recommended (recommendation 3) that for future outside body appointments Council representatives on outside bodies be required to report back to the Council on their attendance and on the activity of the outside bodies to which they were appointed by the Council.

**RECOMMEND TO CORPORATE MANAGEMENT COMMITTEE ON 22 JULY 2021 that –**

- i) the contested outside body appointments at the Corporate Management Committee meeting on 27 May 2021 be determined in accordance with Standing Order 39.6 on pages 161 and 162 of the May 2021 Constitution of the Council;**
- ii) for future outside body appointments an External Appointments Sub-Group be convened which will make recommendations on the appointments to the Corporate Management Committee for decision; and**
- ii) for future outside body appointments, Council representatives on outside bodies be required to report back to the Council on their attendance and on the activity of the outside bodies to which they were appointed by the Council.**

129 ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY FUNCTION

The Committee considered a draft Annual Report for the Municipal Year 2020/21 in accordance with sub-paragraph 6.03 (d) of the Council's Constitution which stated that the Overview and Scrutiny Select Committee must report annually to Full Council.

**RECOMMEND TO FULL COUNCIL ON 15 JULY 2021 that –**

**the Annual Report of The Overview and Scrutiny Function 2020/21 be received and noted.**

(The meeting ended at 9.53. p.m.)

Chairman