

## **SELECT COMMITTEE ON COMMUNITY SAFETY**

Friday, 10th September, 2004, at 6.00 p.m.

### **PRESENT:-**

Councillor Blood (Chairman)  
Councillors Burston, Cotterill, Mrs Dunn, Male, Mottram, A Turner, Mrs H Turner, Mrs Jordan and Vickers, together with Mr Mayou (Executive Directorate – Lead Officer to the Committee), Messrs P Tart and M Farooq (Directorate of Law and Property), Ms P Sharratt (Directorate of Social Services), Ms Channings (Directorate of Housing), Ms C Peek (Directorate of Education and Lifelong Learning), Ms D Hewitt (Community Safety Team) and Mr A Humphreys (Directorate of Finance).

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### **MINUTES**

#### **RESOLVED**

That the minutes of the meeting of the Committee held on 21st July, 2004, be approved as a correct record and signed.

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### **DECLARATIONS OF INTEREST**

Councillor Mrs Turner declared a Personal Interest, in accordance with the Members' Code of Conduct in view of her position as a School Governor of a local School.

Councillor Vickers declared a Personal Interest, in accordance with the Members' Code of Conduct, in agenda item no. 5 (Update on the Council's Capital Strategy) in view of his position as a School Governor of a local School.

Councillor Burston declared a Personal Interest in agenda item 5 (Update on Council's Capital Strategy) in view of his involvement with Metro Line 2 and Bus Showcase resulting from his employment with CENTRO.

Councillor Cotterill declared a Personal Interest in agenda item 5 (Update on the Council's Capital Strategy) in view of his involvement with the West Midlands Passenger Transport Authority).

Councillor Mottram declared a Personal Interest in agenda item 6 (Meeting with Mr B Richens (Local Magistrate) and Ross Cranston (QC, MP) in view of the position he holds as a Local Magistrate.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Ms Foster and Craigie.

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11                    APPOINTMENT OF SUBSTITUTE FOR THIS MEETING OF THE COMMITTEE

It was reported that Councillor Mrs Jordan had been appointed to serve as a substitute for Councillor Ms Foster for this meeting of the Committee only.

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12                    UPDATE OF THE COUNCIL'S CAPITAL STRATEGY

A report of the Director of Finance was submitted on the Council's Capital Strategy, dealing with an update on the Strategy.

In presenting the report, Mr A Humphreys, Group Accountant, stated that few amendments had been made to the Capital Strategy.

In response to a question by Councillor Cotterill, Mr Mayou explained that the purpose of this Committee was to comment on the Community Safety aspects of the report.

Councillor Cotterill stated that some parks would not be supported by Friends of the Park groups and as a consequence would not be able to access funding from the Liveability Fund. In response, the Chairman replied that this issue would be dealt with at Area Committees and by Mr D Lowndes of the Directorate of the Urban Environment.

RESOLVED

That the information contained in the report submitted, in relation to the Council's Capital Strategy, be noted.

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13                    MEETING WITH ROSS CRANSTON, QC, MP AND MR B RICHENS (A LOCAL MAGISTRATE)

Mr B Richens, a Local Magistrate, was in attendance at the meeting. The following points were discussed.

- That an Anti-Social Behaviour Order (ASBO) was a Civil Action that could be imposed for a minimum of two years.
- That sixteen ASBO's had been issued in Dudley, eight in the North of the Borough and eight in the South of the Borough and should the Order be breached it would be a criminal offence. No increase had been recorded in the issue of such Orders and he outlined the penalties that could be imposed should a breach occur.

- That six Criminal Anti-Social Behaviour Orders (CRASBOs) had been applied for in the preceding twelve month period, one of which had been granted and five of which were awaiting a decision. CRASBOs could only be applied for by the Police, the Courts or the Crown Prosecution Service. The Local Authority could not apply for a CRASBO.
- That if a perpetrator was aged between ten and seventeen years and pleaded “Guilty” to a first conviction, a referral Order could be issued that would run for three to twelve months. If the perpetrator was under-age, parents would have to attend a panel meeting.
- That if an alleged perpetrator did not attend Court when summoned, a warrant could be issued.
- That when a decision to take a case to Court was made, the evidence had to be accurate and solid. He agreed that witnesses often felt too intimidated to give evidence in Court.
- That if, after a “Guilty” plea the case was referred for community service, reports would be called for from Social Services or the Probation Service. The report would be confidential, but Magistrates would be privy to the information contained in the report.

Ms P Sharratt explained that, in producing a report, Social Services would take into account a range of factors and an opportunity to make reparation might be recommended. Ms C Peek explained the role of the YOT team in assisting perpetrators of anti-social behaviour to become positive member of the community.

At this point Ross Cranston, QC, MP, joined the meeting and responded to questions put by the Committee.

In addressing the Committee he explained that since 1998, the Government had put in a framework of legislation to deal with anti-social behaviour issues and in 2002 had produced a paper putting forward proposals for the future provision of the Youth Services, including multi-agency working.

On the question of witness support he stated that evaluation had been carried out on the provision of protection for witnesses and on victim support. Council officers and the Police needed to work together to develop a strategy to deal with the issue, professional witnesses could be an option.

In response, Mr Farooq confirmed that he had not handled a case in recent years where witnesses had refused to attend court to give evidence.

Mr Mayou explained that Dudley Council had a range of responses available to them when dealing with nuisance neighbours, such as the issue of warning letters through to the eviction of the perpetrator. He stated that it had been taking up to two years to reach the eviction stage but the time span had been significantly shortened. Some cases did take longer to resolve due to the collecting of appropriate evidence. The Committee needed to consider whether there were any steps they could recommend to the Council to assist in speeding up the process.

Mr Tart commented that the Council's Legal Directorate worked closely with the Housing Directorate and there were no delays in processing Anti-Social Behaviour Orders. The Council had little control over a matter once it had reached Court. He further explained that the developing legislation had helped speed up the process through the issue of Criminal Anti-Social Behaviour Orders. The Legal Division was now making good use of new powers under the Anti-Social Behaviour Act 2003 and had recently obtained an interim Anti-Social Behaviour Order in the County Court, which meant that the Order was in place without the Council having to wait for the final hearing. In addition, Anti-Social Behaviour Orders could be obtained in the County Court, which meant that they could be tied in with possession proceedings, further streamlining the process.

- A question regarding the imposition of a borough-wide street drinking ban was asked by the Chairman. In response, Mr Tart explained that the Police had reservations regarding the enforcement of such a ban and also the absence of sufficient evidence to support a total ban. He agreed to seek views of the Director of Law and Property and the Police and submit a report to a future meeting of the Committee. Ross Cranston, QC, MP, also agreed to seek views at national level and report back to a future meeting of the Committee.
- A question regarding the operation of CCTV cameras was asked by Councillor Dunn, in particular, a camera installed on a local housing estate to monitor incidents of anti-social behaviour. Councillor Dunn had been informed that Council staff could not use CCTV footage as evidence. Mr Tart explained that CCTV footage could be used as evidence in relation to criminal and civil cases. Specific surveillance activity now fell under the Regulatory Investigatory Powers Act, which required authorisation. Ms Channings (Directorate of Housing) agreed to investigate the matter and report back to Councillor Dunn.
- A question regarding closures of rights of way to prevent them being used for anti-social behaviour was asked by Councillor Mottram. In response Ross Cranston, QC, MP, explained that the responsibility for the closure of rights of way lay with DEFRA. Legislation had been introduced to make the closure of rights of way easier, but the process was still complicated. He agreed to take up the matter and press in Parliament for changes to the legislation.

- A question regarding the new firework legislation was discussed by the Committee who agreed that the effect of the legislation could not be accurately measured until after the 5th November celebrations were over.
- A question regarding the length of prison sentences handed down by the Courts for acts of anti-social behaviour was asked by Councillor Burston. In response Ross Cranston, QC, MP, explained that Britain had the highest prison population in Europe and there had been instances where prisoners had been held in police cells because of shortage of space in prisons. Since 1997 the prison population had risen from 40,000 to 70,000 and that there had been criticism in the Press about the Government being too liberal in sending people to prison. Mr Richens commented that there were other methods available other than sending offenders to prison such as electronic tagging and drug testing and treatment orders.
- A question regarding whether the Government would meet requirements to house a growing prison population was asked by Councillor Male. In response Ross Cranston, QC, MP, stated that the Government had a prison building programme. They considered that sentencing was in the hands of the Courts and if the Courts considered a prison sentence was appropriate the Government had a duty to provide prison places.

The Chairman thanked Mr Richens and Mr Ross Cranston, QC, MP, for accepting the Committee's invitation to attend the meeting and for their informative and helpful responses.

The meeting ended at 8.40 p.m.

CHAIRMAN