

## **MAIDSTONE BOROUGH COUNCIL**

### **OVERVIEW & SCRUTINY ACTING AS THE CRIME & DISORDER COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 18 JULY 2023**

##### **Attendees:**

<b>Committee Members:</b>	<b>Councillors English (Chairman), Cannon, Clark, Cleator, Conyard, Eagle, Hastie, Munford, Round, S Thompson and Trzebinski</b>
<b>Cabinet Members:</b>	<b>Councillor Lottie Parfitt-Reid, Cabinet Member for Housing and Health</b>

##### 38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blackmore, Hinder and Webb.

##### 39. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Trzebinski was present as Substitute Member for Councillor Hinder.

##### 40. URGENT ITEMS

There were no urgent items but the Chairman stated that Item 9 – Minutes of the Meeting held on 13 April 2023 had been circulated to the Committee that day.

##### 41. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

##### 42. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

##### 43. DISCLOSURES OF LOBBYING

All Committee Members had been lobbied on Item 12 – Public Spaces Protection Order – Town Centre Renewal.

##### 44. EXEMPT ITEMS

**RESOLVED:** That all items on the agenda be taken in public as proposed.

##### 45. MINUTES OF THE MEETING HELD ON 13 APRIL 2023

**RESOLVED:** That the Minutes of the meeting held on 13 April 2023 be approved as a correct record and signed.

46. PRESENTATION OF PETITIONS

There were no petitions.

47. QUESTION AND ANSWER SESSION FOR LOCAL RESIDENTS

There were no questions from Local Residents.

48. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members.

49. PUBLIC SPACES PROTECTION ORDER - TOWN CENTRE RENEWAL

The Cabinet Member for Housing and health introduced the report and stated that the Public Spaces Protection Order (PSPO) needed to be renewed every three years and allowed the relevant stakeholders to challenge anti-social behaviour in the Town Centre; local stakeholders and the public had been consulted on, and were supportive of, the PSPO renewal.

The PSPO contained two significant provisions on begging and alcohol, with it stated that professional beggars would be deterred by the PSPO. The document enabled support to be provided to vulnerable individuals, as they would be made aware of the services provided by the Council's outreach team and partner organisations. The alcohol provision was generally used by Kent Police and One Maidstone Ambassadors. The relevant officers and organisations held 'all out Fridays' every seven weeks, specifically to conduct outreach, which the Committee was welcome to attend.

The Head of Housing and Regulatory Services stated that in the last three years, there had been a significant reduction in rough sleeping due to the various services provided, which included Trinity. It was reiterated that the PSPO was not aimed at reducing roughly sleeping. It is a tool to tackle nuisance begging, and that no fixed penalty notices had been issued for begging in the past three years.

In response to questions, the Community and Strategic Partnerships Manager stated that whilst anti-social alcohol use had been disrupted in certain areas, such as Jubilee Square, patrols had since been moved to the other areas that needed intervention. The Head of Housing and Regulatory Services stated that they were also concerned of the impact to the Council's resources arising from Kent County Council's (KCC) financial pressures, with a response to be drafted to the upcoming KCC consultation on Community Warden provision.

Whilst the Committee expressed support for the alcohol related provision within the proposed PSPO, there were concerns raised by several Members that the Council could face legal challenge over the PSPOs renewal and wording, following the receipt of Liberty's objection to the PSPO in Appendix 2 to the report, and the previous challenge made to Bournemouth, Christchurch and Poole Council's (BCPC) PSPO. Some Members felt that the PSPO was suitable as proposed.

In response to questions, the Head of Housing and Regulatory Services confirmed that:

- The PSPO had been clearly drafted to outline that FPNs could be served and was not intended to manage rough sleeping in the way that BCPC's PSPO had attempted to. The Council instead worked collaboratively with partner organisations as opposed to that type of measure or the use of the Vagrancy Act;
- The Council's enforcement policy supported officers' holistic approach but could not be incorporated into the PSPO, and the report had been reviewed by the Council's legal team;
- The Council had complied with the rules and guidance to produce a compliant PSPO, and that if legally challenged, the likelihood of success against the Council assessed as unlikely. A judicial review would involve reviewing the Council's compliance with the regulations and guidance, which could be demonstrated.

Consideration was given to whether external legal advice should be sought, but it was felt that further assurance from the Council's legal department would be sufficient.

The Committee would conduct pre-decision scrutiny on the response to the KCC Community Warden consultation.

**RESOLVED to RECOMMEND to the CABINET MEMBER:** That delegated authority be given to the Head of Housing and Regulatory Services to renew the existing Town Centre Public Space Protection Order for a further three years, subject to:

- a. confirmation from the Council's Legal Team that the issues that have been raised have been addressed, and they are reasonably confident in the overall policy decision.

50. DURATION OF MEETING

6:45 p.m. to 7:25 p.m.