

**Minutes of the meeting of General scrutiny committee held at
The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX on Monday 11 September 2017 at 10.30 am**

Present: Councillor WLS Bowen (Chairman)
Councillor EJ Swinglehurst (Vice-Chairman)

Councillors: BA Baker, JM Bartlett, PGH Cutter and A Warmington

In attendance: Councillors J Hardwick, PD Price (Cabinet Member), NE Shaw and
D Summers

Officers: Officers: K Barham, Head of service, West Mercia Youth Justice Service, C
Corfield, Licensing, travellers and technical support service manager, A
Newey, Senior planning officer, and J Coleman (Democratic Services
Manager/Statutory Scrutiny Officer).

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JF Johnson.

20. NAMED SUBSTITUTES

None.

21. DECLARATIONS OF INTEREST

None.

22. MINUTES

RESOLVED: That the minutes of the meeting held on 11 July 2017 and 21
August 2017 be approved as a correct record.

23. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

24. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

25. TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT

The Committee was asked to determine whether it wished to make any
recommendations to the executive on the draft pre-submission Travellers' Sites
development plan document (DPD) which would strengthen the emerging policy
approach.

The Senior Planning Officer (SPO) presented the report. She commented on the preparation of the evidence base which informed the assessment of the need for new pitches, proposals for the provision of residential pitches, the proposal to develop a temporary stopping place, noting that the proposed site still required further discussion with Highways England, and the inclusion of an enabling policy to make provision for travelling showpeople.

In the course of discussion the following principal points were made:

- It was asked whether the proposed provision was sufficient noting that the government's revised definition of travellers and travelling showpeople on which the assessment of need had been based was the subject of a legal challenge.
- The SPO commented that it was likely that the legal challenge would take some time to resolve and therefore the council had to seek to progress its policy based on the current government guidance. If the government issued new guidance in due course the policy may then need to be reviewed.
- A number of questions were asked about the policy governing the proposed temporary stopping place (TSP) and how this would operate in practice, the importance of communicating policies to the wider public to provide clarity, whether it was a suitable site, noting the proximity to the A49 and the railway line, and whether one such site was going to be sufficient.
- In response the Senior Planning Officer and the Licensing, travellers and technical support service manager (LTTSSM) and the Programme director housing and growth commented:
- There was no proposed general policy in relation to the provision of temporary stopping places because it was considered that the proposed site would meet the need identified in the Gypsy and Traveller Accommodation Assessment.
- The TSP would be managed in accordance with recognised good practice. There were established legal procedures to manage the length of stay.
- Those using the site would have to abide by conditions governing occupancy.
- Experience of other local authorities suggested that bringing in sanitation and waste disposal facilities as and when required was preferable to making permanent provision on a TSP.
- There would be occasions when the number of unauthorised encampments exceeded the space available on the TSP. However, it was important to recognise the benefits the TSP would provide, noting that West Mercia Police strongly advocated the provision of such a site and the environmental health service supported it. It would allow the authority to provide basic sanitary facilities and have arrangements in place with regard to access to health services and education when required.
- Management arrangements should ensure clear communication between agencies including the police to ensure, for example, that travellers were not directed to the TSP from another part of the county when it was already full.
- It was questioned whether the assessment of the extent to which need could be addressed through turnover of occupants on council sites was reasonable and could be relied upon. The SPO commented that this was the Consultants' view and it would be kept under review.
- The SPO confirmed that no sites had been identified for travelling showpeople in response to the call for sites. Discussions with the Showmans Guild were continuing. An enabling policy was proposed to encourage sites to come forward.
- It was suggested that there were areas of private land that might be more suitable for sites than council owned land. It was asked whether there was scope for the council to use compulsory purchase powers.
- The SPO commented that there had been there calls for sites but very little private land had been put forward for consideration in response. It was acknowledged that the identification of sites was a challenging process and the Homes and Community

Agency encouraged local authorities to look at their own landholdings to meet the accommodation requirement.

- Support was expressed for the policy of organic growth of existing sites on the basis that these were already embedded within the local community.
- The local ward member for Bromyard Bringsty referred to a statement he had obtained from the police and fire service about Openfields Caravan Site, Bromyard to which it was proposed to add two pitches . This outlined a number of concerns about the site's operation. However, they did not object to the proposal.
- The LTTSSM commented that whilst there had been some incidents arrangements were in place to manage the site effectively. An issue about access to the site caused by parked vehicles had been resolved.
- Provisions for when a review of the policy should be undertaken should be clarified.
- Clarification was sought on the scope to improve co-operation with other authorities noting as referred to at paragraphs 2.10-2.11 of the presubmission document (appendix 1)that no opportunity for shared traveller accommodation provision had to date been identified.
- The SPO commented that discussions with neighbouring authorities had taken place and would continue to do so. However, one of the complications was that authorities were at different stages in developing their plans and Monmouthshire, for example, fell within the remit of the Welsh Assembly. There was also a TSP in the area of Forest of Dean District Council near the M50 but the council could not rely on accommodation being available and consequently had identified its own provision.
- The cabinet member – infrastructure commented that he considered the provision of residential pitches to be relatively satisfactorily addressed and that provision for travelling showpeople would be resolved. The most pressing need was to address the issues caused by unauthorised encampments and the TSP was intended to do so.

RESOLVED:

- That**
- (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;**
 - (b) co-operative working with neighbouring authorities should be pursued;**
 - (c) clarity be provided on how the TSP would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding;**
 - (d) consideration be given to specifying when a review of the policy should be conducted;**
 - (e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;**
 - (f) the scope to acquire land for sites by Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;**
 - (g) site allocation policy on residential sites should be clear;**
 - (h) officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.**

(The meeting adjourned between 11.50 am and 11.55 am)

26. YOUTH JUSTICE PLAN 2017-2018

The Committee was asked to endorse the Youth Justice Plan 2017/18 for approval by Council and consider whether there were any comments it wished to make that would inform the production of the Plan for 2018/19.

The Head of Service, West Mercia Youth Justice Service, presented the report. He noted the significant changes the service had recently faced including the transfer of responsibility for the service to the Office of the West Mercia Police and Crime Commissioner (PCC), a new client management information system, a new national assessment and planning framework and a team restructure. He also drew attention to the actions to improve service provision in 2017/18 under 7 main priorities, summarised at paragraph 10 of the report.

In response to questions the HS commented:

- that the transfer to the office of the PCC had occurred in parallel with a restructure to meet service need on a reduced budget. This had adversely affected staff morale. The action plan recognised this with a priority of ensuring team morale was good. He considered morale was improving.
- The tool for tracking reoffending of current cases in real time was working well.
- The small numbers of offenders in Herefordshire did mean that disproportionate swings in the statistics could take place complicating comparison with other authorities.
- A different model of decision making for out of court disposals was being piloted in Shropshire exploring the possibility of appropriately diverting more young people from formal justice sanctions through offering a wider range of options to support informal resolutions. If the evaluation concluded this approach was successful it would be rolled out to other areas.
- A detailed assessment of the role mental health issues played in offending had taken place and the contribution of substance abuse had formed part of that consideration. Substance misuse had been identified as a risk factor associated with reoffending for 20% of first time entrants. There was a team of substance misuse workers with one part/time post allocated for Herefordshire. He confirmed that there was liaison with the public health team through the community safety partnership. An action plan had been produced to address findings from the assessment of mental health issues.
- The pattern of male/female offending with some 80% of offenders being male was broadly replicated across the country. There were a number of studies on this point. Because there were so few young female offenders in the county there was some concern as to whether the service was meeting their needs.
- The service was exploring the possibility of developing a programme to assist young people with their numerical and literacy skills.
- There was a spike in offending at the ages of 17/18. He confirmed that transitions from the youth offending service to the national probation service were planned in each case. If it was considered an individual was not mature enough to adapt to a transfer they continued on their current order until it expired.
- The first time entrant rate was higher than the average rate for West Mercia and for England but the numbers were very small. The number of first time entrants was half that in 2009/10, a significant reduction.

- The value for money of the service was hard to measure. One national statistic compared the resource allocated into youth justice services divided by the number of disposals. On this basis the west mercia service provided one of the lowest cost services compared with statistical neighbours. The number of people entering the youth justice system had reduced since the establishment of the service. Crime had reduced but so had the proportion committed by young people. The statistics took account of informal disposals.
- Clarification was sought on how statistics quoted in the 2017/18 plan compared with the 2016/17 plan. It was noted that paragraph 2.4 of the 2017 plan did not reference all the questions in paragraph 2.6 of the 2016/17 plan. Updated information in relation to paragraph 2.5 of the 2016/17 plan was also requested. It was proposed that a briefing note be circulated.
- It was requested that the briefing note should also include clarification on the operation of transition protocols and reassurance that there was a seamless and fully effective transition from youth to adult services.

RESOLVED:

- That**
- (a) the Youth Justice Plan (at appendix A to the report) be endorsed and submitted to Cabinet for recommendation to full Council for approval;**
 - (b) the Cabinet Member (young people and children’s wellbeing) be asked**

(i) to request the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year’s plan at an earlier stage so that its comments can be taken into account in the plan’s preparation;

(ii) to request that an evaluation of informal disposals be included in next year’s plan;

(iii) to request that next year’s plan be drafted so as to enable performance year on year to be compared;

(iv) to request that mindful of the fact that the low numbers of offenders in Herefordshire can distort statistical comparison with other authorities information be presented within the Plan in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year; and

- (c) a briefing note be requested setting out: how the statistics quoted at paragraph 2.4/2.6 of the draft plan compare in full with the 2016/17 plan; and also providing clarification on the operation of transition protocols and reassurance that there is a seamless and fully effective transition from youth to adult services.**

27. WORK PROGRAMME

The Committee reviewed its work programme.

It was requested that further consideration be given to the inclusion of the delivery of housing growth targets in the work programme.

RESOLVED: That:

- (a) the draft work programme as set out at appendix 1 to the report be approved; and**
- (b) the terms of reference for the Minerals and Waste local plan standing panel as set out at paragraph 7 of the report be endorsed.**

28. DATE OF NEXT MEETING

Tuesday 26 September 2017 at 10.30 am.

The meeting ended at 1.01 pm

Chairman