



Council Offices, Kiln Road,  
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Essex SS7 1TF.  
Tel. No: 01268 882200



## **CABINET AGENDA**

**Date:** Wednesday 20th July 2022

**Time:** 7pm NB Time

**Venue:** Council Chamber

**This meeting will be webcast live on the internet.**

### **Membership:**

<b>Councillor Blackwell</b>	<b>Chairman - Leader of the Council</b>
<b>Councillor Cole</b>	<b>Special Projects (Deputy Leader of the Council)</b>
<b>Councillor Fuller</b>	<b>Resources</b>
<b>Councillor Gibson</b>	<b>Place – Infrastructure</b>
<b>Councillor Mountford</b>	<b>Waste &amp; Environmental Health</b>
<b>Councillor Palmer</b>	<b>Regeneration &amp; Economic Growth</b>
<b>Councillor Mrs Sach</b>	<b>People, Health Wellbeing &amp; Housing</b>
<b>Councillor Savage</b>	<b>People &amp; Community</b>

**Cabinet Enquiries:** Ann Horgan ext. 2413  
ahorgan@castlepoint.gov.uk  
**Reference:** 2/2022/2023  
**Publication Date:** Tuesday 12th July 2022

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**AGENDA**  
**PART I**  
**(Business to be taken in public)**

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- 1. Apologies**
- 2. Members' Interests**
- 3. Minutes**  
To approve the Minutes of the meeting held on 15th June 2022.
- 4. Forward Plan**  
To review the Forward Plan.
- 5. Corporate Performance Scorecard Quarter 4**  
*(Report of the Cabinet Member – Special Projects)*
- 6. Public Space Protection Order – Recommendations from Environment Policy & Scrutiny Committee**  
*(Report of the Cabinet Member – People & Community)*
- 7. Matters to be referred from /to Policy & Scrutiny Committees**  
See item 6
- 8. Matters to be referred from /to the Standing Committees**
- 9. Exclusion of the Public**  
**Cabinet will be asked to pass the following resolution:**  
**Resolved:**  
For the purpose of Section 4 Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations as the business contains information relating to an individual or is likely to reveal the identity of an individual (Exempt Information under Paragraphs 1 & 2 Schedule 12A Local Government Act 1972) to exclude the press and public from the meeting to enable the business of the meeting to be transacted in private

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**PART II**  
**(Business to be taken in private)**  
**(Item to be considered with the press and public excluded from the meeting)**

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- 9. Supplementary Estimate - Approval**  
(Exempt Information Paragraphs 1&2 Schedule 12A Local Government Act 1972 as amended)



## CABINET



**15TH JUNE 2022**

### **PRESENT:**

Councillor Blackwell  
Councillor Cole  
Councillor Sach  
Councillor Gibson  
Councillor Savage  
Councillor Fuller  
Councillor Palmer  
Councillor Mountford

Chairman – Leader of the Council  
Special Projects – Deputy Leader of the Council  
People – Health Wellbeing & Housing  
Place – Infrastructure  
People - Community  
Resources  
Regeneration & Economic Growth  
Waste & Environmental Health

### **ALSO PRESENT:**

Councillors Acott, Bowker, Cutler, Dixon, Hart, Isaacs, Greig, C. Mumford, S. Mumford, Maclean, Thomas, A. Thornton, J. Thornton and Walter.

### **APOLOGIES:**

There were none

#### **1. MEMBERS' INTERESTS:**

There were none.

#### **2. MINUTES:**

The Minutes of the Cabinet meeting held on 16.3.2022 were signed and approved as a correct record.

#### **3. FORWARD PLAN:**

To comply with regulations under the Localism Act 2011, the Leader presented a revised Forward Plan to the meeting which outlined key decisions likely to be taken within the next quarter of 2022. The Plan is reviewed each month.

**Resolved:** To note and approve the Forward Plan as amended.

#### **4. ENERGY BILL – RATIFY SCHEME**

Cabinet considered a report providing an update in respect of the Energy Bills Rebate Scheme and to seek formal ratification from Cabinet of the local Energy Bills Rebate Discretionary Fund Scheme.

In response to questions on the report Members were advised of the action being taken to contact those who were eligible and yet to claim the rebate. This included support for those without access to computers and social media. This support included assistance to complete forms over the phone and appointment for assistance in person.

**Resolved:**

1. To note the information summarised in sections 6 and 7 of the report and the information detailed in Appendices A and C.
2. To enable swift implementation to ratify the adoption of the proposed Discretionary Rebate Scheme to commence 17th June 2022.
3. To recommend the Scheme to Council for ratification.

**5. SUICIDE POLICY AND PROTOCOL**

Cabinet considered a report presenting the Suicide Policy and Protocol which would assist Council staff dealing with people at risk of suicide or self-harm to the Cabinet for formal adoption.

This policy and protocol has been developed pursuant to the Government requirement to put effective suicide prevention measures in place and provides practical guidance on responding to and managing people who threaten suicide or self-harm. The updated guidance to assist all staff included information and links to support agencies to offer practical assistance and professional help to any affected person.

The policy and protocol links to the Council's Safeguarding Vulnerable Adults and Children Policy and supports the local Southend Essex Thurrock (SET) strategy in its ambition to a 'Zero Suicide' approach.

During discussion Members requested further information on Mental Health First Aiders and enquired whether training could be provided to Members.

**Resolved:**

To agree and adopt the Suicide Policy and Protocol for publication.

**6. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY**

Cabinet considered a report on the current RIPA policy and its use and seeking approval of the updated Regulation of Investigatory Powers Act 2000 (RIPA) Policy (2022).

Local Authorities were able to conduct covert surveillance in order to perform their duties and core functions. The Council also had a responsibility to its community to investigate and protect the community from potentially criminal and disorderly conduct which might not be possible to detect or stop through overt surveillance.

The Policy before Cabinet set out the approach that the Council was taking towards Regulation of Investigatory Powers Act 2000 (RIPA) in relation to its policies, practices and services.

A requirement under paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice 2018 was that the RIPA policy be approved by Council and endorsed. It was also a requirement to report to Council annually whether there had been any such applications made under the Act. No applications have been made in the last 12 months.

Members asked questions on the report and were informed that this would be refreshed in 2024.

**Resolved:**

1. To note the content of the Report.
2. To approve the Regulation of Investigatory Powers Act 2000 (RIPA) Policy 2022, annexed as an indication of the Council's commitment to complying in its practices with current legislation.

**7. REPORT ON THE NOTICE OF MOTION REGARDING CASTLE POINT LOCAL PLAN**

Cabinet received a report setting the implications of the Motion referred from Council.

*'The Local Plan examination has now been completed and in the event of the Local Plan not being adopted we call on the Council to start work immediately on a new Local Plan that reflects the central government stated aim to protect and preserve the precious green belt in our local area. A priority of this new Local Plan would be to produce a target housing number that genuinely reflects local need. As this housing target will be lower than previous proposals this must be supported by robust evidence. All housing developments should prioritize brownfield development. We hope that in the interests of our borough this motion is supported on a cross party basis.'*

**Resolved:**

That Cabinet notes the implications of the Motion and refers the report to Special Council taking place later that evening to inform debate on the Motion

**8. MATTERS TO BE REFERRED FROM / TO POLICY & SCRUTINY COMMITTEES**

There were none.

**9. MATTERS TO BE REFERRED FROM / TO THE STANDING COMMITTEES**

There were none.

**10. UKRAINIAN REFUGEES – USE OF LEISURE FACILITIES**

At the conclusion of the meeting the Leader of the Council took the opportunity to advise of a scheme to allow Ukrainian refugees to use Leisure Facilities for six months free of charge. In endorsing the scheme, Members supported a request was for a similar offer to be made available to other refugees receiving assistance.

Chairman



# **Castle Point Borough Council**

## **Forward Plan**

**JULY 2022**

# CASTLE POINT BOROUGH COUNCIL

## FORWARD PLAN

**JULY 2022**

This document gives details of the key decisions that are likely to be taken. A key decision is defined as a decision which is likely: -

- (a) Subject of course to compliance with the financial regulations, to result in the local authority incurring expenditure which is, or the savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates subject to a threshold of £100,000; or
- (b) To be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

The Forward Plan is a working document which is updated continually.

<b>Date</b>	<b><u>Item</u></b>	<b>Council Priority</b>	<b>Decision by Council/ Cabinet</b>	<b>Lead Member(s)</b>	<b>Lead Officer(s)</b>
July 2022	<u>Corporate Performance Score Card Quarter 4 – to monitor</u>	All	Cabinet	Special Projects	Strategy Policy & Performance Manager
July 2022	<u>Public Space Protection Order – Report from Policy &amp; Scrutiny Committee</u>	People	Cabinet/	People & Community	Corporate Services
July /September 2022	<u>Financial Update –</u>	All	Cabinet	Resources	Strategic Director (Resources)
September 2022	<u>Playing Pitch Indoor Built Strategy – to approve</u>	Place /Environment	Cabinet	Place – Infrastructure	Head of Place & Policy
September 2022	<u>Report back from Environment PSC – Motion Article 4 Surface Water Flooding</u>	People	Cabinet	Leader of the Council	Head of Place & Policy
September 2022	<u>Request for Lease Benfleet Football Club</u>	Environment	Cabinet	Special Projects	Head of Environment
2022	<u>Waste Collection Arrangements – to consider recommendations from Environment PSC</u>	Environment	Cabinet	Waste & Environmental Health	Head of Environment
September 2022	<u>Award of Grounds Maintenance, Street Cleansing and Building Cleansing Contract</u>	Environment	Cabinet	Place - Infrastructure	Head of Environment
October 2022	Draft Update of the Developer Contributions Guidance referred from Place & Community PSC	Economy and Growth	Council Cabinet	Growth – Leader of the Council	Head of Place & Policy



Standing item 2022 –	<u>Transformation – Response to Budget Challenge</u>	All	Cabinet	Resources	Chief Executive Strategic Directors Section 151 Officer and Heads of Service
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**CABINET**

**20th July 2022**

**Subject: Corporate Performance Scorecard Quarter 4 2021/22**

**Cabinet Member: Councillor Cole, Cabinet Member - Special Projects**

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**1. Purpose of Report**

To set out the performance figures for the Corporate Performance Scorecard for Q4 2021/22.

**2. Links to Council's priorities and objectives**

The scorecard is explicitly linked to the Council's priorities.

**3. Recommendations**

That Cabinet notes the report and continues to monitor performance.

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**4. Background**

4.1 The corporate scorecard reports on performance indicators for important service outcomes that are relevant to the Council's priorities.

4.2 The indicators and targets for the corporate performance scorecard for 2021/22 were considered and approved by Cabinet in July 2021.

**5. Report**

**5.1 Summary of performance**

5.1.1 Appendix 1 sets out the performance achieved by the Council against the measures in the scorecard, together with trend data and commentary on performance.

5.1.2 Of the 39 indicators reported, 21 are at or above target, a further 5 are near target and 9 indicators are below target. One indicator on default notices in relation to highways verge cutting had no performance against target as serving of defaults is suspended in winter months. Three of the annual indicators reporting in Q4 did not have a target set. Trend in performance shows that there is improving performance in 14 indicators, declining performance for 15 indicators and performance levels maintained for 4 indicators. The remaining 6 indicators do not have an indication of trend.

- 5.1.3 The report at Q4 includes a number of annual indicators, many which have been calculated from responses to the Council's annual satisfaction and perception survey. The survey ran online over May and June, with hard copies of the survey made available at the main reception in the Council offices and at the four libraries across the Borough. Despite substantial reach across social media channels, the number of responses was disappointing at 125, with no hard copies returned. On a population of 75,000 (discounting those under 14 years old) this sample size exhibits a fairly wide margin of error so some caution should be taken interpreting results. The Council is planning on holding a number of focus groups later in the year which will provide some more insight into residents' views. Nevertheless, the survey does give some indication of residents' satisfaction levels and perceptions.
- 5.1.4 Performance is set out against the four priorities in the new corporate plan as follows:

### ***Economy & Growth***

The number of apprenticeship starts in Castle Point fell to 370 in 2021/22, down from 520 in the previous year. This trend was seen across the whole of Greater Essex with number of starts declining by an average of 35%.

The number of businesses in Castle Point fell to 3,255 in 2021 from 3,390 in the previous year. Just over 3,000 (95%) of these businesses are "micro businesses" which means between 0-9 employees. 930 (29%) of businesses are in construction.

### ***People***

The Homelessness performance indicator is split into two parts and looks at the success rate of the homelessness team in preventing and relieving homelessness. Year-to-date at the end of Q4, the service secured accommodation for just under 7 out of every 10 households to whom the Council owed a Prevention duty and just under 5 out of 10 households owed a Relief duty. Both of these are above target, although a slight decline on performance in the previous year.

There were a number of Prevention duties granted following an increase during the pandemic of Section 21 notices served by landlords. However, due to restrictions on court possession orders, evictions did not progress, and a number of cases were closed off as "no further/lost contact" which the Council cannot include as a successful outcome.

The success rate for the Relief duties reflects the work being carried out by an appointed Outreach Worker, who solely specialises in supporting single homeless applicants (provided temporary accommodation under "everyone in" and "protect and vacate" initiatives as result of Covid-19) and who have complex needs. This includes attending Job Centre appointments with clients, driving them and accompanying to viewings in respect of properties secured in the private rented sector.

Satisfaction with Leisure Services is measured by a Net Promoter Score which can range from -100 (where everybody is a detractor and would not recommend the service) to +100 (where everybody is a promoter and would recommend the service). Both Waterside Farm and Runnymede Leisure Centres scored well over

the quarter (69 and 70, respectively), although lower than at the same time last year and below target for Waterside Farm. Issues relating to card payment machines is thought to have contributed to this lower score. It should be noted that nationally, leisure facilities score around 40-45 for Net Promoter Score.

The number of leisure memberships stood at 3,700 at the end of the financial year, which was more than double the number of memberships at same time last year (memberships in 2020/21 were greatly reduced because of Covid-enforced closures and restrictions on operations). The number of memberships is now in excess of pre-Covid levels with The Fort gym extension at Waterside Farm proving to be a successful investment.

The number of vacant allotments increased over the quarter to 24 as several plots were handed back at renewal and some were taken back due to non-payment. Overall, 130 of the 154 usable plots are now being worked and there are 16% vacant.

98% of rated food premises (496 of 507) were classified as 'broadly compliant' with food regulations, having been awarded 3 stars or above on the Food Hygiene Ratings Scheme.

A new measure for 2021/22 is the Amount of Disabled Facilities Grant allocated as a percentage of overall budget. At the end of the quarter, 100% of available budget had been allocated. Delivery of the improvements will allow 123 people to live comfortably and safely in their own homes.

The percentage of respondents to the annual survey who agreed that there is a strong sense of community in their local area was 50%, less than the target of 65% set at the beginning of the year.

The proportion of people participating in physical activity for 150+ minutes per week (as measured by Sport England's Active Lives Survey) fell slightly from 61.1% in 2020 to 57.6% in 2021 although this was not considered to be a statistically significant fall.

The proportion of respondents to the annual survey who felt safe after dark was 48% which was just below the target of 50%. Perception of crime is far greater than actual crime levels in the Borough.

### ***Place***

Tenant satisfaction with repairs and maintenance is now reported monthly by the new contractor. All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied. 94% of tenants were satisfied, which is just below target. On void turnaround times, performance has been impacted by 5 studio flats in sheltered accommodation that were hard to let, with no applications on the waiting list and void for more than 50 days. However, an average of 35.2 days represents an improvement in performance compared with last year.

The percentage of planning applications processed within target times has two measures – one for major and one for non-major applications – and gives a longer-term view of performance, looking over a rolling two-year period. Nationally set standards have been comfortably achieved.

The building control service ensured all applications were processed within statutory timescales.

Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The plan was submitted for examination in public on the 2 October 2020. The Council also approved the Local Development Scheme (LDS) in November 2020. The Council received the Inspector's report in March 2022. He found that the Plan is sound, with modifications. The Inspector's findings were reported to Ordinary Council on 23 March 2022, with the recommendation to adopt the Plan. The Council voted not to adopt the Plan. The Council agreed that a report be made back in the event of non-adoption.

In 2021/22, there were no new affordable homes built in the Borough, down from 13 in the previous year and against a target of 100 new affordable homes per year.

The number of new homes built in the Borough was 205, an increase on the 166 homes built in 2020/21.

### ***Environment***

The percentage of household waste recycled or composted (including food waste) was 47.69% at the end of the quarter, lower than the same period last year and just below target. Dry recycling tonnages have decreased by 14% over the year and pink sack contamination levels have increased, meaning less has been able to be recycled.

The good performance for street cleanliness continues this quarter and is on target with just 8.84% of inspected streets deemed unsatisfactory, although slightly up from 8.67% over the same period last year.

With only a small amount of highway verge grass cutting being undertaken in the winter months the serving of Defaults was not applicable. Service requests for highway verge cutting was very low this quarter.

Fly tipping removal is above target, maintaining high levels of performance with 99% of fly tips removed within one working day. The number of fly tips over the quarter is as follows: 89 in January, 60 in February and 67 in March.

The percentage of respondents to the annual survey who were satisfied with Council efforts to maintain parks and open spaces was 60%, an increase from 58% in 2021 and on target.

The percentage of respondents to the annual survey who were satisfied with household waste collection, including recycling and composting, was 87%, an increase from 84% in 2021 and above target. This is the highest satisfaction level of all Council services.

The percentage of respondents to the annual survey who were satisfied with Council efforts to keep public land clear of litter and refuse was 56%. Satisfaction levels varied across the four areas included in this measure: litter picking (51%), street sweeping (42%); removing fly tips (70%) and grass cutting (59%).

The baseline calculation for the amount of CO<sub>2</sub> produced from the Council's buildings and operations was undertaken using 2019/20 data to avoid the impact of Covid in 2020/21 and 2021/22. Of the total figure of 2050.56 tons of CO<sub>2</sub>, 41% of the emissions came from heating, 29% from electricity usage, and 27% from Council fleet.

### ***Enablers***

The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office. This is above target and maintains a consistently high level of performance.

At the end of the year, there were 13,543 subscribers to the wheeled bin garden waste collection service, comfortably above target and a significant increase on the 11,719 subscribers at the end of 2020/21.

The sickness absence indicator has been split between short-term and long-term (4 calendar weeks or more) with targets adjusted down to reflect lower levels seen over the previous year. At 5.3 days against a target of 4.1 days, short-term absence remains low, although off target. Long-term sickness absence is 3.9 days, slightly above the target of 3.4 days although better than at the end of 2021/22.

The Council is keen to encourage members of the public and businesses to transact with the Council online. The "channel shift" indicators cover the numbers signed up to the e-billing service for council tax and business rates and a measure of Council Tax transactions using online forms. The number signed up to e-billing at the end of the quarter was 9,054 which is above target and an improvement on last year. Up to the end of the year, there were 2,238 online form transactions, an increase on the same period last year and above target.

The average time to process housing benefit claims is split into new claims and change of circumstances. For new claims, staff absences and the requirement for some full case reviews have caused a slight increase in processing times (23 days against a target of 21 days). Change of circumstances are processed in 6 days, on target although a slight drop in performance compared with the same period last year.

The percentage of respondents to the annual survey who were satisfied overall with the Council improved from 45% in 2021 to 50% in 2022, which is on target.

## **6. Corporate Implications**

### **a. Financial implications**

Good performance on some indicators can lead to reduced costs.

### **b. Legal implications**

There are no direct legal implications.

### **c. Human resources and equality**

There are no direct human resource or equality implications.

**d. Timescale for implementation and risk factors**

Monitoring of the Corporate Performance Scorecard is ongoing throughout the year.

**7. Background Papers:**

None

Report Author: Ben Brook [bbrook@castlepoint.gov.uk](mailto:bbrook@castlepoint.gov.uk)

# Corporate Performance Scorecard

Quarter 4 2021/22

Appendix 1





# Economy and Growth

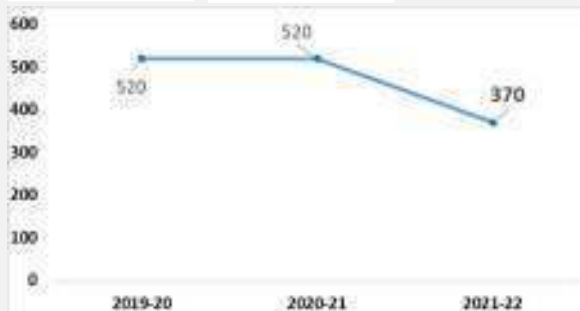
## E&G001: Number of apprenticeship starts in the Borough (ANNUAL)

N/A – no target set

Declining ↓

Target N/A

**Latest Performance**  
**370**



The number of apprenticeship starts in Castle Point fell to 370 in 2021/22, down from 520 in the previous year.

This trend was seen across the whole of Greater Essex with number of starts declining by an average of 35%.

## E&G002: Percentage of businesses that report local skills shortages when recruiting (ANNUAL)

It has not been possible to use an existing or establish a new data source to provide information on local skills shortages, as reported by local businesses.

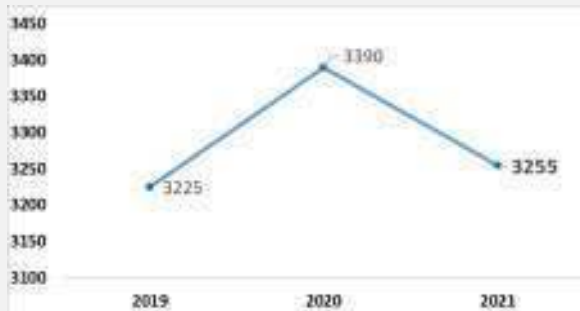
## E&G003: Number of businesses operating in Castle Point (ANNUAL)

N/A – no target set

Declining ↓

Target N/A

**Latest Performance**  
**3,255**



The number of businesses in Castle Point fell to 3,255 in 2021 from 3,390 in the previous year.

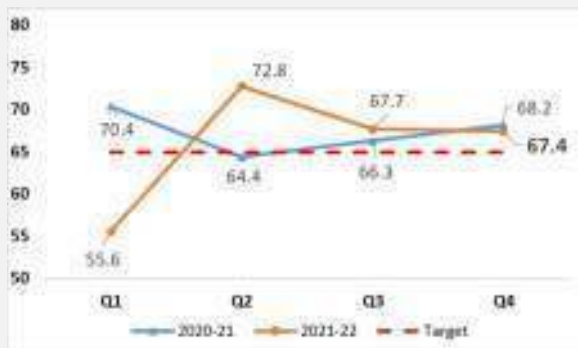
Just over 3,000 (95%) of these businesses are “micro businesses” which means between 0-9 employees. 930 (29%) of businesses are in construction.

# People

**HOT021a: Percentage of homelessness *prevention* duties which ended during the quarter with a successful outcome**



On target  Declining  Target 65%

**Latest Performance 67.4%**

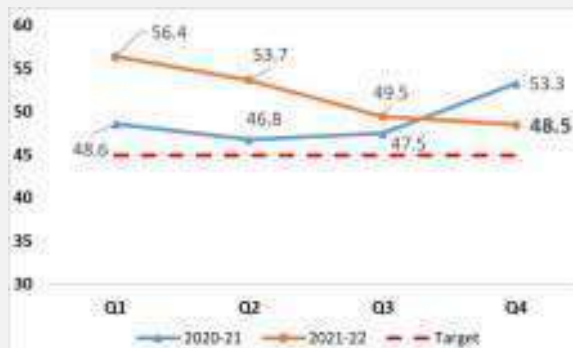


Up to the end of Q4, the prevention duty ended for 132 households of which we secured housing for 89 households (67.4%) which is above target although slightly lower than the same period last year.

**HOT021b: Percentage of homelessness *relief* duties which ended during the quarter with a successful outcome**



On target  Declining  Target 45%

**Latest Performance 48.5%**

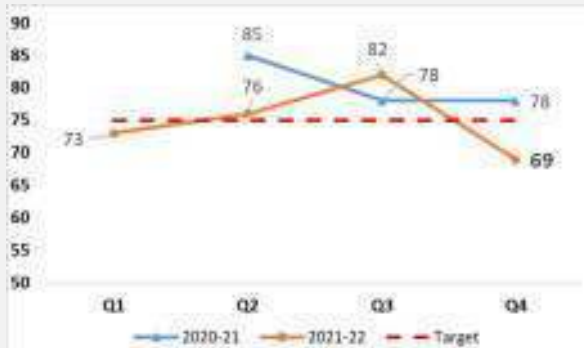


Up to the end of Q4, the relief duty ended for 136 households of which we secured housing for 66 households (48.5%) which is above target although slightly lower than the same period last year.

**L001a: Leisure satisfaction – Net Promoter Score (NPS) Waterside Farm**

Off target  Declining  Target 75



**Latest Performance 69**



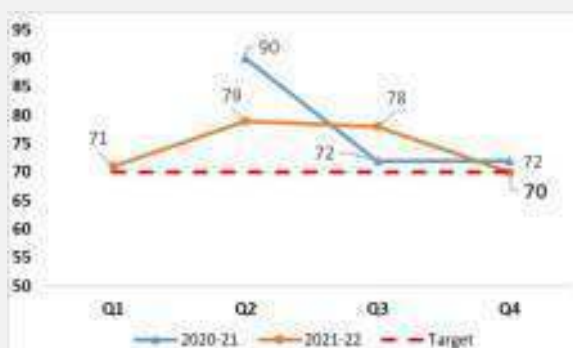
Issues relating to card payment machines and the online and payments has impacted on the NPS in the final quarter, with a drop to below target and lower than last year.

However, it should be noted that nationally leisure facilities typically score around 40-45 for NPS.

**L001b: Leisure satisfaction – Net Promoter Score (NPS) Runnymede**

On target  Declining  Target 70

**Latest Performance 70**



Despite the same issues with payment systems, NPS fell less at Runnymede with a score of 70 which is on target although less than last year.

# People

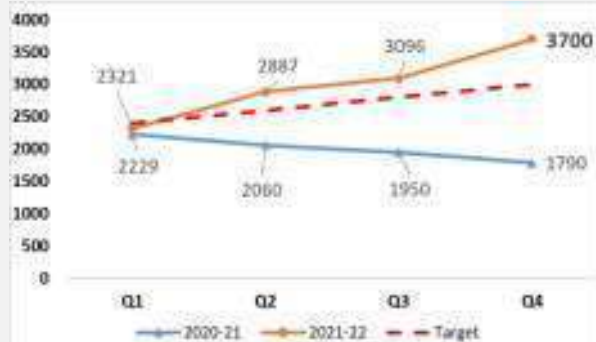
## L003: Leisure Memberships

On target 

Improving 

Target  
3,000

**Latest Performance**  
**3,700**




At the end of Q4 2021/22, there were 3,700 leisure members, above the year-end target of 3,000 members by this stage of the year.

The number of memberships is now in excess of pre-Covid levels with The Fort gym extension at Waterside Farm proving to be a successful investment.

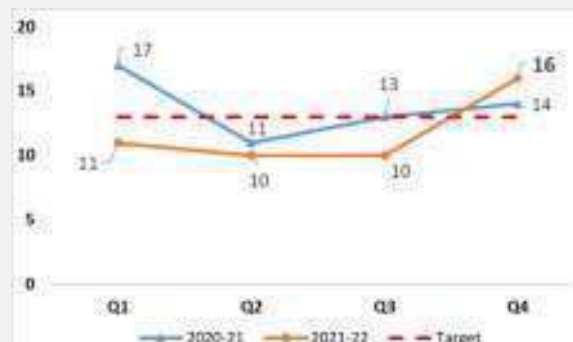
## PE002: Percentage of usable allotment plots owned and managed by Castle Point that are vacant

Off target 

Declining 

Target  
13%

**Latest Performance**  
**16%**




During Q4 2021/22, the number of usable vacant plots has increased to 24 as several plots were handed back at renewal and some taken back due to non-payment.

Overall, 130 of 154 usable plots are now being worked.

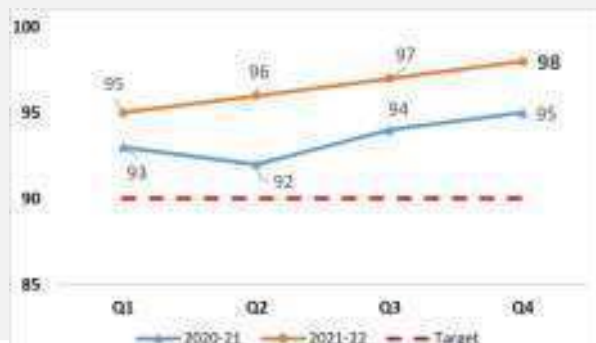
## EH002: Percentage of food premises that are awarded a score of at least 3 on the food hygiene rating scheme

On target 

Improving 

Target  
90%

**Latest Performance**  
**98%**



496 of 507 rated premises were classified as 'broadly complaint' with food regulations, having been awarded 3\* or above on the Food Hygiene Ratings Scheme.

This is an improvement on the same period last year and above target.

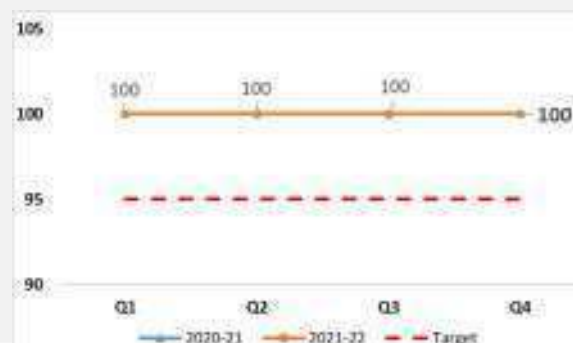
## EH012: Amount of Disabled Facilities Grant allocated as a percentage of overall budget

On target 

N/A – new indicator

Target  
95%

**Latest Performance**  
**100%**




At the end of Q4 2021/22, 100% of the Disabled Facilities Grant budget had been allocated.

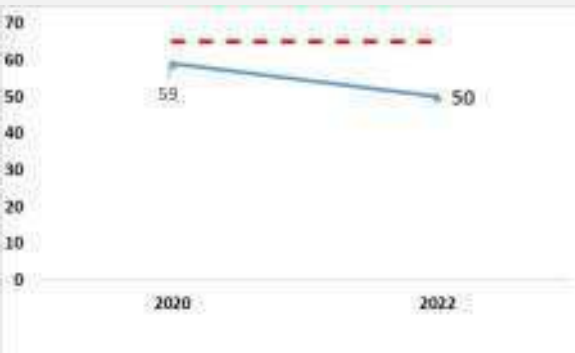
Delivery of the improvements will allow 123 people to live comfortably and safely in their own homes.

# People

## PE001: Percentage of people who agree that there is a strong sense of community in their local area (ANNUAL)

Off target  Trend N/A – see note Target 65%

**Latest Performance**  
50%



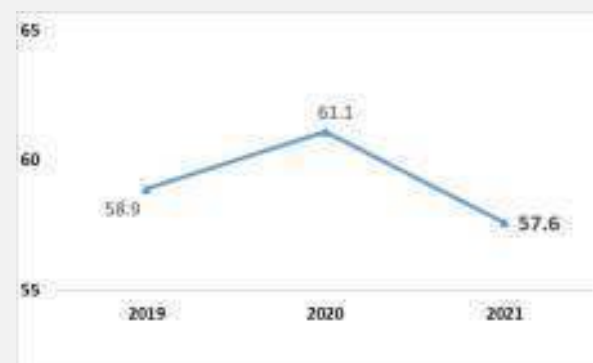
In the Castle Point Residents' Survey for 2022, 50% of respondents indicated that they either agreed or strongly agreed with the statement about a strong sense of community.

The score for 2020 was taken from the Essex Residents' Survey which has a different sample size and therefore caution should be taken when comparing the two.

## PE003: Proportion of people participating in physical activity (ANNUAL)

Off target  Maintained  Target Increase


**Latest Performance**  
57.6%



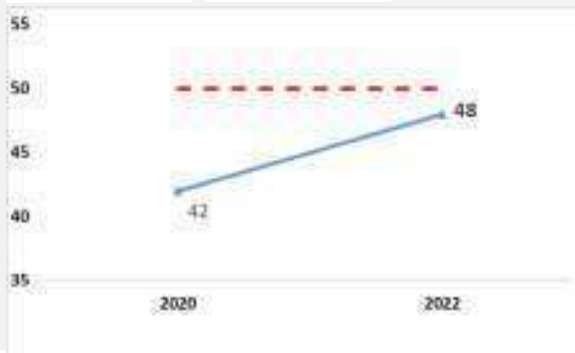
The latest results available are for the period November 2020 to November 2021, where 57.6% of adults were "Active" (participating in physical activity for 150+ minutes per week). Although, this was a decrease of 3.5% the change is not statistically significant and therefore trend showing as maintained. This is consistent with levels of activity in other council areas in Essex

*Note: Physical activity levels from Sport England "Active Lives Survey" - these estimates include the activities of walking, cycling, dance, fitness and sporting activities, but exclude gardening which is outside Sport England's remit.*

## LCT13: Proportion of people who feel safe after dark (ANNUAL)

Near target  Trend N/A – see note Target 50%

**Latest Performance**  
48%



In the Castle Point Residents' Survey for 2022, 48% of respondents indicated that they felt either fairly safe or very safe after dark.

The score for 2020 was taken from the Essex Residents' Survey which has a different sample size and therefore caution should be taken when comparing the two.

# Place

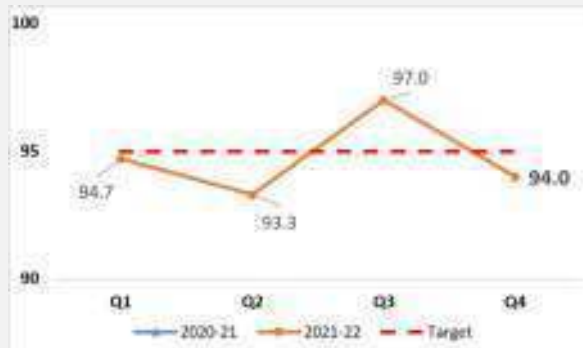
## HOS001: Overall tenant satisfaction with repairs and maintenance

Near target 

Trend N/A – new methodology

Target 95%

**Latest Performance 94%**



All jobs are rated out of 10 with anything below 7.5 considered as dissatisfied.

Despite finishing the year just below the target of 95%, the housing service is pleased with the performance of the new contractor at the end of their first year working with the Council.

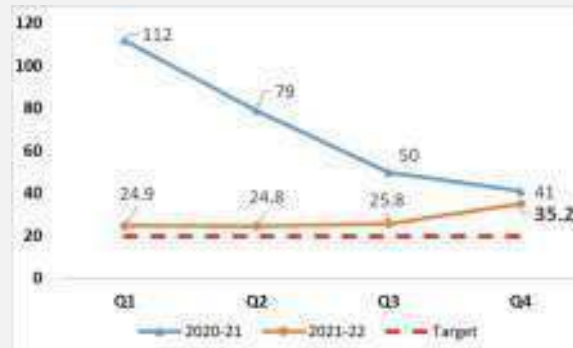
## HOS006: Average Void Turnaround Time

Off target 

Improving 

Target 20 days

**Latest Performance 35.2 days**



Performance remains off target but is better than at the same time last year.

Performance has been impacted by 5 studio flats in sheltered accommodation that were hard to let, with no applications on the waiting list and void for more than 50 days. Discounting these performance would have been 19.9 days

## DC007: Percentage of planning applications processed within target time limits for major applications

On target 

Declining 

Target 80%


**Latest Performance 94.1%**



Performance is shown on a two-yearly rolling basis. Performance determining major applications is 94.1%, a drop since the same period last year, although comfortably above target.

*Note: Figures represent 24 months cumulative performance to the end of December 2021 as Government-produced statistics to the end of March 2022 are not yet available.*

## DC008: Percentage of planning applications processed within target time limits for non-major applications

On target 

Improving 

Target 80%

**Latest Performance 99.3%**




Performance is shown on a two-yearly rolling basis. Performance determining non-major applications is 99.3%, has improved since the same period last year and is comfortably above target.

*Note: Figures represent 24 months cumulative performance to the end of December 2021 as Government-produced statistics to the end of March 2022 are not yet available.*

# Place

## BC001: Percentage of Building Control applications processed within statutory time limits

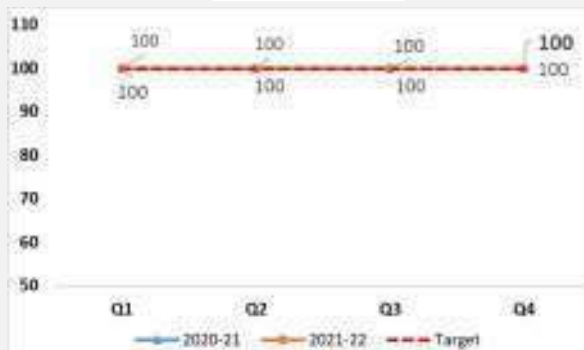
On target 

Maintained 

Target  
100%

**Latest Performance**  
**100%**

All applications continue to be processed within time limits.



## PP001: Progress of Local Plan against the milestones set out in the Local Development Scheme

On target 

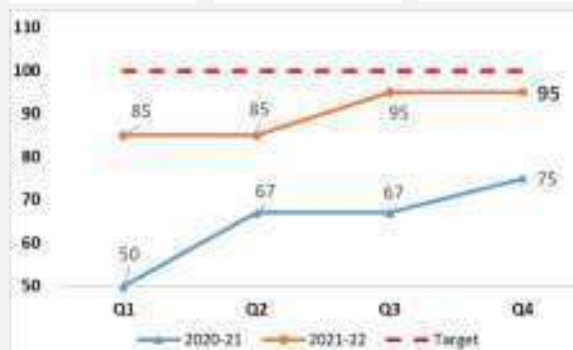
Improving 

Target  
100%

**Latest Performance**  
**95%**

Full Council approved the draft Local Plan for Regulation 19 consultation on 22 October 2019. The plan was submitted for examination in public on the 2 October 2020. The Council also approved the Local Development Scheme (LDS) in November 2020.

The Council received the Inspector's report in March 2022. He found that the Plan is sound, with modifications. The Inspector's findings were reported to Ordinary Council on 23 March 2022, with the recommendation to adopt the Plan. The Council voted not to adopt the Plan. The Council agreed that a report be made back in the event of non-adoption.



## PP003: Number of new affordable homes in the Borough (ANNUAL)

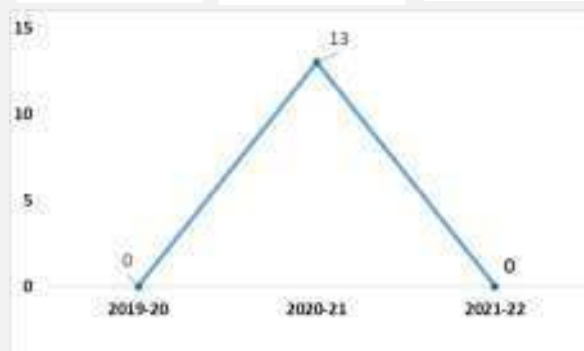
Off target 

Declining 

Target  
100


**Latest Performance**  
**0**

There were no affordable homes provided in the Borough in 2021/22, against a target of 100 new affordable homes.



# Place

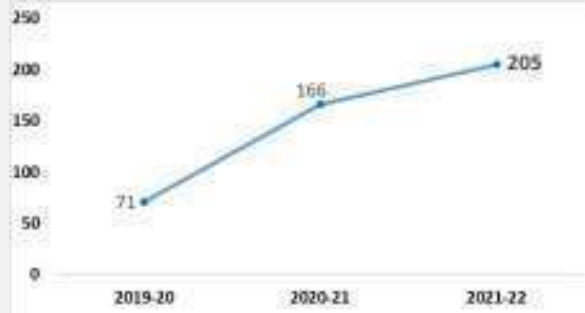
## PP004: Number of new homes built in the Borough (ANNUAL)

Off target 

Improving 

Target  
353



Latest Performance  
**205**



The net housing completions between 1 April 2021 and 31 March 2022 was 205, below the target of 353

# Environment

## OPS004&OPS005: Percentage of Household Waste Recycled or Composted (inc. food waste)

Near target  Declining  Target 50%



**Latest Performance**  
47.69%



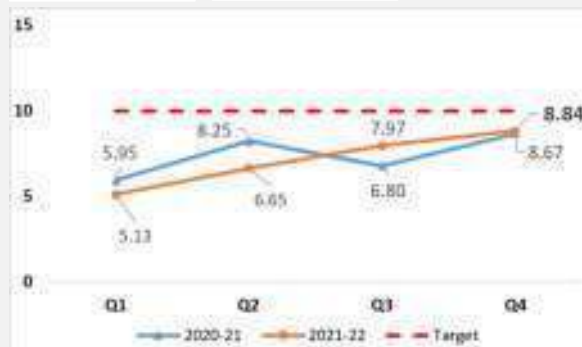
The year-end total recycling and composting rate is 47.69% which is just below target and a fall on performance last year. Dry recycling tonnages have decreased by 14% and pink sack contamination levels have increased.

*Note: Figures presented are on a year-to-date basis and are early calculations which may be subject to change.*

## SS002: Percentage of streets inspected which are deemed to be unsatisfactory using Code of Practice for Litter and Refuse methodology

On target  Declining  Target <10%

**Latest Performance**  
8.84%

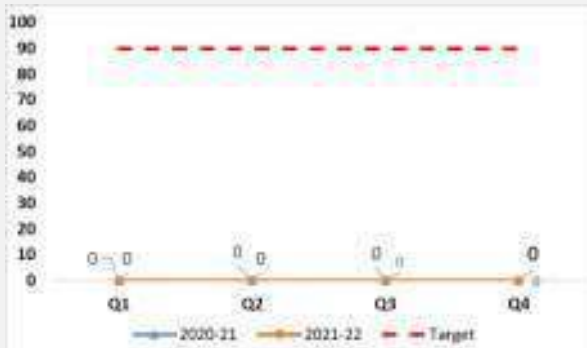


The Council's contractor continues to provide an effective litter clearance programme, ensuring litter levels are kept below 10%, despite a very small increase in percentage of streets inspected which are deemed to be unsatisfactory.

## SS014: Number of default notices served in relation to Highway Grass Verge cutting



Against target - N/A Trend N/A Target <90

**Latest Performance**  
N/A

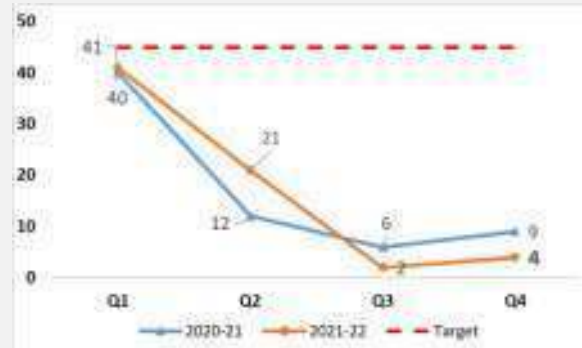


With only a small amount of grass cutting being undertaken in the winter months the serving of Defaults was not applicable.

## SS013: Number of service requests received in relation to Highway Grass Verge cutting

On target  Improving  Target <45

**Latest Performance**  
4



Grass cutting started in March and this instigated a small number of service requests, but even fewer than over the same period last year.



# Environment

## SS003: Percentage of fly tips removed within one working day

On target

Declining

Target  
90%

**Latest Performance**  
99%



There were 89 fly tips in January, 60 in February and 67 in March, all except just one of these were removed within one working day.

A Default was served for the one that was not removed within one working day

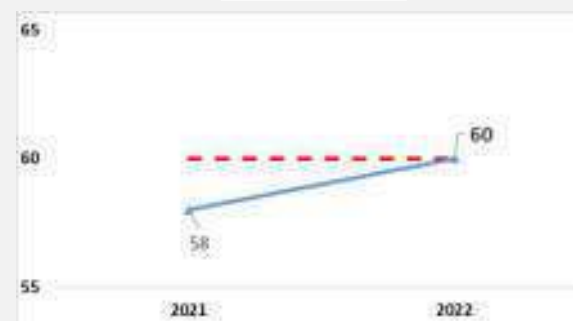
## OPS002: Satisfaction with maintaining parks and open spaces (ANNUAL)

On target

Improving

Target  
60%

**Latest Performance**  
60%



In the Castle Point Residents' Survey for 2022, 60% of respondents indicated that they were either satisfied or very satisfied with the Council's efforts maintaining parks and open spaces. This is an improvement from the score in the 2021 survey and has met the target.

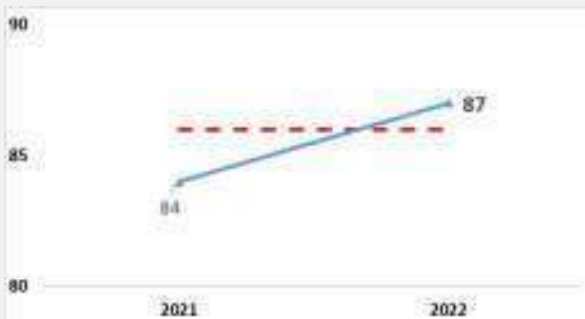
## OPS003: Satisfaction with household waste collection, including recycling and composting (ANNUAL)

On target

Improving

Target  
86%

**Latest Performance**  
87%



In the Castle Point Residents' Survey for 2022, 87% of respondents indicated that they were either satisfied or very satisfied with the Council's household waste and recycling collection service. This is an improvement from the score in the 2021 survey, is above target and the highest satisfaction level of all Council services.

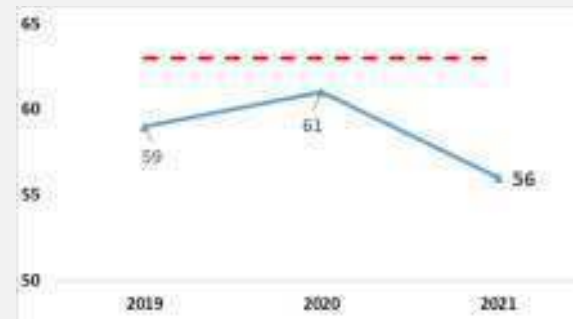
## SS001: Satisfaction with Council's efforts to keep public land clear of litter and refuse/ verge grass cutting (ANNUAL)

Off target

Declining

Target  
63%

**Latest Performance**  
56%



The score for this indicator as calculated as an average of those who indicated "satisfactory" or "excellent" across the four areas of: litter picking (51%), street sweeping (42%); removing fly tips (70%) and grass cutting (59%).

At an average of 56%, this is a fall in performance compared with last year and is below target.

# Environment

## EH013: Amount of CO2 produced from the Council's buildings and operations (ANNUAL)

Against target - N/A

Trend N/A

Target N/A

**Latest Performance**  
**2050.56**

2050.56 tonnes of CO2

The baseline of the amount of CO2 produced from the Council's buildings and operations was calculated using data from 2019/20 to avoid the impact of Covid on data for 2020/21 and 2021/22.

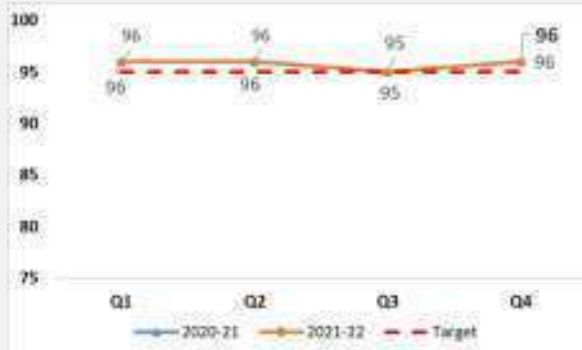
41% of the emissions came from heating, 29% from electricity usage, and 27% from Council fleet.

# Enablers

**FC001: Percentage of calls taken from customers by First Contact that are dealt with without the need to transfer to the back office**

On target Maintained Target 95%

**Latest Performance 96%**



The First Contact team continue to deal with queries effectively; 96% of calls received were dealt with at the first point of contact without the need to transfer to the back office.

**OPS016: Number of wheeled bin garden waste subscribers**

On target Improving Target 12,750 (A)

**Latest Performance 13,543**



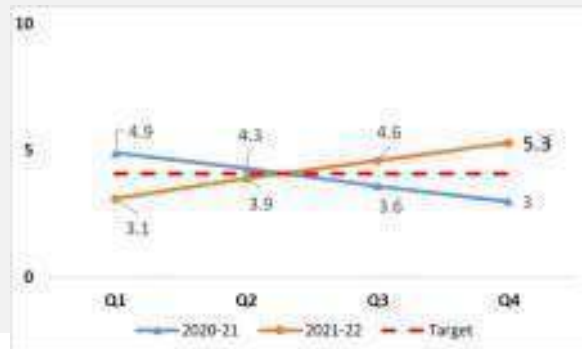
The number of subscribers to the wheeled bin garden waste collection service remained the same as at the end of Q3 (as people wait until April to sign up for the whole of the new financial year).

At 13,543 subscribers, the annual target has been comfortably met and is an improvement on the previous year.

**CORP1a: Average number of days sickness absence per FTE staff for all Council Services (rolling year) short term**

Off target Declining Target 4.1 days

**Latest Performance 5.3 days**

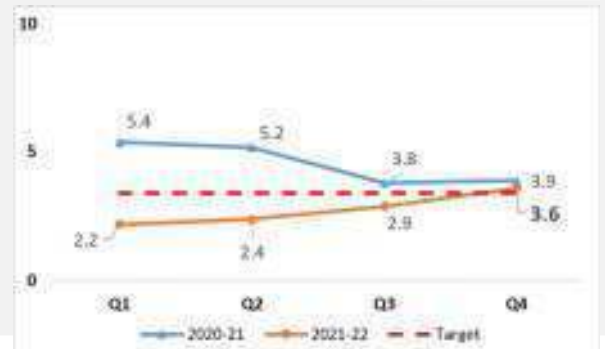


Sickness absence is reported on a rolling year. Short-term sickness absence is 5.3 days, an increase on Q3, higher than at the same time last year and off target.

**CORP 1b: Average number of days sickness absence per FTE staff for all Council Services (rolling year) long term**

Near target Improving Target 3.4 days

**Latest Performance 3.6 days**



Sickness absence is reported on a rolling year. Long-term sickness is defined as 4 calendar weeks or more.

Long-term sickness absence is 3.6 days, slightly off target, although an improvement on the same time last year.

# Enablers

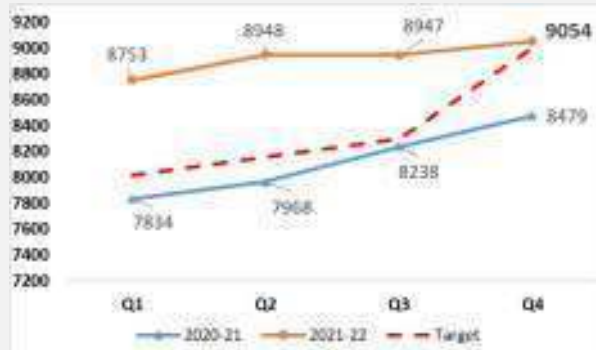
## REV006: Channel shift to online services: take up of e-billing for Council Tax and Business Rates

On target

Improving

Target  
9,000

Latest Performance  
9,054



The number of customers signed up to the e-billing service has improved since the last quarter and is substantially higher than at same period last year.

Performance has exceeded the year-end target of 9,000 customers.

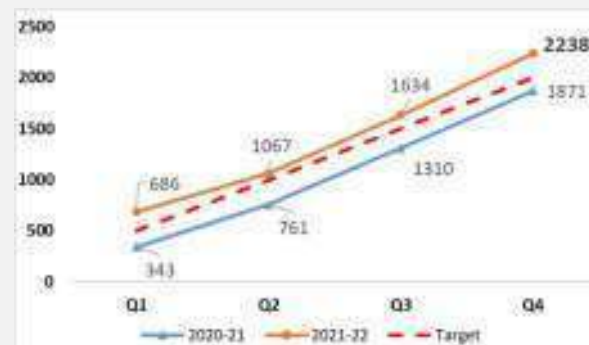
## REV011: Channel shift to online services: use of Open Channel online forms

On target

Improving

Target  
2,000 (A)

Latest Performance  
2,238



Up to the end of Q4 2021/22, there were 2,238 Council Tax transactions conducted using OPENChannel online forms.

This is an improvement on the previous year and above the year-end target of 2,000 transactions.

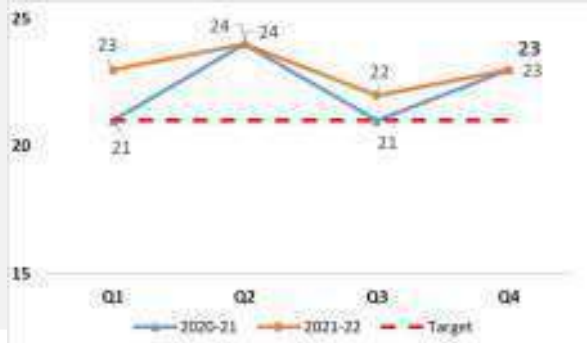
## BEN001: Average time to process benefits claims: new claims

Near target

Maintained

Target  
21 days

Latest Performance  
23 days



Staff absences have contributed to the slight increase in processing times since the last quarter although is comparable to the same period last year.

Requirement to conduct some full case reviews also impact on processing times.

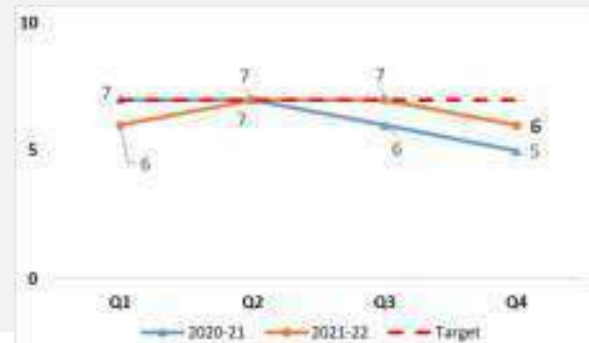
## BEN002: Average time to process benefits claims: change of circumstances

On target

Declining

Target  
7 days

Latest Performance  
6 days




Performance times processing change of circumstances is slightly longer than over the same period last year although is on target.

# Enablers

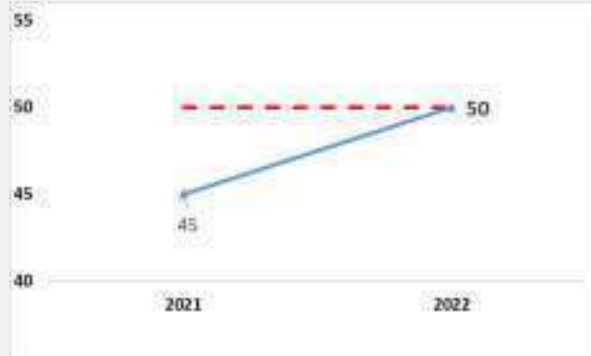
## ENA001: Overall satisfaction with the Council

On target 

Improving 

Target  
50%

**Latest Performance**  
**50%**



In the Castle Point Residents' Survey for 2022, 50% of respondents indicated that they were either satisfied or very satisfied with the Council overall. This is an improvement from the score in the 2021 survey and has met the target.

**CABINET**

**20th July 2022**

**Subject: Public Spaces Protection Order – Response to Consultation**

**Cabinet Member: Councillor Savage– People Community**

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**1. Purpose of Report**

**1.1 To receive a report back from the Environment Policy and Scrutiny Committee on the response to consultation on the possibility of the Council making a Public Space Protection Order (PSPO) under Section 59 Anti-Social Behaviour Crime and Policing Act 2014 to address activities in the vicinity of Roscommon Way Canvey Island**

**1.2 To consider whether the statutory criteria are met and it is a necessary and proportionate response to the issues that have been identified to proceed to make a Public Space Protection Order**

**2. Links to Council's Priorities and Objectives**

**This report is linked to the Council's Priority:**

- **People**

**3. Recommendation**

If Cabinet is satisfied that the conditions under section 59 of the 2014 Act are met that the:

- (i) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality; or
- (ii) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

- (i) is or is likely to be, of a persistent or continuing nature;
- (ii) is, or is likely to be, such as to make the activities unreasonable; and
- (iii) justifies the restrictions imposed by the notice.

- 1. That the necessary steps should be taken to implement a PSPO to provide an appropriate and robust response to address the behaviours taking place in an around Roscommon Way Canvey Island as defined in the draft order appended to the report.**
- 2. That the Environment Policy & Scrutiny Committee undertake regular review and monitoring of the PSPO once in place.**

#### **4. Background**

- 4.1 The background to the initial report is set out again so that Cabinet have full information to assist in decision in the as whether to proceed to make a Public Space Protection Order.

Local Authorities have a key role to play in helping to make local areas safe places to live, work and visit. Tackling behaviour which has a detrimental impact on the quality of life of those in the locality is a key element of this role. These behaviours are sometimes called anti-social behaviour ('ASB'); it is noted that behaviour which has a detrimental impact can be broader than that which has traditionally been described as ASB.

Despite enforcement activity by the Police the problems at Roscommon Way have persisted and there is a significant detrimental impact on the residents surrounding this area.

This report provides details of the particular types of activities that are believed to be having a detrimental impact on the quality of life of those in the locality.

- 4.2 Essex Police met with the former Leader of the Council last year and confirmed their support for the introduction of a PSPO.

Essex Police receives regular reports of anti-social behaviour and dangerous/careless driving. These are predominantly on Friday, Saturday and sometimes Sunday evenings between 2100 and 0200 hours.

The offenders congregate at Morrison's car park or McDonalds and race between the three roundabouts. Morrison's car park is open 24/7, efforts have been made to lock the gates however this action would interfere with access for Morrison's night workers. At one stage Police were locking the gates to reduce the ASB but the locks were broken or damaged by those visiting the site.

Canvey Island is effectively in a 'bowl'. Sound is trapped and the noise of the racing vehicles can be heard from the other side of the island. There is a housing estate located nearby, most of the complaints received have been made by residents living on this estate. This anti-social behaviour is seriously impacting upon the ability of residents to get to sleep.

Essex Police have been receiving reports of anti-social behaviour since the road opened and have implemented several operational orders over the years to try and address the problem, with varying degrees of success.

Due to its perceived remote location and easy access on/off the Island, it has become what is termed as an 'alternative' or 'secondary' location for cruisers. These cruisers will often meet up at Festival Leisure, Basildon and once moved on by Police will come to Roscommon Way.

The Morrison's store car park is a perfect place to park up, with easy access to Roscommon Way. In addition, the nearby McDonalds provides late night refreshments to those who attend.

There are three roundabouts, offenders race each other along the carriageway at high speed and perform 'drifting' around the respective roundabouts. This is sometimes carried out in front of a large crowd, with up to 100+ spectators who line the unlit dual carriageway, only metres from the racing cars passing them at speed. There is a considerable risk to spectators who have no physical barrier to protect them from those racing along the highway.

This issue has occurred since the road was opened in 2012. A feasibility study was conducted by Essex Highways. Due to the type of traffic and classification of the road, it is not feasible to implement any traffic calming measures.

4.3 During 2021 the Police put in place several dispersal orders. Dispersal powers under the 2014 Act give Police the authority to require individuals or groups to leave a specified area and not to return within a specified period of not more than 48 hours. This time limit means that dispersal notices may need to be issued repeatedly in persistent cases.

4.4 It is considered that a PSPO under the 2014 Act may provide a useful additional measure to tackle the persistent and unreasonable activities currently taking place in and around Roscommon Way.

PSPOs are designed to place controls on the use of public space and everyone within it. The orders have effect for up to three years and can be extended. Only local authorities can make PSPOs. 'Public Place' means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

4.5 The Council can make a PSPO if satisfied on reasonable grounds that two conditions are met. These are found in section 59 of the 2014 Act:

The first condition is that:

(iii) activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality;  
or

(iv) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities:

(iv) is or is likely to be, of a persistent or continuing nature;

(v) is, or is likely to be, such as to make the activities unreasonable; and

(vi) justifies the restrictions imposed by the notice.



- 4.6 The Council is required under the Act to carry out a consultation and the necessary publicity and notifications before making a PSPO as prescribed by s.72 of the Act.

As a minimum the Council must consult with the Chief Officer of Police, the Police Fire and Crime Commissioner, appropriate community representatives, and the owners or occupiers of land in the area to be designated (where reasonably practicable).

The Council must publish the proposed wording of the Order and the proposed Restricted Area as part of the consultation, and these can be found at **Appendix 1 and Appendix 2**.

The findings from the consultation would be brought back to Cabinet for it to decide whether to proceed with the PSPO and, if so, the area to be designated and the restrictions which would apply. At that point the Cabinet would have to consider all material considerations including proportionality i.e. are the proposed restrictions proportionate to the harm/nuisance that is being caused.

- 4.7 Cabinet decided to consult on the proposed order and ask the Policy & Scrutiny Committee to undertake initial work on the findings on the consultation and make recommendations to Cabinet on the appropriate action.

## **5. Environment Policy & Scrutiny Committee**

- 5.1 The Committee met on 29 June 2022 to consider the response to consultation and decide on recommendations to Cabinet on the proposed response and the implications of next steps to be taken.

### **Response to consultation**

- 5.2 A six-week online consultation, open to residents who live work or visit the area. was undertaken. There was a good response. A total of 302 responses were received of those 260 had witnessed or been affected by vehicle ASB in the area (86%). The highest behaviours, effects of ASB were noise, racing, dangerous driving with large groups congregating being the next largest.

Of the 302 respondents 277 would support the introduction of a PSPO (92%). Statutory consultation was undertaken directly with the Essex Police Fire and Crime Commissioner; Essex County Council Highways; Ward Councillors and 6 Landowners. There were no objections received from these consultees.

Members were pleased with the results of the consultation; 302 responses was felt to be a valid response.

### **Implications**

- 5.3 The Committee considered enforcement of the PSPO.

#### **Penalty on Breach**

It is an offence for a person, without reasonable excuse, to:

- Do anything that the person is prohibited from doing by a PSPO; or
- Fail to comply with a requirement to which the person is subject under a PSPO

A person guilty of an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- 5.4 The enforcing authority can decide that a fixed penalty notice (FPN) of £100 would be the most appropriate sanction. The majority of PSPOs across the country, and both those in place to deter vehicle nuisance in Southend and Thurrock have adopted this approach and it is proposed to do the same for Roscommon Way.
- 5.5 Issue of FPNs  
Breach of a PSPO can be witnessed, and a FPN issued, by a police officer or Council official.
- 5.6 The Council does not currently have officers to carry out this role. The enforcement of the PSPO would therefore fall entirely to Essex Police, within their current capacity & subject to other priorities.
- 5.7 Should Cabinet decide at a later date that a dedicated in-house post was required this would need to be fully costed and a growth bid prepared.
- 5.8 Members discussed and raised concerns regarding enforcement. The Committee recognised that the Council did not have resources to enforce the order and would rely on the good offices of the Police for enforcement.
- 5.9 The Committee was presented with additional information regarding enforcement in Thurrock the number of fixed penalty tickets was very low.
- 5.10 The Committee agreed that the PSPO would give the police additional powers and assistance. Whilst the PSPO could not stop dangerous driving and noise, this would be a positive step in resolving the situation as a deterrent.
- 5.11 The Committee requested that the PSPO be regularly reviewed to scrutinise the function at this meeting and specifically to report back with data statistics showing the effectiveness of the PSPO.
- 5.12 The Committee having evaluated the response to the consultation and implications decided:
1. To recommend to Cabinet that the necessary steps should be taken to implement a PSPO to provide an appropriate and robust response to the behaviours taking place in an around Roscommon Way Canvey Island as defined in the draft order appended to the report.
  2. That the Environment Policy & Scrutiny Committee undertake regular review and monitoring of the PSPO once in place.
- 5.13 Cabinet is invited to consider the recommendations of the Environment Policy & Scrutiny Committee and review the Corporate implications and decide

whether to proceed with the making of PSPO order.

## **6. Corporate Implications**

### **(A) Financial Implications**

There is no budgetary provision for the making of this legally enforceable order. Initial funding would be required for maps, signage and FPN paperwork which is estimated to cost £4,000. This will be funded from reserves.

The Council will receive the income generated from any FPNs issued and this income will be used to offset the implementation and maintenance of the PSPO.

If the FPN is not paid then the individual can be prosecuted for a breach of the PSPO in the Magistrates' Court. Decisions on whether to prosecute will be taken on a case-by-case basis, with the estimated costs for each prosecution being £600-£1,000 per case (consisting of existing budgeted staff time and unbudgeted court fees).

The Council will be relying on the Police to issue the FPNs on its behalf and does not have any resource to issue FPNs itself. Any future decision on creation of a resource for enforcement will need to be subject to a separate growth bid which will be considered in the context of the Council's financial position and priorities at that time.

### **(B) Legal Implications**

B1. The Act contains the provisions for the making of a PSPO.

B2. Under section 59 of the Anti-Social Behaviour Crime Policing Act 2014 Local Authorities have the power to make a PSPO if satisfied on reasonable grounds that two conditions are met.

(i) The first condition is that;

a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or

b) It is likely that activities will be carried on in a public place within that area and will have a detrimental effect.

(ii) The second condition is that the effect, or likely effect, of the activities is, or is likely to be;

a) of a persistent or continuing nature,

b) is or is likely to be, such as to make the activities unreasonable, and

c) justifies the restrictions imposed by the notice.

B3. Activities can include things that a person or a group does, have done or should do (in order to reduce the detrimental effect). As with any relatively recent legislation of its type, these remain untested grounds and the legislation will be

further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that “interested persons” may challenge the validity of any order in the High Courts. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

- (i) That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- (ii) That a requirement under this element of the legislation has not been complied with in relation to the order or variation.
- (iii) The High Court has the power to quash, amend or uphold the order may suspend the operation of the PSPO pending the verdict.

As with all orders and powers, the making of a PSPO can be challenged by judicial review on public law grounds within three months of the decision or action subject to challenge.

B.4 Section 67 creates an offence of failing to comply with a PSPO and states:

(1) It is an offence for a person without reasonable excuse—

(a) To do anything that the person is prohibited from doing by a public space protection order, or

(b) To fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

B.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. If the penalty is not paid then the individual can be prosecuted for a breach of the PSPO in the Magistrates’ Court.

B.6 In order to implement a PSPO the procedure under section 72 of the Act must be followed. Section 72 states:

### **Convention rights, consultation, publicity and notification**

(1) A local authority, in deciding—

(a) whether to make a public spaces protection order (under section 59) and if so what it should include,

- (b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
- (c) whether to vary a public spaces protection order (under section 61) and if so how, or
- (d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention.

(2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.

(3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—

- (a) making a public spaces protection order,
- (b) extending the period for which a public spaces protection order has effect, or
- (c) Varying or discharging a public spaces protection order.

(4) In subsection (3) —

“the necessary consultation” means consulting with—

- (a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) whatever community representatives the local authority thinks it appropriate to consult;
- (c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- (a) in the case of a proposed order or variation, publishing the text of it;
- (b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- (a) the parish council or community council (if any – Canvey Island Town Council must be consulted) for the area that includes the restricted area;
- (b) in the case of a public spaces protection order made or to be made by a district Council in England, the county council (if any – Essex County Council) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area—

- (a) does not apply to land that is owned and occupied by the local authority;
- (b) Applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

- B.7 Guidance relating to publication of a PSPO is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPO's) Regulations 2014. There is also the July 2014 Home Office guidance which will assist in the legal formalities in creating an order.
- B.8 In any event a PSPO last for 3 years only and requires review every three years which is an expensive and time-consuming process. Such a review and consultation process will in any event be required every 3 years to keep an existing PSPO in force.
- B.9 The local authority must consult with the following groups too before seeking to make a PSPO.
- Chief Officer of Police for the local area
  - Police and Crime Commissioner
  - Landowners in the area
  - Any Community Representatives the local authority feels appropriate.
  - Member of Parliament

The six week consultation carried out by the Council following the request from Cabinet met the statutory criteria set out above. Should the Committee recommend implementation of a PSPO this will need to be formally notified to the authorities listed.

- B.10 In relation to enforcement of these orders, they may be enforced by:
- Police Constables
  - Police Community Support Officers and
  - Council Officers.

It is important to note that both Council staff and Police Community Support Officers do not have powers to stop vehicles. Therefore, only the police can enforce any breach of the PSPO at the roadside. If criminal offences have been committed, the police will follow the criminal law and report offenders for pre-existing criminal offences, for example, excessive speed, careless driving and excessive exhaust noise (which is a construction and use offence) under existing Road Traffic legislation.

In addition, given the nature of the proposed PSPO and it involving moving motor vehicles and given the limitations of Council staff powers it is imperative that the police are joint partners in the enforcement of the PSPO.

### **(c) Human Resources and Equality Implications**

## **Human Resources**

Considerations are contained within the financial and legal implications shown in the report.

Environment Policy and Scrutiny Committee recognised that the Council did not have resources to directly enforce the order and would rely on the good offices of the Police for enforcement.

Should Cabinet decide at a later date that a dedicated in-house post was required this would need to be fully costed and a growth bid prepared.

## **Equality Implications**

In considering whether to make a PSPO the Council *must* have particular regard to Article 10 (Right of Freedom of Expression) and Article 11 (Right of Freedom of Assembly) of the European Convention on Human Rights ('ECHR').

### **(d) IT and Asset Management Implications**

There are none to be addressed by the report.

## **6. Timescale for implementation and Risk Factors**

Should Cabinet approve the implementation of a PSPO the Council will be required to advertise the order by public notice. This notice needs to be in place for a minimum of one month prior to the start of the order.

The Council does not have officers to directly enforce breaches of the PSPO and will rely entirely on Essex Police for attendance in the area. There is a reputational risk if the response does not meet expectations due to other operational police demands.

## **7. Background Papers**

Appendix 1 – Map of proposed area within

Appendix 2 - Draft Public Space Protection Order for Roscommon Way, Canvey Island

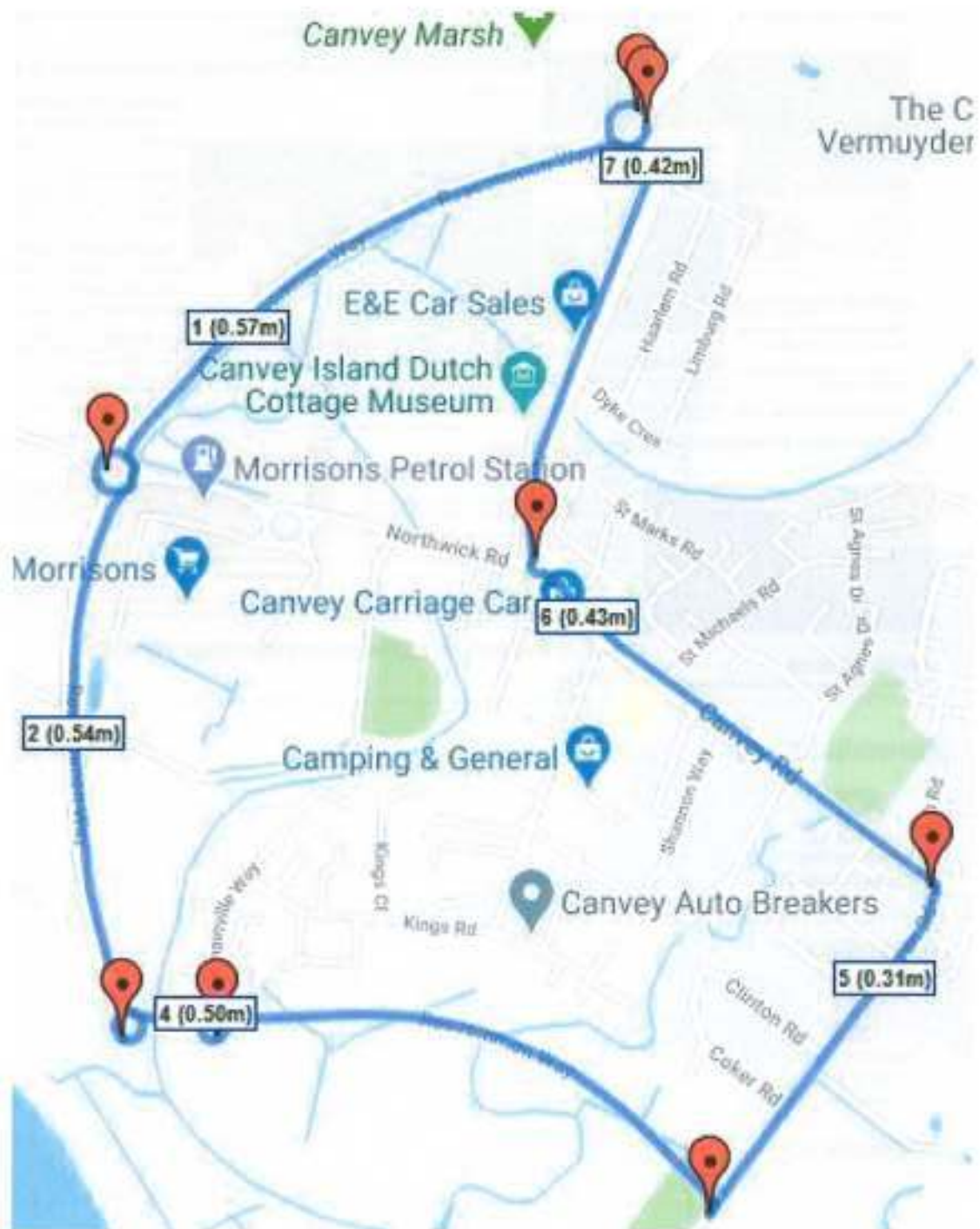
Statutory Guidance on PSPOs issued by the Home Office - [Anti-social Behaviour, Crime and Policing Act: anti-social behaviour - GOV.UK\(www.gov.uk\)](#)

Report to Cabinet November 2021 and Environment Policy & Scrutiny Committee 29.6.2022

### **Report Author:**

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Appendix I





**Appendix 2**  
**DRAFT ORDER**  
**ANTI – SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014**  
**SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

This order is made by Castle Point Brough Council ('the Council') and shall be known as the Public Spaces Protection Order (Roscommon Way and surrounding areas) No ? of 202?. After having consulted under section 72.

This order takes effect from            and has a duration of 36 months.

The Council is satisfied that activities have been carried out in this Restricted Area which have had a detrimental effect on the quality of life of those in the locality. Further, it is satisfied that the effect of these activities is or likely to be of a persistent or continuing nature and is or is likely to be such as to make the activities unreasonable and the effect justifies the restrictions imposed.

The activities carried out are as follows:

- 1        Speeding
- 2        Driving in convoy
- 3        Racing
- 4        Performing stunts
- 5        Sounding horns (as to cause public nuisance)
- 6        Revving engines
- 7        Wheel spins
- 8        Playing music (as to cause public nuisance)
- 9        Recording any of the listed activities on any device
- 10       Using foul or abusive language
- 11       Using threatening, intimidating behaviour towards another person
- 12       Causing obstruction on a public highway or in a publicly accessible place, or private land, whether moving or stationary
- 13       Creating excessive noise
- 14       Creating a danger or risk of injury to road users including pedestrians
- 15       Causing damage or significant risk of damage to property
- 16       Creating significant risk of harm
- 17       Creating significant public nuisance
- 18       Creating significant annoyance to the public
- 19       Engaging in anti-social behaviour covered by any existing legislation
- 20       Committing any traffic offence covered by existing legislation
- 21       Congregating to spectate the above activities
- 22       Engaging in any other activity that a reasonable person would consider it to be 'car cruising'

**The Council therefore under section 59 (4) prohibits:**

- 1 Participating in car cruising activity as a passenger or driver of a vehicle within the area designated in the Public Spaces Protection Order.
- 2 Congregating in the area to spectate cruising activity undertaken by vehicles in the area designated in the Public Spaces Protection Order.

A constable or an Authorised Person may under section 68 of the 2014 Act issued a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67 in relation to this order.

Signed

Dated

By authority of Castle Point Borough Council under section 101 of the Local Government Act 1972, Council Offices, Kiln Road, Benfleet, Essex, SS7 1TF