



THE RUGBY BOROUGH COUNCIL

You are hereby summoned to attend an ORDINARY MEETING of the Rugby Borough Council, which will be held at the TOWN HALL, RUGBY, on Thursday 19th July 2018 at 7pm.

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. To approve the minutes of the meeting of the Annual Meeting of Council held on 17th May 2018.
3. Declaration of Interests.

To receive declarations of -

(a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.
5. Questions pursuant to Standing Order 10.

6. To receive the report of Cabinet which has met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Cabinet – 25th June 2018

(1) Finance and Performance Monitoring 2017/18 – Year-End – Corporate Resources Portfolio Holder.

(2) Changes to Houses in Multiple Occupation (HMO) Licensing Regulations - Environment and Public Realm Portfolio Holder.

7. To receive and consider the Reports of Officers.

(a) Public Spaces Protection Order – Extension – report of the Executive Director.

8. Notice of Motion pursuant to Standing Order 11.

To consider the following Motion of which notice has been duly given under Standing Order 11.

“Following the recent announcement about the unsuccessful bid to secure funding for the Rugby parkway station and comments made by the national planning inspectorate in relation to the local plan in Rugby, I would ask the Leader of the Council to make urgent representations to DPT to secure national funding for the Rugby Parkway scheme. It is crucial that we secure this funding as quickly as possible to ensure the local plan is both viable and environmental sustainable.”

Proposer: Councillor Mrs O’Rourke
Seconder: Councillor Ms Edwards

9. Correspondence.

10. Common Seal

To order the affixing of the Common Seal to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the Committees’ Reports adopted at this meeting.

11. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider passing the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of information defined in paragraph 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. To receive the private report of Cabinet which has met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Private Report of Cabinet – 25th June 2018

(1) Corporate Asset Management System – Corporate Resources Portfolio Holder.

DATED THIS 9th day of July 2018.

Executive Director

To: The Mayor and Members of Rugby Borough Council

QUESTIONS AT COUNCIL

A Councillor may ask a Question at the meeting by giving notice in writing of the Question to the Chief Executive no later than midday on Friday 13th July 2018. The rules relating to Questions are set out in Standing Order 10 of Part 3a of the Constitution.

REPORT OF CABINET

25 June 2018

PRESENT:

Councillors Stokes (Chairman), Mrs Crane, Lowe, Mrs Parker and Ms Robbins.

Councillors Douglas (substituting for Councillor Roodhouse), Ms Edwards, Lewis, Mistry, Mrs O'Rourke and Sandison were also in attendance.

1. FINANCE AND PERFORMANCE MONITORING 2017/18 – YEAR-END

Cabinet considered a report concerning the Council's year-end position for 2017/18 with regard to finance and performance. The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting. A copy of the report will be attached as part of the electronic version of this agenda on the Council's website.

Recommendation of Cabinet

Cabinet decided to recommend to Council that -

- (1) the creation of a General Fund revenue carry forward earmarked reserve be approved;
- (2) Supplementary General Fund revenue expenditure budgets totalling £354,140 be approved for 2018/19, as a result of budget carry forwards from 2017/18 (see section 2.2);
- (3) a £354,140 transfer to the carry forward reserve be approved for 2017/18;
- (4) an £846,160 transfer to the Business Rates Equalisation reserve be approved for 2017/18;
- (5) a £463,970 transfer to the Budget Stability reserve be approved for 2017/18;
- (6) a net £187,000 transfer of revenue grants and Section 106 contributions to earmarked reserves be approved for 2018/19;
- (7) other 2017/18 net transfers to General Fund earmarked reserves, totalling £111,710 as detailed at Appendix 2, be approved;

(8) Supplementary capital budgets be approved for 2018/19 as a result of budget carry forwards from 2017/18 as follows:

- a. General Fund capital £3,657,190
- b. Housing Revenue Account capital £7,258,590;

(9) a 2017/18 HRA capital supplementary budget of £118,480 for the Housing Windows and Doors Replacement Scheme be approved, to be met from HRA balances;

(10) a 2017/18 General Fund capital supplementary budget of £57,090 for Disabled Facilities Grant be approved, to be wholly funded by additional grant funding;

(11) a 2017/18 General Fund capital supplementary budget of £37,900 for the Purchase of Art Work be approved, to be funded by external grant and the art reserve;

(12) a 2017/18 General Fund capital supplementary budget of £11,900 for the new Licensing System be approved to be funded by revenue contribution;

(13) a 2017/18 General Fund capital supplementary budget of £40,110 for Open Spaces Safety Improvements and capital expenditure by parish councils be approved, to be wholly funded by Section 106 contributions;

(14) a 2018/19 General Fund revenue salary budget virement of £72,000 to Customer Support Services from Work Services Unit be approved, following a successful trial 5 period;

(15) a 2018/19 General Fund capital supplementary budget of £75,000 for the procurement of a modern planning and LLPG system be approved, to be wholly funded from Planning Delivery Grant; and

(16) performance summary and performance data included in Appendix 5 be considered and noted.

Recommended that – the recommendation of Cabinet be approved.

2. CHANGES TO HOUSES IN MULTIPLE OCCUPATION (HMO) LICENSING REGULATIONS

Cabinet considered a report concerning changes to licensing regulations with regard to houses in multiple occupations (HMOs). The report was circulated as part of the Cabinet agenda and all Members are requested to bring their copies to the meeting. A copy of the report will be attached as part of the electronic version of this agenda on the Council's website.

Recommendation of Cabinet

Cabinet decided to recommend to Council that the Private Sector Housing Enforcement Policy, the Private Sector Housing Civil Penalties Policy and the Private Sector Housing Houses in Multiple Occupation Licensing Policy (as set out in Appendices 1, 2 and 3 of the Cabinet report) be considered and approved.

Recommended that – the recommendation of Cabinet be approved.

**COUNCILLOR M STOKES
CHAIRMAN**

Council – 19 July 2018

Report of the Executive Director

Public Spaces Protection Order - Extension

1. Background

The Anti-social Behaviour, Crime and Policing Act 2014 enabled Councils to introduce Public Space Protection Order, (PSPO) which are in effect a more modern and responsive style of local byelaw.

A public spaces protection order can be made if the Council is satisfied on reasonable grounds that two conditions are met. Firstly, that

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

The great advantage of the PSPO over other forms of byelaw or potentially other offences is the instant availability of enforcement by way of out of court disposal through the use of fixed penalty notices (FPN).

2. Current PSPO

The Public Spaces Protection Order (Intoxicating Substances) commenced on 20 August 2015.

It is a statutory requirement that a public spaces protection order may not have effect for a period of more than 3 years, unless extended by the local authority responsible for granting the original order.

The Public Spaces Protection Order (Intoxicating Substances) currently expires on 20 August 2018. We are asking for an extension of 12 months to the present order.

A copy of the revised Order is attached at Appendix 1.

3. Enforcement

Through the Community Safety Partnership structures, and relationships with council officers, Police and Rugby First, all partners have agreed a firm but fair process and protocol for enforcement of the order. All organisations are committed to using the

PSPO to improve the quality of life for local residents and visitors into the town centre environment.

A range of existing council enforcement officers including Community Safety Wardens and Environmental Protection Officers will all be authorised to take enforcement action, as will Police officers and PCSOs. Rugby First rangers will provide support and intelligence but are not authorised to take enforcement action.

A scrutiny review on the subject of PSPOs has been carried out and the outcomes and recommendations will be submitted to Cabinet at its meeting on 3 September 2018. However, the current PSPO for intoxicating substances is due to expire before this date.

If any person fails to comply with the PSPO then the normal action would be to issue that person with a Fixed Penalty Notice (FPN) and a fine of up to £100. A discount of 40 per cent may be applied if paid within 10 days.

The FPN will have details of how the recipient can contact substance misuse recovery agencies.

If a FPN is not paid the matter can be dealt with through the Court, and the Council may also request a Criminal Behaviour Order (CBO) which is an updated version of an anti-social behaviour order (ASBO).

4. Consultation

The changes are an extension time period of 12 months whilst the consultation process on revised orders are continuing through the scrutiny process. They have been considered by Whittle Overview and Scrutiny Committee and are due to be submitted to Cabinet on 3 September 2018.

5. Recommendation

The Public Space Protection Order (Intoxicating Substances) and its enforcement provisions be extended for a further 12 months (1 year) period, commencing from 21 August 2018, subject to variation following the scrutiny review and approval of any recommendations by Cabinet.



ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 SECTION 59

PUBLIC SPACES PROTECTION ORDER RUGBY BOROUGH COUNCIL (INTOXICATING SUBSTANCES) ORDER 2018

RUGBY BOROUGH COUNCIL (“*the Council*”) make this Order, being satisfied on reasonable grounds that activities in the location described in paragraph 2 (*restricted area*) of this Order have had or are likely to have a detrimental effect on the quality of life of those in the locality, and that these activities involved various anti-social behaviours. The Council believes that the effect, or likely effect, of the activity described in paragraph 1 of this Order is (or is likely to be) persistent and continuing in nature, such as to make the activity unreasonable and justifies the restriction imposed by this Order.

1. Restrictions

Person(s) within the *restricted area* will not – ingest, inhale, inject, smoke or otherwise use intoxicating substances.

(*Intoxicating substances is given the following definition (which includes Alcohol and what are commonly known as ‘Legal Highs’)* substances with the capacity to stimulate or depress the central nervous system.

2. Location

This Order applies to the land described in the area shown edged in red on the attached plan, being a public place in the area of the Council, identified for the purposes of Section 59(4) of the *Act*, and in this Order referred to as the '*restricted area*'.

3. Offence/penalties

Alcohol – Section 63 of the *Act* says that where a constable or authorised person reasonably believes that you:

- a) Are or have been consuming alcohol in breach of this Order; or
- b) Intends to consume alcohol in circumstances in which doing so would breach this order

The constable or authorised person may require you –

- a) Not to consume alcohol or anything they believe to be alcohol
- b) To surrender anything in your possession which is or reasonably believed to be alcohol or a container for alcohol.

If without reasonable excuse you fail to comply with a requirement imposed in paragraph 1 you commit an offence and are liable on summary conviction to a fine not exceeding level 2 on the stand scale (**currently £500**).

Other substances – Section 67 of the *Act* says it is an offence for a person without reasonable excuse to

- a) Do anything that is prohibited by a public place protection order or fail to comply with imposed in paragraph 1 or
- b) Fail to comply with a requirement imposed in paragraph 1

A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the stand scale (**currently £1000**).

Fixed Penalty Notice

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 14 days to pay the fixed penalty of £100 (discounted to £ 60 if paid within 10 days).

4. Appeals

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council.

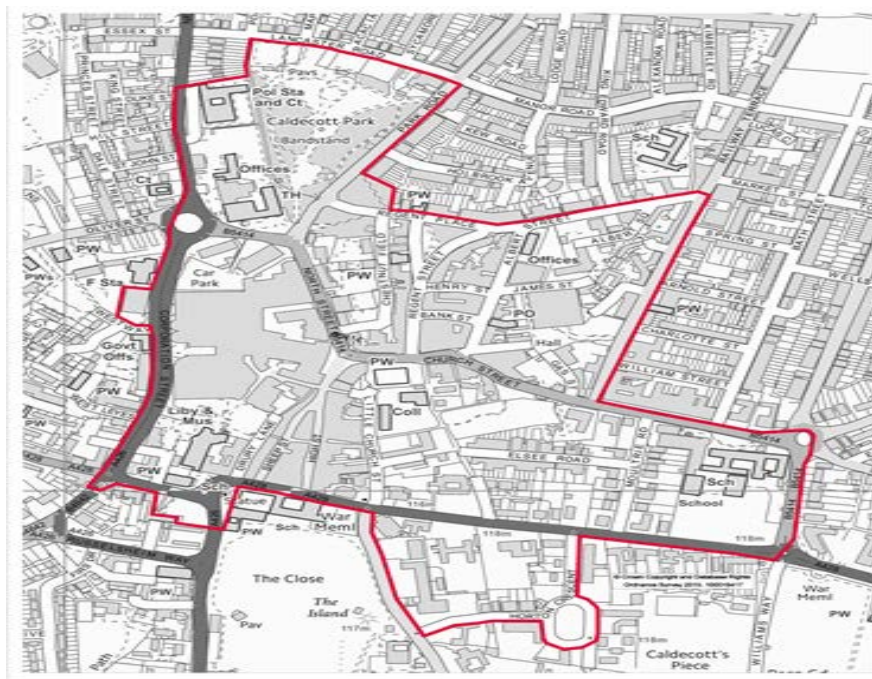
Interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the order pending the Court's decision, in part

5. Duration

This Order will come into force on 21 August 2018, and remain in place for a period of 12 months.

Restricted Area



THE COMMON SEAL of Rugby)
Borough Council was hereunto affixed)
the day of)
in the presence of:-)

Legal Services Manager