

Joint Executive (Cabinet) Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Report of St Edmundsbury Overview and Scrutiny Committee: 9 January 2019	
Report No:	CAB/JT/19/001	
Report to and date:	Joint Executive (Cabinet) Committee	22 January 2019
Chairman of the Committee:	Councillor Diane Hind Chairman of SEBC's Overview and Scrutiny Committee Tel: 01284 706542 Email: diane.hind@stedsbcc.gov.uk	
Lead Officer:	Christine Brain Democratic Services Officer (Scrutiny) Tel: 01638 719729 Email: christine.brain@westsuffolk.gov.uk	
Purpose of report:	<p>On 9 January 2019, the Overview and Scrutiny Committee considered the following items:</p> <ul style="list-style-type: none"> (1) Local Air Quality Management – Vehicle Ant-Idling; (2) Annual Report by the Cabinet Member for Leisure and Culture; (3) Customer Access Strategy 2019-2022; (4) Car Parking Update: January 2018 to November 2018; (5) Public Space Protection Order, Bury St Edmunds – Addition of Condition; and (6) Work Programme Update. <p>A separate report on Item (3) above will be considered by the Shadow Executive (Cabinet), at its meeting on</p>	

	5 February 2019. Following a period of consultation, a separate report on Item (5) above will be presented to the Joint Executive (Cabinet) Committee on 12 March 2019.		
Recommendation:	The Joint Executive (Cabinet) Committee is requested to <u>NOTE</u> the contents of Report CAB/JT/19/001, being the report of St Edmundsbury's Overview and Scrutiny Committee.		
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> Report for information only.		
Consultation:	<ul style="list-style-type: none"> See Reports listed under background papers below 		
Alternative option(s):	<ul style="list-style-type: none"> See Reports listed under background papers below 		
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any staffing implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any ICT implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> See Reports listed under background papers below 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See Reports listed under background papers below			
Wards affected:		All Wards	
Background papers:		Please see background papers, which are listed at the end of the report.	
Documents attached:		None	

1. Key issues and reasons for recommendation

1.1 Minutes: 7 November 2018

1.1.1 On consideration of the minutes of its meeting of 7 November 2018, the Committee made a minor amendment to one of its recommendations to the Shadow Executive (Cabinet) on the item relating to the Review of the Bury St Edmunds Christmas Fayre (Report No: OAS/SE/18/032 refers). This will be drawn to Shadow Executive Members' attention at its next meeting on 5 February 2019.

1.2 Local Air Quality Management – Vehicle Anti-Idling (Report No: OAS/SE/19/001)

1.2.1 The Committee received the Local Air Quality Management – Vehicle Anti-Idling report which had been deferred from its previous meeting on 7 November 2018.

1.2.2 The Committee had previously requested officers to provide a report to assess the challenges of vehicle idling in St Edmundsbury. This had led to an options appraisal being undertaken to address potential issues for the Committee to consider.

1.2.3 Technical information on vehicle idling was attached as Appendix 1, which included providing details of the impact of vehicle idling (i.e. leaving a vehicle engine running when parked) on air quality and the implications of poor air quality on human health; the role of local authorities in tackling air pollution; understanding how long a vehicle needs to be stationary and idling before the benefits of turning off the engine outweigh the potential negative impacts from restating the vehicle; and a synopsis of enforcement powers available should local authorities decide to use this route as a method of tackling this issue.

1.2.4 The Committee considered the Options Appraisal at Appendix 2, which had been summarised in the covering report. Three specific options were considered for addressing this issue, as follows:

Option A: Undertake a campaign, initially targeted at schools and expanding as necessary;

Option B: Adopt delegated powers to use Fixed Penalty Notices under the traffic regulations 2002; or

Option C: Introduce road signs.

1.2.5 The Committee discussed the options in detail and asked questions of the officers, particularly regarding implications of exercising enforcement powers, to which comprehensive responses were provided.

1.2.6 The Officers' recommendations provided in the report were supported; however, it was requested that the matter should be reassessed by the Committee within 12 months having considered the success of the proposed public campaign set out in Option A based on anecdotal evidence gathered.

1.2.7 The Committee **RESOLVED:** That

- (1) the technical information on vehicle idling set out in Appendix 1 to Report No: OAS/SE/19/001, be noted: and
- (2) the relevant Portfolio Holders be requested to progress the proposals to undertake a public campaign in conjunction with other Suffolk Local Authorities where this can be undertaken in appropriate timescales, as set out in Option A of Report No: OAS/SE/19/001, subject to the matter being reassessed by the Committee within 12 months having considered the success of the campaign based on anecdotal evidence gathered.

1.3 **Annual Report by the Cabinet Member for Leisure and Culture (Report No: OAS/SE/19/002)**

- 1.3.1 The Cabinet Member for Leisure and Culture, Councillor Joanna Rayner was invited to give an annual update on her portfolio. Report No: OAS/SE/9/002 set out the focus for the annual update.
- 1.3.2 Prior to the meeting taking place, the Cabinet Member was provided with some key questions from Scrutiny Members on what they would like included in the update, and responses were set out the report.
- 1.3.3 The Cabinet Member thanked the Committee for the invitation to address the Committee.
- 1.3.4 The Committee asked a number of follow-up questions relating to the responses provided on The Apex; how the Destination Management Organisation (DMO) is engaging with tourism businesses in the rural areas; and the role of and methods by which 'What's On West Suffolk' promotes West Suffolk as a tourism destination, to which comprehensive responses were provided.
- 1.3.5 There being no decision required, the Committee **NOTED** the annual update.

1.4 **Car Parking Update January 2018 – November 2018 (Report No: OAS/SE/19/004)**

- 1.4.1 The Committee received this report, which presented an update on the car parking service between January 2018 and November 2018, identifying use by customers and projects undertaken across the year.
- 1.4.2 Members noted the report with interest and asked questions of the officers, particularly in respect of:
 - (a) whether the recent changes in highways infrastructure in Bury St Edmunds town centre had affected the reported downturn in car parking transactions and income;
 - (b) the perceived need by some residents, retailers and shop owners that had held discussions with some Members of the Committee for a 'Pay on Exit' car park in Bury St Edmunds to encourage longer stays in the

town. Councillor Speed reported that some users would apparently be satisfied with paying a higher tariff for 'Pay on Exit' if this was a consequence of being able to stay longer;

- (c) better promotion of season ticket availability;
- (d) whether the usage figures quoted in the report, particularly for the Ehringshausen Way car park in Haverhill, were accurate, and whether the actual income for each car park could also be provided in future updates in addition to the numbers of car parking events recorded;
- (e) signage issues, the responsibility of which was under Suffolk County Highways;
- (f) disappointment that a go-live date for Civil Parking Enforcement was not yet forthcoming; however, it was acknowledged that this was due to awaiting a commencement date from the Department for Transport; and
- (g) the success of the 'Free from 3' and pre-Christmas free parking initiatives in Bury St Edmunds and Haverhill'

to which comprehensive responses were provided. Particular discussion was held on the issues of car park occupancy at peak times which as a consequence limits the ability to deliver a Pay on Exit payment facility. The Committee recalled that Cabinet agreed in 2015 that all car parks must operate below 95% occupancy at peak times before Pay on Exit could be implemented or risk significant town centre congestion. Current peak time usage means this level has not been met. Nevertheless, the Council recognises the preference by some users to be able to pay at the end of their visit and to flexibly extend their stay if required. To this end, new technology is being explored with RingGo that will enable the user to pay at the end of their stay and officers are working on a proposal using mobile communications that was aimed to be trialled in spring 2019. The Committee accepted the trialling of the new mobile telephone 'app' was a positive move forward and looked forward to perusing the outcome and findings of the trial, which would form part of the Car Parking Review due to be undertaken in summer 2019.

1.5 **Public Space Protection Order (PSPO) Bury St Edmunds – Addition of Condition (Report No: OAS/SE/19/005)**

- 1.5.1 The Committee received this report, which presented a proposal for an addition to the current conditions to the existing town centre Public Space Protection Order (PSPO) in relation to non-congregation of vehicles to reduce incidences of anti-social behaviour.
- 1.5.2 Background to the existing PSPO and the proposal was outlined in Report No: OAS/SE/19/005. Appendices A, B and C attached to the report provided evidence to support the addition of a new condition to the existing PSPO, the draft PSPO Order and the map showing the restricted area, respectively. The proposed additional condition, which is subject to public consultation, is as follows:

No persons shall, within the restricted area:

Gather in groups of two or more motor vehicles for purposes other than simply parking which will cause or is likely to cause harassment, alarm and distress to others between the hours of 6pm and 4am by performing any of the activities listed below:

- a) Using a motor vehicle to perform stunts.*
- b) Repeatedly sounding horns and/or revving engines (as to cause a public nuisance).*
- c) Playing music excessively loud (as to cause a public nuisance).*
- d) Using foul or abusive language.*
- e) Using threatening, intimidating behaviour towards another person.*
- f) Causing obstruction on a public highway, or a publicly accessible space, whether moving or stationary.*

1.5.3 Members considered the report in detail and made the following suggestions for further investigation and, as appropriate, for them to form part of the consultation:

- (i) the proposal was for the additional condition to be operational between the hours of 6.00pm and 4.00am, which was based upon hours recommended by the Police as it was between these times that incidences previously reported were most prevalent. However, it was requested whether the additional condition should be operational for 24 hours a day;
- (ii) in respect of part (a) of the proposed additional condition 'Using a motor vehicle to perform stunts', whether the word 'stunts' included the racing or sprinting of vehicles within this term or whether '*racing and / or sprinting*' needed to be specifically included within this activity; and
- (iii) in respect of part (b) of the proposed additional condition 'Repeatedly sounding horns and /or revving engines (as to cause public nuisance)', whether the words '*.../idling engines and associated equipment*' could be added to this activity, which was suggested following a discussion about apparently noisy refrigeration lorries idling in the early hours of the morning in the road in between the car parks at School Yard East and School Yard West.

1.5.4 In response, officers stated that they would seek further advice from the Police and the Council's legal team to ascertain the feasibility of and whether it was sufficiently proportionate to make the suggested changes detailed above.

- 1.5.5 Following the outcome and findings of the consultation, the finalised proposal would be presented as a recommendation from the Overview and Scrutiny Committee to the Joint Executive (Cabinet) Committee for consideration on 12 March 2019. A formal recommendation will be provided in a separate report from the Committee to that meeting.
- 1.5.6 A discussion was also held on the injunction that was presently going through the legal process in respect of the anti-social driving currently being experienced at Moreton Hall, Bury St Edmunds.
- 1.5.7 The Committee **RESOLVED:**

That the additional condition to the current Public Space Protection Order in respect of "non-congregation of vehicles in Bury St Edmunds town centre", for the purposes of reducing anti-social behaviour, as set out in paragraph 3.4 of Report No: OAS/SE/19/005, be supported for going out to public consultation, subject to the suggested modifications set out in (i) to (iii) above, if following further discussions with the Police and the Council's legal team, where appropriate, they are considered to be feasible and sufficiently proportionate.

1.6 **Work Programme Update (Report No: OAS/SE/19/006)**

- 1.6.1 The Committee received and **NOTED** Report No: OAS/SE/19/006, which provided an update on the current status of the Committee's Work Programme for 2019.
- 1.6.2 The report also requested that Members identify questions they would like the Cabinet Member for Resources and Performance to cover in their annual report to the Committee on 13 March 2019.

2. Background Papers

- 2.1.1 Report No: [OAS/SE/19/001 Appendix 1](#), [Appendix 2](#) and [Appendix 3](#) to the Overview and Scrutiny Committee: Local Air Quality Management – Vehicle Anti-Idling
- 2.1.2 Report No: [OAS/SE/19/002 Appendix 1](#), [Appendix 2](#) to the Overview and Scrutiny Committee: Annual Report by the Cabinet Member for Leisure and Culture
- 2.1.3 Report No: [OAS/SE/19/004](#) to the Overview and Scrutiny Committee: Car Parking Update January 2018 to November 2018
- 2.1.4 Report No: [OAS/SE/19/005 Appendix A](#), [Appendix B](#) [Appendix C](#) to the Overview and Scrutiny Committee: Public Space Protection Order, Bury St Edmunds – Addition of Condition
- 2.1.5 Report No: [OAS/SE/19/006](#) and [Appendix 1](#) to the Overview and Scrutiny Committee: Work Programme Update