

Icklesham DC Report May 2018

1.. Cabinet Meeting 9th April 2018 - of note:

1.1 Civil Parking Enforcement (CPE): On 19 March 2018, the Overview & Scrutiny Committee (O&SC), chaired by Cllr. Paul Osborne, considered the report on CPE.

In a nutshell, it is clear that we have no other option but to bring in CPE; evidence gathered from the CPE Task & Finish Group (all party) indicated that stakeholders were in favour of ESCC applying to adopt CPE - largely due to parking infringements across the District not being considered a priority by Sussex Police. These parking infringements are escalating as enforcement is not taking place on a consistent and regular basis. This has meant that unlimited, free parking on our high streets (and some villages) has had a negative impact for the businesses and residents as motorists have abused parking restrictions. It is vital to have people at the heart of our high streets and the current, escalating situation actually discourages visitors from coming and spending their money in our shops and other local businesses.

Cabinet recommended to Full Council several recommendations as advised by O&SC. Of note, RDC is to notify Sussex Police of the recommendation to Council to introduce CPE. Until CPE is adopted, Sussex Police has agreed to carry out enforcement of illegal and dangerous parking. This interim measure is not an alternative to CPE, but because we are recommending that it is adopted.

1.2 Civil penalties and Rent Repayment Orders: This is essentially regarding the requirement to improve privately rented properties and make them safe and fit to live in - to help protect people from rogue landlords.

Recent legislation has given RDC the power to issue civil enforcement penalties instead of having to prosecute landlords for offences committed. A civil penalty of up to £30,000 can be imposed where a serious offence has been committed. Where a civil option is taken against a landlord, and where the landlord has received two or more penalties over a twelve month period, the details of that rogue landlord's offences will be recorded and kept on a public database. It is important that these details are publicly available as a conviction in court results in a criminal record, whereas a civil action will not.

The decision as to whether to use a criminal prosecution or civil recourse is proposed to be taken by RDC's Executive Director or the Service Manager of Environmental Services and Licensing (with professional advice). I voiced concerns, not regarding the ability of these officers to make a decision, but regarding the huge responsibility - bearing in mind a fine of up to £30,000 can be issued. They must determine beyond reasonable doubt that an offence has been committed. The process for determining the amount of fine is akin to sentencing; harm caused and culpability of the landlord will need to be determined. It could be argued that such responsibility should be shared with elected members. On this basis, it was agreed that in view of the fact that very few such landlord issues occur in the District, officers would proceed as per the report, but that the issue will come back for scrutiny in year.

1.3 Public Spaces protection Orders (PSPO) - Anti-social Behaviour: Cabinet authorised the Executive Director to undertake the final consultation on PSPOs with ESCC, the Police & Crime Commissioner and Chief officer of Sussex Police. Subject to no adverse comments being made, a PSPO (Anti-social Behaviour) will be made in

designated areas for three years. This covers. Nuisance begging, sleeping/residing in vehicles on the highway or any public open space, drinking alcohol in a public place after being warned not to do so (targeting persistent street drinkers), dangerous cycling, skateboarding etc and fly-tipping in or beside a litter bin.

PSPOs are to ensure that the law abiding majority can enjoy public spaces safe from anti-social behaviour. Breach of a PSPO is a criminal offence and subject to a maximum of £100, fixed penalty. The PSPO covers offences in law, but make it simpler and cheaper for RDC and police officers to take action.

2. I recently attended a taxi licensing conference in Swindon. Taxi licensing laws are seriously out of date (1847 and 1976!) and are in urgent need of reviewing and updating.

2.1 Not all councils have the same, or even adequate, licensing policies. It is important that licensing authorities carry out regular, thorough and consistent checks on, for example, enhanced DBS, criminal record check if applicant has lived overseas, CSE, awareness training etc. The driver must be fit and proper. Safeguarding loopholes arise because not all councils require all of the checks that should be carried out or to a consistent standard. So, a driver can lawfully get a licence in one area where s/he would not meet the eligibility criteria elsewhere. That driver can then work in an area where he would not get a licence - under a Private Hire sub-contract or using a Hackney carriage for pre-booked work. This is the crux of the issue regarding Uber.

Therefore, it is important that local authorities ensure that operators of Private Hire Vehicles do so from their area, using only vehicles and drivers licensed by them. Licensing authorities must not allow Private Hire operators to use Hackney Carriage and Public Service Vehicles (9-16 seats and licensed by the DVLA) interchangeably with Private Hire Vehicles - even though many councils allow this under S. 80 Local Government (Miscellaneous Provisions) Act 1976. This provision excludes Hackney Carriages and Public Service Vehicles from the scope of the Private Hire operator. Note that Hackney Carriages and Public Service Vehicles can be used for pre-booked journeys anywhere in England and Wales. You will be glad to know that RDC has a very comprehensive taxi licensing policy which puts the safeguarding of passengers first.

2.2 There is an issue regarding the sharing of intelligence by police to licensing authorities, which could be solved with a simple addendum clause in the existing legislation - requiring the police to inform licensing authorities when a taxi driver is being investigated, cautioned, arrested or charged with an offence, without the police having to go through the rigmarole required by European Human Rights legislation. I remember taking part some time ago in a Taxi and Private Hire Licensing Panel Hearing ('Taxi Panel Hearing'), regarding a taxi driver and fraud. The Panel decided to revoke the taxi driver's licence as it considered the driver not 'a fit and proper person' to hold a licence, by virtue of his guilty plea to a fraud charge and the fact that he had been stealing thousands of pounds from a one of his customers, a vulnerable elderly man.

The concern was that the taxi driver had been continuing to drive for months and could have been a risk to other vulnerable elderly people. The taxi driver should have informed RDC as soon as he was charged, but he did not and the information only came to light when the taxi driver renewed his 3 year taxi licence: the DBS checks, required upon renewal of licences and carried out by the police, highlighted the new information. But of course the police knew of the information months earlier, when ideally, it should have been shared with RDC.

'Driver intelligence' should be shared as soon as possible. The Rotherham Abuse Steering Group and the subsequent Telford and Wrekin Council Report recommended national licensing action in order to prevent child sex exploitation, and amongst a number of recommendations, suggested that not only should there be a national data base on driver intelligence, but also all drivers should have enhanced DBS and that the police should disclose any arrests or current bail status to Councils i.e that there should be intelligence sharing about allegations made about taxi drivers. Such intelligence sharing would allow Councils to decide if they want that person driving vulnerable people around in their vehicle whilst the Police decide what to do about any potential criminal charges. Councils do not require a conviction to revoke a licence under licensing rules - it is about protection of the public - and public perception thereof.

Councils have a greater duty to immediately protect the public whilst the police investigate an issue. In the meantime a taxi-driver continues to work - potentially with vulnerable people.

4. SCAM Alert - Operation Signature; a reminder

Fraud/SCAMS are on the increase, targeting the elderly and vulnerable in particular, out of their hard earned savings. But just to note that scams do target people of all ages, backgrounds and income levels. It is really important that we keep spreading this message around.

Sussex Police has a standardised reporting and recording process, whose website (www.sussex.police.uk) contains information on current scams targeting consumers, up to date crime prevention advice and how to report scams.

East Sussex Age UK provides free advice, support etc to anyone worried about being scammed. Contact details:

01273 476704 ext 208
scams.prevention@ageukeastsussex.org.uk
ageukeastsussex.org.uk
Call Julie Abson 07850 987133

Things to look out for in the elderly which may be signs that s/he is being targeted; receiving large quantities of mail, emails or texts; sending money to foreign or unusual destinations; secretive about finances and new contacts; getting through a lot of cheque books; and phone often ringing.

5. Winchelsea Beach - ongoing sewage flooding.

I have expressed my concern with Joel Hufford following recent sewage flooding, that the foul/surface/ water infrastructure at Winchelsea Beach is simply not up to coping with the amount of rainfall that we are experiencing on a frequent basis and will continue to experience. I also emphasised that the apparent inability of the system to cope poses health and safety risks to residents at Winchelsea Beach due to the resultant sewer flooding every time we have high rainfall.

When this query has been raised in the past, we have been assured that the system can cope - and that it does have capacity; I believe evidence shows that it does not.

As we are aware, there is an issue with groundwater infiltration, but despite the substantial sums of money Southern Water has invested in surveying and repairing foul sewers in Winchelsea Beach, the sewage flooding remains a problem after heavy rainfall. Southern Water monitors the system, and takes action where appropriate, and is working with Rother District Council, the Internal Drainage Board and local caravan parks to help improve surface water drainage for these sites. Both Winchelsea Sands and Rye Bay have already invested in upgrading their systems.

I agree with Southern Water that collaborative working is vital in delivering benefits for all concerned, most notably residents and businesses in Winchelsea Beach. Joel explained that Southern Water has experience from West Sussex of the “positive impact that can be made by local communities tackling flooding issues collectively - for example, riparian owners of ditches and watercourses being encouraged/supported to carry out regular maintenance on the sections of the surface water system they are legally responsible for to yield a series of small gains that add up to an overall large improvement.”

Southern Water believes that this approach could be a further way forward for Winchelsea Beach and I have asked him to provide me further details on this.

As regards my expressed concerns about health and safety and the inability of the system to cope, Joel has assured me that he will ask his technical colleagues to review the situation in Winchelsea Beach as a priority and come back to me with their conclusions/ planned next steps. I am awaiting to hear from him on this.

SAH