Cabinet

Tuesday, 13th November, 2012
6.00 - 6.45 pm

Attendees	
Councillors:	Steve Jordan (Leader of the Council), John Rawson (Cabinet Member Finance), Rowena Hay (Cabinet Member Sport and Culture), Peter Jeffries (Cabinet Member Housing and Safety), Andrew McKinlay (Cabinet Member Built Environment), Jon Walklett (Cabinet Member Corporate Services) and Roger Whyborn (Cabinet Member Sustainability)

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 16 October were approved and signed as a correct record.

4. PUBLIC QUESTIONS AND PETITIONS

There were none.

5. FEASIBILITY OF ADOPTING A 40 % CARBON EMISSIONS REDUCTION TARGET

The Cabinet Member Sustainability introduced the report which was circulated with the agenda. He explained that a motion had been laid before Council in February 2012 to change the existing 30 % reduction in carbon emissions target to a 40 % reduction target by 2020. Council had referred the matter to Environment Overview & Scrutiny Committee which, at its meeting on 29 February 2012, recommended that a case be established for achieving the target prior to a decision being made.

In terms of progress towards achieving 30 % reduction by 2015 the Cabinet Member Sustainability explained that 25 % had already been committed and he was confident that the full 30 % could be reached. With regard to achieving a further 10 % by 2020 there were ways for this to be achieved but the routes towards this would require a lot more work and more imaginative thinking. If zero carbon electricity did become available to purchase it would deliver a major carbon saving but it would be at a cost and an organisation the size of CBC cannot currently buy that quantity of zero carbon energy.

Gill Morris, Climate Change and Sustainability Officer, was invited to address Cabinet. She referred to the detail laid down in Appendix 2 Section 2 in terms of projects planned, underway or recently completed which assuming they were delivered as anticipated would give 11.1 % of savings. Section 3 outlined potential future options.

Members welcomed the report and the commitment to reducing the Council's carbon footprint. Officers were commended for their hard work in what they had achieved to date.

The Leader said that despite the recession this was still the right time to be looking at investing in the future and to keep focussing on reducing CO2 emissions.

RESOLVED that :

1. **Cabinet agrees to keep the current carbon reduction target of 30% by 2015, and approves further work to:**

    - **explore the potential for Smart metering to help in Bridging the Gap**

    - **continue to explore other initiatives to deliver financial and carbon savings**

2. **Cabinet aspires to a target of 40% by 2020 and approves further work to:**

    - **look in more detail at the case for installing a biomass boiler at Leisure@ as a potential replacement for the combined heat and power (CHP) unit on expiry of the lease in 2015**

    - **explore additional projects which reduce the council's carbon footprint**

3. **Cabinet requires consideration of carbon emissions as a key criterion in developing the accommodation strategy**

4. **Cabinet requests that cabinet reports relating to all future council projects identify the likely impact on the council's carbon emissions**

6. APPLICATION FROM POLICE FOR LOCAL AUTHORITY CONSENT FOR A DISPERSAL ORDER-CHELTENHAM TOWN CENTRE

The Cabinet Member Housing and Safety introduced the report and invited Acting Inspector Tim Hutchinson to address Cabinet.

Acting Inspector Tim Hutchinson explained that four hotspots of antisocial behaviour had been identified in the centre of town i.e. St Mary's Churchyard, Outside McDonalds, High Street and Jenner Gardens. Consultation has been undertaken in the area with community groups, businesses, councillors and residents in order to get a better understanding of the problem. Anti-social behaviour (asb) was having a negative effect on the quality of life for individuals and communities alike within the area. Those consulted were therefore supportive of a dispersal order in order to reduce asb incidents. In terms of publicity, posters had been displayed in shop windows around the border of the proposed dispersal order zone inviting comments on the proposal. No negative responses had been received.

Acting Inspector Tim Hutchinson stated that the Dispersal Order would give the Police an additional tool to tackle anti-social behaviour in a preventative and proactive rather than a reactive way. It would also empower the Police Community Support Officers (PCSOs) to deal with antisocial behaviour. He explained that if issued the Dispersal Order would require 2 or more individuals to leave the designated area for up to 24 hours. There were special provisions created under the 2003 Anti-Social Behaviour Act empowering the police to remove to their home any young person under 16 who is out on the streets in a dispersal zone between 9pm and 6am an not accompanied by an adult. He emphasised that by implementing the order there would not be an increase in policing as PCSOs were present in the town centre every day. He referred to the updated Dispersal Order Protocol which had been tabled and which is attached to these minutes for information. The Protocol sets out how the Order is put into practice. He also explained that once the period of authorisation for the dispersal order had expired the Police would report back to the Anti Social Behaviour Steering Group and Cabinet.

When asked by a member whether this was a heavy handed tool, the Acting Inspector clarified that the aim was to engage with those people who were involved in antisocial behaviour before issuing the order. It was hoped that the majority would respond to this. A person does not commit an offence because an officer had chosen to use the power to disperse, but failure to follow the officer's directions constituted an offence. The Police would also work in partnership with other agencies so the underlying causes of antisocial behaviour could be addressed.

Members recognised that the town centre was perceived as a troubled place but highlighted the fact that the police had been very successful in driving down antisocial behaviour and other types of crime and its work was supported by the borough council and other organisations. Members felt that if the Police were of the view that issuing a dispersal order would assist in addressing the issues in the hotspots identified this should be taken seriously in order to make the town a safer place.

When asked what tests an officer would use to issue the order the Acting Inspector replied that this was at an officer's discretion. If there had already been a complaint this suggested that a member of the public had been harassed, intimidated, alarmed or distressed and therefore intervention was necessary. It was unlikely that there would be any malicious complaints as the majority of the complainants were businesses. It was noted that the Dispersal

Order constituted the lowest level of intervention in order to avert the incident becoming a criminal act in the form of a Section 5 Public Order Offence.

The Leader recognised that as the Police had requested the implementation of the Dispersal Order it was obviously needed as a tool and Cabinet formed part of the legal process for this to happen so it was important that they understood the implications. It was emphasised that this was only a temporary measure and would lapse after 6 months. It was therefore deemed important for cabinet to receive feedback once the period of authorisation of the Order had expired to understand its value and members agreed that this should be added as a recommendation to the report.

The Cabinet Member Housing and Safety referred to the previous dispersal order which covered the whole of the town centre in 2009. Residents and businesses benefited greatly from this as the incidents decreased sharply. This showed that this was very much about educating people about their behaviour.

The Leader of the Council used his discretion in inviting Mr Chris Meehan, a member of the public, to address Cabinet having indicated that he wished to speak. He referred to a recent radio discussion on this issue and asked whether a softer option could be used as issuing the dispersal order ran the risk of criminalising those involved. In response the Leader of the Council reemphasised that implementing the dispersal order was just one part of a package of measures that the Police had in tackling anti-social behaviour. Tim Hutchinson added that he believed that this was a firm but fair way of dealing with incidences of antisocial behaviour which the person involved had to comply with. He highlighted that a person does not commit an offence because an officer has chosen to use the power to disperse, but failure to follow the officer's directions to disperse is an offence.

RESOLVED that :

1. **Cabinet consent be given to the Relevant Officer of Gloucestershire Constabulary that powers conferred by section 30 of the Anti Social Behaviour Act 2003 are to be exercisable (subject to the Dispersal Order Protocol attached at appendix C as amended) for the period from 00.01 hours on 30 November 2012 to 23:59 hours on 24 May 2013 in respect of the area as outlined on the map at appendix B.**

2. **That Cabinet receive a report back on the implementation of the dispersal order once the period of authorisation has expired.**

7. BRIEFING FROM CABINET MEMBERS

There were no updates from Members.

8. DECISIONS BY OFFICERS AND CABINET MEMBERS

The Leader of the Council referred to a decision he had made in awarding the final allocation from the Promoting Cheltenham Fund.

The Cabinet Member Corporate Services referred to a decision he had made that day on the community right to challenge which aims to give community and voluntary sector groups, charities, parish and town councils and groups of council staff the opportunity to bid for the running of council services.

At the Leader's discretion Mr Chris Meehan, who had indicated he wished to ask a question, was invited to address Cabinet. He asked what implications there were for union members should a bid be accepted. In response the Leader clarified that as implications could be significant this would certainly form part of the negotiations.

The Cabinet Member Sport & Culture informed Cabinet she had recently taken a decision on allocating £50k to building youth resilience which had been match funded by the County Council. This fund had generated huge interest and included input from the Positive Participation partnership, the Positive Lives partnership and a council member group. There was a good spread of funds across the town.

Chairman