

To: City Executive Board
Date: 13 February 2018
Report of: Scrutiny Committee
Title of Report: Review of Community Protection Notices

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations on the Review of Community Protection Notices
Key decision:	Yes
Executive Board Member:	Councillor Tom Hayes, Executive Board Member for Community Safety
Scrutiny Lead Member:	Councillor Andrew Gant, Chair of Scrutiny Committee
Corporate Priority:	Strong and Active Communities
Policy Framework:	Corporate Plan
Recommendation(s): That the City Executive Board states whether it agrees or disagrees with the two recommendations in the body of this report	

Appendices
None

Introduction and background

1. The Scrutiny Committee considered the Review of Community Protection Notices (CPNs) at a meeting on 6 February 2018. The Committee would like to thank Councillor Tom Hayes, Board Member for Community Safety, Tim Sadler, Executive Director for Sustainable City, and Richard Adams, Community Safety and Resilience Manager, for presenting the report and answering questions. The Committee would also like to thank Anita Bradley, Head of Law and Governance, for contributing to this item.
2. Cllr Wade addressed the Committee and asked for the report to be re-drafted before being presented to the City Executive Board. She said that the 'Cross-Party Panel' meeting described in the report did not reflect the meeting she attended on 29 January, or the views expressed by members at that meeting. Cllr Wade proposed four recommendations:

- a. There should be documented evidence of attempts to engage the individual and an assessment of his/her vulnerability to legal process.
 - b. There should be a formal Protocol agreed by Legal setting out the process to be followed in each case under the Anti-social Behaviour Crime and Policing Act 2014.
 - c. There should always be a written legal advice on file.
 - d. The process should be authorised in each case by the Head of Service and the Head of Law and Governance – and there should be no time limit on this requirement.
3. The Executive Director for Sustainable City responded that the report referred to an earlier meeting. The Board Member said that Cllr Wade’s first recommendation represented current practice and the second was agreeable in relation to complex cases but he had reservations about the third and fourth suggestions.

Summary and recommendations

4. In discussion the Committee considered the nature of the needs and problems in the city that CPNs could be used to address and the extent of checks and balances in the process for issuing CPNs. The Committee also noted that the Council had received an outside legal opinion which, while it could not have been based on full facts of any specific case the Council had dealt with, was being taken into account as part of a subsequent review of the Anti-social Behaviour Policy and the Anti-social Behaviours Procedures.
5. On being put to the vote a majority of the Committee supported a proposal that written legal advice should be on file in all complex cases prior to the issuing of a CPN. The one member who did not vote in favour of this proposal did so because they believed the current procedure already covered this requirement.

Recommendation 1 – That a written procedure is produced which requires that legal advice is sought and documented in all complex cases that could result in the issuing of a Community Protection Notice or other legal sanction.

The Committee considered and agreed a proposal that any future informal meetings involving members from beyond any one political group should be documented, noting that existing processes and protocols allow members to consider confidential information securely.

Recommendation 2 – That in future any informal cross-party meetings, such as those convened for this subject, should be fully documented (i.e. agendas and minutes) with appropriate provision made for members to consider confidential or exempt material at such meetings.

6. The Committee agreed to endorse the report.

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