

## **CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY DECISION MEETING**

RECORD OF DECISIONS of the Cabinet Member for Environment & Community Safety Decision Meeting held on Wednesday, 11 November 2015 at 10.00 am at the Guildhall, Portsmouth

### **Present**

Councillor Robert New  
Yahiya Chowdhury  
Julie Swan

#### **17. Apologies for Absence**

Councillor Phil Smith sent his apologies.

#### **18. Declaration of Members' Interests**

No interests were declared.

#### **19. Proposal to address the issue of new psychoactive substances**

Rachael Dalby, Director of Regulatory Services, Community Safety and Troubled Families introduced the report.

Roy Goulding, Anti-Social Behaviour Unit Manager and Alan Knobel, Alcohol Strategy Lead explained that the multi-agency team that deals with new psychoactive substances welcomed the new primary legislation as the Public Space Protection Order (PSPO) tackles only anti-social behaviour associated with use in public places. They explained that the legislation had its third reading on 25 October and once enacted would provide the power to effectively deal with the manufacture and supply of new psychoactive substances.

Councillor Hugh Mason included the following points in his deputation:

- PSPOs are useful when dealing with alcohol issues but are likely to be less effective to deal with NPS because the sale, use and consequences are in different locations.
- It is important to note that under the blanket ban, NPS will be treated as illegal drugs and the supplier will be driven underground. There is a need therefore to get address this problem before the legislation comes in as suppliers frequently change locations.

Councillor Swan agreed with the recommendation for the reasons set out in section 3.8 of the report. She added that it would be more effective to tackle the suppliers.

In her deputation, Councillor Stockdale noted that new powers were needed as soon as possible and asked about the timeline for the legislation.

Rachael Dalby explained that the legislation had been delayed and was expected to be enacted in April or May.

Councillor New made the following comments:

- This is an emotive issue affecting many people and he had seen the devastating effect this could have on the community.
- The legislation is very complex.
- NPSs can be made from household products. .
- If one is made illegal, manufacturers often simply change an ingredient and continue to sell it.
- Trading Standards have no powers to enter these headshops and close them.
- There were some initial successes but these fell apart at the last minute.
- PSPOs are used for alcohol problems.
- He was pleased to learn that an attempt to have some legal highs exempt from the legislation had failed.
- It is important that the legislation will impose harsh punishments and also cover imports and online purchasing.
- Local Authorities must be creative in order to provide more than simply regulatory and statutory services as there is no funding from the government.

#### **DECISION**

**The Cabinet Member for Environment and Community Safety agreed to use primary legislation, due to be enacted in early 2016, to address the concern around NPS in the city.**

#### **20. Health & Safety Service Plan 2015/ 2016**

Richard Lee, Environmental Health Manager introduced the report.

Councillor New thanked Environmental Health officers for the great job they were doing with limited resources.

#### **DECISION**

**The Cabinet Member for Environment and Community Safety approved the manner in which Environmental Health proposes to deliver its Health and Safety responsibilities in 2015/ 2016.**

#### **21. Noise enforcement policy 2015**

Richard Lee, Environmental Health Manager introduced the report. He added that currently when a complaint is received, the council contacts those accused of making the noise and if this does not resolve the problem, the complainant must inform the council before any further action will be taken. It is proposed to change the process so that if the situation is not resolved, the Environmental Health team will take appropriate steps without the need for the complainant to contact the council again. The team has capacity to provide this faster and better service, which would be advertised in the Members' Information Service.

As part of his deputation, Councillor Hugh Mason said that he welcomed the expansion of the scope of the service; however he felt that the council could do more to prevent noise problems for example at seafront events by

ensuring that loud speakers point towards the sea rather than inward. He wanted to see a more proactive stance from officers.

Richard Lee responded that one or two years' ago the Cabinet Member agreed guidance for applicants planning large events that focussed on them taking a proactive approach.

Councillor Mason said that he was well aware of that document; however, on a number of occasions the organisers had not been as careful as officers might have hoped.

Councillor Swan and Councillor Stockdale welcomed the enhancement of the service.

Councillor New welcomed the points made regarding the importance of the service being proactive and assured everyone that officers are on site at large events and the decibel levels are monitored.

#### **DECISION**

**The Cabinet Member for Environment and Community Safety:  
Adopted the Portsmouth City Council 2015 neighbourhood noise enforcement policy as attached in appendix 1 to the report.**

- 1. Approved the guidance note attached as appendix 2 which sets out how the ASBC&P Act might be used in relation to noise.**
- 2. Acknowledged both the content of the statistical report, attached as appendix 3 to the report which provides details of the pollution control team specifically in relation to noise enforcement.**

#### **22. Inspection plan for food business operators 2015/ 2016**

Richard Lee, Environmental Health Manager introduced the report and added that this year the service is behind in its inspection regime. In response to a question, he clarified that it was not possible to assure members that they would catch up with inspections, as it depends on how long it takes to deal with each one.

Councillor New commented that when a premises has a low hygiene rating, it does not necessarily mean that it is not safe to eat there. It could be that the health and safety paperwork is not up to date. He was pleased that officers give advice and support to premises owners to enable them to improve their hygiene ratings. He also observed that all local authorities are a bit behind. The guidelines are unrealistic.

#### **DECISION**

**The Cabinet Member for Environment and Community Safety:**

- 1. Approved the continuation of a risk-based approach to the statutory and regulatory inspection and enforcement of food business operators.**
- 2. Acknowledged the level of hygiene compliance in food businesses in Portsmouth and the public health importance of this service.**

- 3. Approved the Food Operating Plan 2015/ 2016 as described in appendix 1 of the report.**

The meeting concluded at 10.35am.

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Councillor Robert New