

11 JUNE 2007

REPORT OF THE DIRECTOR OF REGENERATION

SECTION 17 REVIEW – IMPLICATIONS FOR PLANNING (DEVELOPMENT CONTROL) AND CORPORATE INDUCTION PROCESSES

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is for Members to consider the results of a Review of Section 17, Crime and Disorder Act 1998, and its impact upon some processes within Wirral Council. Specifically within that review the issues of training of new staff and the consideration of crime and disorder matters within the Planning (Development Control) process.

2.0 BACKGROUND

2.1 Section 17 of the Crime and Disorder Act, 1998, states - "Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to, prevent crime and disorder in its area. The Police and Justice Act 2006 amended the 1998 Act so that crime and disorder also includes anti social behaviour, the misuse of drugs, alcohol and other substances

2.2 The Crime and Disorder Act 1998, as amended, places Section 17 obligations upon, Responsible Authorities. Various Acts since 1998 define Responsible Authorities as including Local Authorities, the Police and a number of other key agencies. Performance against this obligation is tested within the Council during Audit Commission reviews of crime and disorder reduction work.

2.3 In 2006 as part of its review of performance, Wirrals Crime and Disorder Reduction Partnership initiated a review of all Responsible Authorities compliance with Section 17 duties. The review was completed by an independent Wirral based organisation, Expanding Futures who have experience in conducting this work in other parts of the North West.

2.4 Wirral CDRP exists to reduce levels of crime and disorder on Wirral which it achieves through the production and delivery of an agreed strategy and series of performance targets. The partnership meet quarterly and the meeting is chaired by the Chief Executive of Wirral Council. Membership includes a number of officers of the Council and Councillors representing each political party including the Cabinet Member for Housing and Community Safety.

3.0 SECTION 17 REVIEW

3.1 Expanding Futures conducted the review by interviewing members of the CDRP on the following issues;

- The relevance of community safety to their organisation
- The extent to which community safety issues are reflected in their policy and practice
- Identify areas that require improvement in respect of Section 17
- Identify opportunities for improved joint working
- Suggestions for improvement of the CDRP

3.2 Expanding Futures published the results of their work in September 2006. Included within the recommendations of this study were issues relating to:

- Training of new staff
- Planning (Development Control) consideration of crime and disorder matters within their work.

3.3 Training of New Staff

Currently new staff being inducted into Wirral MBC receive an input regarding the Councils Corporate Plan but this does not specifically include the Councils responsibilities under the Crime and Disorder Act. This issue can be resolved by adjustment of the Corporate induction process. Discussions are underway with the Deputy Chief Executive/Director of Corporate Services to put these changes in place.

3.4 Planning Department Considerations

Guidance from the Department for Communities and Local Government (DCLG) Circular 01/2006 commonly called the 'Design and Access Statement' recommends that within the statement developers demonstrate;

- How crime prevention measures have been considered in the design of the proposal.
- How the design reflects the attributes of safe, sustainable places as set out in *Safer Places – the Planning System and Crime Prevention (ODPM/Home Office, 2003)*

3.5 Section 6(v) of the Wirral Unitary Development Plan requires that new housing developments must include "the appropriate design features which contribute to a secure environment and reduce the likelihood of crime". Planning Department policy further defines the type of applications that should be considered for safety/security issues and forwarded to Police Architectural Liaison Officers (based within the Community Safety Team) for that consideration to be advised upon:

Merseyside Police referrals;

- All new residential applications for 5 or more units.
- All A3/4/5 uses (New Build)
- All taxi/minicab offices
- All night clubs/disco
- All amusement arcades
- All commercial applications over 1000m² floor space All hotels/hostels
- All schools
- Any other application whatsoever with any potential for public order issues.

Review of plans must also be considered by the Police Licensing Department (based within the Community Safety Team) when planning applications relate to;

- Licensed Premises
- Change of use and extension of licensing hours
- The erection of smoking shelters etc.

The Wirral Police Area Neighbourhood Inspector observations should be sought on planning applications regarding;

- Advice on reported incidents at a premises e.g., recent applications for 'adult entertainment' services

3.6 This matter can be resolved by ensuring that at the Forward Planning stage of a planning application, crime prevention advice from Police Architectural Liaison Officers is sought and considered in all relevant cases. Anecdotal evidence suggests that previously planning applications are referred to the Police Architectural Liaison Officers in only 50% of relevant planning applications. Recent discussions with staff from the Technical Services Department will ensure this matter is satisfactorily resolved.

4.0 FINANCIAL & STAFFING IMPLICATIONS

4.1 There are no immediate financial or staffing implications arising out of this report.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None arising out of this report.

6.0 LOCAL AGENDA 21 IMPLICATIONS

6.1 None arising out of this report.

7.0 LOCAL MEMBER SUPPORT IMPLICATIONS

7.1 This report will be of interest to all Members of the Council.

8.0 HUMAN RIGHTS IMPLICATIONS

8.1 There are none arising from this report.

9.0 COMMUNITY SAFETY IMPLICATIONS

9.1 Ensuring that properties are developed to “Secure by Design” standards would deliver sustainable crime reductions in the area of Burglary.

10.0 PLANNING IMPLICATIONS

10.1 Pursuance of DCLG and other guidance will deliver secure by design standards and assist Wirral in designing out crime.

11.0 BACKGROUND PAPERS

11.1 None

12.0 RECOMMENDATION

12.1 Members are asked to note the report.

Alan Stennard
Director of Regeneration

This report was prepared by Ian Lowrie who can be contacted on 606 5493