

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS
18th April, 2011

Present:- Councillor Akhtar (in the Chair); Councillors Goulty and Kaye (Policy Advisors).

J117. 22 BOSTON CASTLE GROVE

The Director of Housing and Neighbourhood Services reported that the above property was a vacant 3 bedroom Cemetery lodge located in the Moorgate area.

It had previously been utilised as a tied tenancy accommodation for the Cemetery caretaker and was vacated in September, 2009, upon externalisation of the Cemetery and Crematorium Service to Dignity Funerals Ltd. Dignity had confirmed that they did not require accommodation for an on-site caretaker.

It was proposed that the lodge, workshops and garages be sold to enable a significant capital receipt to be generated and cost savings in relation to the ongoing maintenance and running costs.

The general condition of the property was good, however, it would require Decent Homes works including kitchen, bathroom, windows and doors. It would also present a management issue as the Council did not own any other houses within the Moorgate area.

The workshops were in poor condition and required investment to repair a damaged external wall and flat roof. They were currently utilised for 4 hours during 1 day per week by the Community Payback Scheme to enable ad hoc jobs to be undertaken within the Cemetery.

The report set out the options that had been considered with regard to the property which included:-

- Retain and re-let as a Council property
- Sale to a Registered Provider
- Open market sale and retention of garages and workshops
- Open market sale of property, workshops and garages

Consultation had taken place with local Ward Members, Friends of Boston Castle and Moorgate Cemetery and the Rotherham Family History Society. The outcome of those consultations were set out in the report submitted.

Resolved:- That the open market sale of No. 22 Boston Castle Grove, Moorgate Cemetery Workshops and Garages be approved.

J118. CHARGING FOR HOUSING ACT 2004 ENFORCEMENT

The Director of Housing and Neighbourhood Services reported that the Housing Act 2004 made provision for a local authority to make a charge for the service of Enforcement Notices. It was proposed that the discretionary power be adopted with the effect of introducing a charge for specific private sector housing enforcement action carried out by the Safer Neighbourhood's Community Protection Unit.

Section 49 of the Act gave local authorities the discretion to charge for the service or making of Enforcement Notices as follows:-

- Improvement Notices (requiring that works be carried out)
- Suspended Improvement Notices (as above but the operation of the Notice delayed until a specific event occurs)
- Prohibition Orders (restricting the occupancy of a property)
- Suspended Prohibition Orders (as above, but the operation of the Notice delayed until a specific event occurs)
- Hazard Awareness Notices (advising an owner of a risk but not requiring remedial action or restricting the occupancy of the property)
- Emergency Remedial Action (works of improvement in very urgent situations)
- Emergency Prohibition Orders
- Demolition Orders

The Act provided that the following type of activity on the part of the Council may form the basis for any imposed charge:-

- Determining whether to serve the Notice
- Identifying any action to be specified in the Notice
- Servicing the specified Notice
- Reviewing a Suspended Improvement Notice or Suspended Prohibition Order

To date the Council had not adopted this provision as it was viewed prudent to identify good practice across local authorities in both imposing and recovering the charge. The most recent survey undertaken in 2008 by the Chartered Institute of Environmental Health indicated that 45% of responding local authorities had adopted the charging provision.

61 Notices had been served in 2009/10. It was anticipated that the charge itself would prompt landlords to react more quickly reducing the number of Notices required to be served.

Resolved:- That the Cabinet be requested to refer to Council for adoption:-

(1) The introduction of a charging system under Section 49 of the Housing Act 2004 with respect of the service of Improvement Notices, Prohibition Orders, Emergency Remedial Action, Emergency Prohibition Orders and Demolition Orders.

(2) That Notices only be served in accordance with the principles of the Enforcement Concordat and the Council's General Enforcement Policy.

(3) That the General Enforcement Policy be amended with the introduction of Section 3.7.

(4) That owner occupiers be exempt from the proposed charging regime.

(5) That the introduction of the charging system be with effect from 1st August, 2011.

J119. HOME OFFICE CONSULTATION RE: MORE EFFECTIVE RESPONSES TO ANTI-SOCIAL BEHAVIOUR

The Director of Housing and Neighbourhood Services reported that the Government was holding a consultation on reforming Anti-Social Behaviour Legislation, consolidating and simplifying various tools and powers including the removal of Anti-Social Behaviour Orders in England and Wales and replacing them with a range of measures to combat ASB.

The consultation period would end on 3rd May, 2011.

The Coalition Government had announced plans to reform the enforcement and broader response "toolkit" available for tackling anti-social behaviour. The consultation made it clear that ASBOs may go but they would be replaced with other tools some of which did not look very different from those tools and powers that existed now. However, the consultation did signal an intention to simplify and streamline them along with a commitment to increase flexibility at the local level and reducing central prescription.

Local consultation had taken place centred around the existing multi-agency partnership which sat as the current ASBO Panel in Rotherham.

The document suggested that ASBOs and "other Court Orders introduced to deal with anti-social individuals" be abolished and replaced with the following tools:-

- Criminal Behaviour Order – issued by Courts after conviction. It would ban an individual from certain activities or places and require them to address their behaviour
- Crime Prevention Injunction – designed to nip bad behaviour in the bud before it escalated
- Community Protection Orders – place specific Orders bringing together a number of existing measures
- Police 'direction' powers – provided the ability to direct any individual causing or likely to cause crime or disorder away from a particular place and to confiscate related items
- Informal tools and out-of-Court disposals:-
 - o Informal Tools – warning letters and Acceptable Behaviour Agreements
 - o Restorative Justice
 - o Out of Court Disposals – cautions, conditional cautions and penalty notices for disorder
- Community Trigger – a proposal "to give people more power to shape the way the Police and other agencies respond to the issues that matter in their area"

The consultation also provided an insight to Government Policy in relation to the changes to the recording of ASB, the focus on identifying vulnerable victims, the commitment to introducing a cost effective national '101' number and enabling communities to become involved.

Resolved:- (1) That the report be noted.

(2) That, subject to consideration of comments raised by the Sustainable Communities Scrutiny Panel, the report be the corporate response for the Council to the Coalition Government.

J120. NEIGHBOURHOODS GENERAL FUND REVENUE BUDGET MONITORING

The Director of Housing and Neighbourhood Services submitted a report which detailed the projected year end outturn position as at 28th February, 2011, for the Neighbourhoods department within the Neighbourhoods and Adult Services Directorate compared to the original and revised budgets. The latest position currently showed a projected underspend of £162,000 by the end of March, 2011.

The original budget of £4,322,000 was revised to take into account agreed in-year savings of £272,000 to contribute to the Council-wide pressures leaving a revised budget of £4,050,000.

In addition there were a number of in year cross cutting savings towards savings targets set for management and administrative (achieved through the deletion of vacant posts) totalling £152,000 leaving a final revised budget of £3,897.00.

Resolved:- That the report be received and noted.