

THE FORMER SUSTAINABLE COMMUNITIES SCRUTINY PANEL
21st April, 2011

Present:- Councillor McNeely (in the Chair); Councillors Atkin, Blair, Ellis, Havenhand, Hodgkiss, Nightingale, P. A. Russell and Walker. together with Derek Corkell (RotherFed)

Councillor Parker was in attendance at the invitation of the Chair.

Apologies for absence were received from Councillors Austen, Pickering and Mr. J. Carr.

71. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

72. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no members of the public or the press present at the meeting.

73. COMMUNICATIONS

The Chair thanked Andrew Roddison, co-opted member, for his time and efforts on the Panel's behalf. She also wished him and any other Panel Member seeking re-election good luck for the 5th May, 2011.

74. REVIEW AND REFRESH OF THE RMBC ANTI-SOCIAL BEHAVIOUR POLICY & PROCEDURES

The Director of Housing and Neighbourhood Services and the Safer Rotherham Partnership Co-ordinator presented the refreshed statutorily required Anti-Social Behaviour Policy and associated Summary of the ASB Policy and Procedures.

The review took into consideration recent changes in Government thinking and recognised that this may influence future Policy development but captured existing development in Policy since the last review.

Although there were small "cosmetic" changes to the Policy, the more significant changes were set out in the report submitted. These had been made to reflect the shift in focus in how victims across all the different strands of anti-social behaviour were dealt with. The document had also been broken down into 15 sections rather than the previous 11 for ease of locating information.

Discussion ensued on the refreshed Policy with the following issues raised/clarified:-

- The document needed updating to remove all references to 2010 Rotherham Ltd.
- The Scrutiny Review carried out in 2006 had recommended strengthening of the Unit to 7 specialist posts. Although there were not 7 posts there was a collective team working in geographic area. The expertise was still there

- There were 6 officers; the number of Police Officers had reduced from 2 to 1. All were specialist well trained individuals
- Schools had dedicated officers to pick up on issues of anti-social behaviour
- In light of the budget cuts there was a need for closer working arrangements and flexibility between what was left on the ground and increased emphasis on Safer Neighbourhood Teams and Anti-Social Behaviour Officers
- ASB was 1 of the main priorities for the local authority and Police. There were significant changes for anti-social behaviour from April with the categorisation reducing from 7 to 3 - personal ASB, environmental ASB and nuisance ASB. It would be very much down to the interpretation of the person who answered the telephone when it was reported
- Consideration was to be given as to how to align Neighbourhood Champions with 2010 staff. As the integration and restructure took place, there may be opportunities to strengthen the roles
- Of all the types of ASB youth nuisance was the most prevalent followed by excessive noise
- Acknowledgement that there had been a problem in the past with case management of ASB. Work was taking place on this issue with the Police. As part of the restructure consideration was being given to integrating ASB Officers with Housing Champions on a locality basis. This would give the benefit of specialist advice being on hand
- With regard to protecting a member of the public who had come forward as a witness, there were opportunities to request special measures but had to be for serious offences where the witnesses would be seen as being at serious risk. It should be made clear by officers that a witness's details would be released
- It was a living document that would continually be updated to keep pace with changing Legislation
- There had not been direct consultation with victims of crime on an individual basis. Consultation had been through Victim Support

Resolved:- That the refreshed Anti-Social Behaviour Policy and required Summary of Policy and Procedures be noted.

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

The Director of Housing and Neighbourhood Services and the Safer Rotherham Partnership Co-ordinator 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 existing tools and powers. However, the consultation did signal an intention to simplify and streamline 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:-
 - Informal Tools – warning letters and Acceptable Behaviour Agreements
 - Restorative Justice
 - 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.

Discussion ensued on Appendix 1 of the report setting out the proposed responses to the ASB Tools and Powers consultation with the following raised/clarified:-

- Police “direction” powers – concern that a single Police Officer or PCSO could initiate the power. It was felt that there should be some safeguards built into the process by having a officer of Inspector ranking or above initiating the power
- Crime Prevention Injunctions were very similar to ABSOs. Rotherham did not agree with the argument put forward that ASBOs had not worked and that its ASBO process, which relied heavily on the use of Acceptable Behaviour Contracts, had proved to be a positive and successful way of addressing the behaviour of young people

- No mention of Parenting Contracts and the responsibility of parents
- Concern regarding Crime Prevention Injunctions and the use of hearsay evidence but if a witness was willing to give a sworn statement then it should be used
- Concern regarding the use of Volunteer Street Patrols – vigilantes? There had to be training and vetting
- The national pilot taking place was with regard to case management of ASB
- It was understood that there would be a national 101 telephone number. The discussion locally was the extent to what would go to that number

Resolved:- (1) That the response incorporate the following issues:-

- o The responsibility of parents
- o Continuation of Acceptable Behaviour Contracts and the avoidance, if possible, of taking young people to Court if it could be dealt with in a different way
- o Support of witnesses and individuals prepared to come forward and give evidence
- o Role of community people and volunteers in their roles as specials
- o Concern regarding vigilantes

(2) That the results of the national pilot be submitted to the Panel in due course.

76. PRIORITY REGULATORY OUTCOMES: A NEW APPROACH TO REFRESHING THE NATIONAL ENFORCEMENT PRIORITIES FOR LOCAL AUTHORITY REGULATORY SERVICES

The Director of Housing and Neighbourhood Services and the Business Regulation Manager reported on the consultation being conducted by the Government on the creation of conditions for a simpler regulatory system which would allow services to maximise local outcomes by the reduction of regulatory burdens on business and ensuring the protection of the public.

The document was published by the Local Better Regulation Office on 7th February, 2011, and the consultation period ended on 6th May, 2011.

The consultation identified proposals to replace the existing national enforcement priorities for England with broader priority regulatory outcomes. The consultation paper sought to reflect issues of concern to local citizens and businesses including the quality and safety of the local environment, quality of life issues such as housing, noise and anti-social behaviour and the hygiene and safety of local retail outlets. It proposed 5 Enforcement Priorities with identified outcomes:-

- Priority 1 – Protect the environment for future generations by tackling the threats and impacts of climate change
What is important: Climate Change, Impact on Health and Wellbeing managing the risks and impacts of Flooding and Water Quality, measures to influence energy efficiency, co-ordinating emergency responses
- Priority 2 – Improve quality of life and wellbeing by ensuring clean and safe public spaces
What is important – Fly tipping, litter and illegal waste, Contaminated Land, Air Quality, Nuisance and anti-social behaviour, including disorder associated with underage consumption of alcohol and other age restricted products, Private Rented Housing Conditions
- Priority 3 – Help people to live healthier lives by preventing ill health and harm and promoting public health
What is important: Alcohol and Tobacco, Health and Safety and Wellbeing at Work, Fire Safety, Pest Control, Allergy Awareness
- Priority 4 – Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy
What is important: Diet and Nutrition, Food Borne Disease, Food Safety, Animal Health and Welfare and Disease Control
- Priority 5 – Support enterprise and economic growth by ensuring a fair, responsible and competitive trading environment
What is important: Supporting enterprise, particularly small businesses, proportionate enforcement, Fair Trading, Intellectual Property Crime, Debt and Credit Issues, Counterfeiting and Piracy, Product Safety

Discussion ensued on the draft response. The following issues were highlighted/clarified:-

- Consultation had taken place with all the local authority's business groups
- If the Public Health function was transferring to the local authority the resources also needed to be transferred accordingly
- There were gaps in the field of Trading Standards. Rotherham only had ½ an officer, the rest were Enforcement Officers and relied on neighbouring authorities to assist. Discussions were taking place on how to resolve the issue

Resolved:- That the proposed response be approved for consideration by the Cabinet.

77. HOUSING AND NEIGHBOURHOOD SERVICES REVIEWS AND NEW STRUCTURES

The Director Housing and Neighbourhood Services submitted a report setting out the progress made in reviewing the structure and functions of Housing and Neighbourhood Services together with highlighting the outcomes where implications for Service delivery should be noted.

All of the services under the Neighbourhood element of the Directorate were faced with significant Policy change and financial restriction. As part of the development of the Corporate Service and Financial Planning process for 2011/12, various services had been subject to Service Reviews:-

- Neighbourhood Investment (contributing to Corporate Reviews of Regeneration Services, Asset Management and Financial Services)
- Neighbourhood Partnerships
- Food Safety
- Neighbourhood Wardens

There were also additional reviews currently underway/proposed for Locality Services (and the integration of 2010 Rotherham Ltd.), Trading Standards and Enviro-Crime Enforcement. Services would also be impacted by other Council-wide reviews including Management Review, Customer Services and Business Administration.

The reviews had resulted in a reduction of 35 posts achieved by the loss of vacant posts, voluntary severance and/or successful re-employment within the Council via the Talent Pool or by other employers. A summary of each review and associated implications were set out in Appendix 1 of the report submitted.

Discussion ensued on the report and also on Minute No. 108 (Food Standards Agency Audit) of the 21st March Cabinet Member for Housing and Neighbourhood Services.

Discussion ensued on the report with the following issues/concerns raised:-

- Why had it taken 9 months for the outcome of the Food Standards Agency Audit to be reported to the Cabinet Member when weaknesses had been highlighted by the Food Standards Agency
- Why cut £75,000 lose 2.14 FTE from a Team that had been found not to be performing adequately?
- The Audit had taken place before any cuts had taken place. The report had said that the way that Team had operated at that time was not sufficient. There had been criticism that inspections had not been completed in some categories.
- The figures had been analysed and found that the average number of inspections per year per member of staff was very low. Meetings had taken place and the Team felt that the workload required was doable and reasonable and wanted to pick up Category E inspections
- The inspection had taken place in May, 2010, report received in July, 2010 and then an action plan produced and had been worked to since that time. A number of the recommendations within the Audit had been completed. It was acknowledged that it should have been submitted to the Cabinet Member sooner and to Scrutiny

- 100% of Category A, B and C inspections had been carried out this year. No Category D inspections were carried out last year
- Why had this issue not been raised through performance monitoring?

Resolved:- (1) That an update be given to the July meeting following the return visit of the Food Standards Agency.

(2) That a copy of the Food Standards Agency's report be submitted in due course.

(3) That a 6 monthly update be submitted on the staffing structure and the impact of the restructure.

78. DEFRA AIR QUALITY GRANT

In accordance with Minute No. 70 of the 10th March Panel meeting, the Director of Housing and Neighbourhood Services submitted a report on the DEFRA Air Quality Grant.

DEFRA had offered grant monies to local authorities to enhance their work in relation to Air Quality. Rotherham had successfully bid into the pot in 2007/08, 2008/09 and 2009/10. Currently there was a budget of £30,622 of which £22,861 remained unspent. It was proposed that the grant monies be spent as follows:-

- Air Quality Dispersion Modelling - £10,000 to enable further prediction of effects of traffic pollution and the impact of pollutants on health in Rotherham
- Action plan projects to improve local air quality including the South Yorkshire ECO Stars project (£12,000 during 2011/12)

An amount of Air Quality Modelling had been undertaken in relation to the Waverley site with a spend of £4,750 during 2010/11. The main spend for the Modelling, which was proposed to be spent on acquiring traffic modelling data was delayed following the IT difficulties experienced following the liquidation of the service provider for the real time Air Quality monitoring in July, 2010. This had affected all real time Air Quality Monitoring across South Yorkshire. A new service provider was sourced and the Air Quality Monitoring server went back on line in March, 2011. Consequently the expected spend in this area was rolled over into the current financial year.

There was a small spend on Air Quality Action Plan projects of £3,000 which was spent in relation to the South Yorkshire wide Care4Air campaign. However, the major spend proved unnecessary during 2010/11 as alternative funding streams were identified for the financial year.

Resolved:- That the report be noted.

79. 2010 ROTHERHAM LTD. - UPDATE ON PROPOSALS TO BRING BACK IN-HOUSE

The Director of Housing and Neighbourhood Services gave a verbal update on the proposals to bring 2010 Rotherham Ltd. back in house highlighting:-

- Report showing the structure to be submitted to 8th June, 2011
- Management Agreement ran until 30th June, 2011 when everyone would transfer back to the Council
- The company itself would continue and a Board of Directors put in place for the purpose of winding it up
- Fortnightly options meetings between the Senior Directors/Chief Executive of 2010 and the Council discussing the structure
- There would be a transition plan as well as an implementation plan which included mapping of all risks
- Consideration being given to work model of-
Neighbourhood Investment Service - issues of stock and planned maintenance
Contract Managed Services
Housing Options re access, Key Choices, voids
Estates - Champion function, anti-social behaviour, Neighbourhood Partnership

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

(2) That the report on Choice Based Lettings be submitted to the Panel.

80. CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

The Panel noted the decisions made under delegated powers by the Cabinet Member for Safe and Attractive Neighbourhoods held on 21st March and 4th April, 2011.

81. SUSTAINABLE COMMUNITIES SCRUTINY PANEL

The minutes of the meeting held on 10th March, 2011, were agreed.

Arising from Minute No. 63(2) details of the Local Authority new build rent setting and affordability modelling was circulated together with rent levels for all Council properties. There was an allowance within the rent setting formula to take account of property value. Rotherham had calculated it on the model used by Chevin Housing Association.

It was also noted that there had been an increase in District Heating Charges during 2009/10 via an increase in the kilowatt per hour. The meters had been recalibrated to take account of the increase.

82. PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE

The minutes of the Performance and Scrutiny Overview Committee held on 25th February and 11th and 25th March, 2011, were noted.