

## **SUSTAINABLE COMMUNITIES SCRUTINY PANEL**

**Venue: Town Hall,  
Moorgate Street,  
Rotherham.**

**Date: Thursday, 21st April, 2011**

**Time: 9.30 a.m.**

### **A G E N D A**

1. To determine if the following matters are to be considered under the categories suggested in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence
4. Declarations of Interest
5. Questions from members of the public and the press
6. Communications

### **FOR PRESENTATION**

7. Review and Refresh of the RMBC Anti-Social Behaviour Policy & Procedures (Pages 1 - 33)
8. Home Office Consultation re: More Effective Responses to Anti-Social Behaviour (Pages 34 - 45)
9. Priority Regulatory Outcomes: A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services (Pages 46 - 53)

### **FOR DISCUSSION**

10. Housing and Neighbourhood Services Reviews and New Structures (Pages 54 - 66)

11. DEFRA Air Quality Grant (Pages 67 - 69)
12. 2010 Rotherham Ltd. - Update on Proposals to bring back in-house

### **FOR INFORMATION**

13. Cabinet Member for Safe and Attractive Neighbourhoods  
- minutes of meetings held on

21<sup>st</sup> March, 2011

<http://modern.gov.rotherham.gov.uk/mgConvert2PDF.aspx?ID=8401&T=1>

4<sup>th</sup> April, 2011

<http://modern.gov.rotherham.gov.uk/mgConvert2PDF.aspx?ID=8403&T=1>

### **MINUTES FOR INFORMATION**

14. Sustainable Communities Scrutiny Panel (Pages 70 - 75)
15. Performance and Scrutiny Overview Committee (Pages 76 - 90)  
- minutes of meetings held on 25<sup>th</sup> February and 11<sup>th</sup> and 25<sup>th</sup> March, 2011

**Date of Next Meeting:-  
Thursday, 2nd June, 2011**

**Membership:-**

Chairman – Councillor The Mayor (Councillor McNeely)

Vice-Chairman – Councillor P. A. Russell

Councillors:-Atkin, Blair, Cutts, Ellis, Gamble, Havenhand, Hodgkiss, Nightingale and Walker

Co-optees:- Jenny Andrews (Parish Councils representative), Mr. J. Carr (Environment Protection UK)  
, Derek Corkell (RotherFed) and Andrew Roddison (RotherFed)

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Sustainable Communities Scrutiny Panel</b>
<b>2.</b>	<b>Date:</b>	<b>21st April, 2011</b>
<b>3.</b>	<b>Title:</b>	<b>Review and Refresh of the RMBC Anti-Social Behaviour Policy &amp; Procedures</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

### **5. Summary**

The purpose of this report is to seek approval for the adoption of the refreshed statutorily required Anti Social Behaviour (ASB) Policy and associated Summary of the ASB Policy and Procedures. This review takes into consideration recent changes in government thinking and recognises that this may influence future policy development but captures existing development in policy since the last review.

### **6. Recommendations**

**That the refreshed Anti Social Behaviour Policy and required Summary of Policy and Procedures be noted.**

## 7. Proposals and Details

All local housing authorities (Council function) are required to have in place and published a policy and procedure for dealing with occurrences of anti social behaviour. This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003 and accordingly in Rotherham a policy and related procedures has been adopted by the Council since December 2004, with an update being made in 2008. The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

This current refresh was an action in this years Neighbourhood and Adult Services Service Plan and the outcome documents are attached in Appendix 1 and 2.

### 7.1. Changes to Policy

Although there are small “cosmetic” changes to the policy (eg job titles), more significant changes are documented below. These changes have been made to reflect the shift in focus in how we deal with victims across all the different strands of ASB. The document has been broken into 15 sections rather than the previous 11. This makes it easier to locate information and easier to read.

- **Section 2.** This now states a clear commitment to tackling ASB in line with other area’s policies.
- **Section 4.** Whilst the definition of ASB remains the same a list of examples of the different types of ASB has been added.
- **Section 5.** A brief explanation of the Regulation of Investigatory Powers Act has been added as well as Safeguarding and the Domestic Violence crime and Victims Act 2004
- **Section 6.** The Policy Objectives and Standards have been strengthened with detailed and current information about the Respect Standard for Housing Management Performance Improvement toolkit for landlords. This gives an explanation of the service a customer can expect and identifies the six core commitments which drive service delivery for our communities.
- **Section 7.** Supporting and Caring for Victims and Witnesses of ASB is a new section. This now identifies who provides the support, from providing evidence at court to the practical help which can be given.
- **Section 8.1.** This section has been re-written to include current preventative measures including the Family Intervention Project and Reparation and Community Payback.
- **Section 8.2.** This is the area that has been most developed to reflect current changes in policy and practice. It contains more updated information about the work of the partners involved in Safer Neighbourhood team working to address ASB. This has been written in conjunction with the Community Protection Manager and the 2010 Operations Manager. The role of the Community Protection Unit and the new legislative powers that are at its disposal working alongside SYP are detailed. These include new closure orders, ‘Crack House’ closure orders and Dispersal Orders. The focus of 2010 Housing Champions

involvement in dealing with ASB and their links to other agencies has been clarified in this section.

- **Section 10.** This has been re-written in conjunction with the Hate Crime Officer. A new section has been developed 'Hate Incidents' which encompasses the previous Racial incidents and explains more clearly the policy and the way that hate crimes of all types are dealt with.
- **Section 11.** This section has been re-written to reflect the understanding of the wide range of abuse that comes under the new accepted definition of 'Domestic Abuse' and the way that abuse must be dealt with. It explains how the council fits into the larger remit of MARAC for high risk victims.

The changes to the ASB Summary of Policy and Procedures reflects the changes detailed above.

### **8. Finance**

Delivery will be sustained by existing funding from both the Council's General Fund and the Housing Revenue Account.

### **9. Risks and Uncertainties**

This is a statutory requirement. If we do not accept this as an interim measure, customers will not be aware of the developments since the last publication.

### **10. Policy and Performance Agenda Implications**

The ASB policy and procedures impact on all agendas around the SAFE theme, and including the role of social landlord, and takes into consideration issues that impact on all members of the community.

### **11. Background Papers and Consultation**

Both papers were refreshed in consultation with 2010 Rotherham Ltd, Community Protection, Domestic Violence Co-ordinator, and the Community Cohesion officer.

An Equality Impact Assessment has been completed and informed the review.

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**Rotherham Metropolitan Borough  
Council**

**Anti-Social Behaviour  
Policy**

**March 2011**

**Anti-Social Behaviour Policy  
Revised Policy – March 2011**

**1. INTRODUCTION**

This policy statement sets out the action Rotherham Metropolitan Borough Council takes as a social landlord tackling anti-social behaviour (ASB) in the borough. The statement focuses on the housing role of the Council as is required by the Anti Social Behaviour Act 2003, whilst setting out the range of agencies working together to prevent ASB and promote strong successful communities.

The policy statement must be seen in the context of recent changes in government leadership. This will further influence future policy development but captures existing development in policy since the last review.

All local housing authorities are required to have in place and published, a policy and procedures document for dealing with occurrences of anti social behaviour. This duty was introduced by Section 12 of The Anti-Social Behaviour Act 2003 and accordingly in Rotherham a policy and related procedures have been adopted by the Council since December 2004 and amended in 2008. The policy and procedures must be kept under review in order to ensure that changes in legislation and working practices are current.

This interim policy is set against the context of success of the local safer neighbourhood partnership with, as presented in the Joint Strategic Intelligence Assessment for 2009/10, anti- social behaviour being reduced over year by 8%.

**2. OUR COMMITMENT TO TACKLING ANTI-SOCIAL BEHAVIOUR**

The Council and 2010 Rotherham Ltd, strive to provide the highest quality housing service, and to tackle the problems created by anti-social behaviour (ASB). The Council will:

- Provide an accessible, effective service, which encourages residents to report incidents
- Develop strategies to prevent ASB and take firm action against perpetrators.
- Support victims and witnesses, ensuring confidentiality at all times
- Protect vulnerable groups, tackling inequality and discrimination
- Work in partnership with tenants, residents and with other agencies to provide an effective response.

Anti-social behaviour left unchallenged damages individuals and communities. We are committed to continually reduce anti-social behaviour and recognise that, as well as enforcement, we need to follow a multi-track approach to also focus on its causes using all available partnerships and resources to fully use the tools and powers available

We will adopt the following key strategies in our approach

- Prevention
- Effective Enforcement
- Partnership working
- Rehabilitation of offenders.

Where necessary we will take tough action so that the majority of law-abiding, decent people no longer have to tolerate the behaviour of the few individuals and families that think they do not have to show respect to others.

In line with the Sustainable Community Strategy and the “Safe” priority theme of the Council our vision is for everyone in Rotherham to feel safe and to enjoy their home and neighbourhoods which are relatively free from low levels of crime and anti-social behaviour.

### 3. DEFINING ANTI-SOCIAL BEHAVIOUR

The Council recognises anti-social behaviour as behaviour which is capable of causing nuisance and annoyance to any person. The Crime and Disorder Act 1998 describes anti-social behaviour as;

***“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more person’s not in the same household”***

This definition has been accepted by the Safer Rotherham Partnership, including the Council and its partners.

In addition Section 153 of the Housing Act 1996 defines anti-social behaviour as

**“Conduct which is capable of causing nuisance or annoyance to any person”**

### 4. TYPES OF ANTI-SOCIAL BEHAVIOUR

Some examples of what constitutes anti social behaviour are as follows. However there may be other types of behaviour that could be classified as anti social that are not included on the list:

- Excessive noise, (including banging, shouting, amplified music)
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age etc)
- Domestic abuse
- Rowdy, aggressive or threatening behaviour or language
- Using a Council property for criminal purposes, e.g. drug dealing
- Problems caused by animals, e.g. persistent dog barking, fouling etc
- Graffiti, litter or fly tipping
- Intimidation, harassment or threats



- Acts of violence
- Using or carrying offensive weapons
- Antisocial behaviour as a result of misuse of drugs or alcohol
- Nuisance from vehicles – including ‘off road vehicles.
- Any other criminal behaviour not included in the categories above

## 5. THE LEGAL AND STRATEGIC FRAMEWORK

The Council has to operate within the framework created by legislation and its own strategies and policies. The Council’s approach to anti-social behaviour is critical to the success of a number of key strategic drivers including:

- Local Area Agreement
- Rotherham’s Local Preventative Strategy
- Joint Strategic Intelligence Assessment
- The Housing Strategy [currently under review]
- Strategic Landlord Excellence plan.
- Strategy to Reduce Crime and Disorder,
- The Community Strategy
- The Homeless Strategy
- The Youth Offending Strategy
- The Black and Minority Ethnic Strategy
- Housing and Environmental Community Cohesion Strategy
- Single Equality Scheme
- Noise Reduction Strategy
- Enviro Crime Strategy
- Children and Young People’s Parenting Strategy
- Early Years and Childcare Strategy
- CAMHS Strategy
- Teenage Pregnancy Strategy
- Safeguarding Children
- Safeguarding Adults
- Domestic Violence Crime and Victims Act 2004

This policy document plays an integral part in assisting the authority in the objectives set out in the above strategies.

There are a number of statutory tools laid down that influence the methods and approach to anti-social behaviour that the Council undertakes:

## **THE HOUSING ACT 1985 (AS AMENDED BY THE HOUSING ACT 1996)**

The Housing Act introduced statutory grounds for possession of Council rented properties, for example:

- a) Behaviour which is a breach of an express clause of the tenancy agreement:
- b) Behaviour by a Council tenant, or a person living with the tenant, or a person visiting the tenant which causes or is likely to cause a nuisance or annoyance to:
  - a person living in the locality of the tenant's property;
  - a person visiting a property in the locality of the tenant's property; or
  - anyone else in the locality of the tenant's property.
- c) Where a Council tenant or a person living with the tenant or a person visiting the tenant has been convicted of:
  - using or allowing the tenant's property to be used for immoral or illegal purposes; or
  - an indictable offence committed in, or in the locality of the tenant's property.
- d) Where a person living in a Council property has had to leave the property because he/she has been subjected to domestic violence.
- e) Where the condition of the tenant's property has deteriorated due to acts of waste, neglect or default by the tenant or anyone else living with or visiting the tenant.

The 1996 Act also created introductory tenancies along with Local Authority Anti-Social Behaviour Injunctions which have been amended by the Anti-Social Behaviour Act 2003. All new secure tenancies granted by the Council from October 2003 are introductory tenancies.

## **HOUSING ACT 2004**

The Housing Act 2004 introduced wide ranging powers for Local Authorities to deal with the improvement of private sector housing. Amongst these powers are specific provisions relating to the Selective licensing of private rented properties.

## **THE CRIME AND DISORDER ACT 1998**

This Act introduced Anti-Social Behaviour Orders (ASBO's). The Police or a local authority can seek an ASBO against anyone aged 10 or over who has acted in an anti-social manner and where people need to be protected from further anti-social acts.

### **THE POLICE REFORM ACT 2002**

This Act makes it possible for Interim Anti-Social Behaviour Orders to be granted, where there is an urgent need to protect the community from further acts of anti-social behaviour, pending a full Anti-Social Behaviour Order being obtained.

### **THE CHILDREN'S ACT 1989**

This Act places a duty on authorities to co-operate with each other in the protection of children. In particular information on one authority's actions must be shared with others if it would help them to carry out their functions.

### **THE DISABILITY DISCRIMINATION ACT 1995**

It is unlawful for a Council to discriminate against a disabled tenant by seeking possession of their home. If there is evidence that a disabled tenant is acting in an anti-social manner and the actions are a direct consequence of the tenant's disability, the Council can only seek possession of their home where it is "justified" to do so under The Act.

### **THE RACE RELATIONS ACT 1976 / RACE RELATIONS (AMENDMENT) ACT 2000**

This places a statutory duty on public authorities to eliminate unlawful discrimination; promote equality of opportunity; and promote good race relations. Race equality issues must be considered in all of its policies.

### **THE HOMELESS ACT 2002**

This imposes a duty on the Council to assist people at risk of violence. In addition it states that the Council does not have to give preference for housing people guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. Unacceptable behaviour is behaviour that would have entitled the Council to a possession order if they been a council tenant. In addition, it enables the Local Authority to treat an applicant as ineligible for housing if they or a member of their household has been guilty of unreasonable behaviour.

### **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

Covert surveillance may be carried out when other means of gaining evidence is not available, to protect witnesses or to identify perpetrators.

### **THE HUMAN RIGHTS ACT 1998**

The Act gives statutory effect to the European Convention on Human Rights. Key Rights include:

- Freedom of expression
- Right to life
- Prohibition of torture
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life

## **THE DATA PROTECTION ACT 1998**

The Act came into force on 1<sup>st</sup> March 2000. It sets out rules for those who process personal information to be open about its uses and to follow sound and proper practices when handling personal information. The Act covers all types of records, both manual and electronic and the council must ensure that all its work complies with the Act.

The council recognises that information exchange between agencies is valuable in order to protect its communities and the Council ensures that such exchanges of information are legitimate under the Data Protection Act.

## **CONFIDENTIALITY AND DATA PROTECTION**

Section 115 of the Crime and Disorder Act 1998 allows the Council to share personal data or information to be disclosed to the Police, Probation Service, Social Services, Youth Offending Services, Public Protection (Environmental Health), The Primary Care Trust, Registered Social Landlords and Fire and Rescue Service, Education and Other Health bodies where it is necessary to take action under the Crime and Disorder Act 1998. For example, when obtaining an Anti-Social Behaviour Order, the information is processed in accordance with the Data Protection Act 1998.

## **SHARING INFORMATION**

The Council and South Yorkshire Police have protocols to share information and consideration is given to what information is necessary and formal requests are made in writing with an audit trail kept of the request and reply.

## **CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005**

The 2005 Act is in ten wide ranging parts. This includes the impact of Parts 1 (Crime and Disorder) 2 (Nuisance parking) 3 (Litter and refuse) 4 (Graffiti) 5 (Waste) 6 (Dogs) 7 (Noise) and 9 (Miscellaneous). The Act amends and modernises some existing legislation in relation to anti-social behaviour, and brings in several new offences. There is an emphasis on the use of fixed penalties.

## **THE ENVIRONMENTAL PROTECTION ACT 1990**

This legislation imposes a legal obligation on local authorities to take such steps as are reasonably practical to investigate a complaint of statutory nuisance, which includes noise (noise nuisance is classed as anti-social behaviour). A statutory nuisance can exist where noise emitted from premises is either prejudicial to health

or a nuisance. In such circumstances the Council can serve an Abatement Notice on the person responsible for the noise, requiring him/her to stop the nuisance recurring. If such a person does not comply with the Notice they can be prosecuted and fined. In serious cases the Council could also seize equipment used to create the noise, for example a stereo system. In certain circumstances it may be appropriate following prosecution to apply for an Anti-Social Behaviour Order on Conviction.

### **THE ANTI-SOCIAL BEHAVIOUR ACT 2003**

This Act brought in a number of new duties and powers for local authorities in their landlord capacity. These are as follows:

- Publish and keep under review policies and procedures for dealing with anti-social behaviour.
- Sections 152 and 153 of the Housing Act 1996 which deal with injunctions have been amended to widen the scope of injunctions that the Council can apply for to deal with anti-social behaviour. It is now possible to protect wider categories of people who are the subject of anti-social behaviour. In certain circumstances the Court can add a power of arrest to the injunction and prohibit people from entering specific premises or areas.
- Demotion Orders have been introduced which enable the Council to apply to Court for an order demoting a tenant from a secure tenancy to a less secure one for a year. If the tenant continues committing anti-social behaviour within that year it should be easier for the Council to seek possession of the tenant's home.
- The Court must give particular consideration to the impact of anti-social behaviour on victims, witnesses and the wider community when deciding whether it is reasonable to evict a tenant from their home.
- If the Council applies for possession of a tenant's home and believes that other people are committing related anti-social behaviour, it may also apply within the same Court proceedings for an Anti-Social Behaviour Order to be made against those other people.

## **6. POLICY OBJECTIVES AND STANDARDS**

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd recognises that in order to provide customers with a high degree of customer care it has to be effective in tackling anti-social behaviour. This will be done by utilising all remedies available and taking appropriate effective action to assist those who are affected by or who are victims of anti-social behaviour.

The Respect Standard for Housing Management

The Council and 2010 Rotherham Ltd and wider safer Rotherham partnership are committed to tackling anti-social behaviour in a holistically, in 2007 the council and

2010 Rotherham Ltd signed up to the Respect Standard for Housing Management. The standard ensures that services are targeted effectively providing the level, quality and scope of services required for the customer.

The standard delivers a whole approach to tackling anti-social behaviour by placing emphasis on six core commitments:

- Accountability, Leadership and Commitment
- Empowerment and reassuring tenants
- Prevention and Early Intervention
- Tailored Services for residents and provision of support for victims and witnesses.
- Protecting Communities through swift enforcement
- Support to tackle the causes of ASB

The Respect Standard for Housing Management Performance Improvement Toolkit for Landlords is also used to measure and assess the effectiveness of the Anti-social Behaviour service. The approach enables;

- Measurement of activity and performance
- Gathering of performance data in a way which helps drive improvement
- Benchmarking of performance and learning of approaches of good practice
- Residents are engaged to influence services

Anti-social behaviour varies in severity and the Council and 2010 Rotherham Ltd will assess the seriousness of a problem in order to determine the most appropriate way of dealing with it and to make the best use of resources. Effective partnership working with the Safer Neighbourhood Teams is essential.

All aspects of anti-social behaviour complaints will be treated seriously, investigated promptly and fairly. Careful consideration will be given to those who are vulnerable and multi-agency working may be carried out for their protection if appropriate.

All incidents of anti-social behaviour reported to us are put into categories according to their seriousness, and the most serious are investigated as a priority.

Category 1 – response time, the next working day

This is the most serious type of anti-social behaviour

- Physical violence or threat of physical violence
- Hate Crime
- Domestic Violence
- Serious damage to a property affecting the sustainability of the tenancy.

Category 2 – response time within 5 working days

- All other types of anti-social behaviour

## 7. SUPPORTING AND CARING FOR VICTIMS AND WITNESSES OF ANTI-SOCIAL BEHAVIOUR

- The confidentiality of a complaint and the anonymity of complainants and witnesses will be maintained by the Council and 2010 Rotherham Ltd, wherever possible customers request for confidentiality will be respected at all times.
- The Council and 2010 Rotherham Ltd will wish to discuss a complaint with a perpetrator. However, the action required to resolve the case will be discussed and agreed with a complainant before the perpetrator is approached.
- Complainants will be updated at least on a fortnightly basis in relation to how a case is progressing.
- All nuisance monitoring sheets and diaries will be read within one working day.
- Incidents will be logged and monitored, and where required further witnesses will be sought and work may be carried out with partner agencies. This will include information and investigatory support from the Borough's Safer Neighbourhood Teams. This may entail referral to the Neighbourhood Action Group for the area for cross partnership problem solving. All liaison will be documented.
- Assistance will be given to complainants in compiling evidence and making statements.
- Information will be made available in an accessible format and use of interpreters will be made where necessary.
- The Council and 2010 Rotherham Ltd will attempt to resolve a complaint without the need for formal legal action wherever possible. However, the Council and 2010 Rotherham Ltd will not hesitate in taking appropriate legal action, where it is reasonable and proportionate to do so. At all times the wide range of interventions will be considered for appropriate use.

The Council and 2010 Rotherham Ltd are committed to supporting witnesses and victims of anti-social behaviour.

### **Providing evidence at court**

The Council and 2010 Rotherham Ltd will assist witnesses in attending Court and supporting them through the Court process and work with and liaise with the Court Witness Support Scheme.

Serious cases will be forwarded to the Council's Anti-Social Behaviour team in order for witnesses to be given support and assistance. The ASB team will provide out of hours support to complainants and witnesses in cases by making regular contact with them at times agreed with the complainants and by visiting the in their homes.

### **Practical help**

The team has the ability to provide the following services for witnesses in an emergency:

- A help line for witnesses
- Dispersed alarms where necessary
- Video cameras to verify witness statements
- Re-housing (in very serious cases)
- Taking emergency legal action e.g. injunctions, interim anti-social behaviour orders.

Multi agency working may be carried out with partners of the Safer Rotherham Partnership, Registered Social Landlords and Private Landlords signed up to the Private Landlord Accreditation Scheme.

Witnesses and complainants will be notified in writing when a case is closed.

The Council and 2010 Rotherham Ltd will work in line with the Racial Harassment Procedures, the Homeless Strategy, the Housing Business Plan and the Community Plan.

## **8. TACKLING ANTI-SOCIAL BEHAVIOUR**

The Council, 2010 Rotherham Ltd. and partners offer a range of services to tackle anti-social behaviour. It is the aim of the Council and 2010 Rotherham Ltd to prevent anti-social behaviour from occurring in the first instance or to resolve it without the need for legal action. For those who choose to continue with anti-social behaviour, the Council and 2010 Rotherham Ltd will take enforcement action to raise the quality of life for those whose lives are being spoilt.

### **8.1 PREVENTATIVE MEASURES:**

#### **Family Intervention Project**

The Family Intervention Project (FIP) works with families in Rotherham who have reached crisis point and who may be likely to be facing the loss of their home without major changes in behaviour. The model is one of intensive and 'assertive support' that aims to tackle complex problems by providing a joined up package of services.

#### **Reparation and Community Payback**

The Council and 2010 Rotherham Ltd will continue to look for opportunities to involve both young and adult offenders by suggesting projects to improve local neighbourhoods. Projects can include removing graffiti, picking up litter or clearing undergrowth from public areas. These are visible projects where communities can see offenders paying back for their crimes.



## **Mediation**

The Council and 2010 Rotherham Ltd will forward low level nuisance and anti-social behaviour to Rotherham Mediation Services where the complainant agrees. It is an impartial service which aims to negotiate a mutual understanding between parties.

## **Acceptable Behaviour Contracts**

The Council and 2010 Rotherham Ltd will use Acceptable Behaviour Contracts against perpetrators where it is appropriate to do so. They are seen as an initial warning for those perpetrators whose continued anti-social activities could lead to obtaining an Anti-Social Behaviour Order.

## **Rotherham Wardens**

Rotherham Wardens operate across the Borough and it is their role to reduce the fear of crime and to reduce the incidents of low level anti-social behaviour within the areas.

## **8.2 ENFORCEMENT**

### **Safer Neighbourhood Teams**

Strong partnership working to join the neighbourhood policing and neighbourhood management agendas operates in Rotherham to make our neighbourhoods safer. The teams have shared briefings and all partners are signed up to the Crime and Disorder Joint Protocol on information exchange. The Safer Neighbourhood Teams use community intelligence obtained through public meetings and statistical information to identify local key priorities and the actions needed to address low level crime, nuisance and anti-social behaviour.

Safer Neighbourhood teams include:

- Environmental Health Officers,
- Anti-Social Behaviour Officers,
- Enforcement Officers,
- Police Officers,
- PCSOs,
- Rotherham Wardens,
- 2010 Rotherham Ltd Neighbourhood Champions

### **Community Protection Unit**

Community Protection have a crucial role in tackling anti-social behaviour and nuisance and have a statutory duty to investigate requests for service regarding certain types of anti-social behaviour and nuisance for example:

- Noise
- Anti-Social Behaviour

- Dust and smoke
- Animals
- Accumulation of rubbish
- Infestations of pests
- Filthy premises

Community Protection investigate, amongst other things, statutory nuisance and anti-social behaviour across all housing tenure, trade, business and industry, construction sites and activities in the street.

In addition Community Protection fulfils the Council's statutory enforcement powers and duties in relation to Private Sector Housing Enforcement, Enviro-Crime, s215 Town and Country Planning Act, High Hedges, Air Quality, Contaminated Land, Pest Control and Landfill.

The Community Protection Unit also fulfil the Council's functions in relation to the enforcement of legislation related to anti-social behaviour issues such as fly-tipping, litter, graffiti and dog fouling.

Community Protection have the power to serve Statutory notices requiring that a nuisance is stopped and does not occur or recur within a specified time period. The Notice may specify the works necessary to achieve this. Failure to comply with the Notice is likely to result in legal action.

Community Protection also provide a specialist role in addition to the above dealing with the more serious cases of anti-social behaviour where work by other agencies has failed. Anti-Social Behaviour Officers, Environmental Health Officers, Enforcement Officers and a seconded Police Officer take enforcement action against perpetrators and work to protect witnesses most at risk. Community Protection also takes preventative action and works closely with partner agencies, making referrals where appropriate to agencies such as Adult Social Services, Children and Young Peoples Services and the Youth Service.

**Enforcement actions taken by officers include:**

- Statutory Notices including Abatement Notices
- Fixed Penalty Notices
- Injunctions
- Demoted Tenancies
- Possession Proceedings
- Anti-Social Behaviour Orders
- Licensing Review - The Community Protection Unit and South Yorkshire Police have powers under the Licensing Act 2003 to review the licenses or ultimately close a licensed premises for reasons of continued nuisance, crime or disorder.
- Closure Orders – The Community Protection Unit and South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 as amended and Criminal Justice and Immigration Act 2008 to close down premises that are causing serious nuisance or disorder and the local authority has powers under

the to close any privately owned, rented, commercial or local authority premises where there is significant anti-social behaviour.

- 'Crack House' Closure Orders – The Community Protection Unit and South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 as amended and Criminal Justice and Immigration Act 2008 to close down premises that are veiled to be used for the production, supply or use of Class A drugs and have associated serious nuisance or disorder and the local authority has powers under the Criminal Justice and Immigration Act 2008 to close any privately owned, rented, commercial and local authority premises where there is significant anti-social behaviour.
- Dispersal Orders – South Yorkshire Police have powers under the Anti-Social Behaviour Act 2003 to designate an area as a Dispersal Area where there is persistent anti-social behaviour and a problem with groups causing intimidation. The Council and 2010 Rotherham Ltd will continue to work with the Police to identify potential areas.

### **Enviro-Crime Team**

The Enviro-Crime Team fulfil the Council's functions in relation to the enforcement of legislation related to anti-social behaviour issues such as fly-tipping, litter, graffiti and dog fouling.

The principal sanction used by the team is fixed penalty notices.

### **2010 Rotherham Ltd**

The Housing Champions deal with all aspects of tenancy management and nuisance complaints, involving the tenants and leaseholders of Council properties. The champions work closely with the Police, Community Protection Unit, Education Welfare, Youth Offending Service and other partners. Partnership working is primarily co-ordinated through the Safer Neighbourhood Teams and local neighbourhood management initiatives such as the Ambitions and Aspirations Programme. Their approach is one of prevention, early intervention and support for victims, witnesses and perpetrators; they also instigate enforcement action and refer those cases requiring legal and more in-depth enforcement action to the council's specialist Community Protection Unit.

### **Rehabilitation of Offenders**

Where enforcement action has been taken to deal with anti-social behaviour consideration will be given to any necessary rehabilitation work for the perpetrator. The Council and 2010 Rotherham Ltd will work with other agencies to ensure that appropriate rehabilitation services are offered to those who have perpetrated anti-social behaviour. This could include:

- Referrals to Drug Action Team
- Rotherham Community Alcohol Service
- Mental Health Team
- Youth Services
- Youth Offending Services
- Adult and Children Social Services

- Youth Liaison Officer

### **Trained Staff**

All front line staff working for the Council and 2010 Rotherham Ltd are trained in tackling anti-social behaviour, dealing with racial incidents, evidence gathering and recording. Further training is identified in their personal development review. Risk assessments are also carried out for the care and protection of staff.

## **9. TENANCY CONDITIONS**

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd will make clear to new and existing tenants its policy on anti-social behaviour. The Council's Tenancy Agreement contains conditions aimed to ensure tenants do not act in an anti-social manner or allow other people residing or visiting to act anti-socially. As managing body for the Council, 2010 Rotherham Ltd has a right to take action to enforce the conditions set out if the tenant does not comply with them. All new tenants are advised of the conditions when they sign to accept the tenancy.

Rotherham Council Introductory and Secure Tenancy Conditions state that:-

- Tenants are responsible for the behaviour of every person living in or visiting their home (including children). Tenants are also responsible for them on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens and parking areas and in the neighbourhood around their home.
- Tenants, other residents or visitors to their home must not behave in a way that causes or is likely to cause a nuisance, annoyance or disturbance to any other person in the locality of their home.
- If a tenant or a member of the tenant's family unilaterally withdraws from a Family Intervention Project, the withdrawal will be treated as evidence of anti-social behaviour.
- The tenant, other residents of their home or their visitors must not harass any other person in the locality of their home, harassment includes:
  - Racist behaviour or language that offends other people.
  - Using or threatening to use violence, including domestic violence.
  - Using abusive or insulting words or behaviour.
  - Damaging or threaten to damage another person's home or possessions.
  - Writing threatening, abusive or insulting graffiti.
  - Doing anything that interferes with the peace, comfort or convenience of other people.
  - Hate Crime

- The tenant, other residents or visitors must not cause damage to Council property or write graffiti on Council property. The tenant will be charged for the cost of repair or replacement
- The tenant other residents of their home or visitors must not interfere with any security and safety equipment in communal blocks. For example, by jamming security doors or fire doors open or letting strangers in without identification.
- The tenant, other residents or visitors of their home must not be violent or threaten violence against any person, residing with them or living in a Council house. Tenants must not harass, use mental, emotional, physical or sexual abuse to make anyone who lives them leave the home. If a person leaves the home because of domestic violence the Council may take action to end the tenancy.
- The tenant, other residents or visitors to their home must not use abusive or threatening language or act in a violent, aggressive or abusive manner towards the Council's members, officers or agents.
- Animals kept at a property must be kept under proper control so that they do not cause a danger nuisance or annoyance to your neighbours or anyone visiting the property or locality.

## 10. HATE INCIDENTS

The Council and 2010 Rotherham Ltd, do not tolerate any harassment or other incidents caused to someone because of their colour, race nationality, age, disability (including mental health or learning disability), sexuality, religious belief or faith, gender or gender identity.

We will take determined action against those who perpetrate any incident motivated by hate and prejudice against others including legal action where appropriate

We recognise that hate incidents can take many forms, ranging from verbal abuse to physical as well as attacks on homes and property. We have adopted the definition of hate crime recommended by the Association of chief police officers :

***'Hate crimes are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.'***

Because of the nature and personal impact of hate incidents and crimes, a separate policy and procedure has been drafted for approval which acknowledges the seriousness of the incidents, the potential for escalation and the impact on communities as well as individuals

It is the Council and 2010 Rotherham Ltd's aim to encourage reporting, to prevent Hate Incidents and crimes from re-occurring, act quickly and give support to the victim and deal with the perpetrator in the most appropriate way.

We will support individuals who report by undertaking a vulnerability risk assessment for all victims who report to the Council and our partner agencies ensuring a consistent approach. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process via Victim Support.

We will identify community tension issues by working with partner agencies to monitor incidents.

Incidents of Hate Crime are monitored by the Safer Rotherham Partnership's Hate Crime officer and collated from across partner agencies on a weekly basis, with the information sent to bi weekly assessment and monthly tasking by a multi agency forum (Citizen Focus) to identify community tension issues.

## 11. DOMESTIC ABUSE

In Rotherham domestic abuse is defined as:

***'Any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been, intimate partners or family members, regardless of gender or sexuality'***

In addition the Council acknowledges that domestic abuse can form a pattern of coercive and controlling behaviour, that can cause its victims to live in fear. The Council also accepts that domestic abuse can impact on the wider community.

We will support survivors by undertaking a comprehensive risk assessment for all victims who access support from our partner agencies including the Independent Domestic Violence Advocacy Service. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process.

The Council is committed to working in line with the Domestic Violence strategy and working with other agencies to offer support to the victim. The Council has a duty under the Homeless Act 2002 to treat people claiming homelessness due to the threat of violence as a priority need. The Council is also a part of South Yorkshire's Specialist Domestic Violence Court Initiative, which ensures that victims of domestic abuse receive a co-ordinated agency response to reduce the risk they and their children face. The Council, alongside its partner agencies, strongly supports the Multi Agency Risk Assessment Conference for high risk victims

## **12. PUBLICITY**

Any action taken will be publicised where it is deemed reasonable and necessary to do so. The general public need to know what a perpetrator is and is not allowed to do and to reassure the community that action is being taken to stop anti-social behaviour.

## **13. THE SAFER ROTHERHAM PARTNERSHIP**

The Council is committed to working with partners and forms an integral part of the Safer Rotherham Partnership. The Partnership takes a robust approach to tackle all forms of anti-social behaviour across the borough and to raise community confidence. The formulation of the Safer Neighbourhood Teams has assisted and

## **14. RISK ASSESMENT**

encouraged multi agency working between partners including Young People's Services, The Rotherham Crime Reduction Programme, Social Services, Youth Offending Service, the National Probation Service, South Yorkshire Fire and Rescue Service, South Yorkshire Police, Education Services and Victim Support.

We will ensure that appropriate action and resources are given to tackling anti-social behaviour. We recognise that failure to deal with the issue could lead to customers being at risk, feeling threatened and not being able to enjoy the quiet enjoyment of their home and locality.

The Council and 2010 Rotherham Ltd. recognises that for many people it is difficult for them to come forward and complain about the behaviour they are experiencing. It is therefore important that we offer support to complainants and act quickly for those who are too frightened to give evidence.

## **15. POLICY REVIEW**

This policy will be reviewed no later than September 2012 with further reviews on a 2 yearly basis.

‘If you or someone you know needs help to understand or read this document, please contact us’:



Minicom: 01709 823536

**Slovak**

Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.

**Slovensky**

**Kurdish Sorani**

هه‌گه‌ر تۆ یان که‌سیک که تۆ ده‌یناسی پیویستی به‌یارمه‌تی هه‌بیت بۆ نه‌وه‌ی له‌م به‌نگه‌نامه‌یه‌ تیبگات یان بیخوینیته‌وه‌، نکایه‌ په‌یوه‌ندیمان پیوه‌ بکه‌ له‌سه‌ر نه‌و ژماره‌یه‌ی سه‌ره‌وه‌دا یان به‌و نیمه‌یله‌.

**کوردی سۆرانی**

**Arabic**

إذا كنت أنت أو أي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني

**عربي**

**Urdu**

اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔

**أردو**

**Farsi**

اگر جناب عالی یا شخص دیگری که شما اورا می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفا با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.

**فارسی**

DRAFT



# **Rotherham Metropolitan Borough Council**

## **Summary Of Anti-Social Behaviour Policy & Procedures**

**March 2011**

# Summary Of Anti-Social Behaviour

## Policy & Procedures

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## Summary of Anti-Social Behaviour Policy - Updated March 2011

### 1.0 Introduction

This document summarises Rotherham Metropolitan Borough Council's and the Arms Length Management Organisation (ALMO), 2010 Rotherham Ltd policy and procedures relating to anti-social behaviour (ASB). It should be read in conjunction with the ASB Policy statement. This document pending both organisational and Government policy driver changes.

### 2.0 What is Anti-Social Behaviour?

The Council recognises anti-social behaviour as described under Section 153 of the Housing Act 1996 as behaviour which is capable of causing nuisance and annoyance to any person. The Council adopts the Crime and Disorder Act 1998 definition of anti-social behaviour as;

***“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more person's not in the same household”***

This definition has been accepted by the Safer Rotherham Partnership on which related policies and strategies should be developed.

### 3.0 Types of Anti-Social Behaviour

Examples of conduct which can amount to Anti-social behaviour

Some examples of what constitutes anti social behaviour are as follows. However there may be other types of behaviour that could be classified as anti social that are not included on the list:

- Excessive noise
- Rowdy, aggressive or threatening behaviour or language
- Intimidation, harassment or threats
- Graffiti, litter or fly tipping
- Using a Council property for criminal purposes, e.g. drug dealing
- Hate related incidents (based on race, sexual orientation, gender, disability, religion, age etc)
- Domestic abuse

### 4. Our Commitment to tackling Anti-Social Behaviour

The council and 2010 Rotherham Limited are committed to tackle the issues of anti-social behaviour and adopts the following key strategies in its approach:

- Prevention
- Effective Enforcement
- Partnership Working
- Rehabilitation of perpetrators

#### **4.1 Prevention**

We will, where possible, consider early intervention and adopt preventative measures to tackle anti-social behaviour. These include:

- Formal warnings for breach of tenancy
- Acceptable Behaviour Contracts
- Mediation
- Multi agency working

#### **4.2 Enforcement**

We will take action against perpetrators by making use of the legal remedies available. These include:

- Applications for possession
- Injunctions
- Anti-social behaviour Orders
- Closure Orders
- Fixed Penalty notices

#### **4.3 Rehabilitation of Perpetrators**

We recognise the need to achieve long term change in the behaviours of perpetrators and reduce repeat offending and we will work with our partners to develop approaches which reduce the problem.

This could include:

- Referrals to Drug Action Team
- Rotherham Community Alcohol Service
- Mental Health Team
- Youth Services
- Youth Offending Services
- Adult and Children Social Services
- Youth Liaison Officer

#### **5.0 Partnership working**

The council recognises that to be successful in reducing anti-social behaviour we cannot work alone. Safer Neighbourhood teams bring together neighbourhood policing and neighbourhood management agendas to make our neighbourhoods safer. The teams operate in 8 geographical areas, and bring local problem solving and operational practice together to resolve priorities identified in partnership with the local community.

#### **6.0 Victim and Witness Support**

We recognise the importance of providing effective support to witnesses and complainants. All anti-social behaviour complaints will be treated seriously, investigated promptly and fairly. The level of support is tailored to individual needs. Careful consideration will be given to the vulnerable.

Serious cases will be forwarded to the Council's Anti-Social Behaviour team in order for witnesses to be given support and assistance. The team has the ability to provide the following services for witnesses in an emergency:

- A help line for witnesses
- Dispersed alarms where necessary
- Re-housing (in very serious cases)
- Taking emergency legal action e.g. injunctions, interim anti-social behaviour orders.

## 7.0 Domestic Abuse

In Rotherham domestic abuse is defined as:

***'Any incident or threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been, intimate partners or family members, regardless of gender or sexuality'***

The council and its partners recognise that domestic abuse is a serious crime and in line with the Domestic Violence strategy works with other agencies to offer support to the victim. We will support survivors by undertaking a comprehensive risk assessment for all victims who access support from our partner agencies including the Independent Domestic Violence Advocacy Service. Victims who wish to seek justice will be supported to report to the Police and through out the prosecution process.

## 8.0 Hate Crime

The Council and 2010 Rotherham Ltd, do not tolerate any harassment or other incidents caused to someone because of their colour, race nationality, age, disability (including mental health or learning disability), sexuality, religious belief or faith, gender or gender identity.

We have adopted the definition of hate crime recommended by the Association of chief police officers :

***'Hate crimes are taken to mean any crime or incident where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.'***

All Action will be taken in line with the Council's Hate Incident/Crime policy and procedure and may draw on a number of partners in order to support victims and tackle perpetrators these may include the police, the council, 2010, RMAARI etc

Victims of hate crime can make a complaint in a number of ways:

- in person
- in writing
- by using the council on-line reporting form via the internet
- At various reporting centres including Stop Hate UK, RMAARI, Speak Up, Age concern, Rotherham Advocacy Partnership, Grow, Tran support

## **9.0 Monitoring and Reviewing the Service**

The Council and 2010 Rotherham Ltd will use the RESPECT Standard for Housing Management Performance Improvement Toolkit for to develop measures to assess the effectiveness of the Anti-social Behaviour service.

The approach will enable;

- Measurement of activity and performance through locally defined indicators
- Gathering of performance data in a way which helps drive improvement
- Benchmarking of performance and learning of approaches of good practice
- Residents are engaged to influence services

## **10. Trained Staff**

All front line staff working for the Council and 2010 Rotherham Ltd are trained in tackling anti-social behaviour, dealing with racial incidents, evidence gathering and recording.

## **11. Tenancy Conditions**

Rotherham Metropolitan Borough Council and 2010 Rotherham Ltd makes its policy on anti-social behaviour clear to new and existing tenants. The Tenancy Agreement contains conditions aimed to ensure tenants do not act in an anti-social manner or allow other people residing or visiting to act anti-socially. The ALMO, 2010 Rotherham Ltd, as managing agent for the Council, has a right to take action to enforce the conditions set out if the tenant does not comply with them. All new tenants are advised of the conditions when they sign to accept the tenancy.

## **12. Publicity**

Any action taken will be publicised where it is deemed reasonable and necessary to do so. The general public need to know what a perpetrator is and is not allowed to do and to reassure the community that action is being taken to stop anti-social behaviour

## **13. Review Date**

This policy will be reviewed no later than December 2011 with further reviews on a 2 yearly basis.

# Summary of Anti-Social Behaviour Procedures

## Introduction

The Anti-Social Behaviour Act 2003 placed a duty on all Social Landlords to publish their policies and procedures for dealing with anti-social behaviour by 30<sup>th</sup> December 2004. Rotherham Metropolitan Borough Council and the Arms Length Management Organisation (ALMO) 2010 Rotherham Ltd are committed to maintaining safe and sustainable neighbourhoods and recognise the need to work closely with partner agencies, tenants and residents and businesses to achieve this.

## Making a Complaint

People suffering from anti-social behaviour can make a complaint by

- Visiting their Neighbourhood housing office, or telephoning 2010 Rotherham Ltd
- Contacting their local Safer Neighbourhood team – details of which can be found at the end of the document.
- If the complaint relates to a criminal offence contacting South Yorkshire Police - details of which can be found at the end of the document
- If the complaint relates to noise it must be made to RMBC Public Protection - details of which can be found at the end of the document
- Contacting via the website [www.rotherham.gov.uk](http://www.rotherham.gov.uk)

The member of staff receiving complaints of anti-social behaviour will complete an anti-social behaviour record sheet with the details of the complainant including name address and contact details and record the information

Staff will record details of alleged perpetrator(s) including his/her name and address where it is known.

Members of staff will record details of the complaint on the record sheet including any dates or times of relevant incidents.

For racial harassment or more serious anti-social behaviour the interview will take place within 1 working day or when convenient to the complainant. In other complaints arrangements will be made to interview the tenant within 5 working days..

## Investigations Strategy

Housing Champions will focus attention on the steps that can be taken to modify or stop the behaviour of the perpetrator. If the Housing Champion is unable to remedy the behaviour a Threshold Test will be applied to the case and the matter will be referred to the Council's Anti-Social Behaviour team.

Cases of anti-social behaviour should be shared with the Safer Neighbourhood Team in order that joint intelligence held by partners can be used to problem solve the issue. Joint visits, where applicable, should be made to maximise evidence gathering and to help build confidence and reassurance to the victim.

### **Interview / Visit - Complainant**

The Housing Champion will:

Interview the complainant to obtain detailed information about incidents and will discuss and agree the form of action that will be taken.

- Arrange support for the complainant if required.
- Start a case file in respect of the complaint.
- If appropriate arrange mediation to discuss the matter where there is no threat of violence.
- If appropriate issue the complainant with diary sheets to complete in order that they can detail any incidents witnessed.
- If the matter is resolved without further investigation, the Housing Champion will take appropriate action and advise the complainant by letter.
- Keep in contact with the complainant on a fortnightly basis.

*If the complainant does not agree for the Council or the Housing Champion from 2010 Rotherham Ltd to contact the alleged perpetrator, the reasons will be clearly recorded in the case file and the consequences will be explained to the complainant.*

### **Interview / Visit – Alleged Offender**

In most cases the alleged perpetrator will be contacted by letter to invite them to attend an interview or arrange a visit in order to listen to their view of the situation. The interview will be carried out by a Housing Champion who will advise the alleged perpetrator:

- That a complaint has been received.
- Details of the complaint.
- Consequences of such behaviour.
- Conditions of the tenancy agreement if applicable.

Details of the interview will be recorded and held in the case file. Complainants and perpetrators will be advised in writing of the outcome of the visit.

If necessary further action will be taken and where appropriate legal action may be instigated but this will be as a last resort.

In some cases the perpetrator will not be contacted by the Housing Champion for example; in cases where emergency action needs to be taken.

### **File Preparation**

Housing Champions will record all information in the case file including diary sheets and information from other agencies. They will also keep contemporaneous notes in respect of the case and any photographic evidence of personal damage or damage to property will also be held in the case file.



## **The Anti-Social Behaviour team**

The Anti-Social Behaviour team will only deal with serious cases of anti-social behaviour that are referred to them via agencies. They will offer:

- Support and advice to witnesses and complainants
- A help line service to those most at risk.
- Out of hours working
- Witness protection phones and dispersed alarms
- Staff trained to carry out a wide variety of surveillance under the Regulation of Investigatory Powers Act 2000

## **Visits to Complainants / Perpetrators**

The Anti-Social Behaviour Unit will contact the complainants by telephone or letter and arrange to visit and discuss the complaint and agree an action plan. All matters will be dealt with in confidence.

Perpetrators may be visited. Warnings and formal actions may be given verbally and backed up in writing.

The Anti-social behaviour team will take appropriate measures to stop anti-social behaviour for the protection of complainants. Complainants and witnesses will be contacted by letter when a case is closed. Files will be returned to the local area housing office and information will be kept on the house file. Complainants and witnesses will be asked to complete a questionnaire in order to monitor the service and make improvements for our customers.

## **Legal / Non-legal Remedies**

Several options are available in dealing with anti-social behaviour.

### **1. Non legal interventions**

- Joint visits by Anti-Social Behaviour Officers and South Yorkshire Police Officers to discuss the behaviour and issue warnings.
- Letters to inform the perpetrators that the behaviour they are displaying is unacceptable and that action may be taken against them.
- Acceptable Behaviour Contracts which are voluntary agreements to address behaviour

### **2. Legal Interventions**

- |   |                                     |
|---|-------------------------------------|
| ▪ Notice Seeking Possession (NSP)         | ▪ Abatement Notice                  |
| ▪ Notice to Quit (NTQ)                    | ▪ Anti-Social Behaviour Order(ASBO) |
| ▪ Notice of Possession Proceedings (NPP)  | ▪ Possession Proceedings            |
| ▪ Demotion Order                          | ▪ Injunction                        |
| ▪ Second Notice of Possession Proceedings | ▪ Undertaking                       |

At the end of any intervention, the actions taken are reported to the appropriate agency in order for monitoring and rehabilitation to take place. In respect of Anti-Social Behaviour Orders, an entry is made on the Police National Computer and witnesses are contacted and customer satisfaction surveys are carried out in order to ensure a high level of customer satisfaction and to monitor quality of life issues.

### **Community Protection**

All complaints in relation to noise are to be referred to the Council's Community Protection team in accordance with the agreed RMBC/2010 Rotherham Ltd. procedure. This includes parties, playing loud music, noise from televisions and hi-fi. Problems to filthy and verminous properties should also be referred to the same Office.

### **Complaints about the Anti-Social Behaviour Service**

If service users are not satisfied with the service provided in relation to tackling anti-social behaviour, complaints can be made via the Corporate Customer Complaints Procedure. Information on how to make a complaint can be found in Council Reception areas and 2010 Rotherham Ltd, Neighbourhood Offices.

### **Contacts:**

**2010 Rotherham Limited** Telephone **0300 100 2010**

2010 website address is [www.2010rotherham.org](http://www.2010rotherham.org)

**South Yorkshire Police** Telephone: **01142 202020** or in an emergency contact **999**

**Community Protection** Telephone: **01709 823118**

**Anti-social behaviour complaints can also be made online at**  
[www.rotherham.gov.uk/forms/form/32/anti social behaviour iform](http://www.rotherham.gov.uk/forms/form/32/anti_social_behaviour_iform)

**For other information visit our website at** [www.rotherham.gov.uk](http://www.rotherham.gov.uk)

### **Corporate Customer Complaints**

Neighbourhood Strategic Services  
Customer Services Team  
2<sup>nd</sup> Floor Norfolk House  
Walker Place  
Rotherham, S65 1HX

**Safer Neighbourhood Team Contact Numbers**

**Wentworth South - 01709 832422**

Covering Rawmarsh, Dalton, Thrybergh, Ravenfield, Woodlathes Village, Brecks, Herringtorpe

**Wentworth North - 01709 832485**

Covering Swinton, Wath, Brampton, Kilnhurst, West Melton and Wentworth

**Rother Valley South - 01709 832720**

Covering Laughton-en-le Morthern, Laughton Common, Firbeck, Woodsetts, Dinnington, Letwell, Gildingwells, North Anston, South Anston, Todwick, Kiveton, Wales, Harthill, Woodall and Thorpe Salvin

**Rother Valley West - 01709 832280**

Covering Brinsworth, Catcliffe, Treeton, Woodhouse Mill, Orgreave, Ulley, Aston, Aughton, Swallownest and Thurcroft

**Wentworth Valley - 01709 832709**

Covering Flanderwell, Wickersley, Bramley, Hellaby and Maltby

**Rotherham North - 01709 832073**

Covering Kimberworth, Blackburn, Meadowbank, Greasbrough, Wingfield, Kimberworth Park, Thorpe Hesley, Scholes, Masbrough and Ferham

**Rotherham South - 01709 832076**

Covering East Dene, Eastwood, Broom, Wellgate, Clifton, Town Centre, Parkgate Retail World, Moorgate and Stag

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Minicom: 01709 823536

**Slovak**

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**Kurdish Sorani**

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**Arabic**

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**Slovensky**

**کوردی سۆرانی**

**عربي**

**أردو**

**فارسی**

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:-</b>	<b>Democratic Renewal/Sustainable Communities Scrutiny Panels</b>
<b>2.</b>	<b>Date:-</b>	<b>21<sup>st</sup> April 2011</b>
<b>3.</b>	<b>Title:-</b>	<b>Home Office Consultation re: More Effective Responses to Anti-Social behaviour</b>
<b>4.</b>	<b>Directorate:-</b>	<b>Neighbourhoods and Adult Services</b>

## **5. Summary**

The Government is holding a consultation on reforming Anti-Social Behaviour (ASB) legislation, consolidating and simplifying various tools and powers, including the removing of Anti-Social Behaviour Orders (ASBO's) in England and Wales and replacing them with a range of measures to combat ASB.

The document was published by the Home Office on Monday 7<sup>th</sup> February 2011 and the consultation period ends on 3<sup>rd</sup> May 2011.

It has been agreed that there will be a corporate response from the Council to these proposals and to that end local consultation has taken place to identify areas of concern and support to be fed back to the Home Office.

In line with new corporate reporting protocols on Government consultations this consultation is assessed as being "service specific" and, therefore, requires Cabinet Member and associated Scrutiny Panel consideration. Accordingly, the report has been considered at the Cabinet Member for Safe and Attractive Neighbourhoods delegated powers meeting on the 18<sup>th</sup> April 2011 and any variation to decision will be provided direct to the Scrutiny Panel meeting. The detail of the consultation has been previously circulated to members of the Democratic & Renewal Scrutiny Panel and comments received have been referred to the Cabinet Member for Safe and Attractive Neighbourhoods to inform the drafted consultation response.

## **6. Recommendations**

**It is recommended that the Democratic Renewal/Sustainable Communities Scrutiny Panels consider the detail of the report and the associated corporate response to the Government consultation**

## 7. Proposals and Details

Anti-social behaviour despite local success in Rotherham in reducing the level of complaint (8% percentage drop (1,071 less reporting of incidents) continues to be an area that both individuals and local communities have concern. This is recognised within the recent analysis presented in the Safer Rotherham Partnership's Joint Strategic Intelligence Assessment and which has resulted in ASB being prioritised by the SRP as an area which will get focused attention by both the Joint Action Group and local Neighbourhood Action Groups and Safer Neighbourhood Teams.

In dealing with ASB in Rotherham we have ensured that we have combined key strategic elements so that we are addressing both local and Borough wide concerns. These activities, including preventative work, community communication, and rehabilitation have been under-pinned by collaborative and effective use of the range of enforcement tools and powers.

The Coalition Government have announced plans to reform the enforcement & broader response "toolkit" available for tackling anti-social behaviour. The Home Secretary's announcement in July last year that she intended to abolish Anti-Social Behaviour Orders (ASBO's) attracted a lot of media attention. This consultation makes it clear that ASBO's may go, but they will be replaced with other tools, some of which do not look very different from those tools and powers that exist now. However, the consultation does signal an intention to simplify and streamline these along with a commitment to increasing flexibility at the local level and reducing central prescription.

Local consultation on these proposals has taken place centered around the existing multi agency partnership which sits as the current ASBO panel in Rotherham and includes amongst others, Community Safety Unit, South Yorkshire Police, RMBC Anti Social Behaviour Unit, Legal Services, Youth Offending Team, Family intervention team, Neighbourhood Crime and Justice Manager and in addition 2010 Rotherham Ltd and Public Protection management.

The consultation document suggests, amongst other things, that ASBO's and "other court orders introduced to deal with anti-social individuals" be abolished and replaced with the following tools which are discussed in further detail in Appendix 1.

- **Criminal Behaviour Order;** Issued by the courts after conviction. The order 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 escalates.
- **Community Protection Orders;** Place-specific orders, bringing together a number of existing measures.
- **Police "direction" powers;** Provides 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;** Informal tools such as warning letters and Acceptable Behaviour Agreements
  - **Restorative Justice**
  - **Out-of-court Disposals;** Out-of-court disposals, such as cautions, conditional cautions and penalty notices for disorder (PNDs)
- **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

A comparison between the existing raft of existing ASB Tools and Powers and the above new enforcement direction are presented in summary at Appendix 2.

In addition to the consultation on the changes in enforcement etc powers the consultation paper also provides an insight to government policy direction in relation to;

- **Changes to the recording of ASB;** The current 14 categories reduced to 3 ('environmental', 'nuisance' and 'personal').
- **Focus on identifying vulnerable victims;** To enable appropriate response to reduce the risk of harm.
- **Commitment to introduce a cost effective national '101' number** as a single route of reporting non-emergency incidents.
- **Enabling communities to get involved;** supporting projects such as 'Volunteer Street Patrols' and a 'Community Safety Accreditation Scheme'

## 8. Finance

At this stage the financial implications for RMBC are unknown. Should the proposals become reality there is a risk costs could increase in respect of obtaining the various orders through the courts should the numbers applied for increase substantially due to the ease and speed of the new process. It is accepted that any increase in costs will have to be absorbed by the Council and Partners within existing budgets.

Also the need to have positive activities and services available for those subject to the various orders could have financial implications for Local Authorities and other agencies.

## 9. Risks and Uncertainties

The new legislation will naturally raise issues around understanding and practical application of the new tools and powers by both RMBC staff and partner agencies allied to publicity informing our communities of the changes, together with the following:

- Failure to effectively tackle ASB is likely to have a detrimental effect on the reputation of the Council and that of our partners. It is essential that delivery matches expectations of our communities.
- The speed of transition to the new arrangements will be an issue depending upon the level of partnership agreement required to realise new policies and procedures and to have a agreed consistent approach.
- It is believed by practitioners that it is essential to maintain our joint Police/ASBU enforcement 'team' capability and approach. Current indication is that the Police Officer secondments for 2011/12 are not assured.

## 10. Policy and Performance Agenda Implications

The ASB Strategy impacts on all agendas around the Community Strategy's SAFE theme and is both a national and Safer Rotherham Partnership priority. There is clear linkage with the objectives of the Corporate Plan;

- *helping to create safe and healthy communities, and*
- *ensuring people feel safe where they live, particularly that Anti-Social behaviour and crime is reduced and people from different backgrounds get on well together.*

Tackling Anti Social Behaviour is a key priority for the coming year as set out in the RMBC Corporate Plan along with the Safer Rotherham Partnership and South Yorkshire Police and agreed in the Joint Strategic Intelligence Assessment (JSIA) for Rotherham. In addition following the outcome of the consultation the following actions are likely to be required:

- The existing anti-social behaviour strategy and policy documents will require some updating.
- The Statutory Policy & Procedures of the Council with respect to its housing management function will require amendment
- The existing joint RMBC/South Yorkshire Police 'ASBO' protocol will need to be replaced with a new protocol in line with the new legislation.
- Also there is likely to be some impact on staff demand and time particularly by legal services, the anti-social behaviour unit team and Community Safety Unit.

## 11. Background Papers and Consultation

More Effective Responses to Anti-Social Behaviour - Home Office, Consultation

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## **Proposed Response to the ASB Tools & Powers Consultation.**

### **1. Criminal Behaviour Orders**

Issued by the courts after conviction. The order would ban an individual from certain activities or places and require them to address their behaviour.

It is envisaged that this will be a civil order available on conviction for any offence (This will replace the ASBO on conviction). It would be additional to the court's sentence and available in all criminal courts for anyone over the age of criminal responsibility (10 years of age).

It will allow the court to impose a range of prohibitions or positive requirements, with the aim of preventing future anti-social behaviour allied to addressing any underlying causes of their behaviour.

The prosecutor would apply for this normally, though courts could impose one at their discretion. Breach of the order would be a criminal offence with a maximum sentence of 5 years in custody.

#### **Response:**

***In general terms there is little change in this proposal to the existing arrangements. It is felt it would be useful to ensure that there is a minimum term of 2 years and no maximum term for adults and no minimum term for juveniles and a maximum term of 2 years. There should be an inbuilt review process at the half way point or 12 months whichever is the longer.***

***There are potentially financial implications for the Local Authority in providing a response to court requirements for positive activity such as youth services/ sporting activity/ Family Intervention Teams and so on.***

### **2. Crime Prevention Injunctions**

Designed to nip bad behaviour in the bud before it escalates. The injunction would carry a civil burden of proof (on the 'balance of probabilities' rather than 'beyond reasonable doubt'), making it quicker and easier to obtain than previous tools.

The aim is to create a purely civil court order that agencies can secure quickly to stop an individual's anti-social behaviour and protect victims and communities. It could also include both prohibitions and positive requirements (This will replace the ASBO, ASBO injunction, Intervention Orders and Individual Support Orders).

To secure a Crime Prevention Injunction, the applicant authority would have to prove to the court 'on the balance of probabilities' that an individual was engaging, had engaged or was likely to engage in anti-social behaviour to one or more persons not of the same household. Hearsay evidence would be permitted, as would the use of professional witnesses. The injunction would include prohibitions on the individual's future behaviour and could also include positive requirements to ensure the individual addressed underlying problems.



Response:

***There are substantial similarities with this and the existing ASBO and this is where the Local Authority is able to make an application along with the Police and Registered Social Landlords.***

***It is recommended that the test used by the court should be similar to the one currently used for injunctions, being 'conduct causing or likely to cause a nuisance or annoyance to a person not of the same household as him/herself'.***

***The proposal to include 'likely to engage in anti-social behaviour' needs some clarification to be clear that the injunction can be used as a preventative measure before harm is actually caused. This would be a welcome option.***

***It is felt that District Judges are more experienced at dealing with these types of cases and the experience in Rotherham has been superior in the County Court and this is the recommended venue for adult cases.***

***Alternatively it is felt that the youth court is the appropriate venue for the under 18s.***

***The provision of positive requirements is welcomed but raises concerns around funding of appropriate schemes/projects available in localities and how these would be policed. It would be useful to identify some examples of recommended positive activity.***

***The argument put forward by the Government that ASBO's have failed is not accepted by practitioners in Rotherham. It is felt that overall the experience in Rotherham has been a positive one and that our ASBO process, which relies heavily on the use of 'Acceptable Behaviour Contracts' has proved over a number of years to be a positive and successful way of addressing the behaviour of young people in particular through a mixture of diversionary and more formal activity.***

***This is supported by our statistics, which for example show that over the last the 12 months we have, as a partnership, issued 94 'ABC's' which subsequently resulted in the application for just 3 ASBO's. This is positive evidence in our view that this approach works.***

### **3. Community Protection Orders**

Place-specific orders, bringing together a number of existing measures. There will be one for local authorities to stop persistent environmental anti-social behaviour like graffiti, neighbour noise or dog fouling, and another for police and local authorities to deal with more serious disorder and criminality in a specific place, such as closing a property used for drug dealing.

It is therefore proposed that the Community Protection Order will have two levels of severity:

**Level 1** – Would be a notice issued by a practitioner in cases of environmental anti-social behaviour requiring the offender to desist from their behaviour and/or make good. (Clearing up litter for example). It is suggested these could also be used as an alternative to noise abatement notices in some cases.

**Level 2** – Local Authority or Police would use this power to tackle significant/persistent anti-social behaviour in a particular place. It could involve imposing restrictions on the use of that space, for example having to keep dogs on a lead.

It would require sufficient evidence of anti-social behaviour being provided to a 'Local Authority/Police Officer of a particular rank. (For example Police Superintendent or Local Authority equivalent).

This could lead in more serious cases to evidence being presented to a Magistrates Court to obtain an order to close premises regardless of tenure. (This would replace a number of orders such as 'dog control orders', 'gating orders', 'premises closure order', 'crack house closure order' and 'designated public place order'.)

**Response:**

***This proposal is seen as being a useful tool for the Local Authority and Police and should replace a number of existing orders, making the process easier and quicker to use and making it possible to provide a timely response to address relevant problems in our communities.***

***It is suggested in the proposals that the 'CPO' would be considered in the first instance rather than use of a fixed penalty notice ( FPN) . A breach of the 'CPO' is a criminal offence which could be dealt with by a 'FPN' or process to Court.***

***Existing statutory nuisance legislation set out in the Environmental Protection Act 1990 remains unchanged which leaves some element of duplication.***

***The inclusion of the ability to close premises 'regardless of tenure' in the legislation is particularly welcomed.***

**4. Police "direction" powers**

Provides the ability to direct any individual causing or likely to cause crime or disorder away from a particular place and to confiscate related items.

- The Anti-Social Behaviour Act 2003 gave the police in England and Wales new powers to disperse groups of two or more people from areas where there is persistent ASB
- The 2003 Act also introduced the power to take home any young person under 16 who is out on the streets in a dispersal zone between 9pm and 6am and not accompanied by an adult
- The Violent Crime Reduction Act 2006 gave a uniformed constable the power to direct an individual aged 16 or over to leave an area – and not return for up to 48 hours - if they believe their presence is likely to contribute to alcohol-related crime and disorder
- Designated Public Places Orders give the police the power to confiscate alcohol in designated areas

A person asked to leave an area under one of these powers has not committed an offence, but refusal to comply is a criminal offence.

It is proposed to combine the most effective elements of these various powers into a single, simpler Police power to direct people away from an area where they are committing or are likely to commit anti-social behaviour.

The Direction power would enable a constable or PCSO to require a person aged 10 or over to leave a specific area, and not return for up to 48 hours. The tests for the issuing officer would be:

- that the individual has committed crime, disorder or anti-social behaviour or is likely to cause or contribute to the occurrence or continuance of crime, disorder or anti-social behaviour in that area
- that giving the direction was necessary to remove or reduce the likelihood of that individual committing crime, disorder or anti-social behaviour in that area

The power could also include **optional** secondary requirements, such as requiring the individual to surrender items (such as alcoholic drinks) contributing to their anti-social behaviour.

The area the individual was required to leave would be defined by the officer issuing the direction. In some cases (e.g. regarding well-known ASB hotspots), this could mean giving the perpetrator a map with the designated area clearly marked, as some police forces do already.

The power could also include the ability to return home unaccompanied young people under the age of 16, subject to appropriate safeguards.

This power would be available to Police Officers and PCSO's only.

#### **Response:**

***The fact that existing orders will be combined and made simpler to use is welcomed. There are some concerns that young people in particular could be disproportionately subject to this action.***

***There is also concern that a single Police Officer or PCSO could initiate this power and it is felt that it would be beneficial to have some safeguards built into the process which could include:***

- ***The requirement to have the authority of a Police Inspector or above to initiate the power.***
- ***To liaise with the landowner as soon as possible, (NOT for the purpose of initiating the power) for example the Local Authority or Parish Council regarding problems on playing fields. This will ensure the landowners are made aware of the issue and involve them in action to reduce/prevent further problems in the future.***
- ***It would be beneficial to include the option for 'secondary requirements' and to have the ability to take children under 16 home as proposed.***

#### **5. Informal tools and out-of-court disposals**

Informal tools and out-of-court disposals are an important part of the professionals' toolkit for dealing with anti-social behaviour, offering a proportionate response to first-time or low-

level incidents. One of our objectives in reforming the approach to anti-social behaviour is to make this kind of early intervention more effective, so that fewer people – young people in particular – go onto more serious offending.

### **Informal Tools**

Informal tools such as warning letters and Acceptable Behaviour Agreements (known as Acceptable behaviour contracts in Rotherham) are often used to deal with low-level anti-social behaviour, with one intervention frequently enough to stop the behaviour recurring. ABAs can be used by any agency with perpetrators of all ages and backgrounds and their flexibility enables them to be tailored to the individual circumstances. At the moment, they tend to consist of an agreement between the perpetrator and a practitioner, but some local areas are exploring ways of engaging the community and making them more restorative.

### **Restorative Justice**

The Home Office is working with the Ministry of Justice to make the informal and out-of-court tools for dealing with anti-social behaviour more rehabilitative and restorative. That includes ensuring that community and restorative solutions can be used to address community issues. This will ensure that any disincentives for police officers to use restorative justice methods to deal with community incidents which would be best addressed outside the formal criminal justice system are removed - giving victims a more immediate and proportionate response, as well as saving time and money.

### **Out-of-court Disposals**

Out-of-court disposals, such as cautions, conditional cautions and penalty notices for disorder (PNDs), are intended for dealing with low-level, often first-time offending, where prosecution would not be in the public interest.

The MOJ is examining the use of out-of-court-disposals and has published a Green Paper (Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders) containing a number of proposals for consultation which are relevant to the ASB review.

In relation to adult out-of-court disposals, the Green Paper proposes amending the PND scheme to allow suspects to pay to attend appropriate educational courses as an alternative simply to paying a financial penalty. This will help individuals to understand the harm caused by their conduct and reduce the likelihood of further offending. It also seeks views on simplifying the out-of-court disposals framework by bringing police powers to use simple and conditional cautions in line with their powers to charge suspects.

In relation to under 18s, the consultation proposes ending the current system of automatic escalation of out-of-court disposals for young people and returning discretion to front-line professionals as there are concerns that this has had the effect of escalating young people into court and custody more quickly than would otherwise be the case.

The Home Office are working with the Ministry of Justice (MOJ) to ensure that out-of-court disposals for young people include swift, restorative sanctions with real consequences for non-compliance, as well as encouraging parents to take more responsibility for their children's behaviour.

**Response:**

***These proposals are welcomed. It is believed by practitioners that it is often the informal activity which is most successful in addressing behaviour. We have already highlighted our success with the Acceptable Behaviour Contracts in Rotherham and along with the restorative justice activity we would see this approach continuing.***

***We welcome the proposals regarding the PND scheme and in particular the means of dealing with those under 18 years.***

**6. Community Trigger**

The consultation paper also canvasses the idea of a “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, particularly those who have experienced sustained, targeted anti-social behaviour”. This would involve the creation of a new duty on Community Safety Partnerships (CSP) to deal with persistent anti-social behaviour suffered by victims or communities. The duty would be triggered by certain criteria. The proposed criteria being that five individuals, from five different households in the same neighbourhood, had complained about the same issue, and no action had been taken; or that the behaviour in question had been reported to the authorities by an individual a minimum of three times and no action had been taken. It is suggested a CSP would be able to reject the complaint if they deemed it to be malicious.

**Response:**

***Overall this is seen as a positive move which gives power to the victim and a means of obtaining assistance where there has been little or no response from agencies.***

***There is clearly a risk of this tool being misused by some people in an attempt to obtain additional resources to address their problem or being malicious. (Though it is proposed that a community safety partnership could reject a complaint in certain circumstances)***

The following actions of wider reform are also included in the consultation document:

**7. Focussing the Police and Partners on what matters to the public:**

- From 1<sup>st</sup> April 2011 the Police are introducing a simpler system of recording incidents of anti-social behaviour. This will see fourteen categories reduced to three- ‘environmental’, ‘nuisance’ and ‘personal’. This should help identify the appropriate response based on the risk of harm to the victim.
- The Government is committed to looking at a cost effective way of introducing a national ‘101’ number as a single route of reporting non-emergency incidents.
- Police data on anti-social behaviour incidents will be published quarterly alongside official crime statistics.

- A national pilot is presently taking place involving eight Police Forces looking at improving the handling of calls from the public about anti-social behaviour and protecting repeat and vulnerable victims.

**Response:**

***All of these actions are universally welcomed and are seen by those dealing with anti-social behaviour as positive moves which will help to improve the quality of service provided to our communities.***

***The introduction of the national '101' number is seen as being particularly important for our communities as a recognised single contact number to report ASB.***

***It is hoped that the national pilot looking at improving handling of calls from the public and protecting repeat and vulnerable victims recognises that Local Authorities play a part in this process in taking calls about ASB and that a shared ASB recording and case management system with the Police would be of great benefit to all concerned.***

**Enabling communities to get involved:**

The Government is also supporting projects such as '**Volunteer Street Patrols**' where members of the public provide a visible presence on the streets and a '**Community Safety Accreditation Scheme**', which recognises the role of Neighbourhood Wardens, Park Rangers, Security Guards and so on, providing them with training which could lead onto being given limited powers to tackle anti-social behaviour.

**Response:**

***There is a cautious welcome to these proposals, various accreditation schemes already exist, but there are obvious risks in both cases in relation to safety and vigilante aspects. There would certainly need to be an identified 'management' process for these activities to ensure accountability, training and performance issues.***

**TABLE OF COMPARISON BETWEEN THE EXISTING SYSTEM AND THE PROPOSED CHANGES:**

<b>Existing system</b>	<b>Proposed changes</b>
ASBO on conviction	‘Criminal Behaviour Order’ - available on conviction for any criminal offence, and including both prohibitions and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences. ‘Crime Prevention Injunction’ - a purely civil order with a civil burden of proof, making it much quicker and easier to obtain. The injunction would also have prohibitions and support attached, and a range of civil sanctions for breach.
ASBO	
Interim ASBO	
ASB Injunction	
Individual Support Order (ISO)	
Intervention Order	
Crack House Closure Order	Community Protection Order (Level 2) – a local authority/ police power to restrict use of a place or apply to the courts to close a property linked with persistent anti-social behaviour.
Premises Closure Order	
Brothel Closure Order	
Designated Public Place Order	
Special Interim Management Orders	
Gating Order	
Dog Control Order	
Litter Clearing Notice	Community Protection Order (Level 1) – a notice issued by a practitioner to stop persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance, or other sanctions where relevant e.g. the seizure of noise-making equipment.
Noise Abatement Notice	
Graffiti/Defacement Removal Notice	
Direction to Leave	Police ‘Direction’ power – a power to direct any individual causing or likely to cause crime or disorder away from a particular place, and to confiscate related items
Dispersal Order	

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:-</b>	<b>Sustainable Communities Scrutiny Panel</b>
<b>2.</b>	<b>Date:-</b>	<b>21<sup>st</sup> April 2011</b>
<b>3.</b>	<b>Title:-</b>	<b>Priority Regulatory Outcomes; A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services</b>
<b>4.</b>	<b>Directorate:-</b>	<b>Neighbourhoods and Adult Services</b>

### **5. Summary**

The Government is holding a consultation on creating the conditions for a simpler regulatory system which will allow services to maximise local outcomes by reducing the regulatory burdens on business and ensuring the protection of the public. The key thrust of this is to introduce for the first time a set of regulatory priority outcomes.

The document was published by the Local Better Regulation Office on Monday, 7<sup>th</sup> February 2011 and the consultation period ends on 6<sup>th</sup> May 2011.

This consultation identifies proposals to replace the existing national enforcement priorities for England with broader priority regulatory outcomes. The Paper seeks 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. To this end the Paper proposes five Enforcement Priorities with identified outcomes.

In line with new corporate reporting protocols on Government consultations this consultation is assessed as being “strategic” and, therefore, requires scrutiny and Cabinet consideration. Due to the time restraints of the consultation period the report is required, instead of Performance & Scrutiny Overview Committee, to be considered at the Sustainable Communities Scrutiny Panel meeting. Cabinet Member for Safe and Attractive Neighbourhoods has been briefed on the consultation and will make direct contribution within the reporting process.

### **6. Recommendations**

**It is recommended that the Sustainable Communities Scrutiny Panel considers the detail of the report and makes its considerations relating to the corporate response to the Government consultation to the Cabinet meeting scheduled for the 27<sup>th</sup> April 2011.**



## 7. Proposals and Details

The proposed changes to the National Enforcement Priorities are part of the current Government's drive to decentralise power to individuals and communities, focusing public services on the needs of the public and business. The consultation report, prepared by the Local Better Regulation Office, and in the longer term to be overseen by the Department for Business, Innovation and Skills, sets out a changed approach to national enforcement priorities for local authority regulatory services that reflects this commitment to devolve power to the local level and empower the public and businesses to hold public services to account as part of the Big Society.

Local authority regulatory services of Environmental Health, Trading Standards, Licensing and Fire Safety play a vital role in protecting local communities and supporting businesses to comply and prosper. They are responsible for delivering the outcomes that matter to local people. The economic, social and environmental impact of regulatory activity means that regulatory services are an important asset to communities, citizens and businesses.

The *Priority Regulatory Outcomes; A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* seeks to replace the National Enforcement Priorities established in March 2007 in the Rogers Report, *National enforcement priorities for local authority regulatory services*. The suggested new priorities broaden the scope of the priorities to place emphasis on partnership working and the involvement of members of the public and business to achieve the desired outcomes and in doing so re-brands the priorities as "Priority Regulatory Outcomes".

This shift has been based on research that found that although national enforcement priorities had been useful in building reassurance about the importance of regulatory activities, the priorities did not take sufficient account of the importance of local priorities and the need for regulatory services to effectively demonstrate how they were contributing to locally important outcomes.

Importantly, the priorities listed in this consultation report set out outcomes that the Government states that 'all local authorities should *have regard to* in service planning and resource setting' (*Priority Regulatory Outcomes A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* p 18).

Consequently the consultation paper suggests five new priorities with desired outcomes and delivery mechanisms. These are shown in Appendix 1 but can be summarised as follows;

- **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.

The emphasis of the priorities is clearly linked to the issues that affect the public, with delivery mechanisms firmly emphasising partnership working between enforcement agencies and other partners together with community groups. A common thread running through each of the priorities is a recognition that the views of local citizens and businesses are important.

It is not anticipated that the proposed enforcement/regulatory outcome priorities will fundamentally alter the direction of Rotherham's delivery of enforcement function given that the Authority is already well positioned to introduce the priorities and the delivery mechanisms necessary to provide the outcomes.

Current strategic alignments of the Business Regulation and Safer Neighbourhoods services are focused on ensuring compliance with standards via enforcement and regulation in a range of quality of life and health impact scenarios which directly affect local residents and commercial activity.

An alignment of the services' functions and outcome in comparison to the consultation's priority areas are shown in Appendix 2.

Consequently response to the consultation is brief and is shown in Appendix 3.

## 8. Finance

Delivery of the regulatory enforcement functions is provided from the Council's General Revenue Fund and the proposed prioritisation of regulatory outcomes will be managed within existing resources.

## 9. Risks and Uncertainties

With the proposed new enforcement priorities being already substantiating existing corporate policy and strategic direction it is viewed there is little to no risk in the introduction of the new priorities. The thrust of the proposal provides evidence to partners, the public and business that the Council is focused on delivering on what is not only seen as important locally but also fulfilling national policy drivers too.

Failure to effectively address enforcement priorities may lead to a negative perception from local stakeholders and central government.

## 10. Policy and Performance Agenda Implications

The proposed enforcement priorities clearly fit within existing strategic priorities in Rotherham. In particular the proposed national regulatory outcomes directly impact on:

- **Helping to Create Safe and Healthy Communities and;**
- **Improving the Environment.**

The enforcement priorities will also contribute to:

- **Ensuring care and protection are available for those people who need it most.**
- **Making sure no community is left behind.**

The enforcement priorities impact either directly or through contribution to all agendas around the Community Strategy's SAFE theme and the Joint Strategic Intelligence Assessment (JSIA) for Rotherham.

The enforcement priorities clearly link directly to the Government's public health strategy *Healthy Lives, Healthy People: Our strategy for public health in England* and the associated White Paper.

## 11. Background Papers and Consultation

*Priority Regulatory Outcomes A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* – LBRO Consultation February 2011

*National enforcement priorities for local authority regulatory services* – Rogers Report March 2007

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**Overview of the Priority Regulatory Outcomes**

Priority regulatory outcomes	Regulatory activity that will support delivery of the outcomes (1)	Link to the Programme for Government	Delivery mechanisms (2)
<p><b>Protect the environment for future generations by tackling the threats and impacts of climate change</b></p>	<ul style="list-style-type: none"> <li>▪ Managing the risks and impacts of flooding</li> <li>▪ Improving energy efficiency in housing</li> </ul>	<p>Environment, Food and Rural Affairs</p> <p>Energy and Climate Change</p>	<ul style="list-style-type: none"> <li>▪ Increasing focus on the role of consumers in influencing the wider environmental behaviour of businesses and the markets. Consumer-driven campaigns are successful in raising the profile of environmental issues and driving changed behaviour.</li> <li>▪ Co-ordinated preventative and emergency response action, working with Environment Agency, DEFRA and professional bodies</li> </ul>
<p><b>Improve quality of life and wellbeing by ensuring clean and safe public spaces</b></p>	<ul style="list-style-type: none"> <li>▪ Tackling waste and environmental crime</li> <li>▪ Reducing anti-social behaviour through appropriate alcohol licensing</li> <li>▪ Improving local housing conditions</li> <li>▪ Improving local air quality</li> </ul>	<p>Environment, Food and Rural Affairs</p> <p>Crime and Policing Communities</p>	<ul style="list-style-type: none"> <li>▪ Community action through the Big Society, working with Keep Britain Tidy, local businesses and other interest and action groups.</li> <li>▪ Encouraging individuals to take responsibility for their environment</li> <li>▪ Collaborative working between agencies, including local authorities, Environment Agency, National Environmental Crime Team, police and other enforcement agencies.</li> </ul>
<p><b>Help people to live healthier lives by preventing ill health and harm and promoting public health</b></p>	<ul style="list-style-type: none"> <li>▪ Protecting employees from injury and ill health at work</li> <li>▪ Protecting public health through pest control</li> <li>▪ Reducing the risk and costs of fire in non-domestic premises through fire safety</li> <li>▪ Minimising health inequalities and negative economic impacts through tobacco control</li> </ul>	<p>Public Health Communities</p>	<ul style="list-style-type: none"> <li>▪ Providing information and employing innovative techniques to change behaviour, using a variety of means to influence and assist duty holders, businesses and consumers.</li> <li>▪ Co-ordinated information and enforcement campaigns by local authorities, that engage other local services and community groups and work with business to design solutions</li> <li>▪ Collaborative working with policy departments, national regulators and professional bodies, including the Health and Safety Executive, Home Office, Communities and Local Government.</li> </ul>

	<ul style="list-style-type: none"> <li>Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales</li> </ul>		
<p><b>Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy</b></p>	<ul style="list-style-type: none"> <li>Protecting against public health risks and damage to the farming industry through securing compliance with animal health and welfare legislation</li> <li>Improving food standards</li> <li>Preventing food borne disease through better food hygiene and safety</li> </ul>	<p>Environment, Food and Rural Affairs</p> <p>Public Health</p>	<ul style="list-style-type: none"> <li>Providing information to change consumer behaviour regarding food and nutritional choices, using a variety of means to influence and assist consumers and businesses. This will include joint working with the Department of Health and Food Standards Agency.</li> <li>Collaborative enforcement and disease control, including DEFRA, Animal Health and local authorities, and supporting better regulation for farming, working with farming industry representatives.</li> </ul>
<p><b>Support enterprise and growth by ensuring a fair, responsible and competitive trading environment</b></p>	<ul style="list-style-type: none"> <li>Promoting local prosperity by supporting businesses to achieve compliance</li> <li>Tackling the issues of intellectual property crime</li> <li>Protecting consumers and compliant businesses from fraudulent and illegal trading practices</li> </ul>	<p>Business</p> <p>Consumer Protection</p> <p>Culture, Olympics, Media and Sport</p>	<ul style="list-style-type: none"> <li>Local enterprise partnerships provide an opportunity for businesses and local public services to focus on supporting enterprise in their localities. There is a clear role for regulatory services to contribute to improved support for business, including new and start up businesses.</li> <li>Primary Authority provides a robust mechanism for local authorities to deliver assured advice to business, reduce burdens and focus on supporting businesses to grow through a relationship of trust and openness.</li> <li>Co-ordinated enforcement and intelligence sharing involving a range of enforcement bodies, including trading standards, specialist Scambusters, Illegal Money Lending and e-enforcement teams, Office of Fair Trading, Police, and UK Border Agency as well as sectoral regulators.</li> <li>Promoting greater awareness and responsible consumer behaviour through provision of information, allowing consumers to make informed choices.</li> </ul>
<p>1 The activity prioritised at a local level is an issue for local authorities to decide, using their own intelligence, analysis of local need and the views of citizens and business. The activity prioritised should contribute to achieving the priority regulatory outcomes.</p>			
<p>2 The overarching rationale of the Government is that intervention should only occur when necessary, respecting the contribution of individuals.</p>			

### Strategic alignments of current “Environmental Health” Services to Proposed Priority Regulatory Outcomes

Safer Neighbourhood Services	Business Regulation
<p>Delivering against Priority Outcomes 1 &amp; 2</p> <ul style="list-style-type: none"> <li>▪ Protect the environment for future generations by tackling the threats and impacts of climate change</li> <li>▪ Improve quality of life and wellbeing by ensuring clean and safe public spaces</li> </ul>	<p>Delivering against Priority Outcomes 3, 4 &amp; 5</p> <ul style="list-style-type: none"> <li>▪ Help people to live healthier lives by preventing ill health and harm and promoting public health</li> <li>▪ Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy</li> <li>▪ Support enterprise and growth by ensuring a fair, responsible and competitive trading environment</li> </ul>
<ul style="list-style-type: none"> <li>▪ Reducing antisocial behaviour</li> <li>▪ Improving local private housing conditions</li> <li>▪ Improving local air quality</li> <li>▪ Environmental impact of land use</li> <li>▪ Local Environmental Quality, and</li> <li>▪ Tackling waste and environmental crime</li> </ul>	<ul style="list-style-type: none"> <li>▪ Protecting employees from injury and health at work</li> <li>▪ Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales</li> <li>▪ Minimising health inequalities and negative economic impacts through tobacco control</li> <li>▪ Protecting against public health risks and damage to the farming industry through securing compliance with animal health &amp; welfare legislation</li> <li>▪ Improving food standards with regard to labelling, reducing salt levels, etc</li> <li>▪ Preventing food borne disease through better food hygiene and safety</li> <li>▪ Ensuring food is safe and fit to consume.</li> <li>▪ Promoting local prosperity by supporting businesses to achieve compliance</li> <li>▪ Tackling the issues of intellectual property crime</li> <li>▪ Protecting consumers and compliant businesses from fraudulent and illegal trading practices</li> </ul>
<p>Functions and activities covered by the team include:</p> <ul style="list-style-type: none"> <li>▪ Environmental Noise Control</li> <li>▪ Statutory Nuisance</li> <li>▪ Pollution Control Enforcement</li> <li>▪ Industrial Pollution Regulation</li> <li>▪ Private Sector Housing Enforcement</li> <li>▪ Land Use Planning Assessment</li> <li>▪ Enforcement of LEQ standards including fly tipping &amp; other enviro-crime</li> <li>▪ Eradication of pests</li> <li>▪ Control of Stray Dogs</li> <li>▪ Traveller/Gypsy Land Trespass resolution</li> <li>▪ Neighbourhood Wardens</li> <li>▪ Air &amp; Land Quality Management</li> <li>▪ Closed Landfill management</li> </ul>	<p>Functions and activities covered by the team include:</p> <ul style="list-style-type: none"> <li>▪ Food Hygiene and Standards</li> <li>▪ Health &amp; Safety at Work</li> <li>▪ Water Quality</li> <li>▪ Infectious Diseases</li> <li>▪ Animal Health and Welfare</li> <li>▪ Trading Standards</li> <li>▪ Licensing (including enforcement)</li> <li>▪ Bereavement Services (contract management)</li> </ul>

## **A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services: Questions & Drafted RMBC Response**

### **1. Do the draft priority regulatory outcomes accurately address the regulatory issues and risks facing England?**

Evidence from local surveys such as the Place survey and Your Voice Counts, together with national research from Government, CIEH and LACORS confirm that the draft priorities reflect the regulatory issues at both a local and national level.

The priorities also reflect the holistic nature of enforcement bringing together a range of functions, partners and community to tackle issues in communities delivering recognisable focussed outcomes.

The introduction of the new priorities is welcomed. However, there is a clear need for Local Authorities and Partners to performance manage the delivery of the outcomes together with establishing mechanisms for community impact and customer journey experiences.

### **2. Are they suitably focused on emerging issues and future threats?**

RMBC would agree that the priorities are suitably focussed on emerging issues and future threats both at a local and national level, fitting into national and local strategic approaches. At local level there is a need to monitor and review progress and ensure that the priorities are enshrined within service planning and strategic direction.

### **3. Are outcome-focused priorities the most effective way to promote local discretion and meet the needs of local people, whilst providing a framework to meet national needs, such as support for economic growth and the protection of vulnerable citizens?**

The outcomes and delivery mechanisms are flexible and ensure that direction is locally influenced whilst maintaining the delivery of national needs. There is a balance in delivery and influence between public, business and partners that will ensure that local discretion is exercised without losing sight of national and local drivers.

### **4. Should the term 'priority regulatory outcomes' replace 'national enforcement priorities' to denote the list for English local authorities referred to in section 11(1) of the Regulatory Enforcement and Sanctions Act 2008?**

RMBC would prefer the retention of the word 'national' within the term to ensure that suitable weight is given to the importance of these priorities.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Sustainable Communities Scrutiny Panel</b>
<b>2.</b>	<b>Date:</b>	<b>21<sup>st</sup> April 2011</b>
<b>3.</b>	<b>Title:</b>	<b>Housing &amp; Neighbourhood Service Reviews and New Structures</b>
<b>4.</b>	<b>Directorate:</b>	<b>Neighbourhoods and Adult Services</b>

## **5. Summary**

Neighbourhood services has been faced with a series of policy and financial drivers to review and re-design services to both realise immediate 2010/11 savings and achieve, thereafter, annual savings. The budgetary reduction required to achieve corporate saving targets for 2011/12 ie £1,085,704 has been achieved.

This report describes the progress made in reviewing the structure and functions of the Housing & Neighbourhood services and also highlights the outcomes where implications for service delivery should be noted.

Across all the reviews referenced in the report there have been two main objectives:

- To develop proposals for services which are fit for purpose to meet a changing agenda, and
- To reduce costs to a more sustainable level.

The report describes the outcome of the reviews and the reconfigured structures.

## **6. Recommendations**

**That the Sustainable Communities Scrutiny Panel:**

- **Notes the delivery of the required service reviews and the achievement of budgetary savings**
- **Recognises further service reviews will be required to meet ongoing corporate financial pressures.**



## 7. Proposals and Details

All of services falling under the neighbourhood elements of Housing & Neighbourhood Services are faced with significant policy change, and financial restriction. As part of the development of the corporate service and financial planning process for 2011-12 (and beyond) various services have been subject to service reviews. These have included;

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

Further to this, additional reviews are currently underway or proposed for Locality Services (and the integration of 2010 Rotherham Ltd), Trading Standards and Enviro-crime enforcement.

In addition services will be impacted by other council wide reviews including Management review, Customer Services and Business Administration, which will impact in 2011/12.

The fundamental purpose of these reviews has been to reduce costs, so that the council can reinvest in higher priority services. As far as possible, the reviews have looked to minimise the impact on our customers and communities. In doing this, we need to ensure that we are more than ever focused on core statutory and priority service delivery.

Because most of our costs relate to staff it is inevitable that savings will impact on staffing levels. The reviews in Neighbourhoods resulted in a reduction of 35 posts. This reduced staffing level has been achieved by loss of vacant posts, voluntary severance and/or successful re-employment within the Council via the Talent Pool or by other employers. All reviews have been carried out in consultation with staff and have been guided by Human Resources policies.

A summary of each of the above reviews, and associated implications are shown in Appendix 1. The current organisational structures are provided at Appendix 2.

## 8. Finance

The service reviews required budgetary reduction targets to be achieved. These have been accomplished and associated Cost Centre budgets reduced. The level of saving achieved is shown as follows;

Service Review	Achieved Saving (2011/12)	Further saving (2012/13)
Neighbourhood Investment	£427,704	
Neighbourhood Partnerships	£360,000	
Food Safety	£75,000	£15,000
Neighbourhood Wardens	£223,000	
Total	£1,085,704	£15,000

Significant additional funding will be required to sustain the Neighbourhood Investment Service at its new level post 2011/12. It is anticipated this will be achieved by top slicing future programme funding.

Reviews underway or planned are required to bring a total of £178,000 revenue budget saving over the next two years and an implementation plan to achieve the savings has been developed, agreed and is being closely monitored in delivery. The savings required are as follows;

Service Review	Required Saving (2011/12)	Further saving (2012/13)
Neighbourhood Enforcement	£108,000	£18,000
Trading Standards	£42,000	£10,000
Total	£150,000	£28,000

## 9. Risks and Uncertainties

Each of the service reviews bring their own risks in implementation. These risks are highlighted in Appendix 1 which lay out the implications of the reviews' outcomes.

## 10. Policy and Performance Agenda Implications

The Services covered by the reviews referred to in the report contribute to the delivery of the Corporate Plan objectives. These being;

- *Making sure no community is left behind*
- *Helping to create safe and healthy communities*
- *Improving the environment*
- *Ensuring care and protection are available for those people who need it most*

In particular the services:-

- *ensure people feel safe where they live, particularly that Anti-Social behaviour and crime is reduced*
- *help people from different backgrounds get on well together*
- *helps people to live in decent affordable homes*
- *Reduces CO2 emissions in housing*
- *Ensures high quality design that prepares for current and future climate change*
- *Invests in the high quality public realm*
- *Ensures the quality of choice of affordable housing continues to improve*
- *Provides opportunities for local people to access employment on capital investment projects*
- *Targets investment into the most deprived neighbourhoods*

In addition to contributing to the Community Strategy's priority themes of to **Rotherham Safe**, **Rotherham Alive** by ensuring a place where people feel good, are healthy and active, **Rotherham Achieving** by helping to improve the quality of life in the most deprived communities and **Rotherham Proud** by increasing the satisfaction in the local area as a place to live and putting pride in the hearts of our communities.

In addressing the **Rotherham Alive** priorities there is direct linkage to delivering the key Public Health strategic action: Tackling Health Inequalities.

## 11. Background Papers and Consultation

The introduction and implementation of the service reviews have been subject to consultation with affected staff and unions.

- Cabinet Report: Tackling in year budget pressures (C47 of 10.8.10)
- Cabinet Report: Service Review of Neighbourhood Partnership Service (148 of 19.1.11)
- Cabinet Report: Service Review – Neighbourhood Wardens (147 of 19.1.11)
- Cabinet Member for Safe & Attractive Neighbourhoods; Neighbourhood Investment Services Staffing Structure (112 of 21.3.11)

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**Service Reviews**

- Neighbourhood Investment
- Neighbourhood Partnerships
- Food Safety
- Neighbourhood Wardens

**1. Neighbourhood Investment****a. Service Review**

The review of the Service had been set against the background of the financial challenges faced by the Council in particular the loss of external funding and the significant changes taking place within the housing and regeneration environment both nationally and locally

**b. Financial Implication**

The new structure generates a saving of £427,704 from current expenditure, it also achieves a reduction in the reliance of external funding of £505,452. This reduction is vital as we move into a period of less external grant to support staffing costs.

Looking forward into 2012-13 there is no certainty yet about the level of external investment coming into the team. The team will therefore need to identify during the next 12 months an additional income of approximately £300,000. If it is unable to do this, further staff reductions will be inevitable.

**c. Staffing Implication**

Following the transfer of 5 Neighbourhood Investment Team officers into EDS Corporate Asset Management Team, 3 staff in scope of the ongoing Corporate Finance Review, and staff taking voluntary severance and holding vacancies there remains 24 staff, from a previous total of 41, in the establishment.

It is proposed the new structure will contain 20 posts with 1 of these likely to transfer into another team following the integration of Council Housing Management. There are 2 proposed functional areas; Sustainable Communities and Programme Delivery. These changes will result in a net loss of 13 posts.

Recruitment to the new structure commenced on the 10<sup>th</sup> April 2011.

**d. Associated Risks**

The impact of the new service will reduce capacity in regeneration programme delivery. It will be important to focus resources on delivering against agreed priorities. The danger of spreading resources too thinly will be mitigated by having a local investment programme to work to and sharing this with local communities and partners.

The risk of not being able to attract in sufficient external grant funding in future years to support the delivery team is a real one. To mitigate against this more staff resources have been put into identifying new ways of doing business with the private sector and attracting in new funding.

With regards to the reduction in the number of posts, there may be more than two employees affected by these proposals dependant upon the skills mix required for the new structure.

e. Service Impact

The service review has provided a new operating model proposed which is capable of:

- Managing the completion of key regeneration schemes
- Developing the business case to initiate new ways of delivering regeneration activity that are less reliant on external grant funding
- Maintaining an up to date local investment plan and housing strategy, which has evidence based priorities and objectives
- Maximising the opportunities to deliver high quality affordable housing
- Making sure our public & private sector housing policies are up to date and relevant to local and national housing reform
- At times working within the Sheffield City Region (SCR) and supporting the work of the newly established SCR Housing and regeneration Board
- Operating with the context of new housing organisation that includes the direct management of Council Housing.

It is not planned for substantial changes to all the types of work performed by Neighbourhood Investment Service. But the service is likely to increase the emphasis on policy, strategy and enabling, whilst reducing the resources on programme delivery until new delivery arrangements increase programme activity. The strategic enabling role will become more critical as we enter into a period of delivery without so much grant support.

Principal work activity will include the following areas:

- Affordable Housing
- Developing new Private Sector Housing delivery tools
- Developing new Public Sector Housing delivery tools
- Having a fit for purpose housing strategy and policies to meet local priorities
- Completing existing regeneration schemes
- Developing new public private partnerships to deliver new regeneration schemes
- Ensuring high quality design standards are met
- Local Investment planning utilising housing market intelligence
- Working with elected members, residents, strategic partners and stakeholders to agreed priorities

Having a smaller team will mean critical decisions will need to be taken about what the service can and cannot be expected to deliver. Further careful consideration will need to be given to funding priorities and the use of strategic assets.

2. **Neighbourhood Partnerships**

a. Service Review

At the Cabinet meeting on the 10<sup>th</sup> August 2010 it was agreed that the Neighbourhood Partnership Service should be reviewed. The review was instigated because, whilst the service has a significant impact on a wide range of council priorities, in itself it is a discretionary service. It was also apparent that the service had a significant number of managerial posts relative to its size and that in view of the considerable financial pressures facing the Authority; the current organisational arrangements were felt to be financially unsustainable.

The review of the Service had been set against the background of the financial challenges faced by the Council in particular the loss of external funding and the significant changes taking place within the housing and regeneration environment both nationally and locally

Changes implemented 1<sup>st</sup> March 2011.

### b. Financial Implication

Service previously cost £1.348 million. The restructuring of the Neighbourhood Partnership service created a £360,000 saving. Additional savings have been achieved with the ending of the devolved budgets.

### c. Staffing Implication

- Reduction from 3 to 1 Neighbourhood Partnership Manager (post temporary until August/September 2011)
- Reduction from 7 to 3 Area Partnership Managers (APMs)

### d. Associated Risks

The review pre-supposes that the Neighbourhood Partnership Service (NPS) will, be assimilated within a wider locality based service. This development will be important in ensuring that we can develop effective streamlined processes.

There is a risk that the size of the geographic areas covered by each of the new teams will be too large to make an effective impact. This will need to be carefully monitored and consideration given to any learning when finalising the locality review.

There is a risk that the service will no longer be able to support wider partnership processes as desired by other departments and organisations. SYPF understand this potential and are also keen to streamline coordination activity to make it more effective, however services delivering wider agendas such as those relating to health, children's services and economic development will also need to take account of the reduced capacity of the NPS service.

### e. Service Impact

#### i. Implications to date

- Services are still to be provided in a reshaped/ reduced format.
- The building block for the NPS remains the seven Area Assembly structure and their associated coordinating groups. The new NPS structure, however, now delivers from three teams, each with its own Area Partnership Manager.
- There are still 7 Area Assembly Teams - Each team has 1 Community Support Officer and 1 Community Involvement Officer.
- Each team will continue to deliver their own Area Plans and hold open public meetings and Co-ordinating Groups. As such each Area Assembly continues to have an Elected Member as Chair and as a Vice Chair.
- Due to a reduction in capacity the number of these and other meetings have and will continue to be reduced.
- Neighbourhood Action Groups ( NAGs) have been reduced from one per Area Assembly to one per SNA. This will lead to a reduction in the number of partnership actions being delivered in a reduced number of priority areas

- Some meetings and workloads have been delegated to Community Involvement Officers ( CIOs) – this has led to a reduction in the number of community meetings attended by CIOs.

### ii. Future implications

Subject to the outcome of other reviews and the reintegration of the management of council housing it may be possible to integrate this service within a wider structure, which could reduce the need for the Neighbourhood Partnership Manager Post. Such changes will require APMs to take on additional workloads and strategic leads. The NPS will be required to undertake further prioritisation of workloads.

Potentially the Area Assembly teams will be based in 3 localities- one per SNA. This will have a minor impact on the visibility of the service. Currently only Rotherham South and Rotherham North are located together. However, this will improve line management and allow greater flexibility for cover due to leave/ sickness/ prioritisation of area specific work.

### **3. Food Safety**

#### **a. Service Review**

In this service area, there has been a need to both reduce costs and improve performance. In December 2010, a proposal was developed for the outsourcing of the majority of food hygiene inspections to a private contracting company. It was expected that this action would realise a saving in the region of £75K for the year 2011/12. This saving would be achieved as a result of a 5 FTE reduction in the number of environmental health officer posts within the food, health & safety team.

However, following consultation on the proposal with staff and Trade Unions, an alternative approach was suggested. This will involve the delivery of the food hygiene inspection programme utilising existing staff and implementing an improved performance management framework. The net savings will be the same as the original proposal. This alternative proposal is currently being piloted within the team.

#### **b. Financial Implication**

The saving has been achieved through the loss (through voluntary severance) of 1.0 FTE environmental health officer (saving of £35,557), along with 1.14 FTE vacant environmental health officer posts (saving £39,629). In total, this will generate savings of £75,186.

#### **c. Staffing Implication**

In total, this review has resulted in the loss of 2.14 FTE environmental health officers from the team structure. These losses were achieved without the need for compulsory redundancies.

#### **d. Associated Risks**

Reduction in FTE operational officers will result in a need to reallocate their workload to remaining officers. This increased workload for officers may lead to failure to meet statutory obligations, and / or bring about improvements in hygiene standards within food businesses in Rotherham. This risk will be mitigated by:

- Improved performance management of remaining operational staff
- Inspections allocated and inspected according to risk
- Redirection of resources away from lower risk inspections, to higher risk premises and the introduction of additional enforcement / advice / guidance in relation to lower risk premises.

### e. Service Impact

As a result of the review, processes have been put in place within the service to ensure that all food hygiene inspections are undertaken. Whilst this is considered a positive development, it has meant that the resources of the food team have had to be directed towards meeting statutory obligations and addressing issues that have been identified as a corporate priority. Because we need to focus on those things we must do, discretionary areas of work may need to be reduced, or done in different ways.

## 4. Neighbourhood Wardens

### a. Service Review

This is an entirely discretionary service. On the 19<sup>th</sup> February the Cabinet agreed to reduce this service by approximately 30%. This service reduction has been implemented with a selection process underway to reduce the Warden complement from 21 to 14 posts with all 3 supervisor posts also going. However to ensure that there was not an unreasonable management responsibility falling elsewhere, one new professional practice officer post was created.

### b. Financial Implication

Prior to the implementation of the review, the service cost £693,431. The restructuring of the Neighbourhood Warden Service achieves a £223,000 saving. The resultant reduced service costing is £470,000.

### c. Staffing Implication

The restructuring reduced the service by 9 posts. In addition two Wardens will be transferred and be directly managed by EDS in delivery of Town Centre services. This will help to improve coordinated activity within the town centre.

### d. Associated Risks

The impact of the new service re-alignment reduces capacity within frontline service that, whilst not affecting the Council's ability to deliver its statutory services, will be noticeable to local communities and partners in the support and action relating to anti social behaviour and enviro crime within localities.

This review pre-supposes that the Neighbourhood Warden Service will at some future point be assimilated within a wider locality based service. This development will be important in ensuring that we can develop effective streamlined processes.

Reductions in the services' ability to support the range of community meetings previously supported, may result in a reputational risk to the Council which will need to be carefully managed.



e. Service Impact

Neighbourhood Wardens are a part of the response and communication with residents regarding ASB and the quality of their local neighbourhoods. The wardens provide a link for direct reporting and an “on the Street” perspective. In 2010/11 this resulted in 3,855 direct actions being recorded. An indication of outputs brought by the team is listed below.

Fly Tipping identified while on patrols and either removed or referred to Streetpride for collection	725
2010 Estate Management Issues while on patrols	585
Community Engagement activities	499
Responsible Dog Owners scheme vouchers issued while on patrols	360
Defective Street Lighting referrals from patrol observations	268
Dog Fouling in Street – patrol visits following complaints	289
ASB - Nuisance Behaviour interventions	529
Street Litter patrols following complaints	145
Graffiti incident referrals to Streetpride from patrols	199
Rubbish - Domestic Premises	256

The team will still continue to provide the Council’s uniformed visible presence across the borough, but is now most focused on those areas where there is greatest need of environmental and community safety support. Given the identified need and the funding structure underpinning the service this is particularly within the traditional Council estates.

Over recent years there has been a shift towards using wardens for specific functions which would have previously been dealt with by other (more costly) options. For example, the team is the main means of enforcing littering and dog fouling problems, and gain significant environmental management benefits and very positive press coverage from these enforcement actions.

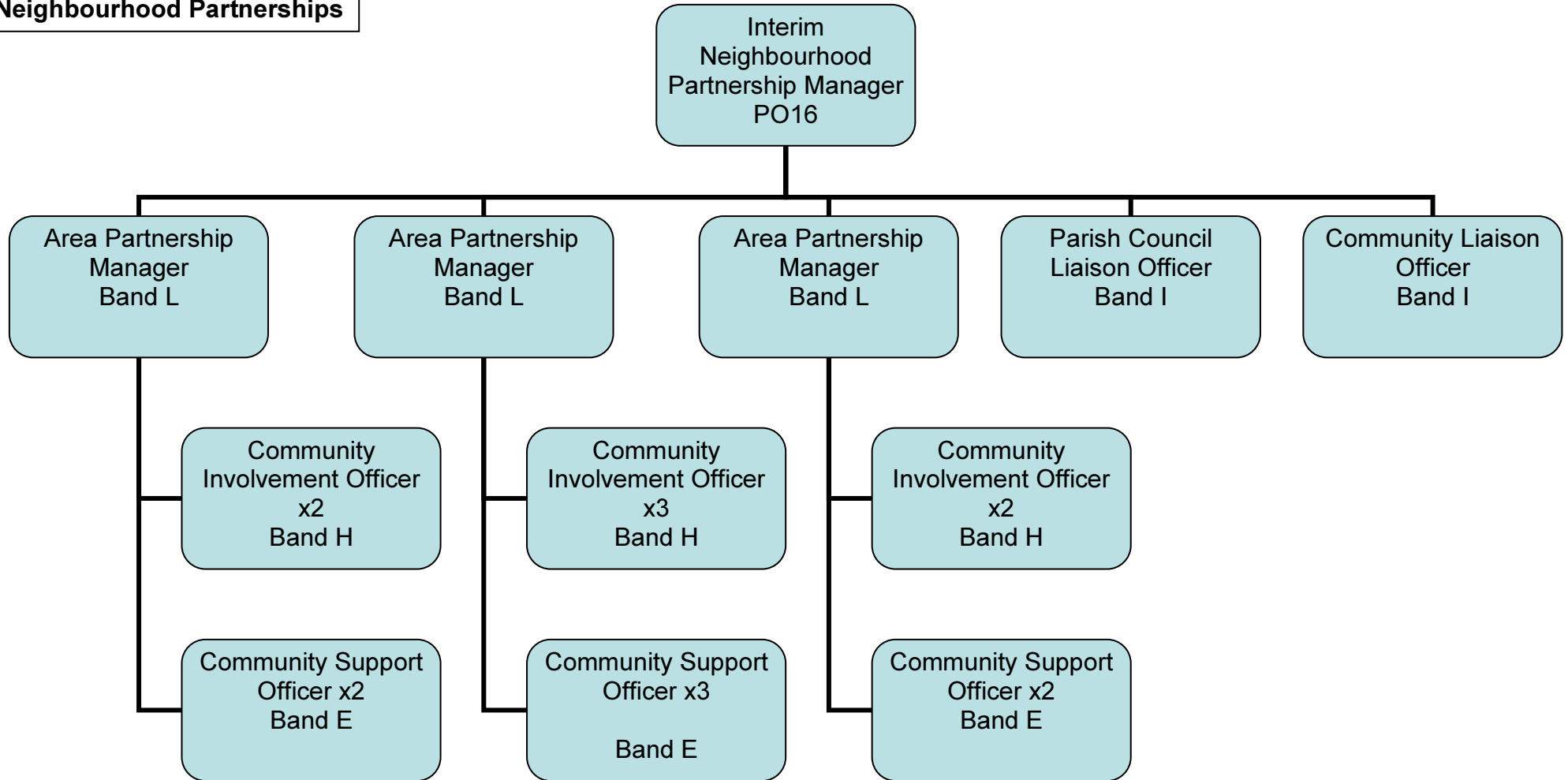
The impact reduces capacity which will be noticeable to local communities and partners. One change that has been introduced is an increased focus on enforcement and especially the issuing of FPNs.

The service often is the seamless and quick solution from a problem being identified eg drug litter to immediate removal leaving a location cleaner and safer. In addition the Wardens also provide critical mass and support to communities and partners in holding people accountable for the actions, this including supervision of regular restorative justice activity with young people.

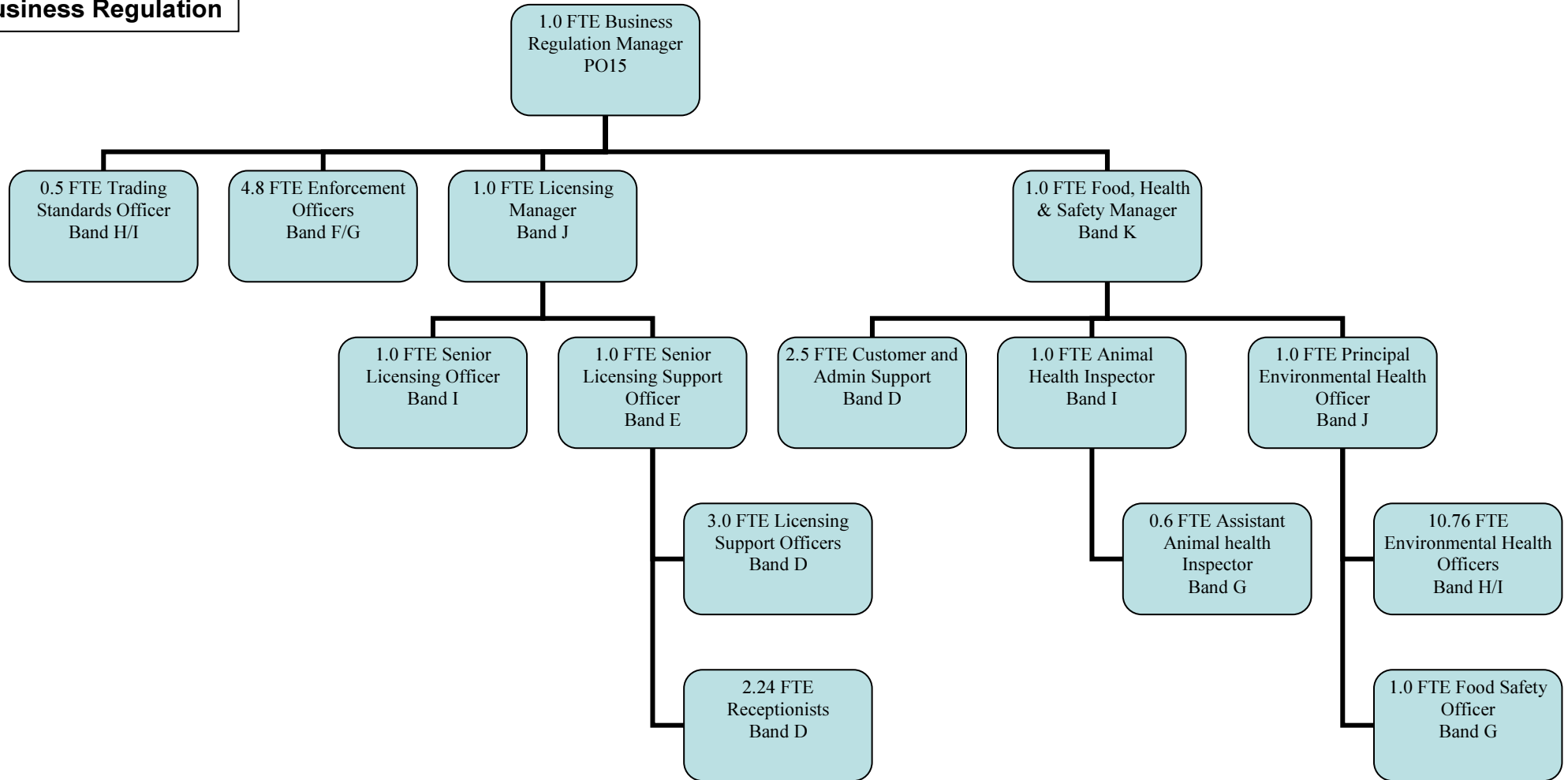
With the reduction in staffing numbers it will be important to prioritise those areas of the borough with the most significant problems. In part this prioritisation will be directed to council estates. But it is intended that Area Coordinating groups will have a role of influence over where patrolling and enforcement activity should be directed.

Again in community safety terms it is also likely to have a significant impact on the borough. It is not clear what capacity SYP would have to absorb the work of the wardens, given the budget reductions that they are facing. It is possible that the early intervention undertaken by wardens seeking to nip problems in the bud will not be replicable by the Force who will need to prioritise resources on the most serious crimes.

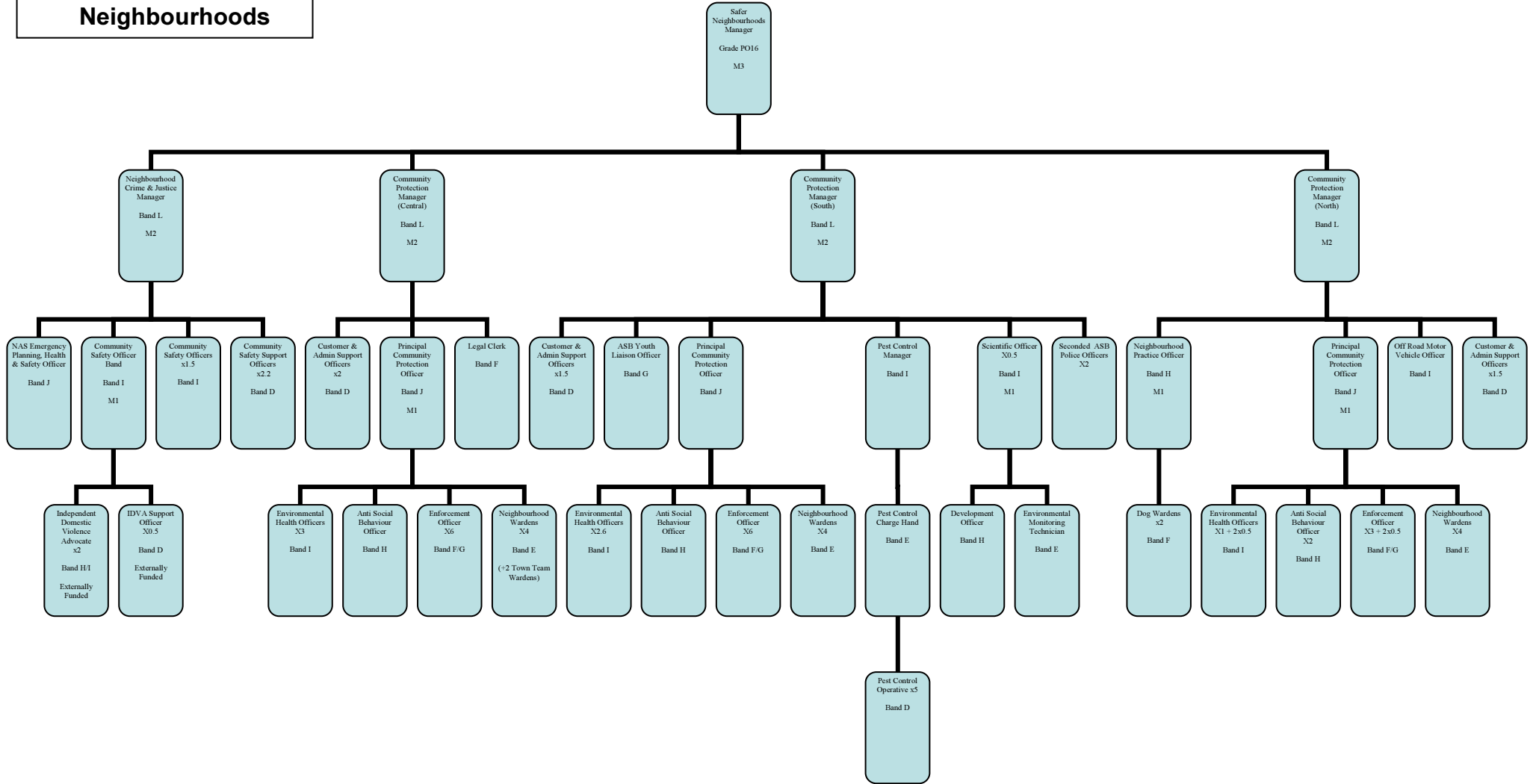
**Neighbourhood Partnerships**



**Business Regulation**



# Safer Neighbourhoods



<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:-</b>	<b>Sustainable Communities Scrutiny Panel</b>
<b>2.</b>	<b>Date:-</b>	<b>21<sup>st</sup> April 2011</b>
<b>3.</b>	<b>Title:-</b>	<b>DEFRA Air Quality Grant</b>
<b>4.</b>	<b>Directorate:-</b>	<b>Neighbourhoods and Adult Services</b>

### **5. Summary**

Since 2007 Rotherham MBC has successfully bid for an allocation of DEFRA's annual Air Quality Grant monies. Currently there is a budget in the region of £30,611 in this ring-fenced Capital fund for Air Quality.

At the Sustainable Communities Scrutiny Panel on the 10<sup>th</sup> March 2011 the Housing Investment Programme 2010/11 was reviewed and within the "Non HIP Capital Programme for Neighbourhoods " section it was reported that the Air Quality Grant was projecting an under spend of £22,861. This was planned to be rolled forward into 2011/12 (Minute Number 70 of the 10<sup>th</sup> March 2011 refers).

As a consequence of major IT problems and the availability of alternative funding streams in certain areas, the full budget of this grant has not be spent . However it is part of the Grant agreement that the funds can be rolled over from one year to the next.

It is proposed that the monies are spent during the 2011/12 financial year on Air Quality Modeling and Air Quality Action Plan projects.

The grant is ring-fenced to work in relation to Air Quality, and can be rolled over if not spent.

### **6. Recommendations**

**It is recommended that the Sustainable Communities Scrutiny Panel notes the detail of the report.**

## 7. Proposals and Details

DEFRA has offered grant monies to local authorities to enhance their work in relation to Air Quality. Rotherham has successfully bid into this pot in 2007/08, 2008/09 and 2009/10. Currently there is a budget of £30,611 of which £22,861 remains unspent.

The grant monies were proposed to be spent on:

- Air Quality Dispersion Modelling
- Action plan projects to improve local air quality including the South Yorkshire ECO Stars project

An amount of Air Quality Modelling has been undertaken in relation to the Waverley site with a spend of £4,750 in the financial year 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 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 is 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 of £12,000 was expected to be on the Eco-Stars project, this spend proved unnecessary during 2010/11 as alternative funding streams were identified for the financial year.

It is proposed that the spend during the 2011/12 financial year from the Air Quality Grant will be:

- £10,000 on Air Quality Modelling to enable future prediction of effects of traffic pollution and the impact of pollutants on health in Rotherham.
- £12,000 will be spent on the Eco-Stars project during 2011/12.

## 8. Finance

The Air Quality Grant is an annual Capital grant available for Local Authorities to bid for. It is highly unlikely that the Air Quality Grant fund will continue due to the spending constraints of DEFRA.

## 9. Risks and Uncertainties

There is little short term risk in relation to the underspend in this area, however long term failure to invest in Air Quality might lead to a negative perception from local stakeholders and central government.

## 10. Policy and Performance Agenda Implications

The Council's work in relation to Air Quality clearly fits within existing strategic priorities and in particular directly impacts on:

- **Helping to Create Safe and Healthy Communities and;**
- **Improving the Environment.**

The Council's work in relation to Air Quality clearly links directly to the Government's public health strategy *Healthy Lives, Healthy People: Our strategy for public health in England* and the associated White Paper.

#### **11. Background Papers and Consultation**

None

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**SUSTAINABLE COMMUNITIES SCRUTINY PANEL**  
**Thursday, 10th March, 2011**

Present:- The Mayor (Councillor McNeely) (in the Chair); Councillors Atkin, Ellis, Hodgkiss, Nightingale and P. A. Russell, together with Derek Corkell (RotherFed) and Andrew Roddison (RotherFed)

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

Apologies for absence were received from Councillors Blair, Havenhand, Walker and Jenny Andrews.

**60. DECLARATIONS OF INTEREST**

Derek Corkell and Andrew Roddison declared a personal interest in Minute No. 63 (Housing Rent Increase) on the basis of being Council tenants.

**61. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

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

**62. COMMUNICATIONS**

The Chair reported that Jack Carr and his wife had celebrated their Diamond Wedding Anniversary on 3<sup>rd</sup> March, 2011.

Resolved:- That the Panel's congratulations be conveyed to Mr. and Mrs. Carr.

**63. HOUSING RENTS 2011/12**

The Panel considered the report of the Strategic Director for Neighbourhoods and Adult Services, approved by the Cabinet at its meeting on 19<sup>th</sup> January, 2011 (Minute No. 149 refers) with respect to the 2011/12 increases in housing rent, new build rents, garage rent, heating charge and communal facilities.

The report set out in detail information relating to:-

- Council Rent Setting.
- Housing Subsidy and Rent Determination.
- Garage Rents.
- District Heating.
- Warden Service and Communal Facilities.

The greatest risk and uncertainty surrounded the level of rent income received into the Housing Revenue Account. This was dependent upon the number of properties available to generate income. The level of properties was directly affected by the level of sales and demolitions which may vary to those used in the budget assumptions. Due to the current economic climate it was unlikely that Rotherham would see any significant sales.

It was possible that arrears may rise, this would affect the amount of income received and, therefore, be reflected in housing revenue account balances.



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

- The Authority had not received notification of the increase in formula until 10<sup>th</sup> January, 2011 (expected on 24<sup>th</sup> December, 2010), making further consultation difficult on such a tight timescale. Whilst the formula had not changed, the date for convergence had been brought forward. In order to comply with that deadline, rents had to be increased earlier by a higher percentage for a significant number of years
- Garage rents had been increased by the rate of inflation
- The rents for the new build Council houses had been modelled on the actual repayment and income charge which was factored into the affordability model for the scheme
- Members asked that in future, breakdown of rent increases should be given by house type rather than just in averages
- How much longer would it take before there was full recovery of District Heating costs?
- Why had there been no increase in District Heating charges in the 2009/10 financial year?
- Request for breakdown of spend/level of investment on garage sites and income generated

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

(2) That further reports be submitted on:-

- Local Authority new build rent setting and Affordability modelling
- Garage Improvement Plan, income, expenditure and investment programme
- District Heating Charges
- Housing Revenue Account

(3) That a report be submitted by July, 2011, on the review taking place regarding Neighbourhood Centres and the implications of the ending of the Sheltered Housing Warden Service.

(4) That the rent setting report for 2012/13 be submitted to this Scrutiny Panel in January, 2012 for consideration.

#### **64. REVENUE BUDGET AND COUNCIL TAX LEVEL 2011/12**

The Panel considered a report previously submitted to the 23<sup>rd</sup> February, 2011, meeting of the Cabinet (Minute No. 169 refers) and approved by the 2<sup>nd</sup> March Council meeting regarding the Budget for 2011/12 based on the outcome of the Council's Financial Settlement with details of:-

- The progress of the Budget process since July, 2010 (including confirmation of the Local Government Financial Settlement).
- The principles reflected in the Budget and spending plans.
- The Council's recommended Revenue Budget for 2011/12.
- Spending plans for Directorates.
- Precepts and levies made on the Council by other authorities.
- Proposed Council Tax levels for the coming financial year.
- Proposed future developments in the three year Medium Term Financial Strategy (MTFS) 2011/12 to 2013/14.

As required by legislation, the report also set out the Strategic Director of Finance's assessment of the robustness of the estimates included within the Budget and the adequacy of the reserves for which the Budget provided.

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

- What would the implications be for the Neighbourhoods Directorate with regards to staffing/what would the staffing structure look like?
- Confusion as to which Directorate/Scrutiny Panels some of the budget savings related to

The Panel recognised that the cuts had been passed onto the Authority by the Conservative-led Government. However, Members still needed to know what the proposals meant for the people of Rotherham so they could be monitored.

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

(2) That a report be submitted on the savings made by the Neighbourhoods Directorate and Service implications.

(2) That a report be submitted on the future of Neighbourhood Services and how it was proposed to structure it.

## **65. THE FUTURE OF COUNCIL HOUSING IN ROTHERHAM**

The Director of Housing and Neighbourhood Services presented a report which was previously submitted to the 23<sup>rd</sup> February meeting of the Cabinet (Minute No. 176 refers) summarising the responses to the test of opinion carried out to understand the views of tenants and leaseholders on the options available to manage and maintain the Council's housing stock.

The overwhelming majority of tenants had supported the view that it was in their best interests for the Council to directly provide housing management services in the future. The report, therefore, outlined the steps that needed to be taken if a decision was taken to bring the services back in-house, including more indepth information on the tenants and residents consultation and the way forward.

Advice received from PwC suggested that the financial benefits achieved by returning housing management services to the control of the Council could be in the region of £1m p.a. post-exit costs. Taking back the Service provided the

Council with the opportunity to assimilate and absorb functions and by so doing remove costs from back office and management functions. This would allow any Housing Revenue Account savings to be reinvested into those services which mattered most to tenants (hence the question in the questionnaire) and which had a more immediate effect on tenants' perceptions of the quality of service.

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

- Meetings were being held on a fortnightly basis and a Risk Workshop was to be established to ensure service did not deteriorate during the period of transfer back in-house
- Possible staffing structures were being considered; the main concern was that staff should not feel destabilised and that the critical players in 2010 Rotherham were still critical players when the business came back into the Council. There might be a need for some interim appointments to bridge the transfer gap
- Issues to be addressed regarding some pay differentials between Council and 2010 Rotherham officers. Officers that would TUPE over were pay protected for 3 years

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

(2) That once confirmed, the new structure be submitted to this Scrutiny Panel.

#### **66. SCRUTINY REVIEWS - UPDATE**

The Chair reported that the review on Private Sector Housing was in the process of being written up.

The Adverse Weather Review was meeting again shortly.

#### **67. 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 24<sup>th</sup> January, 7<sup>th</sup> and 18<sup>th</sup> February, 2011.

#### **68. SUSTAINABLE COMMUNITIES SCRUTINY PANEL**

The minutes of the meeting held on 27th January, 2011, were agreed.

The Chair reported that during the passage of the Localism Bill through the Commons, a Housing Minister had proposed that tenants transferring due to under occupancy could have their secure tenancy status removed.

Resolved:- That the Panel requests the Council to oppose this action.

#### **69. PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE**

The minutes of the Performance and Scrutiny Overview Committee held on 14<sup>th</sup> and 28<sup>th</sup> January and 11<sup>th</sup> February, 2011, were noted.

## 70. HOUSING INVESTMENT PROGRAMME (HIP) 2010/11

The Director of Housing and Neighbourhood Services presented a report which set out details of the progress on the 2010/11 Housing Investment Programme (HIP) and Non HIP Capital Schemes for the period to 15<sup>th</sup> December, 2010.

For 2010/11 a revised HIP of £50.379M was approved on 13<sup>th</sup> December, 2010 [Minute No. 88 refers]. As at 15<sup>th</sup> December, 2010, spending totalled £30,293M, 60.13% of the revised approved Programme.

The Programme was divided into 2 sections between the schemes managed by 2010 Rotherham Ltd. (totalling £26.545M) and those managed by the Council (totalling £23.833M).

### 2010 Rotherham Ltd.

- Expenditure incurred of £19.723M (74.3%)
- Forecasted overspend on Refurbishment budget for Decent Homes Phase 2 of approximately £1.063M due to a number of variations to planned work
- This was partially offset by a projected underspend of £597,000 on the Windows budget

### RMBC Managed Schemes

- Expenditure incurred of £10.571M (44.35%).
- £27,000 forecast underspend for the Garage Programme
- Projected underspends on all 3 phases of the New Build projects due to the weather conditions experienced in December
- Approved schemes to the value of £572,000 within the Non-HIP Capital Programme for Neighbourhoods
- Forecasted underspend of £234,000 on Landfill Sites as a result of the difficulty in obtaining specialist input to undertake the complex site investigations
- Projected underspend of £22,861 on Air Quality

### Right to Buy Sales

- 13 sales had been completed to the end of December, 2010 against the projected sum of 20

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

- o There were underspends on Home Assistance Grants, Garages Sites investment and Air Quality. Was this due to staffing shortages?
- o Efforts were being concentrated on closing down the Decent Homes Programme as successfully as possible

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

(2) That the issue of the former Landfill Sites be referred to the Regeneration

Scrutiny Panel for investigation.

(3) That a report be submitted to the next Panel meeting on the 2011/12 Air Quality Plan and the carried forward underspend.

(4) That future HIP reports be submitted to this Scrutiny Panel as well as the Cabinet Member.

(The above item was moved into the open session of the meeting with the agreement of the Chair)

**PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE**  
**25th February, 2011**

Present:- Councillor Whelbourn (in the Chair); Councillors Austen, Gilding, J. Hamilton, Jack, License, G. A. Russell, P. A. Russell, Steele, Swift and Whysall.

Also in attendance for item 132 below was Councillor Wyatt (Cabinet Member for Resources and Commissioning)

An apology for absence was received from The Mayor (Councillor McNeely).

**127.       DECLARATIONS OF INTEREST.**

There were no declarations of interest made at this meeting.

**128.       QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS.**

There were no questions from members of the public or the press.

**129.       CORPORATE RISK REGISTER**

Colin Earl, Director of Internal Audit and Governance, presented the submitted report which set out details of the current corporate risk register summary showing the risks associated with the Council's most significant priorities and projects and actions being taken to mitigate those risks.

It was noted that there were four red residual risks relating to delivery of the Children's Plan, Use of Resources for Children's Services, Social Care Commissioning and achievement of the Cultural Quarter aspirations. This had reduced from six residual red risks in the previous quarter's report, as positive progress relating to Children's Services (intervention) and capital investment in schools had improved risks in those areas from red to amber.

This version of the corporate risk register was reported to the Strategic Leadership Team and Audit Committee in mid-January and did not reflect the letter sent to the Council on 13th January, 2011 from the Minister confirming Children's Services were no longer in intervention. This development would be reflected fully in the next update of the risk register.

The report set out information relating to the latest position, changes since previous report, the corporate risks at a glance, risk assessments prior to mitigating actions and risk assessments after allowing for mitigating controls.

It was important to review the effectiveness of the approach to capturing, managing and reporting corporate risks on an ongoing basis, to ensure risks relating to the Council's key projects and priorities were effectively monitored and managed by the Strategic Leadership Team and Members.

Discussions and a question and answer session ensued and the following issues were covered:-

- managing budget adjustments
- cultural quarter
- use of the document as a management tool to manage risk
- commissioning
- process leading to inclusion in the register
- need to scrutinise management's use of the risk register

Resolved:- (1) That the updated corporate risk register summary, attached at Appendix A to the report, be noted.

(2) That scrutiny chairs and advisers identify any issues which may need further consideration at their respective scrutiny panels.

### **130. PAYMENT OF INVOICES WITHIN THIRTY DAYS**

Sarah McCall, Contracting Officer, presented the submitted report setting out details of the former Best Value Performance Indicator 8 which measured the payment of undisputed invoices within 30 days. The Council had agreed an average annual target of 96% for performance of BVPI8 for 2010/11.

Outturn performance for recent years had achieved:-

2006/07	91%
2007/08	94%
2008/09	92%
2009/10	94.65%

Performance against BVPI8 was not as consistent as it should be and it had been recognised that the Council should act to instil and embed good practice in this area and work was ongoing to that effect.

Recent performance for the new financial year had achieved:-

April	98.15%
May	96.90%
June	94.87%
July	94.84%
August	94.21%
September	94.47%
October	93.12%
November	95.55%
December	94.47%
January	90.36%
Year to Date	94.69%

If the Council under performed on BVPI8 then this may have an effect on any Corporate Assessments. Vulnerable smaller suppliers may also experience financial difficulties due to delayed payment which went against our commitment to the SME Friendly Concordat.

Making late payments to suppliers could damage relationships between the Council and suppliers and could potentially cause cash flow difficulties for suppliers, dependant on invoice values and suppliers' turnover. It was possible that late payments could result in suppliers putting our account 'on stop' which could cause delays to Council projects. Ultimately late payment could result in the matter being referred to court.

Resolved:- (1) That the current position in respect of BVPI8 be noted.

(2) That procurement champions only be required to attend and address this Committee should particular problems arise.

### **131. PROCUREMENT LOCAL PERFORMANCE INDICATORS**

Sarah McCall, Contracting Officer, presented the submitted report setting out details of the local indicators developed in 2007 to measure the Council's procurement function in terms of delivery of the Procurement Strategy and day-to-day management of the procurement function. The suite of indicators was updated in 2009 to ensure effective monitoring.

The report set out details of the indicators, targets and performance for quarter three of the financial year 2010/11.

Performance against these LPIs would reflect how the Corporate Procurement Strategy was being implemented and embedded across the Council which could impact on the Council's ability to evidence value for money.

Resolved:- That current performance be noted.

### **132. PROCUREMENT STRATEGY ACTION PLAN REVIEW**

Sarah McCall, Contracting Officer, presented the submitted report setting out details of the purpose of the Procurement Strategy which was to set out how the Council intended to procure its goods, works and services in order to support the Authority's overall aims and objectives over the life span of the Strategy. It outlined the Council's current position and clearly pointed to areas where we needed to improve, with a supporting action plan to deliver those areas. The action plan would be managed by the Council's Procurement Panel.

The Strategy was aligned with the Council's Corporate Commissioning Framework which examined how the Council strategically could pull together all commissioning activity to ensure maximum gain from any efficiencies that may be generated.

In light of the recent restructuring in the Council, the action plan was in the process of being reviewed to ensure that actions were still relevant and limited resources were focused on the Council's priorities.



Although former Best Value Performance Indicator 8 (BVPI8) was no longer a national indicator, the Council valued performance against the measure as it was important to pay suppliers promptly. However, in the light of recent restructures within the Council, it was proposed that, as the level of resources required to manage actively performance in this area were proportionately high, performance management be scaled down.

If the actions in the above plan were not met the refreshed Corporate Procurement Strategy may not be implemented fully and embedded across the Council which could impact on the Council's ability to evidence value for money.

Discussion and a question and answer session ensued and the following issues were covered:-

- deleted actions
  - VCS training to be provided for procurement officers
  - investigate whether we should use the carbon disclosure project as a way to measure and manage carbon in our supply chain
- staffing resource costs
- ensuring the use by default of Fairtrade products in all Council owned cafes
- BVPI8 exception reporting

Resolved: (1) That the current position in respect of the action plan be noted.

(2) That the proposals to scale back the level of management of BVPI8 (payment of invoices within thirty days), as now reported, be approved.

### **133. RBT QUARTER 3 PERFORMANCE**

Sarah McCall, Contracting Officer, presented the submitted report summarising the performance of RBT against contractual measures for October, November and December, 2010 and key areas of work for the year 2010/11 across the areas of Customer Access, Human Resources and Payroll, ICT, Procurement and Revenues and Benefits.

Discussion and a question and answer session ensued and the following issues were covered:-

- Customer Access :
  - overall performance
  - externalisation of repairs and severe weather impacts
  - registration service
  - complaints

- Human Resources and Payroll :
  - server refresh
  - recruitment portal
  - shared services
  - achievements
- ICT :
  - Riverside House planning and server virtualisation
  - ICT for shared services
  - Government Connect reassessment
  - wireless networking and agile working
  - support for members
  - electronic document records management system
- Procurement
- Revenues and Benefits

Resolved:- That RBT's performance against contractual measures for October, November and December, 2010 be noted.

#### **134. HEALTHY LIVES, HEALTHY PEOPLE: PUBLIC HEALTH WHITE PAPER - CONSULTATION**

The Chairman, welcomed Alison Iff, Public Health Specialist. Kate Taylor, Policy and Scrutiny Officer, presented the submitted report outlining the key proposals and consultation questions which the Government was seeking views on in relation to the Public Health White paper.

Also submitted were the questions and draft responses so far to two supporting documents referring to the commissioning and funding of public health services and the new outcomes framework.

The deadline for all consultation responses was 31st March, 2011.

The Committee considered all the consultation questions and draft responses in turn and the following issues were covered:-

- references to the requirements for the promotion of road safety and adequacy of resources to achieve
- ring fenced public health monies
- recruitment, retention, transferring of staff
- approaches to developing an allocation formula for ACRA to consider and need to ensure the group involved was not exclusively health professionals

- need to incorporate parish councils (same power of wellbeing) in considerations regarding the outcomes framework
- indicator D4.14 Health related quality of life for older people and whether this should be removed as an indicator
- holding budget holders to account and scrutiny arrangements

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

(2) That this Committee's views, as now discussed, be forwarded to inform the finalised response.

(3) That Miles Crompton be requested to provide information in response to the approach to developing an allocation formula.

(4) That any further comments be forwarded to Kate Taylor by the afternoon of Tuesday, 1st March, 2011.

### 135. GOVERNMENT CONSULTATIONS

Further to Minute No. D102 of the meeting of this Committee held on 17th December, 2010, Deborah Fellowes, Policy Manager, Commissioning, Policy and Performance, presented the submitted report proposing a way forward for dealing with forthcoming Government consultations.

Key principles outlined in the approach were :-

- Strategic and Council wide consultations to be considered by PSOC and Cabinet
- service specific consultations to be considered by the appropriate scrutiny panel and cabinet member
- timeframes allowing, the route would be via scheduled meetings
- where Government deadlines dictated a faster approach, a flexible approach would be required which would include the following options:
  - PSOC to be used for service specific consultations as it met more regularly
  - special meetings called to appraise responses
  - clearing responses via chairs of scrutiny panels and cabinet members
- PSOC to maintain an overview of the programmes of consultations, forward planned as much as possible

Discussion and a question and answer session ensued and the following issues were covered:-

- feeding into the process on receipt of a consultation with the Corporate Policy Team acting as a conduit
- role of the LSP in potential joint response consultations

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

(2) That the Corporate Policy Team should be the first point of contact for incoming Government consultations.

(3) That the proposals now submitted be supported and referred to Cabinet for approval.

### **136. MINUTES**

Resolved:- That the minutes of the meeting held on 11th February, 2011 be approved as a correct record for signature by the Chairman.

### **137. WORK IN PROGRESS**

Members of the Committee reported as follows:-

(a) Councillor Jack reported that next week's meeting of the Adult Services and Health Scrutiny Panel would be considering the Public Health White Paper consultation and there would be a session for diabetes testing.

(b) Councillor Whysall reported that this week's meeting of the Regeneration Scrutiny Panel had been held at the Advanced Manufacturing Park with an excellent tour of the site.

(c) Councillor License reported that the latest meeting of the Children and Young People's Services Scrutiny Panel had considered:-

- CYPS Notice to Improve removal
- review of school closures due to extreme weather
- Key Stage 2 assessment results
- Key Stage 4 GCSE results

(d) Councillor Austen reported that the next meeting of the Democratic Renewal Scrutiny Panel was to be themed on community cohesion and equalities and diversity issues.

### **138. CALL-IN ISSUES**

There were no formal call-in requests.

**PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE**  
**11th March, 2011**

Present:- Councillor Whelbourn (in the Chair); Councillors Austen, Gilding, J. Hamilton, Jack, License, P. A. Russell, Steele and Swift.

Apologies for absence were received from The Mayor (Councillor McNeely) and Councillors G. A. Russell and Whysall.

**139. COUNCILLOR G. A. RUSSELL**

The Committee wished Councillor Russell a speedy recovery following her recent operation.

**140. DECLARATIONS OF INTEREST.**

There were no declarations of interest made at this meeting.

**141. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS.**

There were no questions from members of the public or the press.

**142. CENTRAL ESTABLISHMENT CHARGES**

Joe Johnson, Principal Accountant, presented the submitted paper updating the Committee on progress regarding the review of central establishment charges.

The paper covered:-

- explanation of central establishment charges
- need, under the Best Value Accounting Code of Practice, for the charges to be allocated to services in order for them to reflect the true cost of a service
- scope of the review
- review objectives
- current central establishment charges recording/processing systems and their application
- timescales for completion of the review

Discussion and a question and answer session ensued and the following issues covered:-

- implications for contract/tender bids
- consultation with directorates
- IKEN system

- potential for a scrutiny review of central establishment charges
- need to widen the scope of the review
- funding options instead of applying charges

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

(2) That Cath Saltis and Joe Johnston liaise regarding the possible need to widen the scope of the review.

(3) That a further report be submitted in August/September upon completion of the outstanding work, such report to include options, where possible, for better ways of working.

### **143. OVERVIEW AND SCRUTINY - NATIONAL PERSPECTIVE**

The Chairman welcomed Jessica Crowe, Executive Director, Centre for Public Scrutiny, who gave a presentation entitled "Overview and Scrutiny in Rotherham – Setting the Scene".

The presentation covered:-

- the changing landscape for local government
  - there's no money
  - Big Society
  - Self Regulation
  - web of accountability
  - what does it all mean for scrutiny?
- there's no money : it's all about the cuts
- levels of public trust are key
- "Big Society" – what does it mean
- What does it all mean for councillors and democracy
- Self-Regulation : who will be shining light on poor performance
- LGG self-regulation framework : key role for scrutiny
- Scrutiny – part of a wider web of accountability
- What does it all mean for scrutiny?
- essentially scrutiny needs to move from the committee room to the wider network
- innovative scrutiny works! – Warrington cemetery scrutiny review

Discussion and a question and answer session ensued and the following issues were covered:-

- financing, staffing and costs of the Centre for Public Scrutiny
- cuts programme not generally supported by the public
- concerns regarding the costs of involving the wider community at a time when cuts were being made
- “Big Society” and the role for Scrutiny
- scrutiny of big business
- elected members as an untapped resource gaining knowledge from others
- awareness of what was going on in the Council and need to be focused/organised in choosing what to look at
- value for money

Resolved:- That Jessica be thanked for an informative and interesting presentation.

#### **144. REVIEW OF OVERVIEW AND SCRUTINY - EMERGING FINDINGS**

Caroline Webb, Senior Scrutiny Adviser, gave a presentation entitled ‘Role and Function of Overview and Scrutiny in Rotherham – Future Arrangements’ regarding the above review undertaken by the working group.

The presentation covered:-

- Why we did the review
- Process
  - horizon scanning
  - revisiting Centre for Public Scrutiny self-evaluation
  - explore other models
  - questionnaires – all members and relevant officers
  - focus groups
  - input from University of Sheffield
- Questions
- Emerging Issues
  - scrutiny is valued but widespread view that it needs to be different
  - So what? What is impact and added value of panels?
- Recommendations
- Options for future arrangements and their benefits and risks:

- Timetable
  - Final report - PSOC 25th March, 2011
  - Cabinet - 6th April, 2011
  - Council - 20th April, 2011
  - Any new arrangements to be adopted May, 2011

Discussion and a question and answer session ensued and the following issues were covered:-

- scrutiny very successful in Rotherham and working from a good base but need to recognise the changing agenda
- essential need for increased dialogue with the Executive and partners
- essential for elected members to be active participants in the scrutiny process
- need to determine the way forward to improve the ability to scrutinise
- building on existing processes versus starting with a blank page
- possible alternative structure incorporating public accounts, public administration and scrutiny overview committees
- the model in Option 2 recommends a single health scrutiny function across all age groups
- need to plan ahead and not necessary to have the same approach for everything
- sharing resources with other local authorities
- options appraisal

Resolved:- (1) That the information be noted and the emerging recommendations be endorsed in principle;

(2) That a final report be submitted to this Committee on 25th March, 2011 based on a structure as identified in Option 2 of the presentation now received.

## 145. MINUTES

Resolved:- That the minutes of the meeting held on 25th February, 2011 be approved as a correct record for signature by the Chairman.



**146. WORK IN PROGRESS**

Members of the Committee reported as follows:-

(a) The Chairman on behalf of The Mayor (Councillor McNeely) reported that the latest meeting of the Sustainable Communities Scrutiny Panel had reiterated a previous request that the effects of staff changes on services should be detailed to all Council Members.

Resolved:- That service areas be requested to provide details of the effects of any staff changes on services to all Members of the Council to facilitate awareness of the overall picture and not just the area covered by the respective scrutiny panels.

(b) Councillor Jack reported that the latest meeting of the Adult Services and Health Scrutiny Panel had considered:-

- Assistive Technology Review update
- Public Health White Paper consultation
- Winter Pressures
- Diabetes testing (practical session)

The next meeting would be considering keeping warm in later life.

(c) Councillor Austen reported that the latest meeting of the Democratic Renewal Scrutiny Panel had been themed on community cohesion, connecting communities and equalities.

(d) Caroline Webb reported that the Children and Young People's Services Scrutiny Panel was involved in the consultations on reconfiguring children's cardiology services and the reshaping of children's centres.

**147. CALL-IN ISSUES**

There were no formal call-in requests.

**PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE**  
**25th March, 2011**

Present:- Councillor Whelbourn (in the Chair); Councillors Austen, Gilding, J. Hamilton, Jack, License, Steele, Swift and Whysall.

Apologies for absence were received from The Mayor (Councillor McNeely) and Councillors G. A. Russell and P. A. Russell.

**148.       DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**149.       QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

There were no questions from members of the public or the press.

**150.       THE ROLE AND FUNCTIONS OF OVERVIEW AND SCRUTINY IN  
ROTHERHAM - FUTURE ARRANGEMENTS**

Further to Minute No. 144 of the meeting of this Committee held on 11<sup>th</sup> March, 2011, Councillor Whelbourn introduced and Caroline Webb, Senior Scrutiny Adviser, presented the submitted report which set out the findings and recommendations of the scrutiny review into the role and function of overview and scrutiny in Rotherham and its future arrangements.

Highlighted were the background to, and rationale for, the review, membership, scope, key findings and recommendations, issues emerging from the review and a different way of working. The full report of the scrutiny review group was submitted.

Discussion and a question and answer session ensued focusing on the review recommendations and the following issues were covered:-

- need for, and frequency of, regular meetings between overview and scrutiny chairs and Cabinet
- value in scrutiny chairs attending cabinet member meetings and cabinet members attending scrutiny meetings unless specifically invited for a particular item
- perception amongst some elected members that the present governance arrangements of a cabinet system was non democratic and not as inclusive for members as the old 'committee' system
- need to develop clear work programmes
- citizenship sessions and need for elected members to inform partners/public about the role of a councillor/scrutiny
- need for a co-ordinated role and work programme regarding children and young people's services

- responsibility for scrutinising the crime and disorder function
- membership and commissioning role of the proposed overview and scrutiny management board
- optimum number of scrutiny panels
- whether or not a panel needed to be dedicated exclusively to children and young people's issues
- proposed scrutiny panels not to be aligned to directorates
- involvement of statutory co-optees
- extent of review work
- titles of the scrutiny meetings going forward

Resolved:- (1) That, as far as this Committee is concerned, approval be given to the proposal to establish an Overview and Scrutiny Management Board to lead and manage the overview and scrutiny function, coordinate its workload and commission pieces of work. Underpinning this Board, four select commissions with the following remit:-

- A select commission focusing on self regulation, value for money and budget transparency
- A health scrutiny select commission
- Improving Lives select commission focusing on children and young people and the wider 'Think Family' agenda
- Improving Places select commission focusing on wider environmental/regeneration issues

(2) That the select commissions meet on a six weekly basis.

(3) That, along with the views now discussed, the review, together with the findings and recommendations, be supported.

(4) That the review and its recommendations be forwarded to Cabinet for consideration and response within two months.

#### **151. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH MARCH, 2011**

Resolved:- That the minutes of the meeting held on 11<sup>th</sup> March, 2011 be approved as a correct record for signature by the Chairman.

**152. WORK IN PROGRESS**

Members of the Committee reported as follows:-

- (a) Councillor Jack reported that meetings took place last week of the Domestic Abuse Forum and also the Women's Strategy Group who received a presentation from Mana Kaur – GROW Project. A meeting with NHS Rotherham to discuss keeping warm in later life was taking place later today.
- (b) Councillor Whysall reported that the severe weather review was almost complete and the next review to be undertaken by the Regeneration Scrutiny Panel related to pedestrian crossings.
- (c) Councillor Austen reported that the next meeting of the Democratic Renewal Scrutiny Panel was scheduled for 21<sup>st</sup> April, 2011.
- (d) Councillor License reported that the latest meeting of the Children and Young People's Services Scrutiny Panel had considered:
  - restructuring of children's centres
  - first annual report from the Safeguarding Board.

**153. CALL-IN ISSUES**

There were no formal call-in requests.