

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS
Monday, 31st October, 2011

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

J33. CONSULTATION ON A NEW MANDATORY POWER OF POSSESSION FOR ANTI-SOCIAL BEHAVIOUR

The Director of Housing and Neighbourhood Services submitted a report setting out the Government's draft proposals for streamlining the legal process for landlords to gain possession if their tenant had been found guilty of causing anti-social behaviour.

The proposals were out for consultation, the response deadline being 7th November, 2011.

As part of the wide-spread consultation, the Council was being asked for its views on the detail and practicalities of a new mandatory power of possession which would enable swifter action to evict anti-social tenants. It was the Government's intention that the necessary legislation be introduced alongside the Home Office's planned legislative changes in reforming tools and powers to tackle anti-social behaviour.

The Government proposed to introduce a new clearly defined route to possession for serious housing-related anti-social behaviour which had already been proven by another Court which they had termed a 'mandatory power'. It would still require the Council to serve a Notice of Proceedings on the tenant, setting out the reasons why possession was sought and advise the tenant of the date after which Possession Proceedings may be begun. The Court would have to grant (hence mandatory) an Order for Possession on application by the Council provided that the correct procedure had been followed.

The Government proposed that local authority tenants should have a statutory right to request a review of the Council's decision to seek possession under the mandatory power by a more senior officer not involved in the original decision. Making this review procedure available to the tenant, prior to the Council seeking a Possession Order, provided a further safeguard for the tenant.

The Government proposed that the discretion of the Court to suspend a Possession Order would be limited. The giving up of possession could not be postponed to a date later than 14 days after the making of the Order unless it appeared to the Court that exceptional hardship would be caused by requiring possession to be given up by that date and could not, in any event, be postponed to a date later than 6 weeks after the making of the Order.

In light of recent rioting and looting, a number of social housing landlords considered it would be helpful to extend the current scope of the discretionary ground so that serious anti-social behaviour and criminality beyond the immediate neighbourhood of the property could clearly be taken into account.

The report set out the consultation questions and draft responses.

The report had been considered by the Overview and Scrutiny Management

Board on 21st October, 2011, where the draft response had been supported.

Resolved:- That the draft consultation response, as set out in the report submitted, be approved for submission.

J34. SINGLE ROTHERHAM DESIGNATED PUBLIC PLACE ORDER

Further to Minute No. 12 of 4th July, 2011, the Director of Housing and Neighbourhood Services reported on the further discussions and consultations that had taken place.

A revised proposal had been considered by the Joint Action Group of the Safer Rotherham partnership on 25th August that included greater clarity on the level of alcohol related anti-social behaviour in the Borough and a reduction in the area within the Borough where it was proposed that a Designated Public Places Order (DPPO) should be in force. From the evidence presented, a Borough-wide DPPO was not supported but a single DPPO recommended.

There was no doubt that alcohol was a contributory factor in anti-social behaviour, criminal damage, nuisance and public place violent crime. It also increased the fear of crime and further deterioration of public areas and acted as a catalyst for an increase in the incidents of alcohol/drug abuse and more serious crimes. However, in order to include any public place in a DPPO, the local authority must be "satisfied that nuisance or annoyance to members of the public or disorder has been associated with the consumption of alcohol in that place".

The current Home Office Guidance made the point that the historic/statistical data required in order to support the designation of a public place was not as detailed as that which was previously required in order to justify the making of bye-laws. However, the local authority must go through a process of satisfying itself that the DPPO was justified in relation to any particular public place by reference to past problems of alcohol related crime or disorder or anti-social behaviour in that place.

Recorded alcohol related crime and anti-social behaviour incidents alone in some of the areas could not in themselves justify the need for a DPPO. In determining the need for a DPPO, a degree of 'professional judgement' was required to balance the pros and cons of a single, multi-location application and Home Office caution in respect of the proportionality of Borough-wide Orders.

Consultation with Legal Services had confirmed that, from a legal perspective, the key issue in reaching the decision for any DPPO was the evidence supplied by the Police and, if due process was followed and the Police evidence was sufficient, then any decision in favour was unlikely to be challenged successfully in the Courts.

The report had also been considered by the Overview and Scrutiny Management Board at its meeting on 21st October 2011. The Board had requested an annual update once it had been put into place.

Resolved:- (1) That the revision from a "Borough-wide" DPPO to a single, multi-location Order that covered selected urban areas, parks, waterways and other identified public spaces be noted.

(2) That the report be considered by the Licensing Board with a view to commencing the statutory consultation required to introduce such an Order.

J35. ANTI-SOCIAL BEHAVIOUR - RECORDING AND CASE MANAGEMENT

The Director of Housing and Neighbourhood Services reported on the joint Case Management System (CMS) database, used by South Yorkshire Police and the Council, for the recording and managing of anti-social behaviour complaints allowing key partners to share information about ASB incidents quickly and effectively.

The CMS function was to identify risk based on a number of factors including the frequency of incidents, location, the age and vulnerability etc. of the resident suffering the ASB. The system ensured that the right levels of support and activity were put in place to ensure the appropriate responses from partners.

Since going 'live' in November, 2010, the CMS had managed a total of 248 cases up to 23rd September of which 114 were still active. Of the total number of cases, 94 were categorised as having an element of vulnerability including race, age, disability, drug/alcohol dependency, 52 of which were still active.

In June, 2011, SYP submitted a proposal for South Yorkshire wide partners to 'buy into' a South Yorkshire Public Service Network (PSN) that would create a single, more secure communications infrastructure. The PSN would replace the current Government Connect network used by the Council and was already recognised as a main plank of the Council's ICT Strategy. Its introduction was the subject of detailed discussions between the 4 local authorities with the likelihood that it would subsequently form a South Yorkshire consortium.

The transfer of restricted and sensitive data between partners had long been a challenging issue. A single set of standards and security in respect of information sharing across the wider partnership would enhance working practice and significantly increase overall efficiency.

As from 1st April, 2011, the way the Police recorded reports of ASB changed as a result of Home Office Guidance and had reduced from 14 codes to 3:-

Personal
Nuisance
Environmental

A precise of each definition was set out in the report submitted. The focus was more orientated towards the caller rather than the production of statistics on ASB incidents. The 3 new codes were designed to help the call handler go through the correct process in order to ensure the effective risk management of each report of ASB. The onus was on the call handler to ensure that the correct initial response was taken and to record their rationale for their decisions.

ASB statistics were now no longer directly comparable to those published before 1st April, 2011. As a result there may well be a change in the level of ASB incidents recorded.

Resolved:- (1) That the improvements made to how anti-social behaviour was managed in Rotherham, including enhanced service delivery and customer focus together with the planned introduction of the 'Public Service Network' into Rotherham communications be welcomed.

(2) That the implications for the analysis of anti-social behaviour incidents arising from the changes introduced in the recording of anti-social behaviour from 1st April, 2011, be noted.

J36. ASBESTOS REFURBISHMENT/DEMOLITION SURVEYS

The Director of Housing and Neighbourhood Services reported on the revised national Health and Safety Guidance in respect of asbestos testing and the implications thereof.

To meet the new requirement, an increase in the number of surveys prior to refurbishment and demolition had been estimated and contract partners were currently reviewing their requirements where existing sampling survey information was no longer sufficient prior to work commencing. A cost exercise detailing a number of proposals had been completed to demonstrate the funding required for 2011/12 to ensure compliance with the revised Health and Safety Guidance 264. The preferred option was:-

Option 5: £550,165 in 2011/12, £330,750 in 2012/13

This comprised a Refurbishment and Demolition Survey for 10% of each type of property for each street in a Decent Homes Area. It also allowed for 2,451 Management Surveys representing 50% of properties that had no specific asbestos survey information at present. The Management Surveys would ensure that all proposed included in Planned and Capital Programmes had sufficient survey information. The remaining 2,450 surveys would need to be surveyed in 2012/13 with a cost implication of £330,750. As there would still be properties with no information, there would be a need for individual samples charged at £135-£180 each time. Based on the sample requests received since the externalisation this could equate to an additional £8,100-£10,800.

Resolved:- That the virement of £550,165 to facilitate the provision of an asbestos testing programme be approved.

J37. APPROVAL OF TENDER FOR UPGRADING & REFURBISHMENT WORKS TO 21 REEMA HOLLOW PANEL & 63 REEMA CONCLAD PROPERTIES

The Director of Housing and Neighbourhood Services reported receipt of tenders for the upgrading works to the external envelope of 21 Reema hollow panel properties and 63 Reema conclad properties at various locations in Aston, Whiston and Maltby.

5 contracts had been invited to tender with 4 submitting prices. The lowest valid tender had been checked and found to be arithmetically correct.

Discussion ensued on the costs involved should there be delays due to inclement weather. These would be borne by the contractor due to it being a set price tender and should have been factored into their quotation.

The works were external but there would be disturbance to tenants. In previous schemes, as a last resort, tenants had been moved to temporary accommodation whilst the work took place especially in the case of vulnerable tenants. In some cases it may be an opportunity for a tenant to downsize.

Resolved:- That the tender submitted by Bramall Construction Ltd., dated 19th September, 2011, in the sum of £695,106.00, be approved.