

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

**Venue: Town Hall,
Moorgate Street,
Rotherham S60 2TH**

Date: Monday, 31st October, 2011

Time: 9.15 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 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Consultation on a New Mandatory Power of Possession for Anti-Social Behaviour (Pages 1 - 9)
4. Single Rotherham Designated Public Place Order (Pages 10 - 18)
5. Anti-Social Behaviour - Recording and Case Management (Pages 19 - 24)
6. Asbestos Refurbishment/Demolition Surveys (Pages 25 - 30)
7. Approval of tender for upgrading & refurbishment works to 21 Reema Hollow Panel & 63 Reema Conclad Properties (Pages 31 - 33)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	31 October 2011
3.	Title:	Consultation on a New Mandatory Power of Possession for Anti-Social Behaviour
4.	Programme Area:	Neighbourhoods and Adult Services

5. Summary

This report provides detail of the Government's draft proposals for streamlining the legal process for landlords to gain possession if their tenant has been found guilty of causing anti-social behaviour. A draft response to the consultation is provided.

The deadline for response to the consultation is Monday 7 November 2011.

Following consideration at the Overview and Scrutiny Management Board, views expressed will be made available to the Cabinet Member for Safe and Attractive Neighbourhoods on the 31 October 2011 to enable an informed decision on agreeing the Council's response.

In line with corporate reporting protocols on Government consultations this consultation requires Cabinet Member and associated Scrutiny consideration. Accordingly the report has been referred for consideration at the Overview and Scrutiny Management Board to be held on the 21st October 2011.

6. Recommendations

It is recommended that, subject to feedback from the Overview and Scrutiny Management Board, Cabinet Member for Safe and Attractive Neighbourhoods agrees the submission of the draft consultation response as detailed within the report

7. Proposals and Details

The Government has been increasingly concerned regarding the time and expense of Anti-Social Behaviour cases dealt with by the County Court. In August 2011, the Department of Communities and Local Government produced a consultation paper 'A new mandatory power of possession for anti-social behaviour'. (Appendix 'A').

As part of a wide spread consultation the Council is being asked for its views on the detail and practicalities of a new mandatory power of possession which will enable swifter action to evict anti-social tenants.

The Government's intention is that the necessary legislation be introduced alongside the Home Office's planned legislative changes in reforming tools and powers to tackle anti-social behaviour.

7.1 Current Legislative Framework

In terms of current legislation, Ground 2 of Schedule 2 to the Housing Act 1985 and Ground 14 of Schedule 2 to the Housing Act 1988 provide for secure tenancies that the Court may grant possession where:-

The tenant or a person residing in or visiting the dwelling-house:-

- (a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- (b) has been convicted of:-
 - (i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or
 - (ii) an indictable offence committed in, or in the locality of the dwelling-house.

In order to grant possession the Court must be satisfied that it is reasonable to do so.

The Government propose that this discretionary ground for possession for anti-social behaviour and criminality should remain available in all circumstances, including where a mandatory power is available.

The Council's Tenancy Agreement reinforces the legal requirement and examples of its relevance to ASB are provided at Appendix B.

7.2 Proposed New Power

The Government consider, however, that, in practice, the distinction with the existing discretionary ground would be insufficiently clear. As a result the Government propose to introduce a new, clearly defined route to possession for serious, housing-related anti-social behaviour which has already been proven by another court, which they have termed a 'mandatory power'.

The process would still require the Council to serve a notice of proceedings on the tenant, setting out the reasons why they are seeking possession, 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 the correct procedure had been followed.

The Government believes this provides a robust process for a mandatory power of possession for anti-social behaviour. Recent Supreme Court judgments in *Pinnock* and *Powell, Hall & Frisby* confirm that a human rights defence, based on the proportionality of the landlord's decision, is available in proceedings brought by a public authority under the current statutory provisions on which we propose to model the mandatory power.

The Government propose 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 provides a further safeguard for the tenant.

The Government propose 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 fourteen 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 six weeks after the making of the order.

In light of recent rioting and looting, a number of social housing landlords consider 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 can clearly be taken into account.

7.3 Human Rights

The Supreme Court judgments referred to above make reference to human rights defence and proportionality. The relevant human rights argument can be found under article 8 (Right to Respect for Private and Family Life) which in summary states:

(a) Everyone has the right to respect for his private and family life, his home and his correspondence;

(b) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others'

Article 8 protects a person's right in four areas: their private life, their family life, their home and their correspondence. It is a qualified right, which means that their right to respect in these areas can be infringed in certain circumstances. Where the infringement is deemed to be justified there will be no breach of the article.

Article 8 also refers to the right to respect and so in protecting a person's rights from interference by a public authority, it imposes a positive obligation on public authorities to actively protect a person's rights in certain circumstances. This can include taking action to secure respect for their rights even where the interference is being caused by a private individual. In order to determine whether such a positive obligation exists, consideration must be given to the fair balance that has to be struck between the general community interest and the interests of the individual.

7.4 Consultation Questions & Response

Question 1: Do you agree that we should extend the scope of the current discretionary ground for possession for anti-social behaviour and criminality in this way?

The Government believe that a mandatory power, properly defined and closely linked to the new streamlined suite of anti-social behaviour powers that will be available to landlords, provides a route to significantly reduce the length of the possession process for serious anti-social behaviour and provide faster relief for victims and witnesses.

Tenants faced with losing their home must be provided with a proper opportunity to defend themselves. However, the Government feel that where the same facts have already been considered by another court, the anti-social behaviour should not have to be proved a second time. Thus creating a mandatory power that carries over the earlier court decision into the possession proceedings, would provide the opportunity to shortcut that process.

Instead of a potentially lengthy trial, perhaps, following adjournments, many months after an initial directions hearing, a mandatory power should significantly increase the chance that the case can be determined quickly in a single hearing. The court will only need to establish that the criteria for awarding possession are met rather than needing to reconsider all the facts of the case.

Draft Response:

Yes, this council does support the extended scope of the current discretionary powers.

Whilst agreeing that there is a need to expedite action in serious ASB related cases through the court process, such action should only be taken following assessment of article 8 of the Human Rights Convention. Furthermore the Council would have to rigorously implement procedures that showed consideration of proportionality and the opportunity for officer decisions to be reviewed internally. The Council agree that facts of a case should not have to be proven by two courts and if the housing related ASB is serious enough to warrant possession then the burden falls on the landlord to apply for such.

Question 2: Do you agree that we should construct a new mandatory power of possession in this way?

Draft Response:

Yes (see response to question 1)

Question 3 - Are these the right principles which should underpin a mandatory power of possession for anti-social behaviour?

To ensure as far as possible that possession proceedings brought under the new mandatory power can be dealt with and resolved expeditiously by the courts, the Government propose that that the mandatory power is underpinned by two key principles.

1. That the landlord seeking possession can easily demonstrate to the court that the criteria for awarding possession are met. The mandatory power needs as far as possible to be based on a clear test which can be readily established.
2. That where that test is met, it can be simply established that the antisocial behaviour is serious and housing related. Unless the court is in a position to quickly dismiss arguments that the landlord's action is not proportionate, a full facts based review is likely to be required and the practical advantages of seeking possession through a mandatory power rather than on discretionary grounds are likely to be lost.

Draft Response:

The Council's ASB policy and procedures would have to be amended to comply with the "triggers" the government suggests and implement these accordingly. Conviction for a housing related offence or injunction for ASB may not alone be enough to instigate possession proceedings. It is clear that "locality" will have a huge impact in all cases. We can see the mandatory ground being applied in some cases where drugs are being used and dealt from a property. In such instances it would be appropriate to ensure that the possession process was commenced and completed before any closure order that had been granted expired.

Question 4 - Have we defined the basis for the new mandatory power correctly? If not, how could we improve the definition?

In addition to the current discretionary powers, the Government propose that landlords will be able to apply for possession for anti-social behaviour under the Court's mandatory power, where anti-social behaviour or criminal behaviour has already been proven by another court. The Government will further define the 'triggers' for seeking possession under a mandatory power in the light of final Home Office proposals on new tools and powers to be published in due course. However in broad terms they propose these as follows:-

- **Conviction for a serious housing related offence** – to apply to offences committed by tenants, members of their household or regular visitors which take place in the locality of the property or between neighbours away from it. The type of offences we propose to capture include violence against neighbours; serious criminal damage with violence; drug dealing or cultivation in the property; murder; and rape. We think that ‘indictable only’ offences should broadly capture these.

- **Breach of an injunction for anti-social behaviour** - given the persistent and/or serious nature of anti-social behaviour which is likely to lead to a court granting an injunction we think it is appropriate that a breach by a tenant, member of their household or regular visitor should provide a trigger for a mandatory power of possession. We propose, to ensure that the anti-social behaviour is housing related, that the mandatory power should only be available where a social landlord has either obtained or is party to the injunction.

- **Closure of premises under a closure order** - we think that where a court has determined that activity taking place within a property is so serious to merit its closure, it is appropriate that a landlord can seek possession against the tenant using a mandatory power.

This does not mean that the Council should always seek possession in these circumstances. The Government would expect, for example, the Council to focus on re-housing a vulnerable tenant whose property had been taken over by a drug gang and in consequence been subject to a premises closure order.

Nor does it mean that, even when these conditions are met, the Council should always seek possession using the Court’s mandatory power rather than discretionary grounds. Whilst the Government think these ‘triggers’ as far as possible ring-fence the mandatory power to serious, housing-related anti-social behaviour, and should create a strong presumption in favour of possession, the Council will still need to consider whether proportionality is easily demonstrated in each case.

It is likely, for example, that if the Council were to seek possession under the new mandatory power on the basis that a regular visitor to the property had a conviction for a serious offence in the neighbourhood from several years previously, a more detailed consideration of proportionality would be needed.

Draft Response:

Introducing this mandatory power will offer the District Judges no discretion; however, there will still be a requirement to consider human rights and proportionality. There will also be a requirement for social landlords such as the Council to prove that they have considered all the facts, offered the opportunity to appeal and review a decision to take possession proceedings. This will all take time and additional resource.

Question 5 - As a landlord, would you anticipate seeking possession using the mandatory power in some or all of the instances where this would be available?

The Government anticipate that introducing a mandatory power of possession for anti-social behaviour will reduce pressure on court resources, lower landlord costs and most importantly bring faster relief for communities. The extent of that impact though will depend on how widely landlords make use of this new flexibility.

In linking a mandatory power of possession to breach of an injunction, the Government intend both to place eviction at the end of a continuum of interventions of increasing severity and provide a clearer line of sight to the threat of eviction, as an effective driver of improved behaviour at an earlier stage. The Government hope that this should in both regards help reduce the number of evictions that actually occur.

Draft Response:

As a landlord we cannot see any new mandatory power being used very often, other than in exceptional cases as mentioned in response to question 3.

Question 6 - Are there other issues related to the introduction of a mandatory power for possession for anti-social behaviour that we should consider?

Draft Response:

We acknowledge that in some circumstances where other tools and powers have proved ineffective possession is the correct course of action and this can and is pursued through the discretionary powers currently available. We do believe however that this power, either discretionary or mandatory, should only ever be pursued as a last resort when other methods have failed and should be considered on a case by case basis to ensure that it is proportionate to the behaviour and the offenders circumstances. Whilst eviction can provide respite for the immediate neighbourhood, it may not deal with the ASB problem as a whole or its underlying causes and may displace the problem elsewhere. In addition it is a case of homelessness, and because tenants evicted for ASB are likely to be considered 'intentionally homeless' they may struggle to secure permanent accommodation. This would have a negative impact on children and siblings of the person responsible for the ASB and would place additional burden on housing teams.

There would be a requirement for sharing information between landlords and police and existing information sharing agreements and protocols would need to be considered to ensure that they remain fit for purpose. There can sometimes be delays in obtaining a court hearing date, a fast track process for mandatory possession cases would assist.

8. Finance

If possession orders become mandatory in certain cases, the work required for drafting extensive witness statements and external legal costs of long trials will be significantly reduced.

9. Risks and Uncertainties

No significant issues arise as a result of the consultation exercise. If the legislation is introduced, then a review of the risks will need to be undertaken.

The main areas of risk envisaged at this time centre on possible poor public image and confidence in the Council if they were not to take firm action in dealing with ASB in council housing. However, equally the Council could receive negative publicity if it were to instigate action that was not proportionate and which breached tenant's human rights. Even when a mandatory ground becomes available in any given case, the Council will still have to ensure that it can evidence that the facts, a tenant's personal circumstances and proportionality have been considered before making a decision to seek eviction through the mandatory grounds. Procedures will need to be in place to ensure that these judgments are made before cases are sent off to Senior Managers for authority to litigate. If this cannot be done then we run the risk of a 'proportionality' challenge in the courts and therefore losing much if not all of the time saved by having this new process.

10. Policy and Performance Agenda Implications

If the Government implement the proposals in the Consultation it is likely to affect the level of fear of crime by reducing the level of crime and anti-social behaviour by adding a further deterrent (in that illegal and anti-social behaviour acts may result in a greater risk of loss of a Council / Social Landlord tenancy).

There is clear linkage between how, as a partnership, Rotherham tackles ASB and the objectives within the RMBC Corporate Plan – Helping to create safe and healthy communities, People feel safe where they live, Anti-social behaviour and crime is reduced, People from different backgrounds get on well together. Improving the environment, Clean streets.

11. Background Papers and Consultation

'A New Mandatory Power of Possession for Anti-Social Behaviour' Department for Communities & Local Government. August 2011.

Consultees:

- Strategic Housing Partnership
- RMBC Community Protection
- RMBC Area Partnerships
- RMBC Neighbourhood Investment Team
- RMBC Housing Managers/Champions
- RMBC Anti-Social Behaviour Team/Specialists
- Victim Support – Rotherham
- RMBC Legal Services
- RMBC 'Key Choices'
- Safer Rotherham Partnership

Contact Name : *Steve Parry, Neighbourhood Crime & Justice Manager.*
01709 (3)34565. steve.parry@rotherham.gov.uk

Terms of current Tenancy Agreement

The Council's tenancy agreement already includes a number of terms in respect of anti-social behaviour by which the tenant and or members of their household must comply. A few examples taken from the tenancy agreement are outlined below:-

As a tenant:-

- You are responsible for the behaviour of every person living in or visiting your home. This includes your children. You are responsible for their behaviour in your home, on surrounding land, in communal areas (stairs, lifts, landings, entrance halls, paving, shared gardens, parking areas) and in the neighbourhood around your home.
- You, other residents of your home or your visitors 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 your home.
- If you or any member of your family unilaterally withdraws from a Family Intervention Project we will treat such withdrawal as evidence of anti-social behaviour.
- You, other residents of your home or your visitors must not harass any other person in the locality of your home.
- You, other residents of your home or your visitors must not use your home, any communal areas, or the locality, to carry out any illegal activity. 'Illegal' means any activity that the law prohibits and makes a criminal offence.
- You, other residents of your home or visitors must not cause any damage to our property or write graffiti on our property. You will be charged the cost of repair or replacement.
- You, other residents of your home or your visitors must not be violent or threaten violence against any other person, whether they are living with you or in another property. You must not harass, use mental, emotional, physical or sexual abuse to make anyone who lives with you to leave the home. If a person leaves the home because of domestic violence we may take action to end the tenancy.
- You, other residents of your home or your visitors must not use abusive or threatening language or act in a violent, aggressive or abusive manner towards the council's members, officers or agents.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:-	Cabinet Member for Safe & Attractive Neighbourhoods
2.	Date:-	31st October 2011
3.	Title:-	Single Rotherham Designated Public Place Order
4.	Directorate:-	Neighbourhood & Adult Services

5. Summary

On 4th July 2011, a paper was presented to Cabinet Member for Safe and Attractive Neighbourhoods outlining the issues that needed to be considered to fully inform a decision on progression of an order. It was resolved at that meeting:

1. That further discussion takes place with South Yorkshire Police with regard to supporting evidence for a Borough-wide Designated Public Places Order.
2. That further consultation take place with the Joint Action Group of the Safer Rotherham Partnership prior to submission of a revised report.

A revised proposal was presented to the JAG on 25th August that included greater clarity on the level of alcohol related ASB in the borough and a reduction in the area within the borough where it is proposed that a Designated Public Places Order (DPPO) should be in force. From the evidence presented a Borough-wide DPPO is not supported, however, an extensive single DPPO is recommended.

This report reviews the need for a single DPPO that covers selected urban areas, parks and waterways in the borough and will be utilised to enable an informed decision to be reached by the Licensing Board on whether to progress the introduction of a single DPPO.

The report has also been referred to the Overview and Scrutiny Management Board for consideration and views expressed by the Board meeting on the 21st October 2011 will be made available to the Cabinet Member for Safe and Attractive Neighbourhoods prior to decision.

6. Recommendations

It is recommended that Cabinet Member for Safe and Attractive Neighbourhoods;

- 6.1 notes the revision from a 'Borough-wide' DPPO to a single, multi-location order that covers selected urban areas, parks, waterways and other identified public spaces, and**
- 6.2 supports, subject to receipt of views expressed by the Democratic Renewal Scrutiny Panel, progression of this report to RMBC Licensing Board for consideration to commence the statutory consultation required to introduce a DPPO.**

7. Proposals and Details

7.1 Legal Position

Section 13 of the CIPA gives the local authority the power to make an order designating any public place within their area if they are satisfied that nuisance, annoyance or disorder has been associated with the consumption of alcohol in that place.

The Council power to determine and review in line with Government Guidance any Designated Public Places Orders is delegated to the Licensing Board. There is a regulated process to be followed in the adoption of a DPPO; this is summarised together with the subsequent enforcement powers at Appendix 1.

7.2 Requirements for making a DPPO

There is no doubt that alcohol is a contributory factor in anti-social behaviour, criminal damage, nuisance and public place violent crime. It also increases the fear of crime and further deterioration of public areas and acts as a catalyst for an increase in the incidents of alcohol and drug abuse and more serious crimes.

In order, however, 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 makes the point that the historic/statistical data required in order to support the designation of a public place is 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 is justified in relation to any particular public place by reference to past problems of alcohol related crime or disorder or antisocial behaviour in that place.

Recorded alcohol related crime and anti-social behaviour incidents alone in some of the areas cannot in themselves justify the need for a DPPO. The same has been acknowledged in areas where orders are already in place. The experience in these areas is that the public are very strongly in favour of such orders, in that they send out a clear message of the intent of the Police, Council and partners to tackle alcohol related crime and disorder, are less confusing than having a number of individual areas where an order is in force and addresses the issue of displacement of alcohol related ASB from areas where DPPO's are in force to areas where they are not, since the legislation was first introduced there are now many examples across the country where they are in place.

In determining the need for a DPPO a degree of 'professional judgement' is 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.

7.3 Evidential Position

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

Although data recording issues make it difficult to establish a true picture of the influence of alcohol on recorded crime and disorder in the borough, previous analysis, from 2009 data (Temporal Analysis(see reference) identified that, in nearly a quarter of all currently detected crime, the accused person was classified as under the influence of drink or drugs. Only 8% of Anti-social Behaviour incidents, however, recorded by SYP could be considered to be alcohol related.

The Temporal Analysis highlighted that the role of alcohol in crime and disorder stretches both beyond the Town Centre and beyond night-time economy violence offences. Other key areas feature across the borough for both alcohol-related crime and ASB. These areas include Wath, Swinton, Brinsworth, Maltby, East Dene and Rawmarsh.

The final Place Survey for Rotherham (2008) did identify that 33% of residents perceived drunk or rowdy behaviour as a problem and at that time perceptions of anti-social behaviour as being a very or fairly big problem was reported at 29%. The latest British Crime Survey (BCS) results show this perception level for Rotherham now standing at c. 14%. The BCS survey is now used as the main survey on which the SRP will gauge performance in this area.

Anecdotally residents would suggest that street drinking is a 'youth' problem but evidence suggests that our street drinking population varies from young disorderly drinkers through to older street drinkers who congregate at venues within the borough to drink together. As such it is unlikely that the enforcement of such a zone will adversely impact on any particular age group.

Action to deal with the harmful effects of alcohol, of which a DPPO is only one element, safeguards children. This proposal aims to encourage responsible drinking and reduce disorder, both of which should positively impact on children. The making of the Order should be seen in the context of the Council's wider Licensing Policy where protecting children from harm is a key objective under the Licensing Act.

From the current evidential base, whilst recognising the link between alcohol and ASB & other crimes, it is difficult to prove that it is the actual drinking of alcohol in public places that is the main cause of anti social behaviour compared to home and licensed premises consumption. That being said, however, there are pockets in the Borough where incidents and perceptions of ASB shown to be linked to the drinking of alcohol in public areas where targeted action is, and has been taken eg DPPOs in the Town Centre and Wath. Given the mixed urban and rural make up of the Borough differences in alcohol misuse can be expected.

7.4 Assessment

The Act itself, the regulations governing the making of Orders and the associated Home Office Guidance are all written around the premise that a local authority making a DPPO will identify and include in the Order as designated places, specific localised "trouble spots" within their area.

It is, in practice, never going to be the case that a local authority will have evidence of a history of alcohol related crime/disorder/anti-social behaviour in every single public place included in a single, multi-location order, however such an order would address the problems of alcohol related crime and anti-social behaviour and identified displacement activity. This is part of the considerations of other local authority areas that have adopted local authority wide DPPOs (research listing Appendix 2)

Single, multi-location DPPO's are not specifically prohibited by the legislation however the following extract from the Home Office guidance provides advice;

'We would advise caution, as, in order for the DPPO to be proportionate, you need to ensure that there is evidence of alcohol related anti-social behaviour in each and every part of the borough. Any local authority considering a borough wide DPPO will need to satisfy themselves that they can justify their decision by pointing to evidence of alcohol related nuisance or annoyance in each and every part of the borough' (Guidance on Designated Public Place Orders for Local Authorities in England and Wales. (Home Office)

As part of the consideration it should be noted that the proportionality of a single, multi-location DPPO could be the subject of a legal challenge by an individual whereby it would be necessary for the Council to provide justification for the order.

As previously stated, recorded alcohol related crime and anti-social behaviour incidents alone cannot in them selves justify the need for such an order. The same has been acknowledged in areas where such orders are already in place. The experience in these areas is that the public are very strongly in favour of such orders, in that they send out a clear message of the intent of the Police, Council and partners to tackle alcohol related crime and disorder and are less confusing than having a number of individual areas where an order is in force.

8. Finance

Costs will be incurred for consultation, legal fees and signage and it is estimated that overall costs will be in the region of £10,000. Consideration could be given to these costs being met through the Safer Rotherham Partnership Community Safety Fund rather than imposing an un budgeted cost onto the revenue budget of the Licensing service.

9. Risks and Uncertainties

A summary of assessment is provided at Appendix 3.

10. Policy and Performance Agenda Implications

Policy/Strategic Position

RMBC Corporate Strategy – Helping to create safe and healthy communities/Improving the environment

- People feel safe where they live
- ASB and crime is reduced
- People enjoy parks, green spaces, sports, leisure and cultural activities
- Clean streets

The 2009/10 Joint Strategic Intelligence Assessment (JSIA) identified Anti-Social Behaviour, Domestic Abuse, Domestic Burglary and Offender Management as priorities for the Safer Rotherham Partnership with Alcohol, Drug Misuse and Vulnerable Victims as 'cross cutting' themes that would benefit from continued partnership attention.

Crime & ASB position

Crime statistics for the Rotherham area for the year 2010/11 reveal that recorded crime figures totalled 17,325 of which 3,979 were criminal damage and 2,775 violent crimes. As in most other places in the country, Rotherham has seen significant reductions in recorded crime and anti-social behaviour in recent years. Indeed over the last 12 months Rotherham has seen considerable reductions in recorded ASB, with only the town centre showing an increase. In terms of comparison with other South Yorkshire districts Rotherham's ASB rate of 88 incidents/1000 population is 2nd only to Sheffield, with Barnsley being the lowest at 80/1000 population. Across the 21 comparator local authority areas Rotherham is ranked 11th in terms of alcohol related recorded crime.

Based on a number of different alcohol indicators, Rotherham's position is showing improvement, as measured by the Yorkshire and Humber Public Health Observatory (YHPHO).

Alcohol Impact in Rotherham

The JSIA indicates that the misuse of alcohol is not confined to a specific demographic or drinking locations, it is a borough-wide issue. Using the Rush Model, Rotherham's adult population can be estimated to have around 7,000 dependent alcohol users, 10,400 drinking at harmful levels and 51,500 drinking above low risk levels. This does not include any misuse of alcohol by young people.

Misuse of alcohol in Rotherham and the costs incurred through it is an area of concern for the wider partnership. The anti social behaviour that arises from it contributes to the fear of crime, as well as creating areas that are no longer used by the general public. The effect in itself can be a catalyst for further deterioration of an area and for an increasing incidence of serious crime.

There is clear evidence of the impact that alcohol abuse is having on the quality of life of Rotherham residents and the resultant financial demands it is making on the Police, Primary Care Trust, Fire and Rescue Services and Rotherham Borough Council. There is also evidence of displacement of drinking in public places to areas outside of the area covered by the current Designation Orders. (Town centre drinkers moving just outside the current DPPO boundary into Fitzwilliam Road)

11. Background Papers and Consultation

- Criminal Justice & Police Act 2001
- Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007
- Guidance on Designated Public Place Orders for Local Authorities in England and Wales. (Home Office), November 2009
- Designated Public Place Orders; House of Commons Library SN/HA/4606, December 2009
- Rotherham Borough Alcohol Related Crime & Disorder Temporal Analysis 2009.
- Safer Rotherham Partnership Joint Strategic Intelligence Assessment.
- Local Authority Profiles for England – Profile for Alcohol Related Harm for Rotherham; Yorkshire and Humber Public Health Observatory
www.nwph.net/alcohol/lape

Contact Name:- *Steve Parry – Neighbourhood Crime & Justice Manager*
Tel 01709 (33)4565 Steve.parry@rotherham.gov.uk

DPPO Process & Enforcement

Regulatory Process to Establish a DPPO

Full consultation would need to be undertaken with the public and premises effected by the proposal and the results of this consultation considered prior to making a final decision on the implementation of a single, multi-location DPPO.

The process to be followed is detailed within specific regulations. The prescriptive process including:-

- consultation with;
 - the Police (who support a Borough wide approach) and potential impact of a DPPO on any minority community/group
 - Licensees of any licensed premises in the proposed Designated Public Place
 - the owners or occupiers of any land identified which may be affected;
- advertising via a legal notice in a local newspaper, identifying specifically the area that the Order will cover, setting out the effect of the Order and inviting representation with 28 days for representations;
- following the making of the Order a further Notice must be placed in a local newspaper identifying the place, setting out the effect and the date of commencement;
- sufficient signs for the public to draw their attention to the place covered by the Order must be displayed by the Council (eg on lamp posts)
- A copy of the Order must be sent to the Secretary of State and Police Commander for the area.

Enforcement

Under section 12, if a Police Constable reasonably believes that a person is, or has been, consuming alcohol in a designated public place or intends to do so, the Constable may require such a person:-

- Not to consume alcohol in that place;
- To surrender to the Police Constable any alcohol or container for alcohol in his possession.

Failure by that person, without reasonable excuse, to comply with the Police Constable's requirement is a criminal offence. Penalties for this offence include:

- Penalty Notice for Disorder (PND) £50.00; or
- Arrest and prosecution for a level 2 fine, maximum of £500

Borough/City –Wide Designated Public Place Orders

Blackburn & Darwin Borough Council

Burnley Borough Council

Calderdale Council

Camden

Coventry City Council

Erewash Borough Council

Fareham Borough Council

Harrow

Havant Borough Council

Hammersmith & Fulham

Islington

Lambeth

Lewisham

Newham

Northampton Borough Council

Nuneaton & Bedworth Borough Council

Portsmouth City Council

Rugby Borough Council

Sandwell Borough Council

Southampton City Council

City of Westminster

Wigan

Worthing Borough Council

Assessment/Risk of the Introduction of a Borough-wide DPPO

Pro's	Con's
<p><u>In relation to ASB on which a DPPO is based:</u></p> <ul style="list-style-type: none"> • Provides additional powers to police (key partners in the Safer Rotherham Partnership) to deal with those who persistently drink in public places and alcohol related anti-social behaviour. • Overcomes within Borough displacement of public place drinking • Avoids the need for future individual DPPO applications with associated costs and potential confusion over which areas are covered • Provides a consistent approach • Reducing alcohol related litter • The existence of separate orders could lead to. <p><u>Opportunity for communication</u></p> <ul style="list-style-type: none"> • Give a clear message about the unacceptability of anti-social behaviour, consistent with the priorities of the Safer Rotherham Partnership • Provides a simpler communication message with the public including expectations in terms of enforcement activity. <p><u>Links to other non ASB aspects</u></p> <ul style="list-style-type: none"> • Contribute to the range of actions which are being delivered to reduce alcohol misuse. Including reducing; <ul style="list-style-type: none"> ○ disturbances in public places ○ drunkenness in public places ○ the number of street drinkers ○ violent crime in public places ○ fear of crime • Promote a sensible drinking culture within the Borough • Improving the quality of life for residents and visitors to Rotherham. • Combining tactical actions on enforcement with outreach support services 	<p><u>Legal & Guidance Test</u></p> <ul style="list-style-type: none"> • Lack evidence to satisfy that nuisance or annoyance to members of the public or disorder has been associated with the consumption of alcohol in that place (ie across the Borough) • Home Office guidance recommends a proportionate response • A person prosecuted under the legislation could claim that a Borough wide order was not proportionate. <p><u>Reputation & Communication</u></p> <ul style="list-style-type: none"> • Potential negative perception and reputation of Rotherham via media • There is a risk that the community will perceive the powers as a 'ban' and that this will raise an expectation that public drinking is illegal. This could have a negative impact where this was the expectation and the community did not see a response they deemed relevant. • There is a risk that the powers may be used inappropriately, eg where alcohol is confiscated from those who are not causing, or are unlikely to cause, public disorder and hence lead to dissatisfaction with the police. <p><u>Financial Impact</u></p> <ul style="list-style-type: none"> • The costs of providing signage for individual orders could prove prohibitive

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	31st October, 2011
3.	Title:	Anti-Social Behaviour – Recording and Case Management
4.	Directorate:	Neighbourhoods and Adult Services

5. Summary

On 1st April 2011 the Home Office introduced a change to how police forces recorded anti-social behaviour (ASB) nationally. The purpose of the change is to focus more on the needs of the caller so that vulnerable persons or those who have made repeated reports of ASB are more readily identified and receive the most appropriate response.

In November 2010 South Yorkshire Police (SYP) and RMBC launched a Case Management System (CMS) data-base for recording and managing ASB complaints that allows key partners to share information about ASB incidents quickly and effectively. This co-ordinated approach facilitates integration of partner skills and resources to prevent and reduce incidents of anti social behaviour, more effectively report on local patterns of behaviour and identify hotspots for focused attention by the Joint Action Group and the ASB Priority Group. It is also seen as a significant development in Safer Neighbourhood Team working, with greater emphasis being placed on enhanced service delivery and customer focus, in particular in respect of the most vulnerable members of our communities.

The report also identifies how the data sharing is being developed to allow a more secure and open sharing of case information.

6.0 Recommendations

It is recommended that the Cabinet Member for Safe and Attractive Neighbourhoods:

- 6.1 Welcomes the improvements made to how ASB is managed in Rotherham including enhanced service delivery and customer focus and the planned introduction of the 'Public Service Network' into Rotherham communications, and**
- 6.2 Notes the implications in the analysis of ASB incidents arising from the changes introduced in the recording of anti-social behaviour from 1st April 2011.**

7.0 Proposals and Details

ASB Case Management

A Borough-wide ASB Case Management System (CMS) went 'live' in November 2010 and its function is now located at Maltby Police Station. It is predominantly police resourced with appropriate levels of support from RMBC staff.

The case management system function is to identify risk based on a number of factors including the frequency of incidents, their location, and the age and vulnerability etc of the resident suffering the ASB. The system ensures that the right levels of support and activity are put in place to ensure the appropriate response from partners. This approach goes a long way towards eliminating/minimising the risk of failing to identify at an early stage, incidents that could result in serious escalation and consequences - (Fiona Pilkington, Leicestershire and David Askew, Greater Manchester).

Key to the process is 'first point of contact' with the person reporting to ensure that the call is correctly prioritised, followed by the subsequent risk assessment based on information to hand, local knowledge and professional judgement. Cases identified with a sufficient degree of 'risk' including vulnerability are then case managed involving all relevant partners. Where RMBC are the recipients of the complaint through their own recording systems, the information is imported into the Case Management System, subject to the normal application of risk assessment. This process however can take a number of days to complete due to incompatibility of systems and relies on effective communication at the Safer Neighbourhood Team briefings to share the information across agencies and services.

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

Vulnerable Victim Case Study – Case identified and managed through CMS

Male victim (27 years). Vulnerable through learning disability and alcohol dependency. 50 calls on Case Management System, being targeted by another alcoholic, causing problems for himself and neighbours. Inter-agency working through Police, RMBC Housing, Social Services, Victim Support and alcohol care workers. As a result of this co-ordinated work the victim no longer calls police several times a day, reduced his dependency on alcohol and become a better tenant with much fewer calls from neighbours complaining about his behaviour.

Data security within the case management process

In June 2011, SYP presented a proposal for South Yorkshire wide partners to 'buy into' a South Yorkshire Public Service Network that will:

'create a single, more secure communications infrastructure. It opens up new opportunities for more efficient information sharing and will provide the operating environment for the Government Cloud'

The Public Sector Network (PSN) will evolve out of, and replace the current Government Connect network used by RMBC and is already recognised as a main plank of the RMBC ICT Strategy. The introduction of the PSN is subject of detailed discussion between the four South Yorkshire Local Authorities, with the likelihood being that all four will subsequently form a South Yorkshire consortium. This project is already budgeted for by RMBC although it is likely to be the end of 2012 before PSN is introduced. Until that time, Rotherham will retain the current Government Connect network. SYP have since been advised of the work currently taking place between the four South Yorkshire Local Authorities in respect of the PSN and the timescales that are involved before it will be a fully functional service.

The transfer of restricted and sensitive data between partners has long been a challenging issue. By way of example, all SYP e-mail addresses are 'secure' through the police national network, whilst our standard rotherham.gov.uk address is not secure. The same applies to standard e-mail addresses of the NHS, Fire & Rescue Service and other partner agencies. Contingencies currently in place to address this issue include key RMBC staff being allocated secure Government Connect e-mail address and secure pages on the RMBC intranet site that can only be accessed by authorised officers – a work round solution until the PSN becomes a reality.

There is no doubt that 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. Discussions are to continue with SYP, the three other Local Authorities (LA's) and other key partners, but it is unlikely that full partnership integration of the PSN will take place before the end of 2012. Until that time existing case management and information sharing arrangements will continue.

ASB Recording

From 1st April 2011 the way the police record reports of ASB changed as a result of Home Office guidance.

In April 2006 the Home Office introduced the National Standard for Incident Recording (NSIR), whereby all police forces in England & Wales recorded incidents in a consistent manner. All police forces adopted the same set of closing codes used to describe various incident types along with agreed definitions for each.

The NSIR comprised of fourteen incident types (see the following table) clustered in 4 main groups:

1. Transport
2. Anti-Social Behaviour
3. Public, Safety and Welfare
4. Crime

These have been the official measure of ASB since the introduction of NSIR in 2006. The main criticism of this approach to ASB is that it did not encourage call handlers to consider the risk to the caller.

From 1st April 2011 the existing fourteen codes for ASB were reduced to three.

ASB Types (Pre 1st April 2011)

- 1) Abandoned vehicles
- 2) Animal problems
- 3) Begging
- 4) Hoax calls to the emergency services
- 5) Inappropriate use of fireworks
- 6) Malicious communications
- 7) Noise
- 8) Prostitution related activity
- 9) Littering/drugs paraphernalia
- 10) Nuisance neighbours
- 11) Rowdy nuisance behaviour
- 12) Street drinking
- 13) Trespass
- 14) Vehicle nuisance

New ASB Types (Post 1st April 2011)

- 1) Personal
- 2) Nuisance
- 3) Environmental

New ASB Definitions

1 Personal

'Personal' is designed to identify ASB incidents that the caller, call-handler or anyone else perceives as either deliberately targeted at an individual or group or having an impact on an individual or group rather than the community at large. It includes incidents that cause concern, stress, disquiet and/or irritation through to incidents which have a serious adverse impact on people's quality of life. At one extreme of the spectrum it includes minor annoyance; at the other end it could result in risk of harm, deterioration of health and disruption of mental or emotional well-being, resulting in an inability to carry out normal day to day activities through fear and intimidation.

2. Nuisance

'Nuisance' captures those incidents where an act, condition, thing or person causes trouble, annoyance, inconvenience, offence or suffering to the local community in general rather than to individual victims. It includes incidents where behaviour goes beyond the conventional bounds of acceptability and interferes with public interests including health, safety and quality of life. Just as individuals will have differing expectations and levels of tolerance so will communities have different ideas about what goes beyond tolerable or acceptable behaviour.

3. Environmental

'Environmental' deals with the interface between people and places. It includes incidents where individuals and groups have an impact on their surroundings including natural, built and social environments. This category is about encouraging reasonable behaviour whilst managing and protecting the various environments so that people can enjoy their own private spaces as well as shared or public spaces. People's physical settings and surroundings are known to impact positively or negatively on mood and sense of well-being and a perception that nobody cares about the quality of a particular environment can cause those affected by that environment to feel undervalued or ignored. Public spaces change over time as a result of physical effects caused, for example, by building but the environment can also change as a result of the people using or misusing that space.

Reasoning behind the change

The focus of the new approach is more oriented towards the caller rather than the production of statistics on ASB incidents. With a number of recent high profile incidents that were a result of victims being subjected to repeated incidents of ASB, the Home Office was keen to ensure that the chances of this happening again are minimised. Hence the focus is on how ASB impacts the person and the 3 new closing codes are designed to help the call handler go through the correct thought process in order to ensure the effective risk management of each report of ASB. The onus is on the call handler to ensure that the correct initial response is taken and to record their rationale for their decisions.

The new Home Office approach to recording ASB incidents reflects a case management ethos of encouraging call handlers to consider the spectrum of harm associated with each incident. It also encourages the management of risk and emphasises problem solving.

Impact on Comparability of ASB statistics

From 1st April 2011 ASB statistics will no longer be directly comparable with those published prior to this date. As a result, there may well be a change in the level of ASB incidents recorded.

8. Finance

Any future change in Rotherham to the Public Service network has already been budgeted for by the Council/RBT.

9. Risks and Uncertainties

Tackling anti-social behaviour is a key priority for SYP and the Safer Rotherham Partnership. As a result of the changes made to the recording process, the whole ASB landscape changed compared to our understanding of reported/recorded ASB built up over recent years. To a large extent previous baselines have become irrelevant and 2011/12 will be when an accurate baseline is identified for use in future years.

It is critical that there is the ability to seamlessly share assessed confidential information between agencies and the development of a culture of more inter-agency openness. The change in culture, supported by operational protocols needs to be matched with the IT systems to allow quick and easy access to information restrained into the databases and systems of individual services and agencies.

10. Policy and Performance Agenda Implications

There is clear linkage between how, as a partnership, Rotherham tackles ASB and the objectives within the RMBC Corporate Plan – Helping to create safe and healthy communities, People feel safe where they live, Anti-social behaviour and crime is reduced, People from different backgrounds get on well together. Improving the environment, Clean streets.

11. Background Papers and Consultation

RMBC Client IT Officer – Richard Copley
National Standards for Incident Recording – Home Office

Contact Name: *Steve Parry, Neighbourhood Crime & Justice Manager*

Tel 01709 (33)4565

Steve.parry@rotherham.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.0	Meeting:-	Cabinet Member for Safe and Attractive Neighbourhoods
2.0	Date:-	31st October, 2011
3.0	Title:-	Asbestos Refurbishment/Demolition Surveys
4.0	Directorate:-	Neighbourhoods and Adult Services

5.0 Summary

This report details the implications arising from recently revised national Health and Safety guidance in respect of asbestos testing, and proposes options to ensure compliance with the guidance.

6.0 Recommendations

That Cabinet Member agrees to a virement of £550,165 to facilitate the provision of an asbestos testing programme as identified in paragraph 8.1

7.0 Background

In January 2010 the Health & Safety Executive (HSE) replaced the MDHS100 asbestos guidance with the Health and Safety guidance 264. The most substantial change to the guidance was a requirement for actual physically intrusive asbestos testing on a wide scale, and a move away from visual only surveys and a reduction in sampling exercises. The key reason for change was that the HSE realised the need for better quality information to ensure safe working. Where refurbishment works are required, it is no longer acceptable to make presumptions (on the basis of other similar stock) and therefore all areas have to be investigated unless there is a risk to human life. This issue is even more significant for this council as 2010 Rotherham Ltd was prosecuted because of a lack of adequate asbestos information.

Rotherham MBC is required to meet its statutory and regulatory obligations under the following legislations and codes of practice:

- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1999 (as amended)
- Control of Asbestos Regulations 2006 (CAR 2006)
- CAR 2006 associated Approved Code of Practice
- Construction (Design and Management) Regulations 2007 (CDM 2007)
- The Management of Asbestos in Non-domestic Premises Approved Code of Practice (L127)

8.0 Proposals and Details

To meet the new requirement an increase in the number of surveys prior to refurbishment and demolition has been estimated and contract partners are currently reviewing their requirements where existing sampling survey information is no longer sufficient prior to work commencing. A cost exercise detailing a number of proposals has been completed to demonstrate the funding required for 2011-2012 to ensure compliance with the revised Health and Safety guidance 264 and from that, a preferred option has been identified.

8.1 Preferred option - Option 5: £550,165 in 2011/12; £330,750 in 2012/13

This option is based upon building up a picture for the entire borough, comprising a Refurbishment & Demolition Survey for 10% of each type of property, for each street in a Decent Homes Area. It also allows for 2,451 Management Surveys which represents 50% of properties that have no specific asbestos survey information at present. These Management surveys will ensure that all properties included in Planned and Capital Programmes have sufficient survey information. The remaining 2,450 surveys will need to be surveyed in 2012-2013 with a cost implication of £330,750. As we will still have properties with no information, there will still 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.

This option favours reducing the risk of asbestos disturbance by obtaining Management Survey information for 50% of properties with no survey information and 10% of all Refurbishment & Demolition properties on a geographical basis. This option is the most cost effective option with the cost spread over a 2 year period.

8.2 Alternative Options

During the planning exercise, a number of other options were also considered which are summarised in the table attached, along with the preferred option 5:

9.0 Finance

The budget requirement of £550,165 for the proposed option for 2011/12 has been included within the budget setting process for Housing Management Services.

10.0 Risks and Uncertainties

10.1 Health & Safety Risks

Asbestos is a hidden killer. Rotherham MBC has a responsibility to effectively manage and limit exposure to asbestos fibres, in order to do this effectively, a robust register is required.

10.2 Financial Risks

The £880,000 required for the preferred option is for the cost of the surveys only. If the surveys cause disruption and remedial work is required then this could potentially have a negative impact on the voids revenue budget. However if the work is completed as part of a capital scheme then the work can be factored into the capital budget.

11.0 Policy and Performance Agenda Implications

Compliance with the revised Health and Safety guidance 264 is required as part of the Council's Health and Safety Policy. The Council's Health and Safety Policy is a key element underpinning the priority theme of Rotherham Safe and takes into consideration the requirements of the Council's cross cutting themes of fairness and equality in all our activities and the services we provide.

12.0 Background Papers and Consultation

- Report to Executive Management Team, 2010 Rotherham Ltd 21/04/11 – Asbestos Refurbishment/Demolition Surveys

Contact Name:-

Dave Richmond, Director of Housing and Neighbourhoods

Telephone: 23402

Email: dave.richmond@rotherham.gov.uk

Option	Coverage	Cost	Benefits	Risk
1	Intrusive surveys on the house type prior to all capital works, planned maintenance, aids & adaptations and voids remediation. No systematic review of all properties and based on assumption houses of same design are built of same materials in all locations.	£440,640 Plus cost of upgrading surveys or sampling prior to responsive repairs estimated £8-11k p.a.	Least expensive option.	This is the very basic that we need to do to ensure that we have the information for works planned for 2011-2012 but does not provide reliable predictive information for contractors attending responsive repairs which gave rise to the recent court case.
2	As for option one but houses of same design surveyed in each street to receive works.	£613,380 Plus cost of upgrading as for option 1	Will identify variations in building materials used in different locations but only immediately prior to works being undertaken.	Slightly less risky than above due to testing of house designs in each street rather than assuming all contain identical materials.
3	Will generate information on 10% of each house design used in the borough which will be readily available for all works, including responsive repairs.	£717,590	This option also provides 100% Management Survey information which will reduce the need for individual samples to be taken at £135 - £180 each (£8k - £11k p.a.).	It does not include surveys of the same house design in different locations across the borough or built at different times which may have had different materials used in the construction.
4	Management Survey information for 100% properties in addition to intrusive survey sample described below.	£880,915	Reduces the risk of asbestos disturbance by obtaining management survey information	This has least risk of all options because it includes 100% management surveys and generating

Option	Coverage	Cost	Benefits	Risk
	Information will be obtained on 10% of each type of home in each location it occurs across the borough which have been built at different times and so different building materials may have been used.		Management Survey information and 10% sample of each home type in every location available to monitor and manage asbestos and eliminate the need for responsive sampling at a premium cost.	information on 10% of each home design in all locations. Therefore It will be much more representative and will further reduce risks without undertaking a survey for each property.
5	Information will be obtained on 10% of each type of home in each location it occurs across the borough as above. It will also generate Management Surveys for 50% of properties that have no specific asbestos survey information. These surveys will ensure that all properties included in planned and capital programmes have basic survey information, which will allow the use of Refurbishment & Demolition survey.	£550,165 remaining surveys will need to be undertaken in 2012/13 with a cost implication of £330,750 i.e. total £880,915	Achieves refurbishment and demolition survey coverage as for option 4 but with costs spread across two financial years.	50% management surveys will mean we will still have properties with no information so there will still 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 £8k - £10k p.a. based on turnaround.
6	Information will be obtained for each type of home in each location it occurs across the borough as above but the sample size will be 5%. It will also generate 100% management	£869,150	Having 100% management surveys will mean that all properties included in planned and capital programmes have basic	A reduced sample size increases the potential for inaccurate predictive assessments of the likely presence of asbestos in a given property type or

Option	Coverage	Cost	Benefits	Risk
	surveys as for option 4		survey information, which will allow the use of Refurbishment & Demolition survey information. This will reduce the need for individual samples of a cost of £135-£180 each time.	location.
7	<p>Information will be obtained for each type of home in each location it occurs across the borough as for option 4 but the sample size will be 5%.</p> <p>It will also generate 50% management survey information as for option 5.</p>	<p>£537,995 with £331,155 in 2012/13 i.e. total £869,150.</p>	Spreads cost across two financial years.	Additional costs may be incurred prior to responsive repairs in properties for which no data is held

ROTHERHAM BOROUGH COUNCIL – REPORT TO CABINET MEMBERS
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1.0	Meeting:	CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS
2.0	Date:	31st October, 2011
3.0	Title:	Approval of tender for upgrading & refurbishment works to 21 Reema Hollow Panel & 63 Reema Conclad Properties
4.0	Directorate:	Neighbourhoods and Adult Services

5.0 Summary

To seek authority to accept a tender for the upgrading works to the external envelope of 21 no. Reema Hollow Panel properties and 63 Reema Conclad properties, at various locations in Aston, Whiston and Maltby.

6.0 Recommendations

That the tender submitted by Bramall Construction Ltd, dated 19th September 2011 in the sum of £695,106.00 is accepted.

7.0 Proposals and Details

The project is for upgrading works to the external envelope of 21 no. Reema Hollow Panel properties and 63 Reema Conclad properties, at various locations in Aston, Whiston and Maltby.

This report covers approval of a contract for the above works.

A formal request to seek tenders for the works was received from Ian Smith, Technical Client Officer, Neighbourhood Investment Service. RMBC.

Five contractors were invited to tender at the request of Ian Smith following discussions with the Building Surveyor. Tender prices were as follows:

- 1) £695,106.00 – Bramall Construction Ltd
- 2) £714,573.19 – Mansells
- 3) £748,348.32 – George Hursts & Sons Ltd
- 4) £797,074.00 – Hobson & Porter
- 5) Geo Houlton – (Declined)

The lowest valid tender was received from Bramall Construction Ltd. This tender has been checked and found to be arithmetically correct.

The estimated costs for the proposed refurbishment works are as follows:

Tender cost	£695,106.00
Contingency Sums	£100,000.00 (inc in the above figure)
Planning fees	£885.00
Building Control Fees	£1,700.00
Ecology Survey Fees	£700.00
Pre Contract Professional Fees	£12,910.00
Post Contract Professional Fees	£38,411.50
Total	£749,712.50

8.0 Finance

Sufficient uncommitted capital resources to meet the costs of conversion have been identified within the Non-Traditional Investment Programme budget within the approved Housing Investment Programme 2011-12.

9.0 Risks and Uncertainties

A contingency sum for risk of 14% has been included within the estimate which is considered adequate for a scheme of this nature.

A delay in the time scale for the approval could have an impact on project delivery.

Building Regulations & Planning approval has already been granted for the scheme.

10.0 Policy and Performance Agenda Implications

The delivery of investment works will further enhance the efforts being made to create and maintain a sustainable affordable housing offer within an area that is in demand and in supporting the long term availability of quality, well maintained homes.

NAS Service Plan Objectives

Tackling heating and insulation problems by thermally cladding non-traditional homes with poor insulation.

Corporate Plan

Helping to create safe and healthy communities where people are able to live in decent affordable homes of their choice, through targeted investment programmes in our homes.

Outcomes framework

The investment programme supports the outcomes framework as follows:
Improved quality of life - in providing affordable accommodation with improved thermal efficiency
Improved Health and Well being
Reduced heating costs – assisting to maximise household income

11.0 Background Papers and Consultation

- Structural stock condition assessment of non decent homes volume one and two- August 2006
- Housing Market Assessment 2007
- Cabinet Member for Neighbourhoods Report- 30/04/07- Option appraisal of RMBC non traditional houses, flats and bungalows.
- Site option appraisal of high investment non traditional built properties- July 2007
- Cabinet Member for Neighbourhoods Report- 19/05/08- Non Traditional Properties Update
- Cabinet Member for Neighbourhoods report- 30/11/09
- Cabinet – 11th February 2009, Minute No:177

All correspondence is on project file: 081-000-031F

Contact Names:

Report Author – Cathy Mason Tel: 01709 254100
e-mail: cathy.mason@rotherham.gov.uk
Divisional Manager – Brian Barrett Tel: 01709 254063
e-mail: brian.barrett@rotherham.gov.uk

Copies to:

Client Officer
Project File