



Vibrant, Safe and Sustainable Communities Scrutiny Panel

2 October 2014

Time 6.00 pm **Public Meeting?** YES **Type of meeting** Scrutiny

Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Chair Cllr Stephen Simkins (Lab)

Vice Chair Cllr Andrew Wynne (Con)

Labour

Cllr Mary Bateman
Cllr Greg Brackenridge
Cllr Ian Brookfield

Cllr Bhupinder Gakhal
Cllr Keith Inston
Cllr Caroline Siarkiewicz

Cllr Tersaim Singh

Conservative

Cllr Barry Findlay

Liberal Democrat

Cllr Richard Whitehouse

UKIP

Cllr Malcolm Gwinnett

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Deb Breedon
Tel/Email 01902 551250 or deborah.breedon@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Item No. *Title*

- 1 **Apologies**
- 2 **Declarations of Interest**
- 3 **Minutes of previous meeting (17 July 2014)** (Pages 1 - 6)
- 4 **Matters arising**

PRE-DECISION

- 5 **Anti-Social Behaviour Service Review** (Pages 7 - 28)
[To provide a progress report relating to the Anti-social behaviour service review, to consider the proposals and refer comments to Cabinet]

DISCUSSION ITEMS

- 6 **Anti-social Behaviour Crime and Policing Act 2014** (Pages 29 - 38)
[To consider local implementation of the new Anti-Social Behaviour (ASB) tools and powers and to seek panels views on the proposed process for the Community Trigger]



Vibrant, Safe and Sustainable Communities Scrutiny Panel Minutes - 17 July 2014

Attendance

Members of the Vibrant, Safe and Sustainable Communities Scrutiny Panel

Cllr Stephen Simkins (Chair)
Cllr Andrew Wynne (Vice-Chair)
Cllr Mary Bateman
Cllr Greg Brackenridge
Cllr Keith Inston
Cllr Caroline Siarkiewicz
Cllr Tersaim Singh
Cllr Richard Whitehouse

Employees

Deborah Breedon	Scrutiny Officer
Ric Bravery	Sustainability Officer
Keren Jones	Assistant Director, Partnerships, Economy and Culture
Kenny Aitchison	Service Manager Housing Strategy/Development

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies**
Apologies were submitted on behalf of Cllrs Barry Findlay, Bhupinder Ghakal and Malcolm Gwinnet.
- 2 Declarations of Interest**
There were no declarations of interest.
- 3 Minutes of the Previous Meeting (10 April 2014)**
Resolved:
That the minutes of the previous meeting (10 April 2014) be approved and signed as a correct record.
- 4 Matters arising**
Work Programme 2014/15

Cllr Andrew Wynne referred to item 5 in the minutes relating to neighbourhood wardens and requested an update report to 2 October meeting. Cllr Richard Whitehouse requested that the report should cover issues relating to noise and other

issues raised at the previous meeting. Keren Jones confirmed that an update report would cover all of the issues referred to.

Cllr Stephen Simkins referred to the minute relating to work programme and advised that he had met with Tim Johnson and Nick Edwards to consider a list of work programme items from Scrutiny Board. Panel considered the relevance and timeliness of each item and agreed that the following items

The Chair informed the Panel that, in addition to the work items highlighted by Scrutiny Board, Panel can add pre-decision items (that fall within the panel remit) and raise any other emerging issues, but that these must be passed to Scrutiny Board for approval.

Councillor Wynne asked for confirmation which Panel would consider Regeneration matters.

In response to questions Kenny Aitchison confirmed that Cabinet (Performance Management) Panel considers reports relating to performance of Wolverhampton Homes.

Resolved:

1. That the following items be referred to Scrutiny Board for inclusion in the work programme 2014-15:

Date	Theme for session	Items to be confirmed by Scrutiny Board
17.07.2014	Sustainability Improvement Strategy. (Keren Jones/ Ric Bravery)	
02.10.2014	Anti-Social Behaviour (Keren Jones / Karen Samuels)	<ul style="list-style-type: none">• Anti-social behaviour review update• Anti-social, Crime and Policing Act 2014• Neighbourhood Wardens update
04.12.2014	Crime reduction and Policing (Keren Jones / Karen Samuels / Cl Tracey Packham)	<ul style="list-style-type: none">• New Police and Crime Commissioner• Update on the Crime Reduction, Community Safety and Drugs Strategy• Wolverhampton Local Policing and Crime Plan 2014/15

- 05.02.2015 Sustainable Leisure offer for Wolverhampton (added commercial value) to include the Wolverhampton Fit Card. • Wolverhampton Fit Card

(Chris Huddart / Keith Ireland)

- 23.04.2015 Housing – mortgage default / repossession, housing allocation and other housing matters. • Mortgage default and housing repossession / interest rates

(Nick Edwards / Kenny Aitchison) • Housing policy reviews

2. That Scrutiny Board clarify which Scrutiny Panel hold the remit to consider items relating to regeneration of the City.
3. That Scrutiny Board approve inclusion of an update report relating to neighbourhood wardens in the work programme for the Vibrant Safe and Sustainable Communities Scrutiny Panel meeting 2 October 2014.

5 Sustainability Improvement Plan

Cllr John Reynolds introduced the report. Ric Bravery and Keren Jones provided a report to inform the Scrutiny Panel of progress in the first year of the Council's joint Sustainability Implementation Plan and to seek comments on the priority actions to inform the review of the Implementation Plan which is currently being undertaken.

During consideration of the report several points were considered:

- The Sustainability Advisory Group meets three or four times a year to consider and provide guidance on the promotion of sustainability in the City. The group has met for two years and is making good progress.
- The Sustainability Strategy and Implementation Plan was approved by Cabinet in July 2014 and replaced a number of documents.
- The Strategy remains relevant and the Implementation Plan is being reviewed to make it more focussed on a few key areas and take advantage of opportunities provided by partnerships and funding, in particular through Black Country LEP
- Attention was focussed upon the red and amber indicators outlined in the report.
- Two red indicators relate to the Green Deal. The Green Deal was launched in October 2012 to allow residents to self-fund energy efficiency measures to their own homes supported by the Energy Company Obligation, however has failed to take off. Subsequent changes announced in the Autumn Statement in December 2013 changed the emphasis of ECO away from "hard to treat" properties back to cavities and lofts with ECO funding spread over four years rather than two. This has meant that Council's plans to develop a city-wide coordinated offer has not been possible and the programme to improve the Council's own housing stock has been delayed. The remaining red indicator related to a sustainable procurement policy; this was now being addressed in discussions with the Acting Head of Procurement.

Keren Jones outlined the proposed outcomes and measures for sustainability:

1. Growth in low carbon economy – increase the number of jobs to grow the sector and the number of low carbon businesses that are created or investing in low carbon products
2. To reduce the city's contribution to climate change - reduce CO₂ and improve the energy efficiency of housing and other property
3. More socially inclusive and resilient City – reduce fuel poverty, increase volunteering and increase domestic recycling rates
4. A more attractive city where people choose to live, work and do business - increasing the green infrastructure, improving air quality, improving the perception of the city by visitors and visitors to a planned Green Summit

The debate that followed raised several points of interest:

- The need to get the sustainability message across to people and businesses
- The need to look at local delivery
- Lessons learnt from Jaguar Land Rover
- Wolverhampton does not generally send waste to landfill but to its incinerator
- Amey will run the waste contract until 2023.
- The recycling rate has reduced; there is a reduction in Government funding to publicise recycling and a need to invest in educating new households.
- The number of visible solar panels is quite low in the City, there is a need to promote solar energy. The feed in rate tariff was reduced by Government and this has set back the take-up.
- The Council would still receive the feed in tariff for Council properties that have been purchased via Right to Buy (RTB), the owner would receive free electricity
- Schools, the University and Wolverhampton Homes should be encouraged to install solar panels. Panel were advised of procurement issues and a delay to installing solar panels due to the property review but that there is a now a programme in place.
- There is potential for jobs to be created in installation and maintenance of solar panels, but the production costs cannot compete against overseas competition.
- Solar Panels cannot be installed on all roofs, only those facing in a certain direction.
- Sustainable properties do not add to the carbon footprint.
- The Travel Plans, which promote sustainable travel, are important but have not been promoted in schools since the decline of the Government school travel initiative
- There is a planning policy to require renewable and low carbon energy in all new buildings.
- Single brick properties and poor insulation contribute to a higher death rate in this country; many countries with colder climate have better insulated houses and fewer winter deaths from the cold than Britain
- Licensed private rented sector landlords are required to have an Energy Performance Certificate (EPC) which ensures that the property is insulated and that heating appliances are efficient.

- Recycling and re-use of goods such as furniture is another consideration; the Panel found that often good furniture is thrown out and cannot be resold or donated because the fire labels have been removed.
- Road planings are recycled for road construction and repair

The Cabinet Member thanked the Scrutiny Panel for the invitation to consider the Sustainability Improvement Plan and advised that Wolverhampton is leading Authority on green growth and the low carbon agenda for the Black Country LEP.

Resolved:

1. That officers consider the potential in planning policy, such as the Black Country Core Strategy review and Area Action Plans, and in dealing with planning applications, to ensure that new developments maximise the energy efficiency of buildings and the potential to generate renewable and low carbon energy.
2. That officers are requested to consider the case for licensing all private landlords in the city following the pilot in the Blakenhall area
3. That all Councillors are briefed on the Sustainability Strategy and Implementation Plan and are made aware of the breadth of issues which sustainability covers and of the successes achieved in the city
4. That the forthcoming Active Travel Strategy/ Cycling Strategy review and associated action plans address the barriers which prevent more people cycling and walking in the city, in particular the provision for infrastructure and access for cyclists and pedestrians in the design of new developments.
5. That there should be a programme across the city's schools to educate young people about issues relating to sustainability and recycling.
6. That Cabinet recommend to Government that fire safety labels on furniture should be in the form of secure labels rather than tags to avoid accidental removal.
7. That Scrutiny Board approve an update report to the Vibrant Safe and Sustainable Communities Scrutiny Panel 23 April 2015 to include a presentation from Wolverhampton Homes of the work it is doing to improve energy efficiency and reduce fuel poverty in the social housing which it manages.

6

Next Meeting

Resolved:

Items to the next meeting are as follows:

- ASB Review update
- Anti-social, Crime and Policing Act 2014. This comes into effect from 1 October 2014. There is a need to brief Councillors on local implementation of the new ASB tools and powers and also seek their views on the proposed process for the Community Trigger

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Vibrant, Safe & Sustainable Communities Panel

2 October 2014

Report title	Report on ASB Service Review and options' appraisal for future service delivery	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Community Safety	
Accountable employee(s)	Name	Karen Samuels
	Tel	01902 551341
	Email	Karen.samuels@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	18 September 2014
	Cabinet	12 November 2014

Recommendation(s) for action or decision:

- Comment on the options for the future delivery model of the city's Anti-social Behaviour Service; in particular on the preferred option (Option 4) detailed in this report which recommends:
 - Overall management of the city's ASB service by Wolverhampton Homes under a contractual arrangement with Wolverhampton City Council. Monitoring of the contract through a robust performance management framework;
 - Transfer of Undertakings (Protection of Employment) (TUPE) of Wolverhampton City Council staff to Wolverhampton Homes and a revised staffing model.
- Endorse the proposal to retain the existing arrangements for the management of domestic noise complaints.
- Endorse the proposal to procure a single supplier for legal services for ASB legal work.
- Endorse the application of a consistent approach to managing ASB cases in Tenant Management Organisation (TMO) properties by the introduction of a city-wide ASB policy.
- This item is being considered as pre-decision scrutiny and will therefore not be available to call-in once a decision is made by the Executive.

1.0 Purpose

- 1.1. To consider options for the future delivery of the city's Anti-Social Behaviour (ASB) Service.
- 1.2 To comment on the preferred option (Option 4) outlined within this report which will inform the presentation of a subsequent report to Cabinet on 12 November 2014.

2.0 Background

- 2.1 Tackling ASB is the top priority for the residents of Wolverhampton. Indeed, when questioned in the Residents' Opinion Survey 2013 about how they feel about their area, their biggest concern for their neighbourhood (36%) and city (42%) was ASB.
- 2.2 In response to feedback from service users and Councillors during 2011 and 2012 a joint review of ASB services was carried out by WCC's (former) Anti Social Behaviour Unit (ASBU) and Wolverhampton Homes (WH) to identify whether there were opportunities for an improvement in service to those residents of Wolverhampton who were experiencing ASB. The scope of the review was to consider the options for an improved service to include the feasibility of a single, cross tenure service to Wolverhampton residents.
- 2.3 Councillors were invited to contribute to the service review through two reports that were presented to the Safer Communities Scrutiny Panel. Recommendations from the Safer Communities Scrutiny Panel were incorporated into a final report that was approved by Cabinet in November 2012, recommending a new co-located model of service delivery between WCC and WH.
- 2.4 In May 2013, the new Wolverhampton ASB Team was launched; the key features of the service are:
 - A co-located team comprising 7 WCC and 13 WH staff.
 - A 'patch-based' delivery model whereby the city is divided into 6 co-ordinated areas that are co-terminus with Council Ward boundaries and neighbourhood policing areas.
 - WH has overall management responsibility of the ASB service, which is delivered through a service level agreement (SLA) with WCC. Under this arrangement, members of WCC staff previously assigned to the ASB Unit are seconded to WH.
 - A cross housing tenure service that also deals with non-housing ASB, e.g., city centre issues, open spaces, etc.
 - Tenant Management Organisations (TMOs) and Registered Social Landlords (RSLs) continue to manage their own ASB cases, however, the ASB Team is available to offer advice and support when requested to do so.
 - One central ASB reporting point of contact available to members of the public through City Direct.
- 2.5 It was agreed that the new co-located ASB service would be reviewed after one year. At a meeting of the VSSC Scrutiny Panel on 15 March 2014, Councillors provided input into the scope of the 12 month review, which was agreed would consider:
 - Performance and governance
 - Consistency and simplification

- New drivers for change
- Budget reductions
- An options' appraisal and recommendations for future service delivery

3.0 Findings of ASB Service Review 2014

3.1 Performance and governance

3.1.1 Number of cases dealt with

The table below provides a comparison of the number of new cases dealt with before and after the launch of the new ASB Team.

	Number of new ASB cases				
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total no. of new cases
2012/2013 (pre-ASB Team)	536	629	325	435	1925
2013/2014 (post ASB Team)	583	607	401	440	2031
	% increase of new cases since start of ASB Team				+5.2%

This represents an overall increase in new cases of 5.2% since the ASB Team started.

3.1.2 Compliance with service standards

The ASB Team service standards are currently under review; however, the following have been applied during the 2013/14 period:

- Category A: Serious – interview complainant within 1 working day
- Category B: Persistent – interview complainant within 2 working days
- Category C: Nuisance – interview complainant within 5 working days

The table below provides a comparison of compliance with service standards before and after the launch of the ASB Team.

Category of case	Comparison of compliance with service standards	
	2012/13 (pre-ASB Team)	2013/14 (post-ASB Team)
Category A	75.7%	75.7%
Category B	68.1%	67.1%
Category C	58.3%	71.5%

Compliance with service standards for Category A and B cases has remained static; there has been a 13% increase in compliance with service standards for Category C cases.

Councillors are requested to note that 100% compliance with service standards is extremely unlikely to be achieved. There are a number of factors which mean that complainants cannot be interviewed within the specified time period; these include:

- Where the complainant is anonymous;
- Where the complainant is unavailable for interview because of other commitments;
- Where the complainant does not wish to pursue their complaint any further;
- Where the person reporting the ASB is a partner agency, e.g., a police officer, concierge officer, neighbourhood wardens, etc*;
- Where the reported ASB is subject to a police investigation whereby it would not be appropriate to interview the complainant as to do so may prejudice a criminal investigation.

* Councillors are also requested to note that since the new ASB Team has been in place, enhanced working relationships with partner agencies have resulted in an increase in the number of ASB reports from these agencies.

3.1.3 Legal and non-legal remedies

- **Prevention:**
Preventative work plays a key role in stopping the escalation of ASB. Below are examples of preventative work the ASB Team delivers:
 - Members of the ASB Team undertake presentations on ASB in schools across the city, often in conjunction with Junior Warden Schemes.
 - The ASB Prevention Officer has forged close links with WH Housing Support Team and together they are working with families on the Wolverhampton 'Families in Focus' (FiF) programme.
 - Development of a FiF family fire course where parents and children work together on problem solving which leads to a BTEC qualification.
 - Development of a WH diversionary activity programme including Wolves Kickz project in Bilston and Whitmore Reans, Kik FM music project, Theatre Company presentations to young people on ASB.

- **Enforcement action:**

Below is a summary of enforcement action taken:

Enforcement Activity	2012/13 (pre ASB Team)	2013/14 (post ASB Team)
Anti-social Behaviour Orders (ASBOs)	4	11
Anti-social Behaviour Injunctions (ASBIs)/Undertaking to the Court	17	15
Notice of Seeking Possession (NOSP) – WH tenancies	58	84
Suspended Possession Orders granted	4	1
Evictions	4	2

3.1.4 Customer satisfaction

The table below provides a comparison of customer satisfaction rates before and after the launch of the new ASB Team.

Comparison of satisfaction with how case was dealt with pre and post ASB Team		
	Overall satisfaction with how case was dealt with %	Overall satisfaction with outcome %
2012/2013 (pre-ASB Team)	85.1	82.5
2013/2014 (post ASB Team)	91.7	88.8
% increase in satisfaction since start of ASB Team	+6.6%	+6.3%

Councillors will note that there has been an overall increase in customer satisfaction rates since the new ASB Team commenced.

3.1.5 Views of stakeholders

Within the Service Review, consultation with a range of stakeholders (including partner agencies, Councillors, customers and staff) has been conducted and the following themes have emerged:

What works well:

- The team works well together, WCC and WH staff have integrated well and all support each other;
- The vast majority of stakeholders are of the view that the team is providing a better service for customers (which is borne out by the customer satisfaction levels);
- Working relationships between the ASB Team and partners are strong, particularly the neighbourhood policing teams and WH Concierge Officers;
- Councillors who have accessed the ASB Team on behalf of their constituents have indicated they are generally pleased with the service they have received.

Areas for improvement:

- There is concern about the loss of the 3.0 FTE WCC posts under the WCC Medium Term Financial Strategy (MTFS), and the impact this will have on victims and on neighbourhoods and communities across the city (see Section 4).
- Because of the volume of cases, the focus of the team is on reacting to ASB reports as they come in. There is a strong feeling that there is a need for more proactive work to be done, including targeted work in neighbourhoods and communities where there is under-reporting.
- There was a strong feeling from city centre partners and businesses that more attention should be given by the ASB Team to the city centre. It was suggested that a 'business district' team was created that would mirror Wolverhampton Local Policing Unit's model which supports the city's business areas of the city;
- Some Councillors and other partners felt that more work should be done on publicising the ASB reporting line;
- Some Councillors and other partners asked that key contact names/contact details for the ASB Team be provided to all councillors;
- Some Councillors asked for more feedback on ASB cases in their areas;
- One Councillor felt that noise nuisance should come under the remit of the ASB Team;

- Some staff felt that the current staffing structure is too 'flat' and that the ratio of ASB Co-ordinators to Officers is too high; some felt there was not enough separation of duties to justify the pay differential between the ASB Co-ordinators and ASB Officers;
- The implementation and management of the 'Community Trigger' process (part of the ASB, Crime and Policing Act 2014 which comes into effect on 20 October 2014) will be undertaken by the ASB Team and the ASB Co-ordinators will have a key role in this process. There is concern about how, under the current structure, the team will have the capacity to deliver on this statutory area of work.

3.1.6 Governance arrangements

In terms of governance, WH currently has overall management responsibility of the ASB service, which is delivered through a service level agreement (SLA) between WCC and WH. The SLA is monitored by the WCC Assistant Director – Partnerships, Economy & Culture, the Head of Community Safety as well as WH Director of Housing through quarterly performance management framework (PMF) reporting. The quarterly PMF report contains data on the number of new cases, customer satisfaction, enforcement action, data trends and equalities monitoring. This report enables senior officers to monitor progress as well as highlighting any areas of business where remedial action may need to be taken. It is felt that this PMF reporting is robust and captures all the information necessary to ensure that the ASB service is effective.

3.1.7 Benchmarking against other similar organisations

The following information is drawn from Housemark ASB benchmarking report for 2013/2014.

Number of ASB cases per 1000 properties:

- Results based on data from 147 social landlords.
- Wolverhampton ASB Team manages 89 cases per 1000 properties.
- The average is 49 properties per 1000.
- Wolverhampton is ranked 127 out of 146 for case to property ratios.

Customer satisfaction:

- Results based on data from 66 social landlords
- For 2013/14, 92% of ASB complainants who accessed Wolverhampton ASB Team were satisfied with the way their ASB complaint was dealt with. The average is 76%.
- Wolverhampton is ranked 11 out of the 66.
- 89% of ASB complainants who accessed Wolverhampton ASB Team were satisfied with the outcome of their ASB complaint. The average is 70%. Wolverhampton ranked 12 out of 66.

Average cost of a case (2013/14):

- The average cost per ASB case was £372.25 (compared to £505.39 for 2012-13 – pre-ASB Team).
- The Housemark data for 2013/14 is not yet available; however, the national average cost per ASB case for 2012/13 was £709.

Average number of days taken to resolve ASB cases:

- Results based on data from 68 social landlords.

- Wolverhampton ASB Team took an average of 46 days to resolve an ASB case.
- The national average is 95 days.
- Wolverhampton ranked 8 out of 68.

3.1.8 Summary of performance

- The number of new ASB cases has increased by 5.2% compared to the previous year;
- Compliance with service standards has remained static. However, this is due largely to an increase in referrals from partner agencies which would not require the same response times as members of the public but, nevertheless, are included in the reporting parameters of the IT case management system;
- When compared to 2012/13, customer satisfaction rates have risen and are significantly higher than the national average;
- The average cost of managing ASB cases by the ASB Team has reduced and the average cost per case is significantly lower than the national average;
- The average time the ASB Team has taken to resolve ASB cases is significantly lower than the national average;
- Feedback from stakeholders on the effectiveness of the new ASB Team has been largely positive; there is a general feeling that customers are receiving a much better service;
- ASB Team staff feel that more proactive work is needed in neighbourhoods and communities, and some staff feel that the team structure is not working as well as it could do;
- There is strong support for more ASB resources to be deployed to the business areas of the city.

In summary, the data that is available and stakeholder feedback suggests that the co-located ASB Team is working effectively. Comments and suggestions about the team structure and the need for more proactive work to be carried out have been considered in the Options' Appraisal shown at Appendix 1 in this report.

3.2 Consistency and simplification

3.2.1 Arrangements for dealing with domestic noise

It was agreed at the VSSC Scrutiny Panel meeting on 13 March 2014 that consideration of domestic noise complaints should be included within the first year review of ASB services. Consequently, the officers carrying out the ASB Service Review have liaised with WCC Environmental Health to source details about their current delivery, data, volume of cases, performance and officer views on future service delivery; the information provided by Environmental Health is detailed below.

Under the current arrangements, Wolverhampton ASB Team deals with complaints of domestic noise in Wolverhampton Homes' tenancies. WCC's Environmental Health Public Protection Team deals with domestic noise in private housing. If, however, there is any associated ASB relating to private housing noise cases (e.g., verbal abuse, harassment, etc), then Public Protection will refer the case to the ASB Team; the ASB Team and Public Protection often work jointly on such cases.

Under these arrangements, up until 2014, Environmental Health have generally received and dealt with an average of 3,200 requests for service regarding noise every year. This figure covers all noise categories including domestic, dogs, commercial and industrial. Of this total, an average of around 1,200 have related to complaints concerning noise experienced out of normal office hours and approximately 1,000 requests for service each year have concerned domestic noise (i.e. voices, DIY, TV noise etc). The responses to these requests/complaints were made by a group of Senior, District and Compliance Officers with the specific cases allocated to employees of different grades in line with the complexity of the cases. In other words, the more complex cases involving technical and protracted investigations have been allocated to the more specialist Senior Officers whilst the high volume, less complex matters have been allocated to the more general Compliance Officers. 94% of these service requests/ complaints were responded to within the target time of 5 days.

- However, the 2014 savings' programme required that Regulatory Services reduce its ongoing spend by nearly £900K over the 2013/14 – 2014/15 financial years. In order to achieve this level of savings it was necessary to review both the Regulatory Services structure, the level/type of request complaint the service will be able to respond to in future and a number of key support budgets. Based on the outcome of the reviews a reduction of approximately 60% of the service's managerial/supervisory resource and 25% of the front line resource plus reductions to key support budgets was necessary. In addition, the following changes concerning the noise service will be implemented as from 1 October 2014:
- As a result of the savings' targets and associated review, it was clear that a business case no longer existed to maintain the out of hours service. Accordingly, it was decided to replace the out of hours service with an emergency only service which, from 1 October 2014, will only respond in cases where an individual's health, safety and wellbeing are at serious imminent risk.
- Out of hours requests/complaints will continue to be logged and, where appropriate, responded to the following working day. Where no visit is necessary, advice will be provided.
- In addition, noise cases involving Wolverhampton Homes are no longer referred to Environmental Health to review and are instead, fast tracked through to the ASB Team by City Direct.
- There is now a single lead officer in relation to all noise issues including domestic, commercial and industrial as well as those received via the emergency arrangements. This officer is Anna Spinks who is one of six new Service Leaders replacing the previous three Service Managers and 13 Section Leaders under the previous structure. This Service Lead will develop policy and procedure in relation to noise issues going forward.
- Discussions will progress with City Direct to develop more streamlined approaches for dealing with the higher volume of requests/complaints of the lowest priority (e.g., one-off referrals involving a single barking dog or noise from a summer garden party). It is intended to explore the feasibility of extending the use of standard letters and advice packs to deal with complaints of this nature in future.

Although it would be possible to lift and shift the domestic noise service out of Environmental Health (around 1000 requests p.a.) there are a number of issues this would generate and a number of associated difficulties:

- Noise can potentially give rise to a statutory nuisance under the Environmental Protection Act 1990. Other nuisance types include dust, effluvia, animals, premises etc.
- All nuisances have to be dealt with in a specific fashion as set out in statute culminating in the issue of an appealable legal notice and in the case of noise nuisance, potentially involving the seizure of sound generating equipment.
- The expertise around noise and nuisance lies within Environmental Health where there are a number of trained and competent employees capable of responding to requests for service and complaints whether domestic, commercial or industrial and whether they arise during day time, weekend or evening.
- There is a set procedure within Environmental Health for authorising appropriately experienced employees to undertake such work. In authorising employees, the Council is required to satisfy itself they are competent to identify statutory nuisances correctly and deal with them in accordance with legal provisions. The reputational risk to the authority of making an incorrect assessment of a noise nuisance could be significant.
- The bespoke equipment used in many domestic noise investigations is located in Environmental Health where employees are trained in its use and it is also used in other noise investigations.
- Noise issues are often closely linked to other environmental issues such as pests, drainage problems, untidy premises, accumulations and fly-tipping etc. It is common for Environmental Health employees to encounter these matters when responding to noise complaints and the training and general competences of these officers enables them to do so without the need for a hand-over.
- The new Service Lead has responsibility for all noise issues including commercial, industrial and domestic sources. This arrangement enables a consistent approach to be adopted across Wolverhampton City Council and also promotes consistency across the region and nationally as there are well established liaison arrangements in place across the Midlands specifically put in place for this purpose.
- The current arrangements provide a single point of contact for all statutory nuisance issues and, with the exception of Wolverhampton Homes premises where it can be dealt with efficiently as a tenancy related matter, all noise issues as well.
- A significant proportion of the higher volume issues are dealt with by Grade 5 Compliance Officers. It is difficult to calculate the average cost of a domestic noise complaint but it is believed to be in the region of £75 - £100. This is mainly because very few have escalated to result in legal action.

In view of the above detail, it is suggested the provision of an on-going domestic noise service is best placed within Environmental Health where it has been delivered successfully for a great number of years. To unpick these arrangements would have a number of disadvantages which appear to outweigh any advantages.

3.2.2 Commissioning of legal services

Under the current arrangements, legal work relating to ASB in Council tenancies managed by WH is outsourced to a private firm of solicitors. Legal work relating to private and non-housing related ASB is provided by WCC's Legal Department.

This arrangement continues to work well. The vast majority of ASB legal work affects Council tenancies. The outsourcing of work to private solicitors enabled WH to make significant savings. The use of different solicitors has not presented any major issues to

the team and both continue to provide an excellent legal service. WH's contract with the private solicitors has been extended for a final year and expires in April 2015 and will have to be re-tendered. WCC has expressed an interest in competing for the tender when advertised.

Although the current arrangements work, it is recommended that consideration be given for there to be a single supplier of legal services with regard to ASB. Dealing with one supplier will ensure consistency of approach and advice across all ASB managed by the team and, subject to a procurement process, may realise further efficiencies. The same standards will apply to all cases with one contract/service level agreement.

3.2.3 Management of ASB cases in TMO properties

Under existing arrangements, TMOs are responsible for investigating and managing ASB complaints relating to tenancies within its area. Each of these organisations is responsible for tenancy enforcement action within their own managed stock. The ASB Team is available to provide expert advice and support to TMOs if required.

In order to improve the management of ASB cases and clearly define areas of responsibility, a protocol has been developed between the TMOs and the ASB Team.

The ASB Team will continue to provide expert advice and support to the TMOs if required. Examples of this are advice on casework, assistance with acceptable behaviour contracts, training of staff, and the shadowing of ASB Officers.

Referrals of vulnerable victims of ASB may also be made by the TMOs to the Victim and Witness Support Officer who is based within the ASB Team

A survey on the management of ASB was circulated to the TMOs. It is clear from the results that there is not one ASB policy that is being employed city-wide across all Council tenancies. Work will commence, in partnership with the TMOs, to introduce a new city-wide ASB policy that reflects best practice and the new ASB legislation

3.2.4 Human Resources (HR) implications relating to staff terms and conditions

As outlined above, since May 2013, WCC staff have been seconded to WH but remain on WCC terms and conditions. Since the implementation of the new ASB Team, some disparities have been highlighted between WCC and WH pay, terms and conditions and policies. These include:

- A significant pay/grading differential between WCC and WH staff as a result of Single Status;
- Enhancements for WH staff working outside of normal hours which have been withdrawn from WCC staff under Single Status;
- Car allowances;
- Differences in the Management of Attendance Policy between the two organisations.

Whilst these issues have been well managed and contained there is a need to resolve them in the interests of long term employee relations. Consequently, these have been considered as part of the options' appraisal for future management of the service.

Following any potential transfer of staff, the new employer can negotiate changes to terms and conditions which have been covered by an existing collective agreement or other arrangement, following the appropriate 'waiting period' after transfer, which is currently 12 months. Any such renegotiation must ensure that the overall contract is not less favourable to the employee in question (Collective Redundancies and TUPE). Normal consultation to vary terms and conditions would be required to be undertaken by Wolverhampton Homes.

Wolverhampton Homes would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

4. New drivers for change

4.1 ASB, Crime and Policing Act 2014

The ASB, Crime and Policing Act 2014 comes into force on 20 October 2014. The Act sees the existing 19 powers reduced to 6. Of particular note is the introduction of 'The Injunction'; this replaces the Anti-social Behaviour Order (ASBO) and existing ASB Injunction. The Injunction is similar to the existing ASB Injunction which is currently only available to social housing providers. The injunction is housing tenure-neutral and is designed to be a quicker and less costly legal power to address behaviour that causes harassment, alarm and distress to members of the public.

Also of note is the Community Trigger, the aim of which is to enable members of the public to hold agencies to account if they feel the ASB they are reporting is not being dealt with. The proposed threshold for the Community Trigger and arrangements for managing the process locally are currently being formulated. It is proposed that the ASB Team Manager will manage the Community Trigger process in Wolverhampton. Working alongside the ASB Co-ordinator Wolverhampton Local Policing Unit (LPU), the ASB Team Manager will be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

Councillors are requested to note that there is no additional funding available from government for implementation of the new legislation. The Community Trigger process, which is a statutory requirement, will have to be managed within existing ASB Team resources and the increased workload involved in managing the Community Trigger process should not be underestimated. The impact of these changes will be kept under review, as it is likely to result in a further reduction in the ability of the ASB service to respond to enquiries.

The ASB, Crime and Policing Act 2014 places a greater emphasis on agencies working closely together to ensure ASB is dealt with effectively. In Wolverhampton, relationships across partner agencies are already strong. However, from July 2014, the ASB Co-ordinator from Wolverhampton Local Policing Unit is now based in the ASB Team office for half of the week. It is felt this move will enhance information sharing and place us in a stronger position to identify vulnerable victims of ASB and act accordingly.

4.2 Budget reductions

A savings target of £150,000 has been identified for the WCC Community Safety Service (which includes the WCC ASB Team staff) and is included in the Medium Term Financial Strategy (MTFS) for 2017/18. This will potentially result in a reduction of 3.0 FTE WCC posts from the ASB Team.

Also, in addition, an indicative 5 year WH management fee freeze is proposed by the Council from 2014/15.

Feedback from staff and partner agencies has raised concerns about the impact the loss of the 3.0 ASB Team posts will have on service users and service delivery.

A full equality analysis has been completed which outlines the impact of proposed cuts to the WCC ASB service from 2017/18. This analysis has revealed that a higher than average number of women and disabled clients access the service, indicating that these groups are more likely to be more negatively impacted as a result of reductions in service.

As well as carrying out enforcement activity, a key focus of the ASB service is supporting victims of ASB as well as preventative work to stop ASB escalating. Feedback from stakeholders suggests that a reduction of posts within the ASB Team will lead to an escalation of ASB which will be more costly in the longer term. Furthermore, in light of the significant reductions in youth services across the city, there is an expectation that there will be an increase in demand for ASB prevention work amongst young people.

The concerns about the potential loss of posts from the ASB Team have been recognised and the recommended option detailed in Section 5 retains 2 of the 3 posts, whilst still allowing the proposed budget reductions to the WCC Community Safety service to be realised. This will help to reduce any loss in service to the above groups with protected characteristics.

5. Options' appraisal and recommendations

5.1 Options

The ASB Service Review has considered the feedback from stakeholders and also the HR issues raised. Accordingly, four options have been developed for consideration detailing how ASB services across the city could be delivered going forward. A full options' appraisal is detailed in Appendix 1 but below is a summary of the four options:

- **Option 1: Revert back to two separate ASB functions**
This option will see the ASB service split, with a return to the ASB Unit (WCC) managing ASB in private housing and non-housing ASB; the WH staff returning to their previous posts and ASB cases managed by generic WH Estate Managers.
- **Option 2: Retain the existing staffing structure and management arrangements**
This option will retain the existing staffing structure (Appendix 1). WCC staff will continue under the secondment arrangement to WH.
- **Option 3: New staffing structure and TUPE transfer of WH staff to WCC**
This option will see a new staffing structure (Appendix 2). A total of 13 WH staff will TUPE transfer to WCC.

- **Option 4 – New staffing structure and TUPE transfer of WCC staff to WH**
This option would see a revised staffing structure. WCC staff will TUPE transfer to WH. 2 of the 3 ASB Team posts identified to be deleted under the MTFs will be retained. Under this proposal, the WCC savings will be realised earlier than 2017/18, with WH funding 50% of the posts from April 2015 until March 2017 and 100% of the posts from April 2017 onwards.

5.2 Preferred option – Option 4

- 5.2.1 The preferred option, which has been developed in response to feedback from all stakeholders, is Option 4. The key features and advantages of this option are detailed in Appendix 1.
- 5.2.2 Under this option, WH would have overall management responsibility of the city's ASB service under a contractual arrangement with WCC. The council would maintain oversight and influence over the service through contractual arrangements and service monitoring through a robust performance management framework.
- 5.2.3 The structure that will be proposed will retain the same number of posts, with existing WCC staff TUPE transferring to WH.
- 5.2.4 When fully implemented, the overall cost of the proposed new structure will realise savings of £78,000, but with a net increased cost to WH of around £11,000. This reflects that the funding provided by WCC will reduce as part of its financial cuts.

6.0 Financial implications

- 6.1 The total cost of the ASB Team (WCC and WH staff) structure at top of spinal point and 2014/15 prices is £683,000. The maximum cost to WCC of this structure is £264,000. Savings of £150,000 have been identified across the Community Safety Service (which includes the WCC ASB Team staff) from 2017/18. This includes the potential deletion of 3 WCC posts from the ASB Team.
- 6.2 The preferred Option 4 is based upon WCC continuing to fund four posts within the structure not affected by budget saving proposals by an adjustment to WH annual management fee. WH will provide funding for 50% of the costs of 2 of the 3 posts identified to be deleted under the WCC Savings' Programme from April 2015 until March 2017 thus realising an accelerated saving for WCC of £35,000 per annum (two years earlier than proposed). WH will then fund 100% of these 2 posts thereafter. When fully implemented in 2017/18, the proposed structure will realise annual savings of £89,000 for WCC. [MF/23092014/A]

	2014/15	2015/16	2016/17	2017/18	Total
<i>WCC Funding</i>	263,900	228,900	228,900	174,700	896,400
<i>WH Funding</i>	419,900	454,900	454,900	431,300	1,761,000
Total	683,800	683,800	683,800	606,000	2,657,400
Increased cost to WH per annum	n/a	35,000	-	(23,600)	11,400
Reduced cost to WCC – per annum	n/a	35,000	-	54,200	89,200

7.0 Legal implications

- 7.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.
- 7.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, ASB, substance misuse and re-offending in the locality.
- 7.3 As outlined in 3.1 above, the new ASB, Policing and Crime Act comes into force from 20 October 2014. A local implementation plan is currently being worked through and a separate report will be presented to the VSSC Scrutiny Panel on 2 October 2014, to the Strategic Executive Board on 9 October 2014 and the Executive Board on 22 October 2014.
- 7.4 Under the TUPE Regulations 2014, the terms and conditions of any employees transferring to the new employer remain as they currently exist. However, as stated in paragraph 3.2.4 above, terms and conditions from a collective agreement can be renegotiated after 12 months following the transfer provided that, overall, the contract is no less favourable to the employee. Wolverhampton Homes would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

[AS/19092014/H]

8.0 Equalities implications

- 8.1 A full equality analysis has been completed which outlines the impact of proposed cuts to the WCC ASB service from 2017/18. A higher than average number of women and disabled clients access the service, indicating that these groups are more likely to be more negatively impacted as a result of reductions in service. However, the preferred Option 4 mitigates this by retaining 2 of the 3 posts identified to be deleted under the WCC MTFs, thus allowing the current level of service for victims of ASB to continue.

9.0 Environmental implications

- 9.1 There are no environmental implications associated with this report.

10.0 HR implications

- 10.1 As outlined above, Wolverhampton ASB Team is a co-located service comprising of 7 WCC and 13 WH staff. WCC staff are seconded to WH but remain on WCC terms and conditions which includes a significantly higher basic salary level following Single Status. Since the implementation of the new ASB team, significant disparities have been highlighted between WCC and WH terms and conditions and policies. If the TUPE

transfer went ahead, WH would be in a position to renegotiate, after 12 months, terms and conditions from the collective agreement, provided that overall the employee's contract is no less favourable as a result. In addition, changes to transferred employees' terms and conditions as a result of the transfer itself are invalid; however, a change could be valid if the principal reason for it is, for example, an economic, technical or organisational reason, which brings about changes to the numbers or functions of the workforce.

11.0 Corporate landlord implications

- 11.1 The ASB Team will continue to be housed within WH premises. There are no corporate landlord implications relating to the proposals contained within this report.

12.0 Schedule of background papers

- 12.1 Report to Safer Communities Scrutiny Panel on 26 January 2012, ASB Service Review (Agenda Item 7).
- 12.2 Report to Safer Communities Scrutiny Panel on 13 September 2012, ASB Service Review (Agenda Item 5)
- 12.3 Report to Cabinet on 14 November 2012, ASB Service Review (Agenda Item 5D).
- 12.4 Report to VSSC Scrutiny Panel on 13 March 2014, Progress report on the Wolverhampton Anti-social Behaviour (ASB) Team and scoping paper for one year service review (Agenda Item 9).

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Options’ appraisal for future management arrangements and staffing structure of Wolverhampton Anti-social Behaviour (ASB) Team

1. Purpose of report

For the Vibrant, Safe and Sustainable Communities Scrutiny Panel to:

- Consider options for the future delivery of the city’s ASB service;
- Comment on the preferred option (Option 4) outlined within this report which will inform the presentation of subsequent reports to Vibrant, Safe and Sustainable Communities Scrutiny Panel (2 October 2014) and Cabinet (12 November 2014).

The ASB Service Review has considered the feedback from stakeholders and also the human resources (HR) issues raised. Accordingly, four options have been developed for consideration detailing how ASB services across the city could be delivered going forward. The options considered are outlined below:

2. Options

Option 1 - Revert back to two separate ASB functions

This option will see the ASB service split, with a return to the ASB Unit (WCC) managing ASB in private housing and non-housing ASB; the WH staff return to their previous posts and ASB cases are managed by generic WH Estate Managers.

Option 1 – Advantages	Option 1 - Disadvantages
<ul style="list-style-type: none"> • No disparities in pay, terms and conditions between WCC and WH staff 	<ul style="list-style-type: none"> • Potential reduction in customer satisfaction • Potential duplication of resources • Loss of specialist service provided to WH customers • Return of confusion amongst customers about where they should report ASB • Loss of 3 ASB Team posts under the WCC Medium Term Financial Strategy (MTFS) which will lead to significant reduction in service and potentially reduced customer satisfaction

Option 2 - Retain the existing staffing structure and management arrangements

This option will retain the existing staffing structure. WCC staff will continue under the secondment arrangement to WH.

Option 2 – Advantages	Option 2 - Disadvantages
<ul style="list-style-type: none"> • High level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB 	<ul style="list-style-type: none"> • Loss of 3 ASB Team posts under the WCC MTFs which will lead to significant reduction in service and potentially reduced customer satisfaction • Significant disparities in pay, terms and conditions between WCC and WH staff • ‘Flat’ structure that restricts opportunities for proactive work and limits ability for targeted work in areas/communities where there is under-reporting • Does not address staff and trade union concerns about lack of differential in duties between higher and lower graded posts • Limits capacity of the team to implement and manage new ASB legislation

Option 3 – New staffing structure and TUPE transfer of WH staff to WCC

This option will see a potentially new staffing structure. WH staff TUPE transfer to WCC.

Option 3 – Advantages	Option 3 - Disadvantages
<ul style="list-style-type: none"> • Retain high level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB • Revised structure may provide enhanced ASB service to the business sector • Addresses staff concerns about lack of differential in duties between higher and lower graded posts • No disparities in pay, terms and conditions between WCC and WH staff • May allow capacity for management of new ASB legislation 	<ul style="list-style-type: none"> • Loss of 3 ASB Team posts under the WCC MTFs which will lead to significant reduction in service and potentially reduced customer satisfaction • Significant increase in salary costs to bring 13 WH staff in line with WCC grades under Single Status • Increase in salary costs (as above) would necessitate a reduction in the number of posts within the ASB Team, which will ultimately result in a significantly reduced service and potential reduction in customer satisfaction • Employee relations issues of transferring staff

Option 4 – New staffing structure and TUPE transfer of WCC staff to WH

This option will see a new staffing structure. WCC staff will TUPE transfer to WH. 2 of the 3 posts due to be deleted under the WCC MTFS will be retained. Under this proposal, £0.035M of the £0.150M WCC savings will be realised earlier than 2017/18, with WH funding 50% of the posts until March 2017 and 100% of the posts from April 2017 onwards.

Option 4 – Advantages	Option 4 - Disadvantages
<ul style="list-style-type: none"> • Overall reduction in salary costs to WCC • Earlier realisation of WCC budget reductions (Community Safety) • Retention of 2 of the 3 posts identified to be deleted under the WCC MTFS • Retain high level of customer satisfaction • No duplication of resources • Specialist ASB service provided to all customers, irrespective of housing tenure and incorporates non-housing ASB • Single point of contact for customers to report ASB • Revised staffing structure will allow more proactive work and enable planning and more targeted work in areas/communities where there is under-reporting across the co-ordinated areas • Revised structure will provide enhanced ASB service to the business sector • No disparities in pay, terms and conditions between WCC and WH staff • Addresses staff concerns about lack of differential in duties between higher and lower graded posts • Allows capacity for management of new ASB legislation 	<ul style="list-style-type: none"> • Employee relations issues of transferring staff

3. Preferred option

3.1 The preferred option which has been developed further is Option 4.

3.2 Under this option, WH would have overall management responsibility of the city's ASB service under a contractual arrangement with WCC. The council would maintain oversight and influence over the service through contractual

arrangements and service monitoring through a robust performance management framework.

- 3.3 Accordingly, a proposed structure, which is being informed by officers and stakeholder feedback, will be produced in response to a number of issues, including HR issues (detailed in Section 3.2.4 of the covering report), implementation and management of the new ASB legislation, the need for an improved ASB service to businesses and more planned/proactive work in our neighbourhoods and communities.

The structure will retain a similar number of posts. However, the overall costs will eventually be reduced by a reduction in the number of higher graded posts and the introduction of entry-grade posts. The key features of the recommended option (Option 4) are:

- A TUPE transfer of 7 WCC staff to WH;
- An overall reduction in the cost of the ASB service;
- The retention of 2 of the 3 ASB Team posts identified under the WCC MTFS;
- A reduction in the number of co-ordinated areas which will result in a reduction in the number of supervisors;
- The creation of entry-level posts that will manage lower level ASB cases;
- An ASB Team Manager who will provide strategic management of the team as well as day-to-day operational management and who will continue to fulfil statutory functions on behalf of WCC;
- A structure that will enable officer capacity for management of ASB casework as well as placing a greater focus on planned/proactive work and management/implementation of the new ASB legislation;
- The creation of a 'business district' ASB team which will focus on ASB issues in the city centre and other business areas. This will complement the drive to encourage new businesses and increased footfall into the city's shopping areas;

- 3.4 Clearly, any new structure will take a period of time to fully implement and, in accordance with TUPE legislation, existing employees will have a right to protected terms and conditions at the point of transfer. WCC employees currently receive a significantly higher level of salary as a consequence of Single Status that was implemented in 2012. The intention is to protect these conditions until such time as the salary of those involved in the transfer are ameliorated with WH salary scales. Currently equivalent WH employees receive a temporary honorarium as a supplement to their basic salary. This will simultaneously reduce as the proposed structure is implemented.

- 3.5 Before implementation is reached, there will be a need to protect existing employees whilst grades are equalised. Although this will delay realising the savings, the funding from WCC will reduce in stages so that the associated costs can be offset. If the proposals are approved, 50% of WCC's budget saving requirements will be realised in 2015/16, two years earlier than anticipated.

- 3.8 In 2017/18, when it is anticipated the structure will be fully implemented, the ratio of funding will be 29% WCC and 71% from WH. The activities of the ASB Team split across housing revenue account (HRA) and WCC general fund is broadly comparable. Indeed, during the quarter ended 31st March 2014 there were 80% of cases relating to Wolverhampton Homes managed properties and 20% relating to non HRA related issues, many of which are more time consuming and require intensive management.

4. Consultation and implementation

- 4.1 Indicative discussions have been held with WCC service managers, WCC and WH HR officers and legal officers as well as UNISON. Further meetings are planned and proposals will need to be considered by WCC's Vibrant, Safe and Sustainable Communities Scrutiny Panel, WH Board, and formal approval by WCC Cabinet. Thereafter, a formal consultation period with employees affected and their trades union representatives will be required.
- 4.2 If this proposal is agreed, it is intended that implementation will be phased over time with posts being ring-fenced to affected staff as appropriate. Any posts remaining vacant following implementation of the new structure will be advertised internally within WCC and WH.
- 4.3 Subject to Cabinet approval, the proposal being developed is to formally consult upon a TUPE transfer of WCC employees to WH which, if agreed, will take effect no later than 1 April 2015.

5. Financial Implications

- 5.1 The financial implications are outlined below.

The preferred Option 4 is based upon WCC continuing to fund four posts within the structure not affected by budget saving proposals by an adjustment to WH annual management fee. WH will provide funding for 50% of the costs of 2 of the 3 posts identified to be deleted under the WCC Savings' Programme from April 2015 until March 2017 thus realising an accelerated saving for WCC of £35,000 per annum (two years earlier than proposed). WH will then fund 100% of these 2 posts thereafter. When fully implemented in 2017/18, the proposed structure will realise annual savings of £89,000 for WCC.

	2014/15	2015/16	2016/17	2017/18	Total
<i>WCC Funding</i>	263,900	228,900	228,900	174,700	896,400
<i>WH Funding</i>	419,900	454,900	454,900	431,300	1,761,000
Total	683,800	683,800	683,800	606,000	2,657,400
Increased cost to WH per annum	n/a	35,000	-	(23,600)	11,400
Reduced cost to WCC – per annum	n/a	35,000	-	54,200	89,200

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Vibrant, Safe & Sustainable Communities Panel

2 October 2014

Report title	Anti-social Behaviour, Crime and Policing Act 2014	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Community Safety Service	
Accountable employee(s)	Joanne Mason	ASB Team Manager
	Tel	01902 55(2950)
	Email	joanne.mason@wolverhampton.gov.uk
Report to be considered by	Strategic Executive Board	9 October 2014
	Executive Team	22 October 2014

Recommendation(s) for action or decision:

1. Councillors are requested to note the legislative change and plans for local implementation.
2. Councillors are asked to comment on the proposed threshold for the Community Trigger and the suggested process for its provision.

1.0 Purpose

- 1.1 To brief Councillors on the new legislation relating to anti-social behaviour (ASB), provide an update on plans for local implementation and seek the views of Panel Members on the proposed threshold and process for the Community Trigger.

2.0 Background

- 2.1 The ASB, Crime and Policing Act 2014, which comes into force on 20 October 2014, contains a number of measures to protect the public; this includes provision for tackling ASB, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services to victims and witnesses. In addition, the Act will take forward further police reform as well as improving the effectiveness of extradition arrangements and the efficiency of the criminal justice system.
- 2.2 This report focuses on the ASB element of the bill (parts 1 – 6) which is designed to introduce simpler, more effective powers for tackling ASB and provide better protection for victims and communities, act as a deterrent to perpetrators and give victims a say in the way their complaints are dealt with.
- 2.3 The existing ASB powers are being streamlined from 19 to 6 and are designed to be faster, more flexible and allow professionals to stop ASB and seek to change behaviour.

3.0 Summary of new ASB tools and powers

- 3.1 The new tools and powers may be categorised into three areas; ‘people’, ‘places’ and ‘giving victims a say’.
- 3.2 The ‘people’ section of the Act brings in a new [Civil] Injunction that replaces the Anti-social Behaviour Order and the Anti-social Behaviour Injunction and a Criminal Behaviour Order which replaces the Criminal Anti-social Behaviour Order.
- 3.3 The ‘places’ section of the Act introduces Community Protection Notices, Public Spaces Protection Orders, Closure Notices and Closure Orders, some of which may be used by either the local authority or the police, or both. This part of the legislation replaces a range of existing environmental and premises closure powers. The existing police Dispersal Order and Direction to Leave will be replaced by a new Dispersal Power.
- 3.4 More detail on the new ASB powers can be found in Appendix 1.
- 3.5 ‘Giving victims a say’

The Act includes two new measures which are designed to give victims and communities a say in the way ASB is dealt with; these are the Community Remedy and the Community Trigger.

- 3.5.1 The Community Remedy, which will be available to police officers, is designed to give victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB selected from a menu of possible actions. The Community Remedy will

be closely aligned to existing restorative justice interventions currently in use through West Midlands Police; Wolverhampton Local Policing Unit are therefore well placed to deliver on this part of the new legislation within the defined guidance framework.

3.5.2 The Community Trigger will give victims the right to request a review of their case where the locally defined threshold is met. Further information on the Community Trigger is provided in Section 4.2 below.

4. Local implementation of the legislative change

4.1 Local implementation plan

The new ASB powers contained within the Act (detailed in Sections 3.1 – 3.4) come into force on 20 October 2014 and Councillors are requested to note that there is very little discretion about how the powers are implemented locally. An ASB legislation Task and Finish Group, comprising officers from across relevant agencies, has been established and is working towards producing local processes and procedures to ensure Wolverhampton is ready to implement the new legislation from 20 October.

4.2 The Community Trigger

One area of the Act where there is local discretion is the Community Trigger. As mentioned in Section 3.5.2, the Community Trigger gives victims the right to request a review of their case, where the locally defined threshold is met. The key features of the Community Trigger are detailed below:

- The threshold for the Community Trigger is to be defined by agencies and the procedure should meet the needs of victims and communities locally.
- The Community Trigger is specifically designed to deal with ASB. However, ASB can often be motivated by hate and the Home Office guidance suggests that relevant bodies may wish to include reports of these incidents in their Community Trigger.
- The Community Trigger can be used by a victim of ASB or another person acting on their behalf, such as a carer or family member, Member of Parliament or Councillor.
- The victim can be an individual, a business or a community group.
- Any member of the public, irrespective of their housing tenure, can request a review of their case. Consequently, as well as local authorities and the police, registered social housing providers, including tenant management organisations and housing associations, will have a statutory responsibility to participate in the review process.
- If the threshold is met, this will trigger a multi-agency review of the complainant's case to determine whether the agency responsible for responding to the ASB has acted appropriately.
- Where further actions are necessary an action plan will be discussed with the victim, including timescales.
- Although the outcome of the review will be communicated to the responsible agency and the complainant, there are no sanctions attached to the legislation requiring the responsible agency to comply with review panel recommendations.

- The legislation states that relevant bodies must publish information covering the number of applications for Community Triggers received, the number of times the threshold for review was not met, the number of ASB case reviews carried out and the number of ASB case reviews that resulted in recommendations being made.

4.3 Proposed Community Trigger Threshold

Discussions have been held with local authority community safety colleagues across the West Midlands and senior officers from West Midlands Police about the need to apply a consistent approach across the region in relation to the new legislation and, in particular, the Community Trigger. Consequently, extensive work has been done on developing a West Midlands wide threshold/definition for the Community Trigger whilst, at the same time, allowing local discretion on the review process and timescales.

Having considered the Home Office guidance about the inclusion of ASB that is motivated by hate, the West Midlands local authorities and the police feel that hate crime should be included within the Community threshold/criteria. Therefore, the threshold that is being put forward, in consultation with all West Midlands' local authorities and West Midlands Police, is as follows:

- ***An individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or your landlord;***
- ***OR***
An individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken;
- ***OR***
At least five people have made reports about the same problem in the past six months to the Council, Police or your landlord and no action has been taken.

Councillors are requested to note that there is no additional funding available from government for implementation of the new legislation. The Community Trigger process, which is a statutory requirement, will have to be managed within existing ASB Team resources and the increased workload involved in managing the Community Trigger process should not be underestimated. The impact of these changes will be kept under review.

4.4 Implementing the Community Trigger in Wolverhampton

It has been agreed that the Community Trigger process in Wolverhampton will be managed by the ASB Team Manager. Working alongside the ASB Co-ordinator from Wolverhampton Local Policing Unit (LPU), the ASB Team Manager will be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

A draft process map for the management of the Community Trigger is attached (Appendix 2). Panel Members are requested to comment on whether they feel the

proposed Community Trigger threshold and process for managing requests for reviews will meet the needs of victims of ASB in Wolverhampton.

4.5 Partnership working and information sharing

The ASB, Crime and Policing Act 2014 places a greater emphasis on agencies working closely together to ensure ASB is dealt with effectively. In Wolverhampton, relationships across partner agencies are already strong. However, from July 2014, the ASB Co-ordinator from Wolverhampton Local Policing Unit is now based in the ASB Team office for half of the working week. It is felt this move will enhance information sharing and place us in a stronger position to identify vulnerable victims of ASB and act accordingly.

4.6 Representatives from the Council are involved in a project chaired by Legal Services of West Midlands Police where the West Midlands Authorities (Dudley, Sandwell, Walsall, Wolverhampton, Solihull, Birmingham and Coventry) are combining their efforts to develop joint documents and uniform practices, to share experiences of what worked well and not so well in the past and to develop strategies which react to the challenges arising from the legal implications of the new Act. If this project is successful, where appropriate, a uniform approach built upon good established practices can be adopted in relation to preparation for and documentation submitted to courts when the new Act is used by any of the West Midlands Authorities. In order to achieve success, it is recognised that, at times in the past, information sharing has not been as effective as it should have been. This new approach may necessitate the development of new information sharing protocols and/or amendments to existing protocols.

4.7 Communications' Strategy

The Task and Finish Group is currently working on a cross-agency Communications' Strategy. This is still to be finalised but will involve information about the new tools and powers, especially the Community Trigger, on the Council's and partners websites, other social media as well as utilising traditional methods of communication. A briefing for Councillors will also be prepared during the coming weeks.

5.0 Financial implications

5.1 There is no additional funding from government to deliver the new ASB legislation. The City Council's Medium Term Financial Strategy (MTFS) has identified £150,000 savings from across the Community Safety Service from 2017/18. The associated loss of posts may impact on the ASB Team's capacity to deliver the new legislation.

5.2 Proposals to mitigate the risks regarding the ASB service review are being discussed at the Vibrant, Safe and Sustainable Communities Panel on 2 October 2014 and will be considered at Cabinet on 12 November 2014. [MF/23092014/Z]

6.0. Legal implications

6.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.

- 6.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, ASB, substance misuse and re-offending in the locality.
- 6.3 The ASB, Policing and Crime Act 2014 comes into force on 20 October 2014. A plan is in place detailing how Wolverhampton is preparing for implementation of the new tools and powers from 20 October.

[AS/19092014/C]

7.0 Equalities implications

- 7.1 There are no equalities implications.

8.0 Human resources implications

- 8.1 Please refer to Section 5 above which details proposals under the MTFS for the loss of posts from the Community Safety Service.

9.0 Schedule of background papers

- 9.1 There are no background papers associated with this report.

NEW POWERS

Appendix 1

Issued by the Court to deal with individuals

		The test	Details	Penalties on breach
Part 1	Civil Injunction Issued by the court to stop a person committing ASB	<ol style="list-style-type: none"> 1. Behaviour likely to cause harassment, alarm or distress (non-housing); or 2. Conduct capable of causing nuisance or annoyance (housing); and 3. Just and convenient to grant the injunction to prevent ASB. 	<ul style="list-style-type: none"> • (1) Applied for by council, police and others but not social landlords • (2) Applied for by the police, councils and social landlords • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is not a criminal offence • Over 18s: Unlimited fine or up to 2 years in prison • Under 18s: Supervision or activity requirement, detention, as a last resort, of up to 3 months for 14-17 year olds
Part 2	Criminal Behaviour Order Issued by a criminal court after a person is found guilty of an offence	<ol style="list-style-type: none"> 1. Causing harassment, alarm or distress; and 2. Help in preventing the offender from engaging in such behaviour by addressing the underlying issues. 	<ul style="list-style-type: none"> • Applied for by the prosecution at the request of council or police • Issued by the court • Prohibitions and positive requirements 	<ul style="list-style-type: none"> • Breach is criminal offence • Adults: Summary conviction - up to 6 months in prison and/or a fine. Conviction on indictment – up to 5 years in prison and/or a fine. • Under-18s: 2-year Detention and Training Order.

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Used by the police to move problem groups or individuals on

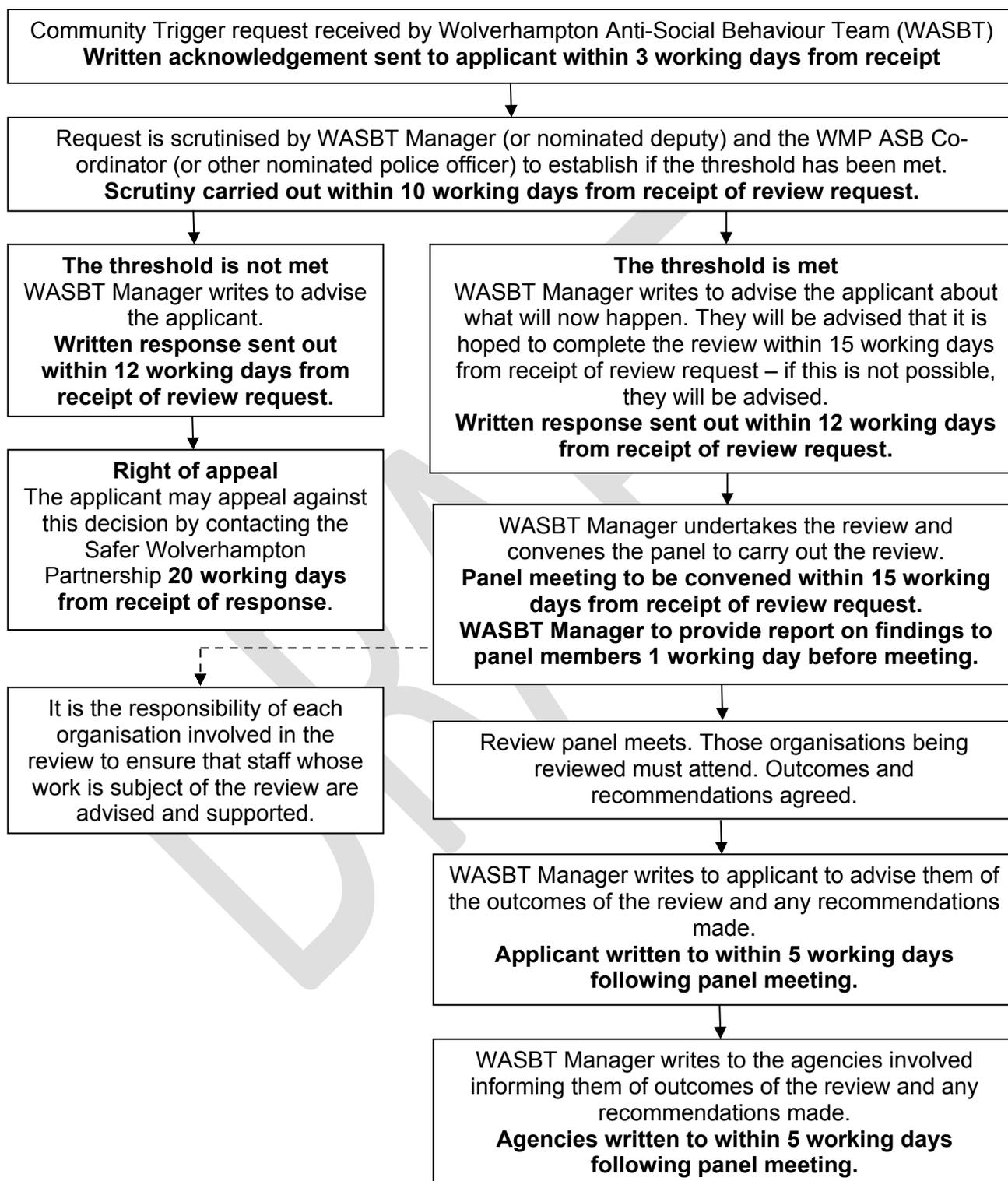
		The test	Details	Penalty on breach
Part 3	Dispersal Power Requires a person committing, or likely to commit ASB to leave an area for up to 48 hrs. (Immediate)	<ol style="list-style-type: none"> 1. Causing those in the locality harassment, alarm or distress (or crime and disorder); and 2. Direction necessary to remove or reduce the likelihood of the ASB. 	<ul style="list-style-type: none"> • Can determine the time, area and even the route to leave • Can confiscate items used • Requires sign off by Inspector 	<ul style="list-style-type: none"> • Breach is a criminal offence • Failure to move on – up to £2,500 fine and/or up to 3 months in prison • Failure to hand over items – up to £500 fine

Issued by councils, the police and social landlords to deal with problem places

		The test	Details	Penalty on breach
Part 4, Ch 1	Community Protection Notice Stops a person, business or organisation committing ASB which spoils the community's quality of life (Immediate)	<ol style="list-style-type: none"> 1. A detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality; and 2. The conduct is unreasonable. 	<ul style="list-style-type: none"> • Written by council or police officer or landlord • Requirement to stop things, do things or take reasonable steps • Can include undertaking remedial action or seizing items 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A fine of up to £2,500, or £20,000 for businesses.
Part 4, Ch 2	Public Spaces Protection Order Stops people committing ASB in a particular public place	<ol style="list-style-type: none"> 1. A detrimental effect on the quality of life of those in the locality; and 2. Persistent or continuing nature, unreasonable. 	<ul style="list-style-type: none"> • Restrictions set by the council • Consultation with those affected • Can be enforced by the police 	<ul style="list-style-type: none"> • Breach is a criminal offence • A fixed penalty notice of up to £100 • A maximum penalty of a £1,000 fine or a fixed penalty notice.
Part 4, Ch 3	Closure Power This would allow the police or local council to close premises where ASB was being committed, or was likely to be committed. (Immediate)	<ol style="list-style-type: none"> 1. Nuisance to the public; or 2. Disorder near those premises; and 3. Necessary to prevent the nuisance or disorder from continuing, recurring or occurring. 	<ul style="list-style-type: none"> • Notice up to 48 hrs out of court – cannot stop owner accessing property • Order up to 6 months agreed by court – can restrict all access. 	<ul style="list-style-type: none"> • Breach is a criminal offence • Notice: Up to 3 months in prison • Order: Up to 6 months in prison • Both: Unlimited fine for residential and non-residential premises.

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Process Map for Wolverhampton Community Trigger



Publishing Results

Each quarter the WASBT Manager will produce a public report which provides the following anonymised data:

- Number of reviews requested
- Number of reviews not meeting the threshold
- Number of reviews meeting the threshold
- Any recommendations made

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