

Vibrant and Sustainable City Scrutiny Panel

11 February 2016

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

Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Ian Angus (Lab)
Vice-chair Cllr Christopher Haynes (Con)

Labour

Cllr Mary Bateman
Cllr Philip Bateman
Cllr Val Evans
Cllr Bhupinder Gakhal
Cllr Keith Inston
Cllr Lynne Moran
Cllr John Rowley
Cllr Caroline Siarkiewicz

Conservative

Cllr Andrew Wynne

Liberal Democrat

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:

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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

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting (3.12.15)** (Pages 5 - 14)
[To approve the minutes of the previous meeting as a correct record]
- 4 **Matters arising**
[To consider any matter arising from the minutes]

PRE-DECISION SCRUTINY

- 5 **Review of Age Designations on Council Flats** (Pages 15 - 40)
[Mila Simpson, Section Leader –Housing Strategy, and Pauline Evans, Voids and Lettings Manager, Wolverhampton Homes, to present report on the removal and amendment of age designations on flats for pre-decision scrutiny prior to the report being considered by Cabinet]

DISCUSSION ITEMS

- 6 **Taking Forward the Management of the City Centre Public Realm - briefing paper** (Pages 41 - 46)
[William Humphries, Service Lead ,Environmental Health, to present briefing on city centre regulation]
- 7 **Wolverhampton City Council/Wolverhampton Homes Housing Support Services Review**
[Mark Henderson, Director of Housing Wolverhampton Homes, to present report on housing support services.]

Exclusion of the press and public

[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of any particular person (including the authority holding that information)]

- 8 **Improving the City Housing Offer Housing Company Outline Business Case**
(Pages 47 - 86)

[NOT PROTECTIVELY MARKED]

[Lesley Roberts, Strategic Director of Housing and Chris Hale, Head of Housing, to present report detailing a proposal to establish a Council owned housing company and seek feedback from the panel to inform the full detailed business case.]

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Vibrant and Sustainable City Scrutiny Panel

Minutes - 3 December 2015

Attendance

Members of the Vibrant and Sustainable City Scrutiny Panel

Cllr Mary Bateman
Cllr Philip Bateman
Cllr Val Evans
Cllr Bhupinder Gakhal
Cllr Christopher Haynes (Chair)
Cllr John Rowley
Cllr Caroline Siarkiewicz
Cllr Andrew Wynne

Employees

Nick Alderman	Service Director - City Environment
Martin Fox	Finance Business Partner
Earl Piggott-Smith	Scrutiny Officer
Chris East	Head of Facilities

In attendance

Cllr Peter Bilson	Cabinet Member for City Assets
Cllr Steve Evans	Cabinet Member for City Environment

Part 1 – items open to the press and public

Item No. *Title*

In the absence of Cllr Angus the meeting was chaired by Cllr Haynes

- 1 Chair announcement**
Cllr Haynes and the panel wanted to record their congratulations and best wishes to Cllr Angus following the birth of his son.
- 2 Apologies**
Apologies were received from the following member(s) of the panel:

Cllr Ian Angus
Cllr Keith Inston
Cllr Lynne Moran

3 **Declarations of interest**

Cllr Phillip Bateman declared a non-pecuniary interest in agenda item 5 Budget Review Draft Budget 2016/17

4 **Minutes of the previous meeting (1.10.15)**

That the minutes of the meeting held on 1.10.15 be approved as a correct record and signed by the Chair.

5 **Matters arising**

There were no matters arising from the minutes.

6 **Budget Review - Draft Budget 2016/17**

City Assets

Cllr Peter Bilson, Cabinet Member for City Assets, gave a brief introduction to the report and invited panel members to comment on the proposals related to his portfolio summarised in Appendix A, B and C.

The panel discussions about the proposals were recorded as follows:

Transfer non HRA tenanted garages from HRA to General Fund

No panel comments on the proposal

Rationalise all catering across the Council

Cabinet Member for City Assets commented that he was confident that the savings could be achieved.

No panel comments on the proposal.

Review Public Conveniences Provision

Cabinet Member for City Assets outlined the proposals and explained that the change would not affect the toilet facilities at Bob Jones Community Hub.

The panel queried the proposed increase in the charge to use toilet facilities. Chris East, Head of Facilities, explained that the proposal is to recommend an increase in the charge from 10p to 20p. The plans involve the closure of toilet facilities at Ashmore Park due to low levels of number using the facility compared to other sites. The panel commented that in response to complaints about vandalism that access to the facility was managed by a shop owner on the site, which may explain the low numbers recorded. The panel commented that the facility is an important community asset and is helping the shops to attract people.

Cabinet Member for City Assets agreed to reconsider the proposal to close the toilet facility at Ashmore Park in response the comments of the panel.

Highways Maintenance – Reduction in Borrowing following successful grant bid

Cabinet Member for City Assets outlined the proposal.

No panel comments on the proposal.

Acceleration of Savings in Facilities Management

Cabinet Member for City Assets outlined the proposal.

No panel comments on the proposal.

Reprofile of School Meals Income Targets

Cabinet Member for City Assets outlined the proposal and explained that the charge would be a charge direct to schools and not on pupils. Cabinet Member explained that this change would represent a small increase in the current charge.

No panel comments on the proposal.

The panel thanked Cllr Bilson for attending the meeting.

Cllr Steve Evans, Cabinet Member for City Environment, gave a brief introduction to the report and invited panel members to comment on the proposals related to his portfolio summarised in Appendix A, B and C.

The panel discussions about the proposals were recorded as follows:

Highways Management

Cabinet Member for City Environment explained that this change is the next phase in a programme of work following the transfer of responsibility from the police to the local authority. The panel were advised that the scheme went live on 30.11.15. Cabinet Member for City Environment explained the circumstances were a fixed penalty notice would apply for people using bus lane which had been recorded by the camera. To date there had no successful appeals against the penalty notice due to the use of video recording evidence.

Cabinet Member for City Environment explained that bus lane cameras only apply to small number of roads. Service Director - City Environment explained that the number of vehicles caught using the bus lane had reduced from 3,000 per week to 1,700 since it was introduced. The enforcement policy was aimed at improving traffic flow and not generating income.

The panel queried the number of fines paid and unpaid since the scheme was introduced. Service Director - City Environment explained that about 70% of fines had been paid and the Council works hard to recover the debt, this will include the use of bailiffs. Service Director - City Environment agreed to provide details of the payment rates for traffic fines.

Review residential parking across wider New Cross area

Cabinet Member for City Environment explained that the proposed changes would affect parking at the rear of the hospital site. The Cabinet Member advised that in response to previous residents parking complaints there was a consultation on the introduction of residents parking permit scheme. However, it was not possible to devise a scheme that would meet the concerns of residents on the limits on parking space for visitors and or family members. The proposal is an alternative scheme which will be subsidised by funding from the introduction of a pay and display parking scheme for non-residents.

The panel discussed the areas to be covered by the scheme. The panel were advised that it was estimated that 60 properties would be affected by the introduction of a pay and display parking scheme. Cabinet Member for City Environment acknowledged the concerns of local residents about the problems caused by parking. The panel sought reassurance that the scheme would not applied too rigidly in the dedicated parking spaces –for example, the period that charges will apply.

The panel discussed the impact of parking problems on the 59 bus service which often experience frequent delays as a result. The panel commented on the need to consider the travel needs of people using the bus service

Carry out a phase two restructure within the Highways Service Street Lighting

No panel comments on the proposal.

Alternative Environmental Enforcement Trial

Cabinet Member for City Environment explained the work of Kingdom Security in tackling problems of dog fouling and litter in the city. Cabinet Member commented on the media interest in the service. At present 70% of people pay their spot fines within the dates specified to avoid payment of a larger fine. A recent case led to a hearing in the courts where the decision was upheld and the original fine increased to £770 to cover costs and charges.

The panel queried that in the past Neighbourhood Wardens reported incidents of litter and public nuisance across the city, particularly in open green spaces. The incidents were then reported back to the Council to get the matter dealt with. Cabinet Member for City Environment explained that there is flexibility about where the resources are used. The current scheme is a 12 month trial and the work is not restricted to the specific areas and staff from Kingdom Security will be directed in response to public complaints.

Cabinet Member for City Environment explained that he is open to suggestions about use of staff from Kingdom Security.

Surface water management

No panel comments on the proposal.

Provision of Urban Traffic Control services for Walsall Borough Council

Cabinet Member for City Environment explained that he had recently visited the control room. Cabinet Member commented on the benefits of being able to co-ordinate the service and suggested that panel should arrange to visit to control room to see it in operation.

Amendments to Regulatory Services Operations

The panel commented on the reputation of the consumer advice service offered by Wolverhampton Council and the success of previous campaigns. The panel were concerned about loss of expertise.

Cabinet Member for City Environment commented that the recent evidence from fraud operations involving different agencies showed a reduction in the amount of seized counterfeit goods when compared to past campaigns.

Cabinet Member commented that he did not think that the change would have an impact on the delivery of the service.

Reconfiguration of Play Areas

The panel expressed supported for the provision of local play provision and the importance of considering the implications. Cabinet Member for City Environment explained that the planned review will look at the possibility of consolidating existing play provision from more than one site to a single location. The aim is to provide quality local play provision with lower maintenance costs and enhance provision.

Review of the employee structure for the Market Service

Cabinet Member for City Environment referred to the previous report presented to the panel on proposed changes to the market service. The proposal will involve the deletion of a vacant post.

No panel comments on the proposal.

Reduction in Waste Disposal Costs

The panel queried the lack of lack of green waste collection in the winter months and whether the period could be extended to those areas that make high use of the service. The panel discussed the policy of Birmingham to introduce an annual green waste collection charge and alternative options that would meet the needs of residents. Cabinet Member for City Environment explained the financial and practical difficulties of moving away from a city wide service to a service based on demand from areas wanting a green waste collection service during the winter months.

Grounds Maintenance reductions and efficiencies in service

No panel comments on the proposal.

One-off transport savings

No panel comments on the proposal.

Maintenance across City Environment Services Public Realm Environmental Maintenance

No panel comments on the proposal.

Street Lighting – replacement of existing street lanterns with more efficient LED technology

The panel discussed the costs and savings as a result of the policy. Cabinet Member for City Environment explained that there is no plan to turn off street lights. Cabinet Member for City Environment explained the programme to replace existing lights

does present a risk as future advances in technology may offer bigger future savings in energy costs.

Fleet review of capital spend profile of Vehicle Replacement Programme

Cabinet Member for City Environment explained that the policy is aimed at getting more use out of the existing fleet and to arrange maintenance programme of vehicles based on their condition.

No comments on the proposal.

Increase income targets for WV Active

Cabinet Member for City Environment commented on the success of WV Active programme and the focus on offering courses that meet the needs of customers. Cabinet Member commented on the positive marketing campaign to encourage people to use the facilities.

West Park Conservatory – alternative service provision

The panel commented on the historical heritage of the site and possible alternative uses. The panel suggested that it would be help to have a champion that could promote interest in the site and public awareness. Cabinet Member for City Environment commented that ideas for alternative use such as wedding venue would be welcomed.

Review of Stray Dog procedures and charges

The panel discussed the number of incidents reported about stray dogs. Cabinet Member for City Environment explained that the policy was aimed at supporting responsible dog ownership. The owners of stray dogs should be expected to contribute to the costs of Council providing the service when a dog is looked after before being returned.

Review School Crossing Patrols

Service Director - City Environment explained that it is not a statutory responsibility to provide this service. The planned review will look to identify priority sites. Schools will be given the option to continue financing the service if following the review it is considered to be low priority.

Review Allotment Costs

The panel queried the current annual cost of the service. The current charge is £24 a year and is proposed that this figure is increased to £38. Service Director - City Environment explained that the charges had not been increased by five years. The panel discussed the merits of freezing charges for services as opposed to annual inflation increases.

Resolved:

The panel's comments on the savings proposal are included in the report to be presented to Scrutiny Board.

The meeting closed at 19:50

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Vibrant and Sustainable City Scrutiny Panel

11 February 2016

Report title Review of Age Designations on Council Flats

Cabinet member with lead responsibility Councillor Peter Bilson
City Assets

Wards affected All

Accountable director Lesley Roberts, City Housing

Originating service Housing

Accountable employee(s) Mila Simpson Service Lead Housing Strategy
Tel 01902 554845
Email mila.simpson@wolverhampton.gov.uk

Report to be/has been considered by

Recommendation(s) for action or decision:

The Panel is recommended to:

1. Consider and comment on the proposal to remove age designations across all flats in the City.
2. Consider and comment on the proposal to remove age designation from three blocks that were former sheltered properties.
3. Consider and comment on the proposal that tenants of former sheltered properties are given an additional priority within the Council's housing allocation policy.

Recommendations for noting:

The Panel is asked to note:

1. The review of age designations on Council flats and reasons for it being undertaken.
2. 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.
3. The Panel's comments on the proposal will be included as an appendix in the report to Cabinet.

3.0 Purpose

- 3.1 The purpose of this report is to seek the views of councillors on the review of age designations for allocating Council flats prior to a report being considered by Cabinet for decision.

2.0 Background

- 2.1 The Council is required by Part VI Section 167 of the Housing Act 1996 to have a scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation both to first time applicants and transferring tenants including nominations to Registered Providers (Housing Associations). This is the Council's Allocations Policy.
- 2.2 The aim of the Allocations Policy, whilst meeting legislative requirements, is to make best use of the limited supply of social and affordable housing becoming vacant each year by providing a simple, transparent priority system based on clear criteria that determines an applicant's priority within the allocations scheme.
- 2.3 Section 32 of the Allocations Policy refers to 'designated properties':

32.1 Particular properties, particularly certain blocks of flats, are designated for particular age groups. If a joint application only one of the applicants need to meet the age designation. Applicants with children under the age of 18 years as part of their household will not be considered for age designation properties. No allocation of a property in a former sheltered scheme will be made to an applicant with children of any age.

32.2 Any designation will be included in the advertisement for a property. If no eligible applicants bid for it then the property will be allocated to the applicant that most closely meets the criteria.

32.3 Periodic reviews of designations may be undertaken to ensure that the Council is able to react to changes in supply and demand.

- 2.4 It is good practice to regularly review allocations policies. During the last review and associated equality analysis, approved by Cabinet on 10th December 2014, it was recommended that section 32, 'designated properties' was reviewed further to consider the impacts of the Equality Act 2010, Localism Act 2011 and the Welfare Reform Act 2012.

3.0 Current Position

- 3.1 There are currently 78 low rise and high rise blocks of flats within the Council's portfolio, that have an age designation applied to them. This amounts to 2,295 properties; 10 per cent of the Council's housing stock. Age designations span from a minimum age of 25 years up to a minimum age of 60 years, with 67% of them set at a minimum age of 30.

- 3.2 While the Allocations Policy sets out how age designated flats should be allocated, there is no consistency to why or how a property has an age designation. This has led to flats being designated across a range of different age groups with the reasons why now difficult to justify. This has a number of implications for the Council in allocating housing.
- 3.3 There is significant demonstrable housing need within the city with 7,880 applicants on the Council's housing register (as at December 2015). During 2014/15, 892 flats became available for letting of which around a fifth (21.1 per cent) were flats with an age designation. The number of bids on flats with an age designation tends to be fewer than undesignated flats and in some instances the age designation makes some properties difficult to let. This results in properties being allocated to applicants of lesser priority in Bands¹ 3 or 4 more often than general relets. This has implications in terms of making the best use of the Council's housing stock by not meeting the housing needs of those most in need. In 2014/15, 19.2 per cent of all lets went to applicants in Band 3. In comparison, 33.9 per cent of relets with an age designation went to applicants in Band 3 and 36.5 per cent to applicants in Band 4.
- 3.4 Those aged between 25 to 34 years are the largest group of applicants on the housing register, accounting for a third of all applicants. When combined with the 15² to 24 age bracket young people account for 49 per cent of applicants. By contrast those aged 55 plus account for 16.2 per cent of households on the housing register. Reserving 10 per cent of the Council's stock for older housing groups is therefore disproportionate, as it does not reflect need, in particular for two-bedroom property.
- 3.5 Following the introduction of the Welfare Reform Act 2012 and the 'removal of the spare room subsidy', commonly referred to as the "bedroom tax"; there is a greater demand for two-bedroom property in the city. Two thirds of one and two bedroom Council properties are flats; 26 per cent are age designated. As at December 2015 83 per cent of applicants on the housing register needed either a one or two-bedroom home. There is increasing pressure for smaller units, of which a significant proportion are unavailable to those that need them including families with children.
- 3.6 Families with children, regardless of the parents' age are unable to access age designated flats. Twenty nine per cent of households on the housing register are families requiring two bedroom properties. By contrast only three per cent of the housing register are couples or singles in need of a two-bedroom property. This illustrates that the need for 2-bedroom accommodation predominantly comes from families. Reserving a tenth of the Council's stock for households over the age of 30, is therefore disproportionate to the

¹ The allocations policy sets out criteria for the assessment of applicants' circumstances, who are assessed and placed in one of five bands of priority for allocation purposes. With the Emergency Band having the highest housing priority, followed by Band 1 through to Band 4 with lesser preference having the lowest priority.

² 16/17 year olds will not normally qualify for an allocation until reaching the age of 18, however in certain circumstances where this is required, the application for re-housing before the age of 18 can be referred to Wolverhampton Young Persons Accommodation Forum (WYPAF). More information can be found in the Council's Allocation Policy.

needs of the city particularly when only 180 two-bedroom houses came available for letting during 2014/15.

- 3.7 Age designation disproportionately restricts access to housing for women. Statistics show a high representation of women are head of households within Council housing and also that women are more likely to head up single parent households. Women are therefore more likely to be detrimentally affected by the current policy than men as those that might meet the age designation but have children will not be eligible for those properties.
- 3.8 The aim of the review of age designation on flats is therefore threefold:
- To increase the amount of housing available to those in housing need and in doing so improving their chances of being housed;
 - To make best use of stock so that Council housing is allocated to those most in need and;
 - To ensure the policy does not have detrimental equality impacts and is compliant with the law.
- 3.9 Although age designations have been in place for a number of years there are a number of caveats within the Allocations Policy that have resulted in some households younger than the required age living in age designated blocks throughout the city:
- In a joint application only one of the applicants needs to have met the age designation.
 - Where no eligible applicants bid or accept a property, it is allocated to the applicant that most closely meets the criteria.
 - When a property is sold through Right to Buy it is no longer covered by age designations.

4.0 Review Process

- 4.1 A review has been undertaken of age designation on flats with the aim of establishing a policy that is based on a clear and proportionate rationale and achieves the objectives set out at 3.8.
- 4.2 A working group was established to undertake the review of age designation on flats including Housing Services, Legal Services and Wolverhampton Homes employees. Flats within the Dovecotes Tenant Management Organisation and Springfield Horseshoe Tenant Management Cooperative housing management areas are affected by the review. Those organisations have also been engaged in the review.
- 4.3 In undertaking the review, due regard had to be paid to the Equality Act 2010. This Act seeks to tackle unlawful discrimination against a person or group of people with a protected characteristic(s). An important part of the Act is the Public Sector Equality Duty, which plays a key role in ensuring that fairness is at the heart of public bodies' work and that public services meet the needs of different groups. It also requires public bodies to think about how they can eliminate discrimination, advance equality of opportunity and foster good relations for all protected groups.

- 4.4 The Public Sector Equality Duty requires public bodies to think proactively about how they can ensure that everyone has an equal opportunity to use and access public services. However, anti-age discrimination provisions are not extended to accommodation as referred to in paragraph 4.13 of the Equality Act. Part 4 of the Equality Act deals with accommodation and Section 32 makes it clear that Part 4 does not apply where the protected characteristic is age. This means that it is not unlawful to discriminate on the grounds of age in the disposal and management of accommodation. This is because of the need to retain age-based housing such as foyer homelessness services for young people or sheltered housing for older people.
- 4.5 Due to the Public Sector Equality Duty, the Council needs to demonstrate that it has given due regard to the need to eliminate discrimination, advance equality and foster good relations in respect of age for their housing functions. The Council is required to objectively justify discriminating in the management and disposal of accommodation.
- 4.6 In undertaking the review, the working group could find no objective justification to develop a policy that continues to apply age designations to the current extent and in the current way (i.e. weighted at a minimum age of 30 years).
- 4.7 The working group identified a justifiable objective for a proportionate amount of housing to be reserved for older people within the Council's housing offer that creates an environment for older people who would like to live together to support communal interaction, reduce social isolation, in a supportive environment:

The scheme design and communal facilities allow like-minded residents to live in a supportive and secure environment that enables them to continue to live independently and combats isolation.

- 4.8 In conclusion, sheltered properties and those that are designed for and used by older residents are the most appropriate for an age designation, with the removal of the age designation recommended for all other blocks.

5.0 Recommendations

- 5.1 As a result of the review a series of recommendations are being put forward to Cabinet:
- 5.1.1 The removal of age designations across all flats in the City.
- 5.1.2 The majority of blocks that come under this review have always been general needs accommodation except for an age designation applied to them. It is proposed that these will be open to all eligible applicants, which will include households with children, regardless of age. These blocks are listed in Appendix A. This is consistent with all other blocks within the Council stock that have never had an age designation applied to them.

- 5.1.3 The application of an age designation of 50 years to those flats covered within the review that were former sheltered properties and meet the justified objective of creating *'supportive and secure environment(s) that enables (older people) to continue to live independently and combats isolation'*. Only applicants where all members of the household are aged 49 or above at the time of bidding for the property will be considered. These blocks are set out at Appendix B.
- 5.1.4 There are three former sheltered blocks where it is recommended that the age designation is completely removed. This is because the design of these blocks mean they are unable to meet the justification outlined in 5.13 above. These are set out at Appendix C. It is recommended that tenants of these former sheltered blocks are given an additional priority within the Council's Allocation Policy should they wish to move to a property with an age designation when they become available to let. This will require an amendment to the Allocations Policy to include an additional need for those tenants in one of the three former sheltered blocks to lose the age designation to support them moving to a flat within an age designated block.
- 5.2 These recommendations will form a local lettings plan as an addendum to the Allocations Policy. This will be subject to periodic review to ensure the policy is meeting its intended objectives. If any detrimental equality impacts arise they are addressed and further revisions can be made should the implementation of age designations lead to issues of low demand and significant periods of void loss.
- 5.3 In addition to a proportion of flats being reserved for older applicants, the Allocations Policy also gives additional preference for ground floor flats across all the Council's stock given to those who are 55 years plus or applicants with mobility issues. Bungalows are reserved for applicants who are 60 plus or have an immediate need for a fully adapted or purpose build property or have a progressive degenerative disease and require this type of property imminently. There is also a range of sheltered accommodation exclusively for older people offered for rent by registered providers operating in the city that are advertised alongside Council property on Homes in the City.

6.0 Feedback

- 6.1 Recommendations have been shared with key stakeholders, offering the opportunity to provide feedback to be considered alongside this report.
- 6.2 Recommendations were initially shared with all Councillors whose wards would be affected by the age designation review; 18 out of 20 wards. Of the 53 Councillors written to, feedback was received from six. Concerns were expressed around clashes of lifestyle caused by inter-generational living and the potential to increase anti-social behaviour (ASB) within these blocks and its impact on older, vulnerable tenants.
- 6.3 Letters were sent to the 2,295 households affected by the changes being made to age designations, with hand delivered letters and meetings at blocks requiring additional support, such as former sheltered blocks. Feedback has been received from twenty

tenants. Two tenants supported the proposals and 17 expressed similar concerns to the Councillors on clashes of lifestyle.

- 6.4 Feedback was received from Wolverhampton Federation Tenants Association (WFTA). WFTA supports the broad proposals of the review however expressed concern that this is a sensitive issue in some blocks. WFTA also feels that where age designations are in place these restrictions should be kept to more closely than the existing policy, which allowed people younger than the designated age to live in blocks.
- 6.5 Both Dovecotes TMO and Springfield Horseshoe TMC support the broad proposals. Two blocks managed by Dovecotes TMO are affected. The board welcomed the proposals for one block but felt it would be more of a sensitive issue for the other. Springfield Horseshoe TMC expressed that the flats affected currently function well with the existing age designation in place.
- 6.6 A review of ASB data relating to blocks of flats within the city, both with and without age designations shows that perpetrators of ASB are not in the main younger people, nor are blocks without an age designation subject to any more ASB than those blocks with them. It is therefore not anticipated that there will be any increase in ASB attributed to the removal of age designations. This is in part due to the practices adopted by Wolverhampton Homes and the TMOs in letting and managing Council properties. This includes:
- Pre-tenancy work undertaken with successful applicants so they understand what is expected of them and the potential consequences of ASB.
 - A number of checks are undertaken on successful applicants including addresses for the last ten years, any changes of name, debts or anti-social behaviour with the Council or Housing Association and/or references from private landlords. Where appropriate, an applicant may be given lesser preference in terms of the level of priority they are awarded when bidding for housing (the lowest level of priority) for example arrears or ASB. Where the behaviour is serious enough to make them unsuitable to be a tenant they could be excluded from the housing register and so unable to bid for housing.
 - New tenants have an introductory tenancy for 12 months. Any breaches are dealt with and in cases of persistent or serious ASB the tenant will be evicted.
 - The Tenancy Agreement and associated Tenant Handbook make clear the roles and responsibilities of tenants.
 - There is a tenancy sustainment service which helps to identify and resolve any issues.
 - The introduction of younger tenants into blocks of flats is likely to be a slow process as it is dependent on flats becoming available and younger people being successful in their application. If nuisance or ASB is caused Estate Managers will address issues as they arise.
- 6.7 Further, the introduction of the Anti-Social Behaviour (ASB) Act 2003 and Anti-Social Behaviour, Crime and Policing Act 2014, means there are many tools available to deal

with such issues that affect a small minority of tenants, as they arise. The Council's Anti-Social Behaviour service sits within Wolverhampton Homes.

The ASB service works to:

- encourage reporting of ASB;
- take early action to prevent escalation;
- provide support to victims and their families;
- fully investigate complaints of ASB and deals with them within the given timescales;
- ensure actual and potential perpetrators of ASB are aware of the consequences of their actions;
- take legal action against the perpetrators where it is proportionate and where there is sufficient evidence to do so;
- encourage a multi-agency approach to dealing with casework and finding resolutions to ASB.

6.7 A summary of the feedback received is set out at Appendix D.

7.0 Financial implications

7.1 There are no direct costs associated with the recommendations.

7.2 There is the potential for reducing void loss resulting from increasing the number of applicants eligible to bid on property through the Council's choice base lettings system, Homes in the City, which increases the likelihood of a property being let, especially those experiencing lower demand due to the restrictions placed on age.
[JB/21012016/E]

8.0 Legal implications

- 8.1 The current Age Designation Policy sits within the Council's Allocation Policy: Local Authorities are required by Part VI Section 167 of the Housing Act 1996 to have a scheme for determining priorities, and the procedure to be followed, in allocating housing accommodation both to first time applicants and transferring tenants including nominations to Registered Providers (Housing Associations).
- 8.2 The review has been done in accordance with the Allocations Policy whereby the Council reserved the right to undertake '*Periodic reviews of designations ... to ensure that the Council is able to react to changes in supply and demand*', (32.3). Tenants letting properties within an age designated block should therefore be aware that age designations are subject to change.
- 8.3 Whilst the Allocations Policy does endeavour to provide accommodation through age designations to groups of residents of a particular age, this is not an exclusive arrangement with the Council currently afforded the right to let property to people below any specified age limit. Tenants letting properties within an age designated block will be aware from the Allocations Policy that those blocks are not reserved exclusively for people above the minimum age: *32.1 If a joint application only one of the applicants need*

to meet the age designation. 32.2 Any designation will be included in the advertisement for a property. If no eligible applicants bid for it then the property will be allocated to the applicant that most closely meets the criteria.

8.4 The review of the age designation has been done in compliance with the Equality Act 2010, giving due regard to the Council's Equality Duty.
[RB/20012016/J]

9.0 Equalities implications

9.1 The recommendations in this report set out to address a number of issues identified within an Equalities Analysis on age designations of flats including potential detrimental impacts on women and pregnancy and maternity.

9.2 The recommendations are in alignment with the local authority's Equality Duty having given due regard to the need to eliminate discrimination, advance equality and foster good relations in respect of age for their housing functions, to lawfully justify discriminating in the management and disposal of premises/accommodation.

10.0 Environmental implications

10.1 There are no environmental implications of these proposals.

11.0 Human resources implications

11.1 Implementation of an Age Designation local lettings plan will be undertaken within current resources from Housing Services and Wolverhampton Homes. This will include amendments to the Allocations Policy, Northgate system (The Council's housing management software), briefing of staff and communication of changes to tenants and applicants.

12.0 Corporate landlord implications

12.1 There are no implications for Corporate Landlord as the properties affected are held within the Housing Revenue Account.

13.0 Schedule of background papers

13.1 Allocations Policy Review, Cabinet, December 2014

Appendix A

Recommendation: Age designation removed from blocks

Block	Ward	Current Age Designation	Number of Flats
Adey Road	Wednesfield North	30 Plus	9
Arthur Greenwood Court	Ettingshall	25 Plus	57
Ash Street	Park	40 Plus	22
Barley Close	Oxley	40 Plus	21
Birch Court	St Peter's	30 Plus	35
Boydon Close	Ettingshall	30 Plus	25
Bracken Close	Oxley	40 Plus	18
Brantley Avenue	Tettenhall Wightwick	30 Plus	39
Broadmeadow Green	Bilston North	30 Plus	8
Brockfield House	Heath Town	30 Plus	107
Bromfield Court	Tettenhall Wightwick	30 Plus	15
Campion House	Heath Town	30 Plus	100
Cannock Road	Bushbury South and Low Hill	50 Plus	29
Castlecroft Road	Tettenhall Wightwick	30 Plus	7
Connaught House	Park	30 Plus	40
Dale Street	Graiseley	30 Plus	27
Dinsdale Walk	St Peter's	30 Plus	28
Ettingshall Road	Spring Vale	50 Plus	5
Eversley Grove	Heath Town	40 Plus	10
Fellows Road	Bilston North	30 Plus	1
Ferguson Street	Wednesfield North	30 Plus	16
Field Head Place	Tettenhall Regis	30 Plus	10
First Avenue	Bushbury South and Low Hill	30 Plus	59
Flaxton Walk	St Peter's	30 Plus	14
Fozdar Crescent	Spring Vale	50 Plus	5
Frost Street	Ettingshall	30 Plus	13
Graiseley Street	Graiseley	30 Plus	17
Green Lanes, Stowlawn	Bilston North	30 Plus	10
Gregory Court	Wednesfield North	30 Plus	52
Griffiths Drive	Wednesfield North	30 Plus	10
Grosvenor Court	Wednesfield South	50 Plus	41
Hart Road	Wednesfield South	30 Plus	3
Higgs Road	Wednesfield North	30 Plus	5

Block	Ward	Current Age Designation	Number of Flats
Highfield Court	Merry Hill	30 Plus	122
James Street	Bilston East	30 Plus	7
Langdale Drive	Bilston North	30 Plus	6
Lawnside Green	Bilston North	30 Plus	6
Limehurst Avenue	Tettenhall Wightwick	30 Plus	40
Lincoln Street	Heath Town	30 Plus	10
Longfield House	Heath Town	30 Plus	100
Lord Street	Bilston East	40 Plus	6
Lord Street	Graiseley	40 Plus	16
Lower Street	Tettenhall Regis	40 Plus	7
Merridale Court	Graiseley	40 Plus	108
Oak Street	Graiseley	40 Plus	14
Prestwood Road	Wednesfield North	30 Plus	10
Primrose Avenue	Bushbury North	30 Plus	33
Princess Court	Fallings Park	40 Plus	14
Queens Court	Fallings Park	40 Plus	18
Red Oak House	Heath Town	30 Plus	37
Regis Road	Tettenhall Regis	30 Plus	1
Russell Court	Graiseley	30 Plus	42
Sandy Hollow	Tettenhall Wightwick	55 Plus	41
St Josephs Court	Merry Hill	30 Plus	112
St Philips Grove	Graiseley	30 Plus	11
Stanley Close	Wednesfield North	30 Plus	9
Vauxhall House	Park	30 Plus	41
Warstones Drive	Merry Hill	30 Plus	10
Wednesfield Road	Heath Town	30 Plus	33
Weston Court	St Peter's	30 Plus	36
Whitmore House	St Peter's	30 Plus	58
William Bentley Court	Heath Town	30 Plus	112

Appendix B

Recommendation: Age Designation Applied at age 50 – No change from before the review

Block	Ward	Current Age Designation	Number of Flats
Chetton Green (Harrowby)	Bushbury North	50 Plus	29
Graiseley Court	Graiseley	60 Plus	15
Grosvenor Court	Wednesfield South	50 Plus	50
Hayling Grove	Blakenhall	60 Plus	16
Hugh Gaitskell Court	Bilston North	50 Plus	56
Lincoln House	Heath Town	50 Plus	41
Masefield Road	Fallings Park	50 Plus	17
Redcotts Close	Fallings Park	50 Plus	27
Shaw Road	Spring Vale	50 Plus	4
The Acres	Tettenhall Regis	50 Plus	10
The Poynings	Tettenhall Regis	60 Plus	4
Tong Court	St Peter's	50 Plus	39
Tremont House	Heath Town	50 Plus	41

Appendix C

Recommendation: Age Designation Removed with addition priority in the Allocations Policy for a move to an age designated property

Block	Ward	Current Age Designation	Number of Flats
Albert Road (Park View Mews)	Park	60 Plus	1
Johnson Street	Blakenhall	50 Plus	6
The Hollows	Ettingshall	50 Plus	21

Appendix D
Summary of Stakeholder Feedback to Recommendations

Ward	Block/Ward	Comments	Response
COUNCILLORS			
Bushbury North Ward	Primrose Avenue 83 to 153	Concerns that issues of Anti-Social Behaviour (ASB) take a long time to be dealt with if they should arise post implementation	Pre-tenancy checks and work is done with potential tenants and where identified support is put in place to help sustain tenancies.
Tettenhall Wightwick Ward	Brantley Avenue Bromfield Court Castlecroft Road 204 to 206, 256 to 258a Limehurst Avenue Sandy Hollow	Against the proposals Concerns that issues of ASB will arise and take a long time to be dealt with	To manage the process of change if and when younger tenants move into blocks Estate Managers will be alerted to monitor the situation in case any issues arise.
Barley Ward	Barley Close Braken Close	Concerned about potential issues arising from inter-generational living and speed of which ASB is dealt with	Data from the ASB team shows between 1 January 2015 to 30 November 2015 of the incidences reported to the Anti-Social Behaviour team relating to high rise flats in the city, 45% related to flats without an age designation, with the majority of incidences, 55%, relating to flats with an age designation.
Merry Hill Ward	Highfield Court St Josephs Court Warstones Drive	Understands the reasons for the proposed changes however does not support the removal of age designations from all the blocks within the city. Their casework files show that from May 2012, 28 incidents of ASB have been reported from 24 residents. Of those 28 cases, 19 have featured a strong element of age-related issues or cross-generational incompatibilities.	For this same period 32% of reported incidences related to people aged 17 – 35, with the majority, 52% relating to people age over 35 years (the remaining 16% were unknown).

Tettenhall Regis Ward	Field Head Place 7 to 11, 25 to 30, 49 to 54 Lower Street 22 to 44 Regis Road 37 to 39a	Against the proposals Strong concerns that mixing the over 50's with younger people leads to conflict because of the different lifestyles they lead, often having to be resolved by Councillors Believes the blocks are popular and fully occupied, with potential changes causing numerous problems in what are now settled and happy communities	Within this ward leaseholders are in the majority within blocks, to whom age designations do not apply. This would therefore outweigh any age designations on the Council tenancies that remain. To manage the process of change if and when younger tenants move into blocks Estate Managers will be alerted to monitor the situation in case any issues arise.
Spring Vale Ward	The Mews	Requested that the maisonettes in Fozdar Crescent remain as 50+ as residents are part of the social complex at the Mews.	There are 5 properties at Fozdar Crescent; 9, 20, 22, 29 & 35, where it is recommended that the age designation is removed.
TENANT MANAGEMENT ORGANISATIONS			
Bushbury South and Low Hill Ward	Cannock Road 7 to 25a 29 to 59c 71 to 73c	Older, settled community within these blocks. Where younger residents have moved in in the past, it has been unsuccessful. Currently have issues around ASB and are seeking possession.	The review is centred around the removal of age designations, with only those blocks that meet a set and justified objective as set out at 4.7 of the main report having an age designation going forward. This is in order to meet the Public Sector Equality Duty as set out in the Equality Act 2010. This has been applied to all properties covered as part of the review, which recommends that age designations are removed from these properties.
Oxley Ward	Barley Close Braken Close	Because of low demand from older applicants Braken Close properties have been let to households under the age designation limit for a number of years. This has proved relatively successful. Barley Close has a longstanding settled community of older residents. Where a younger tenant has moved in in the past, this did not particularly work well. The board felt that it would be preferable to keep AD on this block and await the feedback tenants.	
WOLVERHAMPTON FEDERATION OF TENANTS ASSOCIATION			
City Wide	City Wide	The Federation supports the proposals in broad terms i) It is concerned that it is a sensitive issue in some blocks and areas and feels there should be a thorough block by block consultation	i. A policy has been developed in light of the review that has to be compliant with the Equality Act 2010. In order to meet the Public Sector Equality Duty, the Council needs to

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 15</p>		<p>ii) Concerned that in the past some properties in designated blocks have been let to tenants below the age requirement so feel that there needs to be a clear policy laid out where for instance there is no demand from the applicants of the required age</p> <p>iii) Concerned that any age restriction should apply to all residents including lodgers.</p>	<p>demonstrate that it has given due regard to the need to eliminate discrimination, advance equality and foster good relations in respect of age for their housing functions. To discriminate in the letting of housing the Council must show good reason. The review is centred around achieving this objective.</p> <p>ii. Currently the Allocations Policy allows lettings of Age Designation to people under the qualifying age (32.1 & 32.2). The new policy will restrict access to age designated blocks to the qualifying age, as far as the law allows.</p> <p>iii. The Council cannot restrict a tenants right to take in a lodger or say who that is, as it is enshrined in the Housing Act and the Council's tenancy agreement</p>
TENANTS			
<p>Ark Ward</p>	<p>Connaught House</p>	<p>Concerned about the impact on older residents within the block. Had issues with younger tenants in the past, specifically a tenant who was arrested for drug dealing Requested to know what references are taken from tenants in order to avoid such ASB arising.</p>	<p>Applicants are asked to complete questions on the housing application including if they owe arrears, have been evicted from a previous tenancy for arrears or other breaches. If successful in a bid for a property checks are undertaken including addresses for the last ten years, any changes of name, debts or anti-social behaviour with the Council or Housing Association and/or references from private landlords. Where appropriate an applicant may be given lesser preference in terms of the level of priority they are awarded when bidding for housing (the lowest level of priority). Where the behaviour is</p>

			serious enough to make them unsuitable to be a tenant they could be excluded from the housing register and so unable to bid for housing.
Graiseley Ward	Merridale Court	The potential for young people to be allocated flats raises concerns for the harmony of Merridale Court which exists due to the mature age of its residents.	Pre-tenancy checks and work is done with potential tenants and where identified support is put in place to help sustain tenancies.
Graiseley Ward	Merridale Court	<p>Concerned that the introduction of younger people will disturb what is a happy and majority older people community and that it is the wrong move to make to simply find accommodation for people to live.</p> <p>Suggests the introduction of younger people onto the estate will cause problems e.g. crime and alcohol related disturbance.</p> <p>Concerned about the amount of time it takes to deal with ASB cases, whilst residents have to live with the disturbance.</p> <p>Would like Merridale Court to be treated like former sheltered blocks.</p>	<p>To manage the process of change if and when younger tenants move into blocks Estate Managers will be alerted to monitor the situation in case any issues arise.</p> <p>Data from the ASB team shows between 1 January 2015 to 30 November 2015 of the incidences reported to the Anti-Social Behaviour team relating to high rise flats in the city, 45% related to flats without an age designation, with the majority of incidences, 55%, relating to flats with an age designation.</p> <p>For this same period 32% of reported incidences related to people aged 17 – 35, with the majority, 52% relating to people age over 35 years (the remaining 16% were unknown).</p>
Heath Town Ward	Lincoln House (no change)	<p>Supportive of the age designation being reinstated at the block however in the past people younger than the age designation have been let properties. Would prefer for the age designation to be kept to.</p> <p>Also complained about an increase in the number of alcoholics living in the building and related ASB, which has meant that older longstanding tenants no longer use the communal room or leave their flats in the evening.</p>	<p>Flats in former sheltered blocks have been restricted to those above the age designation with no lets to younger applicants.</p> <p>Concerns around the current tenants have been referred to the Estate Manager for investigating and addressing where appropriate.</p>

<p>Heath Town Ward</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 31</p>	<p>Longfield House</p>	<p>Raised a number of concerns: They took their flat on because of the age designations in place Do not feel a fair assessment of peoples' views can be taken as not everyone has access to internet and email. Believe that bringing young people into the block will bring disturbance, ASB and crime in their own properties and public spaces (lifts /halls etc.). This in turn will have reputational damage for Heath Town. Believes moving younger people in could affect public spaces in the area Could have a detrimental impact on the elderly or vulnerable leading to isolation. Would like to see the reasons why age limits were introduced and if these problems have been eradicated Suggests trialling a block for under 30s to address the shortage of properties and pressure to house people.</p>	<p>The Council's Allocation Policy reserves the right of the Council to undertake 'Periodic reviews of designations ... to ensure that the Council is able to react to changes in supply and demand', (32.3). The majority of tenants were written to inform them of the recommendations. Tenants of former sheltered properties were visited door to door or via a block meeting. Tenants were given contact details in the form of an email address as well as a telephone number to provide feedback or ask questions. A number of calls have been taken. Longfield House is a 30 years plus block and so doesn't provide housing exclusively for older people. There are a number of blocks within the Heath Town estate where age designations already do not apply. Two blocks (82 flats) within Heath Town will have an age designation of 50 to provide an environment whereby older people would like to live together. This process aims to put in place policy to provide a consistent approach to age designations. As there was no previous policy it is not possible to give the reasons why decisions were made in the past. It is not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age designation had been removed, the ASB Team would carry out preventative work in conjunction</p>
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			with partner agencies.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 32</p> <p>Heath Town Ward</p>	<p>William Bentley Court</p>	<p>Concerned about the impact on older residents within the block. Have had issues with younger people previously for example graffiti in foyer and police visits Asked for information on how ASB will be managed to safeguard older tenants.</p>	<p>Wolverhampton Anti-social Behaviour (ASB) Team aims to:</p> <ul style="list-style-type: none"> ·Provide an impartial service to the residents and business of Wolverhampton ·Encourage the reporting of incidents of ASB ·Ensure that incidents of ASB are reported, accurately recorded and monitored ·Ensure that early action is taken to prevent the escalation of nuisance behaviour into serious ASB ·Support victims, their families and witnesses ·Advise victims and witnesses of the services that the City of Wolverhampton Council, Wolverhampton Homes and partner agencies can provide and signpost or refer to support services as appropriate ·Take a victim orientated approach when dealing with complaints ·Fully investigate complaints of ASB and deal with them within the given timescales ·Ensure that actual and potential perpetrators of ASB are aware of the consequences of their actions ·Take legal action against the perpetrators where it is proportionate and where there is sufficient evidence to do so ·Encourage a multi-agency approach to dealing with casework and finding resolutions to ASB

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 33</p>			<ul style="list-style-type: none"> ·Ensure all relevant officers are fully trained to be able to deal with complaints of ASB ·For the most vulnerable victims of ASB, make a referral to the ASB Team’s Victim and Witness Support Officer <p>Proposed service standards for responding to complaints of ASB:</p> <ul style="list-style-type: none"> • Category A: Serious (e.g., harassment/intimidation, criminal activity such as assault, arson or theft, domestic violence, hate related incidents and hate crime) - complainant contacted within 1 working day • Category B: Persistent (e.g., damage to property or vandalism, noise in council tenancies, general nuisance including groups of people causing problems, drug related activity) – complainant contacted within 3 working days. • Category C: Nuisance (e.g., animal related nuisance in WH tenancies, fly tipping, graffiti) - complainant contacted within 5 working days
<p>Heath Town Ward</p>	<p>William Bentley Court</p>	<p>Mainly took on flat because of the conditions in place; for over 30's only, no children under the age of 18 and only working couples who can prove a 10 year background check of where they had previously lived. Concerned removing age designations will be detrimental</p>	<p>The Council’s Allocation Policy reserves the right of the Council to undertake ‘Periodic reviews of designations ... to ensure that the Council is able to react to changes in supply and demand’, (32.3). The Council has no policy on giving priority for housing to those in work.</p>

Heath Town Ward	William Bentley Court	<p>Agrees that everyone has to live somewhere, however feels that mixing people in their twenties with those 50+ will lead to problems e.g. noise disturbance from music and families as well as people with alcohol and substance misuse issues.</p> <p>Believes a number of residents have taken tenancies in the block because of the age designation.</p>	<p>As above - ASB, disturbance and noise can not only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30. It is not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age designation had been removed, the ASB Team would carry out preventative work in conjunction with partner agencies.</p> <p>The Council's Allocation Policy reserves the right of the Council to undertake 'Periodic reviews of designations ... to ensure that the Council is able to react to changes in supply and demand', (32.3).</p>
Heath Town Ward	William Bentley Court	<p>Writing on his and other tenants behalf.</p> <p>They have lived through 5 years of building works including a temporary decant and feel they have endured this for the benefits it would bring and their commitment to the block. The proposal to remove the age designation has created "dismay, disappointment, annoyance, and indeed despair in a lot of the residents".</p> <p>Tenants are concerned that lowering the age limit will result in younger people coming into the block, who will see it as a temporary stop-gap and have no loyalty to maintaining the new standards e.g. they will bring "graffiti on the walls, playing of loud music, drug use onsite, fighting, anti-social behaviour, and general disruption to long standing residents". This is based on their experiences prior to age designations.</p> <p>They appreciate the accommodation needs of the city but would prefer to maintain their age designation.</p>	
Heath Town Ward	William Bentley Court	<p>Initial confusion that the policy was to discriminate against age. On speaking with the tenant he was satisfied that the recommendations were a fairer approach and removed discrimination.</p>	
Merry Hill Ward	St Josephs Court	<p>Strongly oppose the proposal. Also writing on behalf of their mother who lives in the same block.</p> <p>They state they live within a poor environment and</p>	<p>As above - ASB, disturbance and noise can not only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30. It is</p>

		experience disturbance and ASB, which they believe will get worse if age designations are removed.	not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age designation had been removed, the ASB Team would carry out preventative work in conjunction with partner agencies. Comments on current issues within the block have been passed on to the Estate Manager.
Merry Hill Ward	St Josephs Court	Understands the balance that needs to be struck in order to house those in housing need as well as make best use of stock, however sees the need for older peoples housing in order to create an environment where potentially vulnerable people can feel safe and secure. Ways of doing this are suggested for example: i. Wolverhampton Homes making a concerted effort to promote the block as an age-exclusive premises. ii. Like Bristol introducing an entire area reserved for mature tenants for example by Wolverhampton Homes working with local housing associations to create a new area, which can cater for very mature residents. Including new and remodelled schemes - not sheltered. Believes the Council should implement a plan to rehouse (with strong financial support) older tenants who may feel threatened if the lifting of age restrictions is implemented.	The block has an age designation of 30 years. It is not therefore currently reserved for mature/older people. There is a range of older persons housing in the city offered by housing associations, in addition to the current Council designated property. Demand for this housing is relatively low. The Council is currently working with stakeholders to simplify the pathways into various older peoples housing in the city, better promote what is available and is considering options to remodel or develop modern older peoples housing.
Merry Hill Ward	St Josephs Court	Calls for the proposals to be rejected and instead implement an approach similar to Birmingham. Believes that high-rise accommodation could be used to create attractive housing for older people that would free up under-occupied housing for younger people. "Birmingham City Council has converted more than 20 high-rise blocks into 'vertical warden schemes,' choosing	Whilst there is a need for older peoples housing in the city, which the Council intends to provide (in part) this needs to be proportionate to balance the needs of older people with the rest of those in housing need. As above - ASB, disturbance and noise cannot

Page 36		<p>blocks with at least two lifts in areas without steep slopes and near to doctors, chemists' shops, post offices and bus stops" Quoted insidehousing.co.uk.</p> <p>Believed moving younger people into these blocks will cause ASB and disturbance as well as cause distress to older vulnerable tenants.</p> <p>How will the situation be monitored?</p> <p>Do not have faith in the available options to address any issues that arise as they say there are instances of tenancy breaches which are not addressed e.g. dogs, laminate flooring, ASB</p> <p>There will be added pressure on health and social services through ill health caused by stress and associated illnesses.</p>	<p>only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30. It is not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age designation had been removed, the ASB Team would carry out preventative work in conjunction with partner agencies.</p> <p>It is unlikely that there will be an influx of young people into a block. As and when younger people and/or families move into a block, Estate Managers will be notified to monitor and address issues if they arise.</p> <p>As the policy is implemented it will be monitored based on a range of information including feedback from Estate Managers, ASB Manager, management information and periodic reviews including Equalities</p>
Merry Hill Ward	St Josephs Court a) Tenants comments	<p>Strongly objects to lifting age limits from St Joseph's Court. Suggests the other 2 blocks on site have a terrible reputation and general ASB i.e. loud music and drug taking etc.</p> <p>Believes St Joseph's Court already has problems with anti-social behaviour that will be made worse if the age limit is removed.</p> <p>If the recommendations are voted through they have asked the Council to make re-housing of residents affected an easy process and offer compensation for monies spent by tenants on their flats.</p> <p>Suggest tenants like him have accepted the tenancy</p>	<p>The Council's Allocation Policy reserves the right of the Council to undertake 'Periodic reviews of designations ... to ensure that the Council is able to react to changes in supply and demand', (32.3).</p> <p>As above - ASB, disturbance and noise cannot only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30</p> <p>Comments on current issues within the block have been passed on to the Estate Manager.</p>

		<p>mainly because there was such an age limit so view this as an implied term of the tenancy agreement.</p>	
<p>Merry Hill Ward</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 37</p>	<p>St Josephs Court</p> <p>b) Additional comments received from MP as they had been copied into email from tenant above</p>	<p>Applying or removing age restrictions in relation to certain properties is a matter of policy for the local authority. Authorities have discretion to revise and amend their housing allocation schemes. Similarly they must be robust enough to stand up against any legal challenge by residents.</p> <p>The Equality Act, which gained Royal Assent on 8 April 2010, extended age discrimination provisions to the area of goods and services but did not extend the provisions to cover letting of premises.</p> <p>On the other hand, there are many examples of housing provision exclusively for people in a particular age range, which we would probably regard as desirable and would want to preserve it. Age limits may be imposed to meet the needs of disadvantaged groups or to cater for the preferences of individuals who simply wish to live exclusively with people of a similar age. If we included age in the ban, those age limits would have to be objectively justified. Since we did not find evidence of harm from the exclusion, we did not think that this was necessary. (PCB 18 June 2009 c366)</p> <p>The Allocations Policy must be legally applicable under the Equalities Act. The justification for the removal of age designations will need to be robust enough to stand up to legal challenge and thus an Equalities Analysis will need to be undertaken to ensure obligations under the Equalities Act are satisfied.</p>	<p>Anti-age discrimination provisions are not extended to accommodation as referred to in paragraph 4.13. Part 4 of the Equality Act that deals with accommodation and Section 32 makes it clear that Part 4 does not apply where the protected characteristic is age. This means that it is not unlawful to discriminate on the grounds of age in the disposal and management of accommodation. However, the Council is subject to the Public Sector Equality Duty, which plays a key role in ensuring that fairness is at the heart of public bodies' work and that public services meet the needs of different groups. It also requires public bodies to think about how they can eliminate discrimination, advance equality of opportunity and foster good relations for all protected groups. The implementation of age restrictions on lettings therefore needs to be objectively justified.</p> <p>An Equality Analysis has been undertaken on age designations. Whilst provisions within the Equalities Act were not extended to age in terms of the disposal of premises (accommodation), the Equality Analysis also highlighted other areas where by it is appropriate for the removal of age designations in their current form to remove discrimination for example the impact on women.</p>

<p>Merry Hill Ward</p> <p>Page 38</p>	<p>St Josephs Court</p>	<p>The tenant does not support any changes to the present age-designation The changes will cause an increase in ASB Wolverhampton Homes does not have a sufficiently robust approach to anti-social behaviour or capacity to deal with more cases The reduced concierge service at the Merry Hill flats is also unhelpful because there is less monitoring of the buildings and environment More needs to be done to vet any potential tenants to ensure they are suitable tenants</p>	<p>As above - ASB, disturbance and noise can not only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30. It is not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age designation had been removed, the ASB Team would carry out preventative work in conjunction with partner agencies. A range of checks are undertaken before a property is let: Applicants are asked to complete questions on the housing application including if they owe arrears, have been evicted from a previous tenancy for arrears or other breaches. If successful in a bid for a property checks are undertaken including addresses for the last ten years, any changes of name, debts or anti-social behaviour with the Council or Housing Association and/or references from private landlords. Where appropriate an applicant may be given lesser preference in terms of the level of priority they are awarded when bidding for housing (the lowest level of priority). Where the behaviour is serious enough to make them unsuitable to be a tenant they could be excluded from the housing register and so unable to bid for housing.</p>
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Spring Vale Ward	Shaw Road	Queried why there are already tenants younger than the designated age living in the block. Stated a preference for the block to remain age designated.	Based on the current policy, where no eligible tenant has applied for the property, then the Allocations Policy allows it to be allocated to someone outside the age limit, but as close to it as is possible. As a result, younger people can potentially be let property in age designated blocks.
Tettenhall Wightwick Ward	Brantley Avenue	Called to clarify if they were the right age for their block. Once the proposals were explained the tenants stated they thought it was a good idea.	
Tettenhall Wightwick Ward Page 39	Bromfield Court	Agreed in general with the principle and understood the need to increase the availability of accommodation available to those in need however was concerned that within her block there were some particularly old tenants and if young people, those with children or those from a different culture moved in could present a clash of lifestyle and lead to isolation of the older tenant. Did recognise that a mix of ages may support those in the block for example she sometimes felt isolated because of the large number of older people within the block. Would prefer it at 30 or at least 20 to avoid young and children.	To manage the process of change if and when younger tenants move into blocks Estate Managers will be alerted to monitor the situation and address issues if they arise. Allocation of property must be done in accordance with the Equality Act 2010.
Tettenhall Wightwick Ward	Sandy Hollow	Against the proposal to remove age designations. Believes this will lead to upset and distress to mature and elderly tenants as it will leads to “ loud music, young children and anti-social behaviour”. Requires more information on the options in place to ensure the effective management of Council housing	As above - ASB, disturbance and noise can not only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30 It is not anticipated that ASB will significantly increase however if there is a sudden increase in ASB reporting in blocks where the age

Tettenhall Wightwick Ward	Sandy Hollow	In the block the residents lives in “5 out of the 6 residents are over 70”. Whilst they appreciate the need for change they ask for consideration of the tenants ages for sensible allocations in the future.	designation had been removed, the ASB Team would carry out preventative work in conjunction with partner agencies. Allocation of property is made in line with the Allocation Policy; those that are eligible are free to bid. Those that apply are shortlisted based on their priority.
Not Provided Page 40	Not Provided	Would prefer to keep the age limits as it is. There is an older settled community in the area. Believe removing the age limits will increase criminality in the area. Suggests the Council have been discriminating against younger people for years and are making these changes to rectify this mistake.	As above - ASB, disturbance and noise cannot only be attributed to young people. ASB statistics shows perpetrators most likely to be over 30. The Equality Act allows the Council to discriminate on age for the purposes of letting property. There is increasing demand for smaller units from families. Age designations are disproportionate based on need. At the same time the Council also has a duty to demonstrate that it has given due regard to the need to eliminate discrimination, advance equality and foster good relations. Taking all things together a series of recommendations have been made.

Vibrant and Sustainable City Scrutiny Panel

11.2.16

Date 15.1.16

Briefing Paper

To: The Chair, Councillors of the Vibrant and Sustainable City Scrutiny Panel.

Title: Taking Forward the Management of the City Centre Public Realm

a) This paper will have also been to the Environmental Infrastructure Board and the Connected Spaces Working Group for comment prior to a more detailed report will be presented to the scrutiny panel on 14.4.16.

This report proposes that we revisit some of the issues considered in the report of the same name endorsed by Cabinet on 7 December 2011.

It is an opportune time to revisit the regulation of the city centre public realm environment for a number of reasons including:

- The current investment in the regeneration of the physical city centre public realm environment.
- Changes in the nature and levels of the trade and public activities which are having a detrimental effect on the city centre environment.
- Recent introduction of new legislation to allow local authorities to control activities that have a continuing detrimental effect on the quality of life of those in the locality, through community protection notices and public space protection orders.

The main aim of this report is to bring to the attention of the panel, difficult public realm issues within the city centre environment and to suggest ways forward to mitigate the issues through regulatory activity. It also provides information on the recently introduced Anti-social Behaviour Crime and Policing Act 2014.

Once the proposed measures have been piloted within the City Centre for 12 months they will be reviewed to determine if they should be rolled out to the other commercial hubs.

b) Key Issues

The appropriate use of regulation can effectively control illegal, poor and otherwise unsympathetic trade and public activities in the city centre and promote responsible, sympathetic, activity which complements the on-going physical regeneration of the city centre.

A number of priority issues have been identified from complaints received by the council from members of the public and city centre businesses and from consultation with city centre stakeholders including the City Centre Tasking Group, Business Improvement District Company and West Midlands Police.

The priority areas along with measures to create improvements.

Issue	Impact	Current Controls	Explore The Following Proposed Measures.
<p>Commercial bins permanently stored on the highway.</p>	<p>Negative aesthetic impact. Allow deposit of waste by others. Attract side waste. Facilitate bin dipping, with associated release of waste. Obstruction of the highway and in some cases nuisance.</p>	<p>Commercial waste containers on the highway within the city centre are tolerated via policy endorsed in 2010/11 where the business has nowhere to store them on the premises and enforcement could potentially result in a business being unable to operate.</p>	<p>Robust application of planning regime where possible to ensure new builds have adequate waste storage facilities.</p> <p>Take a more robust approach to trade waste containers on the highway within existing policy to ensure businesses that have space to store their waste containers on their premises do so.</p> <p>Amend policy to facilitate the following:-</p> <ul style="list-style-type: none"> • Minimise numbers of bins required by increasing collection frequency where appropriate. • The BID Company are looking at businesses bin sharing to minimise no.s of bins. • Where bins have to be stored on the highway, keep them within a council approved housing at an agreed location, to minimise the aesthetic impact, prevents the use of the bin by others and prevents bin

			<p>dipping.</p> <ul style="list-style-type: none"> Where a bin housing cannot be used the bin could be painted/ vinyl wrapped to either create street art or minimise its aesthetic impact. The bin would be chained in an agreed location and the lid be adequately secured.
Domestic bins permanently stored on the highway.	<p>Negative aesthetic impact. Allow deposit of waste by others. Attract side waste. Facilitate bin dipping, with associated release of waste. Obstruction of the highway.</p>	<p>There are currently no legal controls / policies in place over domestic waste containers stored on the highway. The Highways Act 1980 obstruction of the highway applies in the same way as it does to commercial bins.</p>	<p>Robust application of planning regime where possible to prevent the designing/building out of waste storage facilities.</p> <p>Utilise Section 46 of the Environmental Protection Act 1990 to instruct occupiers of domestic premises as to storage containers used and presentation of waste for collection.</p> <p>Implement a policy similar to that proposed relating to commercial bins.</p>
Proliferation of A-Boards	<p>The numbers, size and variety of both permitted and non-permitted A-boards have grown significantly in recent years. They are becoming an obstruction in some areas of the city centre and they are having a negative aesthetic impact.</p>	<p>There is currently a permitting scheme for A-boards within the city centre, any board not permitted is classed as an obstruction under the highways Act 1980 and can be moved within X days.</p>	<p>Prioritise enforcement of the existing permit scheme. If this is not successful in controlling the number of A-boards look to revisit the existing policy. Consult on an approach that would permit far fewer A boards in either all or in specified areas of the city centre.</p>
Street Preaching. Complaints from city centre businesses.	<p>Street preaching in itself can have a positive effect with members of the public stopping to listen. However the preachers who use loud hailers and amplifiers impose themselves on the businesses nearby causing significant disturbance and interfering</p>	<p>It may be possible to address nuisance street preaching as statutory nuisance under the Environmental Protection Act 1990 or via community protection notices under the Anti-social Behaviour, Crime and Policing Act 2014.</p>	<p>There are practical problems associated with enforcing statutory nuisance provisions and the use of either legislation could cause reputational damage in these circumstances.</p> <p>Possible options include the introduction of a</p>

	with their business, this is particularly true when they locate themselves near to promotional spaces and licensed street trading pitches.		'Voluntary Code of Conduct For Street Preaching.' This could be promoted by the BID - City Centre Ambassadors, Regulatory Service compliance officers and the Police.
Busking Regular complaints from city centre businesses.	<p>Busking brings vibrancy to the city centre and entertains members of the public.</p> <p>It becomes a problem in the following circumstances: Position obstructs highway. Too close to promotional spaces or licensed pitches. Too loud. Busker remaining in the same place for long periods. Repeating the same song too frequently.</p> <p>There has been an increase in the number of buskers over the past 18 months, the authority receives many complaints from local businesses that loud busking is having a negative impact on their businesses.</p>	It may be possible to address nuisance busking as statutory nuisance under the Environmental Protection Act 1990 or via community protection notice under the Anti-social Behaviour, Crime and Policing Act 2014.	<p>There are practical problems associated with enforcing statutory nuisance provisions.</p> <p>Proposal to seek advice on the introduction of a 'Street Entertaining Code Of Practice' backed by the use of Community Protection Notices for significant breaches. This could be promoted by the BID – City Centre Ambassadors, Regulatory Services Compliance officers and the Police. With Regulatory Services Officers and Police Officers able to issue CPN's and subsequent FPN's</p>
Drinking in the Street and other public spaces.	Three are various places around the city centre where people gather and drink in public, regardless of whether their behaviour is in any way anti-social their appearance drinking can make people feels threatened and put them off the city centre.	Existing Designated Places Protection Orders, which give powers to stop drinking of alcohol associated with anti-social behaviour in public places, has been effective but will in time be replaced by Public Spaces Protection Orders. Under the new Act DPPO's continue to be valid for a period of three years from the commencement of the new provisions; so until late 2017.	Revisit in 2017.
Begging	Begging within the city centre is a regular problem. It is off putting to members of the public.	Begging is illegal under the Vagrancy Act 1824, it actionable by the Police.	Revisit in 2017. See below #.

Sleeping and camping in public places.	There are a growing number of homeless people sleeping within the city centre and congregating on and around the walking bridge from the train station obstructing it. Their presence is off putting to the public.	There are a lot of services in place to assist homeless people both with a safe place to sleep and to assist with their other problems. It is life choices that put many of our homeless on the street.	Revisit in 2017. See below #.

Summary of Public Spaces Protection Order's

A **Public Spaces Protection Order (PSPO)** is a relatively new provision, created by the Anti-social Behaviour, Crime and Policing Act 2014, which is intended to deal with a particular nuisance or problem in a defined area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

The aim is to stop individuals or groups committing anti-social behaviour in public spaces. Restrictions and requirements can be placed on an area where activities have or are likely to have a detrimental effect on the quality of life of local people, is persistent or continuing in nature and is unreasonable. These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. The Guidance is not specific on what can be included in a PSPO. The potential for their use appears to be very broad and flexible to allow a Council to cover individual circumstances in its area.

Enforcement will be shared between the Council and the police. Breach of a requirement to desist in a particular activity is a criminal offence which can result in the issuing of a Fixed Penalty Notice (FPN) or a prosecution attracting a fine of up to £1,000 on conviction. Enforcement can be undertaken by Council Officers, and other groups the Council may designate, but principally police officers and PCSOs.

Recent Attempts to Introduce PSPO's

Many local authorities are in the process of trying to introduce PSPO's to address undesirable behaviour in their areas. Two have been used successfully in Wolverhampton to address community based nuisance and disturbance.

Initially the orders appear to be a panacea for previously difficult to address anti-social behaviour in city centres. However recent cases show they are not as easy to introduce as may first appear. Oxford and Birmingham recently tried to introduce a PSPO's to cover many of the issues detailed above in their areas. In both cities the public consultation resulted in a general vote against introducing the PSPO's, Birmingham have dropped their plans for a street entertaining PSPO. Oxford have deferred their plans for a PSPO to cover amongst other issues, begging, sleeping in street when accommodated, busking and street drinking. Liberty have obtained a legal opinion stating that many of the restrictions in their planned PSPO were unlawful.

The use of PSPO's for city centre issues could be revisited in 2017 when their use for the above issues will have been tested by other authorities.

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