



*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

[www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

**Friday, 26 October 2018**

**Chairman: Councillor B Laughton  
Vice-Chairman: Councillor T Wendels**

**Members of the Committee:**

**Councillor Mrs B Brooks  
Councillor Mrs C Brooks  
Councillor Mrs I Brown  
Councillor M Buttery  
Councillor Mrs S Michael  
Councillor N Mison  
Councillor N Mitchell  
Councillor Mrs P Rainbow  
Councillor Mrs S Saddington  
Councillor Mrs S Soar**

**Substitute Members:**

**Councillor B Crowe  
Councillor Mrs G Dawn  
Councillor T Roberts  
Councillor D Staples  
Councillor D Thompson**

**MEETING: Homes & Communities Committee**  
**DATE: Monday, 5 November 2018 at 6.00 pm**  
**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Notts NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

**If you have any queries please contact Helen Brandham on [helen.brandham@newark-sherwooddc.gov.uk](mailto:helen.brandham@newark-sherwooddc.gov.uk) 01636 655248.**



## AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers and as to the Party Whip	
3. Declaration of any Intention to Record the Meeting	
4. Minutes of Previous Meeting	4 - 9
<b>Part 1 - Items for Decision</b>	
5. Gypsy & Traveller Update	10 - 33
6. Chief Inspector Andy Rooke - Update on Community Safety and Policing in the Newark & Sherwood District	
7. Scrutiny of the Community Safety Partnership	34 - 41
8. Newark & Sherwood District Council - Anti-Social Behaviour Policy Update	42 - 58
9. Health & Safety Update	59 - 64
<b>Part 2 - Items for Information</b>	
10. Housing Revenue Account - Development Programme	65 - 71
11. Performance Monitoring: Newark and Sherwood Homes	72 - 86
12. Forward Plan	87 - 88
<b>Confidential &amp; Exempt Items</b>	<b>None</b>
13. Exclusion of the Press and Public	

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Homes & Communities Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts. NG24 1BY on Monday, 10 September 2018 at 6.00 pm.

PRESENT: Councillor B Laughton (Chairman)  
Councillor T Wendels (Vice-Chairman)

Councillor Mrs B Brooks, Councillor Mrs C Brooks, Councillor Mrs I Brown, Councillor M Buttery, Councillor N Mison, Councillor Mrs P Rainbow, Councillor Mrs S Saddington and Councillor Mrs S Soar

APOLOGIES FOR ABSENCE: Councillor Mrs S Michael and Councillor N Mitchell

ALSO IN ATTENDANCE: Councillor P Duncan, Councillor P Peacock and Councillor D Staples

15 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

16 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that there would be an audio recording of the meeting undertaken by the Council.

17 MINUTES OF PREVIOUS MEETING

AGREED (unanimously) that the Minutes of the meeting held on 11 June 2018 be approved as a correct record and signed by the Chairman.

18 ORDER OF BUSINESS

With the agreement of the Committee the Chairman moved discussion of the Forward Plan to the last item on the Agenda. All other items remained unchanged.

19 HOMELESSNESS REDUCTION ACT PRESENTATION

The Committee received a presentation from the Business Manager – Housing & Safeguarding and the Senior Housing Options Officer in relation to the Homelessness Reduction Act. The presentation provided an update 3 months on from the Acts implementation and the new Duty to Refer that was to come into force in October 2018.

The presentation provided the background to the Act and what the 12 main changes were. It also gave details of the implementation process and how the Council compared with the national and county trends and changes. Further details of the Duty to Refer were also included and how the Council would facilitate that together with details of the next steps that the Council were to follow.

In considering the presentation Members raised a number of issues. They noted, with regret, that a bed and breakfast had been used as temporary accommodation for those presenting as homeless and that this was the first time this had occurred in 18 years.

A Member queried whether there was any discretion available to Officers when rehoming people if the individual/family considered it to be an unsafe location. In response the Senior Housing Options Officer advised that the process remained unchanged and that all circumstances would be given due consideration. She added that there may be a requirement for input from the Police and/or a need for evidence to be supplied to support the claim. It was noted that the main reason for homelessness was due to private tenancy evictions.

A Member stated that within her Ward there were a couple of rough sleepers who migrated between the Newark & Sherwood and Mansfield districts and queried whether the Council worked in partnership with Mansfield District Council (MDC). Members were advised that partnership working was ongoing with both MDC and Ashfield District Council in relation to homelessness.

AGREED that the presentation be noted.

## 20 THE BETTER CARE FUND 2018/19 - UPDATE

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing in relation to the schemes being delivered from funding from the district's allocation of the Better Care fund in 2018/19.

It was reported that the Care Act 2014 amended the NHS Act 2006 to provide the legislative basis for the Better Care Fund (BCF). It created a local single pooled budget to incentivise the NHS and local government to work more closely together around people, placing their wellbeing as the focus of health and care services and shifting resources into social care and community services for the benefit of the people, communities and health and care. The report also set out the governance arrangements for the fund together with the delivery of local schemes. Information was also provided in relation to: mandatory disabled facilities grants; discretionary DFGs; handy person adaptations schemes; warm homes on prescription; assisted technology; and accessible homes together with schemes for future years and potential future developments.

In considering the report Members all agreed that there was a requirement for more accessible homes and that they would wish to see such homes included in the Council's current building programme, noting that it was easier to build an accessible property rather than having to adapt it at a later stage.

AGREED (unanimously) that:

- (a) the schemes for 2018/19 be supported; and
- (b) if possible, accessible homes be included in the Council's building programme.

21 AMENDMENT TO DISABLED FACILITIES GRANT POLICY - DISCRETIONARY FUNDING

The Committee considered the report presented by the Business Manager – Environmental Health & Licensing which sought Members’ approval for an interim amendment to the policy covering the maximum amount of funding eligible from the discretionary element of the Disabled Facilities Grants (DFGs).

It was reported that DFGs were mandatory grants designed to provide adaptations to the home to allow a disabled person to continue living in the community. The grants were subject to a means test with some applicants having to pay a contribution towards the cost of the works. Referrals for grants were received from the Occupational Therapy team of the County Council. The Policy also set out the limited circumstances under which the Council might consider using discretionary powers to provide additional grant over and above the mandatory maximum of DFG in circumstances that would fall outside normal grant eligibility. The report set out that the maximum award for a mandatory DFG scheme was £30,000 but that this was often exceeded for more complex adaptations. Part 2 of the Policy set out the section on discretionary help. The proposed amendment was to increase the discretionary grant from £10,000 to £15,000 but only in exceptional circumstances and after all other sources of funding had been exhausted. It was further proposed that the additional funding would only be awarded following consultation with the Director – Safety and that the interim arrangement would be reviewed within 12 months or sooner if the outcomes from the national review of DFGs were known.

In noting the contents of the report a Member queried what arrangements were in place should the allocated budget for disabled facilities adaptations be overspent. The Business Manager advised that referrals were received from Occupational Therapy with the Council administering the budget which was closely monitored. He added that there were a number of options available should the upper limit be reached e.g. applying to the DCLG for additional funds.

AGREED (unanimously) that:

- (a) the additional £5,000 of discretionary funding for DFG schemes, in exceptional circumstances, be approved;
- (b) the additional discretionary funding only be awarded following consultation with the Director – Safety; and
- (c) a review of the Policy be undertaken within 12 months with a further report being presented to the Homes & Communities Committee.

22 SHERWOOD PUBLIC SERVICES HUB UPDATE REPORT

The Committee considered the report presented by the Business Manager – Customer Services & External Communications which updated Members on the possible provision of a Public Services Hub in Ollerton. The report also sought Members’ approval of the initial Feasibility Study Report.

The report set out that in 2014 the Council in conjunction with the Department of Work and Pensions, Dukeries Community College and Ollerton & Boughton Town Council commenced delivery of a joint service from Ollerton & Boughton Town Hall. Initially the service operated for 1 day a week but due to demand it was increased to 2 days per week in April 2017. The report set out the reasons behind the need for an enhanced face to face provision in Ollerton and other factors which further strengthened the requirement.

Paragraph 3 of the report set out the purpose of the feasibility study as follows: to assess the suitability of the preferred site, determination of the maximum scale of any development on site, the taking into account of planning constraints and to establish the requirements of partners who might provide services from the Hub, reflecting future health and social care needs with paragraph 4 setting out the next steps.

The Local Member who was in attendance at the meeting addressed the Committee and welcomed the report. He added that he would have wished to see the report reflect more accurately the poor health care facilities in the area and the level of deprivation experienced by some residents, referring to statistics about life expectancy. He added further that the potential gains from the proposed facilities would be extremely beneficial and would go some way to solving some of the issues experienced by residents.

All Members of the Committee were in agreement that the proposed Sherwood Public Services Hub was to be welcomed and would not just be where residents accessed medical facilities. A Member noted that the project relied heavily on support from the Clinical Commissioning Group (CCG) and queried whether there was any indication as to when they would confirm if they were supporting the project.

The Business Manager noted and agreed that it was not just a proposal to provide medical facilities and recognised that as it stood there was a heavy involvement from the CCG. She referred to paragraph 4.3 of the report which noted the amendment to the project that would be required should the CCG not commit to supporting the scheme.

AGREED (unanimously) that:

- (a) the feasibility study be approved; and
- (b) an update report be brought back to a future meeting when the CCG's commitment to the scheme has been clarified.

## 23 CASTLE HOUSE UPDATE REPORT

The Committee considered the report presented by the Business Manager – Customer Services & External Communications which sought to appraise Members of improvements in customer experiences one year on from the move to Castle House.

The report set out the main differences between customer experiences at Kelham Hall to Castle House and the enhanced services that were now available. It was also reported that 8 partners had co-located to Castle House and these were listed at paragraph 3.1.

Members all agreed that the move to Castle House had been a success and that access to services for both the public and elected Members was much improved.

AGREED (unanimously) that:

- (a) the contents of the report be noted; and
- (b) an annual update report be presented to the Committee.

24 ENERGY & HOME SUPPORT SERVICE UPDATE

The Committee considered the report presented by the Business Manager – Housing & Safeguarding which provided an update on the Warm Homes on Prescription Scheme and outlined other funding opportunities being explored by the Council’s Energy and Home Support Team to continuously improve the service offer for vulnerable fuel poor households in the private sector.

The report set out the aims of the Council-led Nottinghamshire Warm Homes on Prescription (WHOP) and that the number of referred administered for the previous year had been 234. It also stated that despite the prolonged hot weather, which had had a significant impact on the number of WHOP enquiries, the Council had already spent and committed almost a third of its 2018/2019 Better Care Fund WHOP budget. Paragraph 2.5 of the report provided information about the Government’s new ECO 3 Scheme and the expanded role that local authorities will be delivering. Appendix B outlined the current and proposed services being developed by the Energy & Homes Support Team.

AGREED (unanimously) that the progress made with the Warm Homes on Prescription Scheme and the range of funding opportunities being explored by Newark & Sherwood District Council’s Energy & Home Support Team be noted.

25 FORWARD PLAN - SEPTEMBER 2018 TO AUGUST 2019

The Committee considered the Forward Plan of some of the items that would be submitted to the Homes & Communities Committee over the course of the next twelve months.

The Chairman requested that Members put forward any items they would wish to see included. These were as follows:

Gladstone House Update Report

The Chairman advised that in relation to the Better Care Facility in Ollerton a bid for funding was to be made to Homes England within the week. Work was also ongoing in relation to going out to tender for possible contractors.

AGREED (unanimously) that

- (a) the Forward Plan be noted; and



- (b) an update report in relation to Gladstone House be added to the Forward Plan.

26 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

None

Meeting closed at 6.55 pm.

Chairman

## HOMES & COMMUNITIES COMMITTEE

5 NOVEMBER 2018

### GYPSY AND TRAVELLERS - UPDATE AND POLICY ON DEALING WITH UNAUTHORISED ENCAMPMENTS

#### **1.0 Purpose of Report**

1.1 The purpose of this report is to update Members on the issues that have arisen over the past year in respect of unauthorised encampments throughout the District and to consider and approve the proposed Policy for dealing with unauthorised Gypsy, Roma and Traveller (GRT) encampments.

#### **2.0 Background Information**

2.1 Newark & Sherwood has a long established GRT community with many of its members living in settled accommodation, both residing in and working as part of our local communities. Within the District, whilst there are a number of privately owned 'transit' sites, there are no local authority or socially registered landlord sites.

2.2 The Council is required to carry out an assessment of the future need for gypsy and traveller pitches (including those to meet short-term transit needs and those of Travelling Showpeople). The calculation of pitch requirements takes place through the production of a Gypsy & Traveller Accommodation Assessment (GTAA), which is subject to regular review. This process is managed by the Council's Planning Policy and Strategic Housing Business Units. National planning policy requires the Council to identify and update annually a supply of specific deliverable sites sufficient to meet 5 years' worth of its pitch requirements, to identify a supply of specific developable sites, or broad locations for growth, for years 6 to 10 and where possible years 11 to 15.

2.3 In 2017, in order to ensure that future gypsy and traveller accommodation (GTAA) needs could be met, the Council resolved to work with partners to address pitch requirements consistent with the results of the most up-to-date GTAA through all necessary means. This includes:

- The allocation of new sites through the Development Plan;
- Granting of planning permission for pitches on new sites in line with the provisions of the Development Plan;
- Granting of planning permission for the provision of additional pitches at existing sites through further appropriate intensification of use or the expansion of the site in line with the provisions of the Development Plan;
- The purchase by the Council, or partners, of new sites for additional pitches;
- Encouraging owners of underutilised sites to allow occupation of vacant pitches;
- The compulsory purchase of existing sites with the benefit of planning permission which are not in use; and
- The provision of flood resilience measures to enable the safe expansion of existing sites in partnership with the Environment Agency.

- 2.4 Decisions over the extent of future pitch requirements and the allocation of new land for gypsy and traveller use will be made through the preparation and review of the Council's Development Plan (constituting the Core Strategy and Allocations & Development Management Development Plan Documents). The establishment of robust pitch requirements, provision of sufficient land to meet them and the maintaining of an appropriate supply of land will provide more sustainable and appropriate options to that of unauthorised encampment.
- 2.5 Over the past year there have been 10 unauthorised gypsy and traveller encampments (UE) on District Council owned land or other public land which have prompted concerns from members of the settled community, due to the sensitivity or inappropriateness of the land for such encampments. The most recent UE occurred on Friday, 5 October on the Newark Sports and Fitness Centre car park, which caused significant disruption to the day to day operation of the centre and its users.
- 2.6 UE's occur where caravans and/or other vehicles are set up on land without the landowner or occupier's consent. There is a distinction between an UE, which is a form of trespass and Unauthorised Development, which is a form of development of land without planning consent. This report deals with the former. The costs of taking action over the last 12 months has been in the region of £10,000, which includes legal fees and bailiff's costs but excludes clean-up costs and council officer time and resource in responding to these issues. The UE's have predominantly taken place on public open spaces, play areas or car parks which has meant that during the encampments the land has been prevented from being used for its designated purpose by the settled community.
- 2.7 It is often impossible to accurately predict just where and when an UE will occur, however a purely reactive response to encampments as they arise is likely to be both inefficient and ineffective. It is therefore proposed that the Committee consider and adopt the draft Policy on Unauthorised Gypsy and Traveller Encampments attached as **Appendix One** to this report. The Policy sets out how the Council will address UEs to ensure that it deals with these incidents in a consistent, efficient, effective and fair way that is understood by our settled communities, our partners and the gypsy and travelling community. It also seeks to balance the rights and responsibilities of the travelling and settled communities.

### **3.0 Proposed Policy**

- 3.1 This report and the proposed Policy takes into account the Government report issued by the Department for Communities & Local Government; "Guidance on Managing Unauthorised Encampments" and will enable the District Council to:
- Manage UEs in an efficient and effective manner taking into account the nature of the site of each particular UE, the potential level of nuisance for local resident, the Council and its partners, together with the rights and responsibilities of gypsies and travellers;
  - Consider the full range of powers and legislation available and utilise these as appropriate;
  - Consider and balance the rights and needs of resident communities together with those of gypsies and travellers; and
  - Take account of any welfare concerns of any members of the UE.

- 3.2 The Human Rights Act 1998 (HRA) came into force in October 2000, incorporating the European Convention on Human Rights into British Law. Romany Gypsies and Irish Travellers are protected ethnic minorities under the European Convention on Human Rights so that they have the right to be free from racial harassment and discrimination. All public sector organisations have a positive duty under the law to eliminate racial discrimination and promote equality of opportunity.
- 3.3 The proposed Policy is commensurate with the District Council's Equality Policy. It has been the subject of an Equality Impact Assessment, which is attached to this report as **Appendix Two**
- 3.4 Government guidance on 'Dealing with Illegal and Unauthorised Encampments' states that public bodies should not gold-plate human rights and equalities legislation. However they must strike an appropriate balance between the needs and legitimate expectations of members of the settled community, local businesses, other land owners and gypsies and travellers. The proposed Policy sets out the Council's approach to UEs within a framework of rights and responsibilities in which everyone's rights must be equally respected but where, at the same time, equal standards of behaviour are expected from all.
- 3.5 It is important that there be a lead officer for the Council in dealing with UEs and it is proposed within the Policy that this role be undertaken by the Business Manager – Environmental Health & Licensing.

#### **4.0 Powers for Dealing with Unauthorised Encampments**

- 4.1 There are a range of available powers for dealing with unauthorised encampments as set out below. The Council needs to be prepared and act swiftly using the most appropriate power – taking into account a range of issues when deciding whether to take action, for example, (a) the harm that such UE can cause to local amenities and the local environment, (b) the potential interference with the peaceful enjoyment of neighbouring property, (c) the need to maintain public order and safety and protect health, (d) any harm to good community relations.

##### **Possession Orders**

The Council can only use this procedure when it owns the land in question. Essentially a possession order can be obtained from the County Court to require the removal of trespassers from property including land. It is essential that the necessary welfare checks are carried out prior to any action being commenced to ascertain whether any individuals have welfare needs around issues such as children, health, education or housing etc. A minimum of 2 days' notice must be given to the trespassers before a hearing can take place. Once the possession order has been obtained, if the UE refuses to leave, eviction is undertaken by the County Court bailiffs.

##### **Injunctions**

If a local authority owned local site is particularly vulnerable and intelligence suggests it is going to be targeted for unauthorised camping and is likely to cause disruption to others going about their day-to-day lives, then the Council could apply to the Court for a pre-emptive injunction preventing unauthorised camping in a defined geographical area.

### **Power of Council to Direct Unauthorised Campers to Leave Land**

Where people are residing in vehicles (including caravans) on land, section 77 of the Criminal Justice and Public Order Act 1994 gives local authorities power to direct unauthorised occupants to leave. If the Direction is contravened, the Council can apply to the Magistrates' court which may make an Order requiring the removal of vehicles and property. It is a criminal offence to knowingly contravene such an Order, however the responsibility for eviction lies with the local authority. Officers or agents of the Council may use reasonable force to evict. It is usually recommended that the Police attend such evictions in order to prevent a breach of the peace.

### **Power of the Police to Direct Unauthorised Occupants to Leave Land**

Sections 61 – 62 of the Criminal Justice and Public Order Act 1994 gives the Police discretionary powers to direct trespassers to leave land and remove any property or vehicles they have with them. The powers are exercisable only by a Senior Police Officer, the trespassers must have refused to comply with the landowner's request for them to leave the land and they must have either: caused damage to the land or property; used threatening, abusive or insulting words or behaviour towards the occupier; or have between them six or more vehicles on the land. Failure to comply with the Police direction to leave the land as soon as reasonably practicable, or to re-enter it again within three months, is an offence.

- 4.2 It is also important that the Council continues to review and identify sites that are particularly vulnerable to UE and work to physically secure these wherever possible.

## **5.0 Equalities Implications**

- 5.1 The Equality Act 2010 requires the council to actively seek to eliminate discrimination, advance equality of opportunity and promote good relations as a consequence of the Public Sector Equality Duty. Human Rights implications have also been considered.
- 5.2 The Policy sets out the framework in which Unauthorised Encampments will be considered by this authority. A full Equality Impact Assessment (EIA) has been undertaken and all protected characteristics, particularly race (case law has established that Romany Gypsies and Irish Travellers are covered by the protected characteristics of race), age, pregnancy and maternity, religion or belief etc. have been considered.
- 5.3 The EIA has identified some potential adverse impacts; however the undertaking of welfare checks and the follow up actions in response to the findings of the welfare checks will ensure that these are mitigated. The Equality Impact Assessment is included in Appendix two to this report.

## **6.0 Financial Implications (FIN18-19/7851)**

- 6.1 There are no direct financial implications from the adoption of the proposed policy attached to this report.
- 6.2 As outlined at paragraph 2.6, costs have amounted to £10,000 over the last 12 months. This has been funded, currently, by the Unlawful Occupation of Land Reserve.

## **7.0 RECOMMENDATION**

**That the Committee consider and approve the adoption of the Policy on Unauthorised Gypsy and Traveller Encampments attached as Appendix A to the report.**

### **Reason for Recommendation**

**To ensure that the Council has a consistent, fair and proportionate approach to dealing with Unauthorised Encampments.**

### **Background Papers**

- Government report issued by the Department for Communities & Local Government, "Guidance on Managing Unauthorised Encampments"
- A summary of available powers for "Dealing with illegal and unauthorised encampments" issued by the Department for Communities & Local Government, March 2015

For further information please contact Alan Batty (Business Manager - Environmental Health & Licensing) on Extn. 5467 or Karen White (Director – Safety) on Ext 5240.

Karen White  
Director - Safety

**Newark & Sherwood  
District Council**

**Policy on Unauthorised Gypsy  
and Traveller Encampments**

**October 2018**

## **1.0 Scope of the Policy**

1.1 This policy applies to any person who meets the definition of a ‘Gypsy’, ‘Traveller’ Travelling Show Person whilst they are located within the Council’s area.

1.2 This is the policy document which sets out the high level actions the Newark & Sherwood District Council (‘the Council’) intends to take regarding unauthorised encampments within the Council area. It is intended to inform Councillors, Officers and members of the public of how we balance the needs and rights of Gypsies and Travellers with those of landowners and the public and to address public concern when an unauthorised encampment arises.

1.3 The policy will consider the following areas:-

Understanding Gypsy and Traveller needs  
Statutory Responsibilities of the Authority  
Unauthorised Encampments  
Powers to Deal with Unauthorised Encampments  
Planning Issues  
Implementing this Policy

## **2.0 Understanding Gypsy and Traveller Needs**

2.1 The Council acknowledges and understands that Gypsies and Travellers make up an important part of the social demographic of the United Kingdom. We believe that in most cases travelling has been a way of life for generations of Gypsies and Travellers and accepts that their culture, language and traditions should be respected and, if possible, encouraged. We recognise three specific groups:

- **Romany Gypsies** are the largest minority ethnic group among the Travelling communities in Britain, whose ancestors migrated to the UK some 500 years ago.
- **Travellers of Irish Heritage** do not necessarily come immediately from Ireland, and may visit Ireland infrequently and for short periods only. It is thought that many Irish travelers are descendants of people who lost their land during the potato famine in the mid nineteenth century.
- **New Travellers** are a community of more recent origin. They have adopted this way of life for a variety of reasons, such as lifestyle change, homelessness, unemployment or environmental issues.

2.2 For the purpose of this Policy, the terms ‘Gypsies’ and ‘Travellers’ are used to describe people and communities of ethnicity or nomadic habit. As with any community, consideration should be given to the right for an individual’s preference to self-identify themselves.

2.3 Gypsies and Irish Travellers are recognised under the Race Relations Act (1976) as ethnic groups and as such are afforded protection.



### **3.0 Statutory Responsibilities of the Authority**

- 3.1 Newark & Sherwood District Council recognises its responsibilities to the travelling community, including Travelling Show People and how they must be dealt with on a number of issues in a fair and equitable manner. This could, for instance, relate to a planning application for a permanent site in the District, to enforcement by the Council to remove an unauthorised site on public or private land, or to a request for housing accommodation or advice.

### **4.0 Unauthorised Encampments**

- 4.1 Some parts of the country experience regular unauthorised encampments which cause disruption and conflict locally and are expensive and time consuming to clear. Government guidance suggests a range of solutions which includes outcomes from recent requirements that it has introduced around accommodation assessments and site provision. It is one of the most difficult issues to resolve, mainly due to the different and conflicting sets of rights and responsibilities that are involved. Local residents can be adversely affected by the activities of the Travellers whilst Travellers themselves can be in an area lacking basic amenities and where it is hard to access health and education services for their families.
- 4.2 Unauthorised camping is unlawful; there is no right for anyone to stop where they want to, for as long as they want or to behave without regard for others. However, in the short term, until there is adequate site provision across the country, unauthorised camping will take place and this Policy seeks to manage these in a way that minimises disruption for all concerned and ensure that anti-social behaviour is tackled firmly. Standards of behaviour expected of Gypsies and other Travellers at encampments should be those expected of the settled community and this should be effectively communicated to the campers.
- 4.3 Encampments will not be tolerated where the land is designated for specific public use e.g. nature conservation, parks or playing fields, car parks, public open space or other sensitive sites i.e. site development proposals.
- 4.4 Where the Gypsies or Travellers are revisiting the district and it can be evidenced that they have been previously evicted by the Council then any encampment established by them will not be tolerated.

### **5.0 Powers to Deal with Unauthorised Encampments**

#### **5.1 Part 55 Civil Procedure Rules**

This allows any landowner or occupier (dependent upon the terms of the lease) to regain possession of his/her land. The action is against any trespasser even if names are not known and covers land and/or buildings. The first step is for the landowner to ask the trespassers to leave the land and if they refuse or ask to remain for what is considered an unacceptable length of time the landowner can begin action through the County Court where enforcement is by a Bailiff. Where the occupants of an

encampment are changing frequently then it may be more effective for the local authority to use the CPR Rules 55 as it relates to the land. "Possession Claims against Trespassers" is given by witness statement in court and before this is heard there must be two clear working days between papers being served and the date of the court hearing. The court can then grant an Order of Possession which will be executed by the Bailiff.

## 5.2 Criminal Justice & Public Order Act 1994 Sect 77

Section 77 gives local authorities the power to direct individuals to remove their vehicles and belongings and to leave highway land, or any land occupied or unoccupied without the consent of the landowner, whether owned by the local authority itself or by any other public or private landowner. Before commencing any action to evict an unauthorised encampment local authorities have an obligation to carry out welfare assessments which may involve other service agencies such as NHS or Ethnicity Culture & Achievement service.

A Direction is drawn up which instructs the unauthorised campers to leave on a particular date and time, and is signed by an authorised signatory of the local authority - usually a solicitor. This document should identify vehicle details and it is then served on the campers by a local authority officer. If the encampment fails to move by the date and time or returns to the same location within three months of the date they are committing a criminal offence.

## 5.3 Criminal Justice and Public Order Act 1994 Sec 78

This allows local authorities to advise the Magistrates' Court of the Travellers' failure to comply with the Direction to leave under Section 77 and if they are satisfied they may grant an Order for Removal of persons and vehicles from the land. This is obtained by contacting the court for a hearing date to apply for the summons which is then served on the encampment as soon as possible. A solicitor must appear at the hearing on behalf of the local authority and once the Order has been served twenty four hours must elapse before any action is started to remove the campers.

Throughout any eviction procedure the lead officer should be updating local council members and also members of the public through the media to keep them informed of the situation, to try and alleviate the risks of potential aggression and tension.

## 5.4 Powers available to the Police

The lead role in the management of Unauthorised Encampments will be with Local Authorities. According to current guidance from the Association of Chief Police Officers (ACPO) (2008):-

" the Force should consider becoming involved in bringing about the prompt and lawful removal of unauthorised encampments, including the use of discretionary police powers under Section 61 or 62 of the Criminal Justice & Public Order Act 1994 where:

- i) Local amenities are deprived to communities or there is significant impact on the environment.  
This could include, for example, forming an encampment on any part of a recreation ground, public park, school field, village green, or depriving the public use of car parks. The fact that other sections of the community are being deprived of the amenities must be evident before action is taken.
- ii) There is local disruption to the economy.  
Local disruption to the economy would include forming an encampment on a shopping centre car park, or in an industrial estate, if it disrupts workers or customers, or agricultural land, if this results in the loss of use of the land for its normal purpose.
- iii) There is other significant disruption to the local community or environment.  
This might include where other behaviour, which is directly related to those present at an encampment, is so significant that a prompt eviction by Police becomes necessary, rather than by other means.
- iv) There is a danger to life.  
An example of this might be an encampment adjacent to a motorway, where there could be a danger of children or animals straying onto the carriageway.
- v) There is a need to take preventative action.  
This might include where a group of trespassers have persistently displayed anti-social behaviour at previous sites and it is reasonably believed that such behaviour will be displayed at this newly established site. This reasoning will take on greater emphasis if the land occupied is privately owned, as the landowner will be responsible for the cleansing and repair of their property.

5.5 The mere presence of an encampment without any aggravating factors should not normally create an expectation that Police will use eviction powers. This should be communicated to the public, landowners, local authorities and other agencies. If a decision is made to use Police powers to evict then the rationale for the decision should be clearly set out and recorded. In all cases, as stated above, relevant Human Rights processes must be applied to all decisions made i.e. that the elements of S61 are satisfied and that it is necessary and proportionate to use the powers. Section 61 Criminal Justice & Public Order Act relies upon reasonable steps being taken, by or on behalf of the landowner, to ask trespassers to leave in every case before Police powers can be used.

5.6 The Criminal Justice & Public Order Act, Section 62A to 62E, provides the Police with a power to direct trespassers to leave land and to remove any vehicles and other property from the land, where there is a suitable pitch available on a caravan site elsewhere in the local authority area. Where a direction has been given to a person, it is an offence for that person to enter any land in the local authority as a trespasser within three months of the direction being given.

### 5.7 Common Law Powers

Private landowners (including the Council) may obtain a possession order through the civil courts requiring the removal of trespassers from their land, using Civil Procedures Rules Part 55 in the county court.

5.8 However, private landowners may seek to avoid the expense and delay of going to court by using common law powers to recover land from trespassers using 'reasonable force' as necessary. Such action is lawful and some firms of bailiffs have carried out many evictions effectively and without trouble. Good practice guidelines for common law evictions would seek to ensure that no more than necessary 'reasonable force' is used.

### 5.9 Planning Powers

Where land is used without planning permission, the planning authority has a range of enforcement powers available to it. It can:-

- 1 Issue an enforcement notice requiring the use to cease and the land to be restored to its previous condition within a specified timescale. Enforcement notices give rise to a right of appeal which, if taken up, would suspend the effects of the notice.
- 2 Issue a stop notice concurrently with an enforcement notice, to prohibit the continuation of further activity pending the outcome of any appeal and until such time as the enforcement notice takes effect.
- 3 In urgent cases where there is a risk of serious harm to a compelling public interest (eg highway safety), issue a temporary stop notice to prohibit the carrying on of an activity whilst enforcement investigations into the matter are proceeding. A temporary stop notice has immediate effect, although only remains effective for a period of 28 days. This must be followed by a Stop Notice
- 4 Apply to the Courts for an injunction to restrain an ongoing or anticipated breach. The Courts have a wide discretion and a duty to act compatibly with the Human Rights Act 1998. The Court would need to consider whether or not an injunction was a proportionate remedy.
- 5 Enter the land and take action itself to comply with steps required by an enforcement notice in default of the owner and/or occupier. Such works in default will in themselves require court authorisation.

### 5.11 Choosing the Most Appropriate Power

It is unlawful for Gypsies and Travellers to camp on land they do not own without the landowners permission. Each encampment location must be considered on its own merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage and genuine nuisance to neighbours and proximity to other sensitive land-users. There are locations where immediate action to remove them should be taken because the presence of the encampment is seriously disrupting the ability of the settled community to make use of facilities or to conduct their lawful business.

5.12 The previously outlined powers are appropriate in different circumstances and in some cases it may be that the site is not in a sensitive location and the Travellers will

only be there for a few days and therefore no eviction action will be taken. In other cases there may be welfare issues that prevent the Travellers from moving. Who actually takes the action to remove the illegal encampment, be it the Police, local authority or the landowners themselves is again a matter for choosing the most appropriate persons in the circumstances. The latter does to some extent depend upon the working relationships/agreements between the different parties.

## **6.0 Planning for Future Pitch Provision**

6.1 The Council is required to carry out an assessment of the future need for Gypsy and Traveller pitches (including those to meet short-term transit needs and those of Travelling Showpeople). The calculation of pitch requirements will take place through the production of a Gypsy and Traveller Accommodation Assessment (GTAA), which is subject to regular review. This process is managed by the Council's Planning Policy and Strategic Housing Business Units. National planning policy requires the Council to identify and update annually a supply of specific deliverable sites sufficient to meet 5 years' worth of its pitch requirements, to identify a supply of specific developable sites, or broad locations for growth, for years 6 to 10 and where possible years 11-15.

6.2 In order to ensure that future Gypsy and Traveller accommodation needs can be met the Council has resolved at Full Council on 11 July 2017 to work with partners to address pitch requirements, consistent with the results of the most up-to-date GTAA, through all necessary means, including:

- The allocation of new sites through the Development Plan;
- Granting of planning permission for pitches on new sites in line with the provisions of the Development Plan
- Granting of planning permission for the provision of additional pitches at existing sites through further appropriate intensification of use or the expansion of the site in line with the provisions of the Development Plan;
- The purchase by the Council, or partners, of new sites for additional pitches;
- Encouraging owners of underutilised sites to allow occupation of vacant pitches;
- The compulsory purchase of existing sites with the benefit of planning permission which are not in use; and
- The provision of flood resilience measures to enable the safe expansion of existing sites in partnership with the Environment Agency.

6.3 Decisions over the extent of future pitch requirements and the allocation of new land for Gypsy and Traveller use will be made through the preparation and review of the Council's Development Plan (constituting the Core Strategy and Allocations & Development Management Development Plan Documents). The establishment of robust pitch requirements, provision of sufficient land to meet them and the maintaining of an appropriate supply of land will provide more sustainable and appropriate options to that of unauthorised encampment.

## **7.0 Implementing this Policy**

- 7.1 The following Business Units will be responsible for implementing this Policy or sections within it.

**Environmental Health will:-**

Deal with unauthorised encampments on council owned land working in conjunction with the Nottinghamshire County Council and Parish/Town Councils and other Council Business Units especially those with land holdings such as Car Park, Parks and Open Spaces and Asset Management.

Provide advice and guidance to private land owners where unauthorised sites have been established.

**Planning will:-**

Deal with unauthorised developments where the landowner/s has established an unauthorised Gypsy, Traveller or Show Peoples site.

Be responsible for dealing with planning applications or enquiries relating to the establishment of new sites

**Housing Options will:-**

Deal with all enquiries relating to housing issues amongst the Gypsy, Traveller and Show Peoples communities and will provide appropriate support and advice.

**Legal Services will:-**

Provide advice and guidance to all the Council's Services working within this Policy and in particular, will prepare cases and attend Court to deal with approved proceedings in relation to unauthorised developments and encampments

All relevant Council Services will liaise prior to taking any enforcement action and will work to the Council's Corporate Enforcement Policy.

**Waste Litter and Recycling will:-**

Where appropriate, will provide a clean-up service, once the unauthorised encampment has vacated the site.

# EQUALITIES



Gypsy and Traveller policy and Procedure for dealing with Unauthorised Encampments

## **Equality Impact Assessment**

This document should be completed only after the Equalities Checklist has been completed and it has been determined that a full Equality Impact Assessment is required.

## **Service Area**

### **Environmental Health and Licensing**

#### **Section/service delivery/policy covered by the assessment**

Unauthorised Encampments

#### **Stage 1 - what is being assessed?**

Name of strategy / policy /service / review being assessed:

Gypsy and Traveller Unauthorised Encampments Policy and Procedure

#### **Stage 2 - who is carrying out the assessment?**

Members of the assessment team:

Alan Batty

Others involved in the assessment (external challenge):

Ben Adams

#### **Stage 3 - aims of the strategy or service**



Briefly describe the aims of the strategy or service:

To review the policy and procedures relating to the actions to be taken in relation to unauthorised encampments by Gypsy and Travellers.

#### **Stage 4 - knowing our customers, communities and employees**

List the main customers, employees, users or groups receiving, delivering or affected by, this strategy or service:

All businesses, residents and visitors within the District of Newark and Sherwood.

Police

Land owners

Gypsy and Traveller Community

#### **Stage 5 - background information**

List any information from previous surveys, customer feedback or any relevant performance information that relates to this strategy or service:

Information gathered from other Nottinghamshire Authorities and consideration of the statutory powers for dealing with unauthorised encampments.

Government Guidance for dealing with illegal and unauthorised encampments – a summary of available powers

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418139/150326\\_Dealing\\_with\\_illegal\\_and\\_unauthorised\\_encampments\\_-\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418139/150326_Dealing_with_illegal_and_unauthorised_encampments_-_final.pdf)

**Stage 6 - this stage looks at the barriers to accessing services and any possible discrimination that customers and communities may face**

## Age

Access to Service			Delivery of Service		
<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact	<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

The policy formalises and clarifies the the undertaking of welfare checks and requires decisions on action to be taken to take account of the findings of the welfare survey. The age of any Gypsies and Travellers will be a factor in this assessment.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

Advice and information will be made available to any Gypsy or Traveller that needs to access services.

## Race

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input checked="" type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

Gypsy and Travellers are recognised as an ethnic group. This policy recognises their cultural heritage and strikes to find a balnce between their right to a nomadic lifestyle and the impact that an unauthorised encampment can have on the local community. Unauthorised encampments have the potential to generate a great deal of distress to settled communities and the policy recognises that tensions can occur as a result of this. If the situation is not managed then there is potential for this tension to escalate and therefore a policy to address this could be seen as a positive step. The Policy attempts to strike the balance between meeting the reasonable needs of all groups and recognised races.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

The policy recognises that some unauthorised encampments may be tolerated for longer periods depending on the nature of the encampment and the location and nature of the site.

## Gender

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

We have not identified any impact from the policy on gender.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

We have not identified any impact from the policy on gender.

## Disability

Access to Service			Delivery of Service		
<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact	<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

Disabled Gypsies and Travellers may require access to services and the welfare assessment will help to identify these needs.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

The welfare assessment will identify any disability needs and information and advice will be given. The needs identified will be shared with the relevant agencies. Access, for example, to health services, can be provided as a consequence of conducting the welfare assessment.

## Sexual Orientation

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

No impact on sexual orientation has been identified.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

No impact on sexual orientation has been identified.

## Gender Reassignment

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

No impact on gender reassignment has been identified.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

No impact on gender reassignment has been identified.

## Marriage and Civil Partnership

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

No impact has been identified.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

No impact has been identified.

## Pregnancy and Maternity

Access to Service			Delivery of Service		
<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact	<input checked="" type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

Members of the Gypsy and Traveller community who are pregnant or have babies may need access to health services and this can sometimes prove difficult because of the transient nature of their lifestyle. Conducting a welfare assessment allows for these issues to be identified and access to appropriate services to be provided as required.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

The welfare assessment will identify any needs and these will be shared with the relevant agency. Water supplies will be provided where possible. Removal of waste may also be an issue in some cases. These situations are provided for in the policy.

## Religion or Belief

Access to Service			Delivery of Service		
<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

Although we have not identified any impact on religion or belief it is necessary to acknowledge that the Gypsy and Roma traveller communities have a range of religions and beliefs depending often on the predominant religion in the country where they live. The policy does not specifically address religion, however if an unauthorised encampment was present in an area to attend, for example a religious festival, then this would be factored into an assessment of the site.

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

Any religious beliefs would be addressed and considered when interacting with an unauthorised encampment.

## Other Groups or Issues (e.g. socio-economic)

Access to Service	Delivery of Service
-------------------	---------------------

<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Nil Impact
------------------------------------------	------------------------------------------	------------------------------------------------	------------------------------------------	------------------------------------------	------------------------------------------------

**Please describe any positive impact, negative impact, any barriers or potential discrimination:**

**Please describe any measures you have already got in place to reduce inequality to ensure customers can access this service:**

Nothing identified.

## Stage 7 – Action Plan and Policy Review

From the previous section list the specific actions required to address any problems you have identified:

Action:	Service Plan / Delivery Plan:	Officer Responsible:	Timescale:	Resources:	Milestones, Monitoring and Review Details:
Policy and procedure to be considered by Homes and Communities Committee	Click here to enter text.	Karen White/Alan Batty	November 2018	Click here to enter text.	Publish Policy
Role out of Policy and procedure including training of relevant staff	Click here to enter text.	Alan Batty	December/January 2018/19	staff	Relevant staff trained
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

### Date of next review

30/11/2020

### Stage 8 – Outcomes(s) of equality impact assessment

No major change needed  
  Adjust the policy/proposal  
  Adverse impact but continue  
  Stop and remove the policy and proposal

#### Further description:

Click here to enter text.

### Stage 9 – Confirmation and Publish the Results

I confirm that these actions are being adopted as everyday practise and if necessary incorporated into the Service Plan or Delivery Plan



Signed by Lead Officer: Alan Batty

Date 11.10.18

## **HOMES & COMMUNITIES COMMITTEE**

**5 NOVEMBER 2018**

### **SCRUTINY OF THE COMMUNITY SAFETY PARTNERSHIP**

#### **1.0 Purpose of Report**

1.1 To provide an update on the work of the Bassetlaw, Newark & Sherwood Community Safety Partnership (BNSCSP) and an opportunity for Members to scrutinise the performance of the partnership.

#### **2.0 Background Information**

2.1 The Community Safety Partnership is set up as a statutory body under Sections 5-7 of the Crime & Disorder Act 1998. Newark & Sherwood has a 'combined area' arrangement with Bassetlaw District Council, which formally created the Bassetlaw, Newark & Sherwood Community Safety Partnership (BNSCSP) in 2010; however, joint working arrangements had been in place on an informal basis since 2005.

2.2 The BNSCSP brings together partners from across the community safety spectrum to explore opportunities to work in partnership and make improvements to safety in our communities. There are a number of 'responsible authorities' who come together to form the partnership, namely;

- The District Council's
- The County Council
- Probation Services
- The Chief Officer of Police
- The Fire and Rescue Authority
- The Clinical Commissioning Group

2.3 Other partners are also invited to attend the partnership meetings e.g. Office of the Police & Crime Commissioner, the Environment Agency, Newark and Sherwood CVS, as they add to the experience, services and expertise that can be brought to the work of the partnership.

2.4 Sitting above the BNSCSP is the Safer Notts. Board (SNB) which is a strategic group of senior officers that meets to coordinate community safety across the County and the City. The Council's Chief Executive, John Robinson, attends the SNB on behalf of the BNSCSP.

#### **3.0 Performance**

3.1 **Recorded Crime Data.** The BNSCSP uses data from the Police's recorded crime statistics to monitor trends or patterns in criminal activity and it uses this information as a part of the intelligence to inform and formulate any response. In the current financial year the figures for 'all crime' are showing an increase in Newark & Sherwood of 13.8% (a five month 'year to date' comparison from April to August). This figure is compared to other areas of the County in Table One below.

Area	Figure for 'all crime'
Nottinghamshire (excluding the city)	↑ 14.3%
Ashfield	↑ 21.5%
Broxtowe	↑ 20.2%
Mansfield	↑ 18.2%
Newark and Sherwood	↑ 13.8%
Gedling	↑ 10.1%
Bassetlaw	↑ 8.5%
Rushcliffe	↑ 3.9%

*Table One – Comparison year to date of 'all crime' figures for April to August 2018*

3.2 Although all recorded crime in Newark & Sherwood has risen by 13.8% in the period monitored, this rise is 0.5% lower than the County area (excluding the city). It is worthy of note that recorded crime across Nottinghamshire has been on the rise and that some of this is due to changes to the way in which the Police have been required to record crimes. When the figures are broken down in more detail, it is not generally an increase in serious crimes that result in high levels of harm to the victim - but an increase in low level incidents that may have previously been recorded as an ASB incident but are now being recorded as a crime. Examples where neighbours fall out with verbal threats being made are common and are now recorded as, for example, a 'threat to kill' whereas previously this may not have been included in the crime figures. The increased use of social media has also made it easier to make threats of this nature.

3.3 This change has resulted in a consequential reduction in Police recorded ASB in Newark & Sherwood as can be seen in Table Two below.

Area	Figure for Anti-Social Behaviour
Nottinghamshire (excluding the city)	↑ 0.3%
Mansfield	↑ 16.7%
Gedling	↑ 8.0%
Ashfield	↑ 6.6%
Newark and Sherwood	↓ 3.1%
Bassetlaw	↓ 8.4%
Rushcliffe	↓ 12.0%
Broxtowe	↓ 15.1%

*Table Two - Comparison year to date of ASB figures for April to August 2018*

3.4 The Council's requests for service to investigate ASB have seen an increase over the same period which can be seen in Table Three below. These figures are only those cases received by the Community Safety Business Unit and do not include figures that are investigated by other Business Units e.g. Environmental Health.

2017 April to August	2018 April to August	Change
68	130	↑91%

*Table Three – ASB investigations by the Community Safety Business Unit*

This increase may be attributable to a variety of potential factors;

- Changes to the way that we have been receiving requests for service by integrating the Customer Services Team and also offering a triage service when complaints are first received. This has improved accessibility and more accurate recording.
- Increased awareness through the Council's Cleaner, Safer, Greener campaign and the associated Balderton Safer Partnership 'Report It' campaign.
- A genuine increase in ASB.

3.5 Other qualitative data is also used to inform the activities of the partnership with information and intelligence being shared in various group and individual case meetings that the BNSCSP arranges. Information is shared between agencies to help resolve or improve situations that give rise to concern. Some anonymised case studies are contained at **Appendix One** to give members a flavour for some of the work that is carried out by the partnership. Some cases are very complex and protracted in nature requiring investigating officers to possess a wide range of partnership working skills.

3.6 **Domestic & Sexual Abuse.** The CSP continues to work in the area of Domestic Abuse, attending and arranging various meetings to increase awareness, promote access to services that exist and increase reporting. Across the BNSCSP the commissioned service is provided by Notts. Women's Aid, and in Newark & Sherwood we also have Newark Women's Aid working independently to provide refuge for survivors of abusive relationships.

3.7 Sadly the BNSCSP has to conduct Domestic Homicide Reviews (DHR's) when a death occurs in a domestic setting. We currently have three DHR's ongoing across the BNSCSP, two in Newark & Sherwood and one in Bassetlaw. The DHR's are independently authored and chaired, with the BNSCSP having to fully engage in the process and authorise final submission of the report and findings to the Home Office for sign off. We are currently participating in the countywide Assessment Learning and Implementation Group (ALIG) to improve the way in which organisations can learn and make necessary changes to working practices from the findings of DHR's. The ALIG is aiming to collect all the learning points that come out of DHR's and then monitor their implementation across the County. At the time of writing there are sixteen DHR's ongoing across the County with one of these being in the City. As stated earlier, three of these are in the BNSCSP area.

3.8 Educational work around the subject of domestic abuse continues to be delivered primarily by Equation who is commissioned to do so by the County Council. In Newark & Sherwood we have run the 'Help a Friend Campaign' which helps friends and family of people experiencing domestic abuse to support them. It helps people to identify the warning signs and how to respond. The campaign involved promotional social media across the whole district and a leaflet drop focussed on Farnsfield (our area of lowest reporting).

3.9 Over the next five years we have secured the Equate programme which will run in the Newark Academy and the Dukeries Academy. This campaign is designed to work with pupils from year seven through to year eleven and will focus on healthy relationships over a five year period. The longer period of the campaign will allow for more meaningful analysis of performance and we are aiming to achieve far better awareness among young people of when they are in a vulnerable position, being abused, or participating in risky behaviour e.g. sexting.

3.10 **Operational Groups.** The BNSCSP continues to deliver and attends a range of operational groups which are outlined below:

- **Partnership Plus** – this group focusses attention on the Magnus, Castle, and Bridge wards as they are our wards with the highest volume of recorded crime.
- **Tolney Lane Working Group** – this group brings together the agencies that work within, or have a responsibility to, the community on Tolney Lane. Although initiated through the BNSCSP, the group considers other issues such as flooding, housing, and planning, which are often outside the traditional scope of CSP's.
- **Local Action Group** – this meeting is held to receive feedback from the Safer Neighbourhood Groups that exists across the district.
- **Local Multi Agency Problem Solving Group (LMAPS)** – this group exists to look in detail at specific cases where an individual with vulnerability has been identified and would benefit from multi agency support.
- **Rural Crime Working Group** – meets to identify issues that specifically affect the rural community and take action to reduce the impact of rural crime.
- **Multi Agency Risk Assessment Conference (MARAC)** – held for high risk cases of domestic or sexual abuse. A case conference aimed to manage and reduce risk.
- **Domestic and Sexual Abuse Practitioners Network** – arranged by the BNSCSP to disseminate advice, information and changes to front line practitioners. It is also an opportunity for practitioners to learn from one another's experiences.

3.11 **Thematic Work** – The BNSCSP will also deal with themes that emerge or persist within our communities. Examples are;

- **Modern Day Slavery** – includes forced labour, forced marriage, domestic servitude, human trafficking, as examples. Linked to serious organised crime.
- **County Lines** – gangs and organised crime networks exploiting people, often children, to sell and distribute drugs. Linked to violence, knife crime and child sexual exploitation.
- **Child Sexual Exploitation** – is a form of child sexual abuse where the individual has often been coerced or manipulated into performing sexual acts. This may be perpetrated by a group or an individual.
- **Stalking** – sometimes linked with domestic abuse, stalking is now more common because of the abuse of modern technologies such as social media and the internet which allows stalkers to partake in activities such as defamation of character, surveillance e.g. GPS monitoring, harassment, and unwanted contact. The CSP works with
- **Cyber Fraud and Scams** – another emerging issue affecting individual people right through to global businesses that are often targeted online and often by organised crime operations. Miracle Health Cures, Holiday Schemes, Malware and Ransomware are examples. The CSP works with Trading Standards on this issue.
- **Cleaner, Safer, Greener** – Newark and Sherwood's campaign to deal with low level ASB and environmental crimes will support the aims of the CSP and may result in an increase in the reporting of ASB (see 3.4 above).

- **Prevent Strategy** – this is the government’s counter terrorism strategy and although information provided suggests that the threat of terrorism in our area is low, we do still remain under a duty to have “*due regard to the need to prevent people from being drawn into terrorism*”. Participation in the Chanel Panel, where it is appropriate to do so, does take place. The Chanel Panel is a case management meeting for identified individuals who may be vulnerable to extremism in any form.
- **Substance Misuse** – Change, Grow, Live (CGL) are the commissioned service to deliver substance misuse rehabilitation services across our area. The CSP works with CGL as a partner and is currently paying attention to the possible increased use of synthetic cannabinoids (street names of Mamba, Spice, X, etc.) that have been linked to the ‘zombie’ like state of its users.

3.12 **Vulnerable Persons and Safeguarding.** Many of the issues outlined above link into the vulnerability of certain individuals, families and communities. The BNSCSP will continue to focus its work on identifying vulnerability and then taking actions to reduce or manage the risks where it is possible to do so. Links with the County Council through the safeguarding agenda and the work of our own internal officer safeguarding group will continue and are an essential part of the partnership’s work.

3.13 It can be seen that many of these issues are intertwined and will therefore involve a wide range of agencies that may have been involved with, or are interested in, the same people. This places importance on the Council being able to develop effective partnerships at all levels of the organisation in order to keep our communities safe. Although we have many examples of effective partnership working, we also have partnerships that require more attention to develop them further and this work will continue.

#### **4.0 Equalities Implications**

4.1 This report is an update on the work of the BNSCSP with a particular focus on Newark & Sherwood. No specific element of the report has identified any equalities issues other than those that are encountered in the nature of the work undertaken e.g. hate motivated crime and ASB. Also the BNSCSP deals with issues of vulnerability that may be linked to a protected characteristic under the Equalities Act 2010 e.g. age, disability. The subject of equality is a key element that affects risk to individuals and communities and should be an intrinsic consideration of all work in the BNSCSP.

#### **5.0 Financial Implications (FIN18-19/5136)**

5.1 There are no financial implications resulting directly from this report.

#### **6.0 RECOMMENDATION**

**That the committee notes the content of the report and takes the opportunity to scrutinise the Bassetlaw, Newark & Sherwood Community Safety Partnership performance with the officers present**

**Reason for Recommendation**

**To allow Members of the Committee to receive an update on current performance and to also present an opportunity to further discuss the performance and receive responses to any questions, comments or queries that members may have.**

**Background Papers**

Nil

For further information please contact Ben Adams on Ext 5232

Karen White  
Director - Safety

## Appendix One – Case Studies

**Anti-Social Behaviour** - The female resident of a private rented property in the District and her partner were causing disturbances and ASB to other residents with incidents of domestic abuse also being perpetrated in the presence of their children. Children's Social Care was involved heavily in the case and the children were permanently removed for safeguarding reasons.

The male left the property and the Council successfully obtained a three month Closure Order to give some respite to the community. The case became protracted with the lone female tenant returning to the property to cause more distress and disturbance to the nearby residents. The Council returned to court and secured a custodial sentence of five months and supported the private landlord to secure grounds for possession.

The female was arrested by the court bailiffs and is currently in prison. This case was led by the Council with involvement from the Police and Children's Social Care. The ASB enforcement formed a key part of the evidence for Social Care to remove the children, likewise with the landlord in the eviction process. We continue to monitor the situation.

**Domestic Abuse** - A Newark and Sherwood Homes tenant made an application to the sanctuary scheme. She was being supported by a worker from Nottinghamshire Women's Aid and was in fear of the perpetrator coming to her house. He had recently breached his restraining order by turning up at the victim's workplace. We worked with Notts. Police who carried out a property assessment and made security recommendations, Notts. Fire & Rescue who checked smoke detectors and recommended work on the rear door as it was insecure.

We installed a wireless intruder alarm system, replaced existing window handles with lockable handles, adjusted the door lock to make it easier to lock, replaced an insecure door panel and installed PIR sensor lights with a dusk till dawn setting facility. The Council's partners in the Sanctuary Scheme are, Notts. Police, Notts. Fire & Rescue, Notts. Women's Aid, Equation and Newark and Sherwood Homes both as our contractors but also the funders on their own properties. Sanctuary is available across all property tenures and is fundamentally a homelessness prevention measure. Notts. Community Housing Association also fund works to their own properties.

**Anti-Social Behaviour** - A teenage male participating in ASB, bike theft and a range of nuisance behaviour received a Criminal Behaviour Order (CBO) for three years. The Council had to go back to court on three more occasions to get the CBO amended and extended to take account of developments in the behaviour of the individual. Although behaviour slightly improved, the perpetrator was eventually rehomed to a children's home and some of the behavioural issues are still ongoing and being addressed by social care.

Partners involved in this case included the Family Service, Youth Offending Team, the Police and Newark and Sherwood Homes. Attending Child Protection Meetings, issuing Warning Notices to parents, warnings regarding the tenancy, taking witness statements, going to school for statements, supporting witnesses who may be threatened by the parents and dealing with associated harassment on social media platforms all forms part of dealing with these cases and makes them very protracted in nature. Some cases like these never really close as the individual needs monitoring and ongoing support to manage behaviour.



**Anti-Social Behaviour/Safeguarding** - A 44-year old female referred to LMAPS in 2016 whilst living in one town within the District and again in 2018 whilst living in another town within the District. The referral into LMAPS was received from Nottinghamshire Police Public Protection Unit due to the number of allegations of sexual and physical assaults made by the female and concerns over mental health. This female has reported over seventy incidents to the Police in a twelve month period and presented at local health services over 150 times in the same period. Neighbours in the locality have made complaints of trespass and disturbances at the property as well as raising concerns due to the female's behaviour in and around the home address.

Via LMAPS the case was logged on the Council's Safeguarding database and contact made with the GP and mental health teams, culminating in a meeting of relevant agencies including the ASB Officer, Police, GP, Community Mental Health Services, NHS Safeguarding Officer, NHS Mental Health Clinical Lead and Domestic Abuse Services; wider agencies involved are Fire & Rescue, Mental Health Crisis Team, East Midlands Ambulance Service.

This female has a Fictitious Personality Disorder but does have capacity and can control her actions; her fixation is on emergency services; appropriate referrals have been made to mental health support services, which she refused to engage with. The multi-agency meeting agreed that enforcement is required, which will be led by the Council's ASB team and the Police, however this will require careful management as partner agencies, particularly health care, may see an increase in the female presenting as enforcement action escalates.

It is worthy of note, whereas this female presents as a victim of domestic violence, through multi-agency working, the concern is the risk of harm to her ex-husband and daughter, who reside in another county and Police and Children's Social Care have linked with respective services in that county to ensure appropriate safeguarding takes place.

## HOMES & COMMUNITIES COMMITTEE

5 NOVEMBER 2018

### REVIEW OF THE ANTI-SOCIAL BEHAVIOUR POLICY

#### **1.0 Purpose of Report**

- 1.1 This report reviews the Council's existing Anti-Social Behaviour Policy 2015-2018, which is scheduled to be reviewed every three years.

#### **2.0 Background Information**

- 2.1 The Council's existing Anti-Social Behaviour Policy was adopted in 2015 and ran for a period of three years, therefore requiring a review in 2018.
- 2.2 The previous policy dealt with the changes brought about at the time by the Anti-Social Behaviour, Crime & Policing Act 2014, which introduced a process of simplification of the existing legal powers. Previous legal powers available for tackling ASB had been reduced from nineteen to six and this remains the case. These powers are now established and embedded into the day to day work of those with a responsibility for tackling Anti-Social Behaviour (ASB).
- 2.3 The amended policy has been reduced in size significantly through the removal of previous appendices which contained detailed legal information that can now be obtained from the Council's website. This reduces the document from sixteen pages to six. Apart from this change the policy's content remains consistent with some refreshing of wording. The revised policy is attached for information at **Appendix One**.

#### **3.0 Content of the ASB Policy**

- 3.1 The core message still remains and is aligned with Home Office guidance that accompanies the legislation; namely that we will focus our attention on the impact that ASB has on victims and communities. Consequently the action that we take individually as a Council or collectively with our partner agencies will be designed with victims' needs at the heart of the decision making process.
- 3.2 The policy continues to recognise the need to work in partnership with a range of agencies, both statutory and voluntary. It also recognises the role that the Bassetlaw, Newark & Sherwood Community Safety Partnership plays in helping to address ASB across the district.
- 3.3 Section 3 of the policy sets out to define ASB, whilst recognising that it is defined against the backdrop that an individual's perception is the crucial factor in determining whether or not a person feels alarmed, harassed or distressed. This section also addresses the possibility of malicious, vexatious, trivial or unreasonable complaints and the general concept of whether reasonableness is being demonstrated by a complainant.
- 3.4 Section 4 lists the three policy objectives, whilst section 5 confirms the responsibilities of those working at the Council, including the responsibility of the Homes & Communities Committee to develop and adopt the policy.

- 3.5 Section 6 lays down the Council’s commitment to supporting the victims of ASB and lists some of the actions we will take to achieve this. It establishes the options that victims of ASB or their representatives have for reporting incidents to the Council.
- 3.6 Vulnerability and safeguarding are covered at section 7 and the policy recognises the disproportionate impact that ASB can have on vulnerable people and the need to make safeguarding referrals in appropriate cases. The Council’s safeguarding responsibilities are often intertwined with cases of ASB.
- 3.7 In order to protect victims from harm the Council sets out its commitment at section 8 to take an “uncompromising approach to the initiation of enforcement action”. In practice this means that we will be prepared to take the necessary enforcement action using all of the powers at our disposal aligned with the resources that we possess. We will also use our influence to encourage partner agencies to support and take action where it is jointly agreed to be appropriate. This section also takes account of the need for any action taken to be proportionate to the nature of the ASB and table one sets out some of the measures, both legal and otherwise, that we have at our disposal. Finally the section reinforces the Council’s overriding principle that “*victims must be protected from those who perpetrate ASB and the Council is committed to reducing ASB in its communities*”.
- 3.8 Section 9 sets out the Council’s commitment to partnership working, listing some of the agencies and partners who we will work with and the benefit of working in this way.
- 3.9 Equalities are addressed in section 10 and the Councils’ commitment to deal with hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society is reinforced.
- 3.10 Section 11 sets out an obligation to review the policy every three years and section 12 explains the process to follow when making a complaint or using the ‘Community Trigger’ powers contained within the legislation. A link is included within the policy to access the Council’s appropriate website pages.

#### **4.0 Equalities Implications**

- 4.1 An equalities checklist has been completed and has determined that it is not necessary to proceed to a full Equalities Impact Assessment (EIA). This is because the existing policy is being reviewed and the changes made do not alter the principle aims of the Council around dealing with ASB. The refreshed policy recognises the disproportionate impact that ASB targeted against minority groups or certain sections of society can have and commits the Council to deal with such cases with a heightened priority. This can be viewed as a positive intent towards achieving greater equality within our communities. The equalities checklist is attached for information at **Appendix Two**.

#### **5.0 Financial Implications (FIN18-19/9182)**

- 5.1 There are no financial implications resulting directly from this report.

## **6.0 RECOMMENDATION**

**That the Committee notes the report and approves the adoption of the updated Anti-Social Behaviour Policy by the District Council for the period 2018 – 2021.**

### **Reason for Recommendation**

**To ensure that the Council has an adopted Policy setting out its approach to dealing with anti-social behaviour during the period 2018 – 2021.**

### **Background Papers**

Nil

For further information please contact Ben Adams on Ext 5232

Karen White  
Director - Safety



# **Anti-Social Behaviour Policy**

**2018 - 2021**

## Contents

1	Introduction	Page 1
2	Policy Context	Page 1
3	What is Anti-Social Behaviour (ASB)?	Page 2
4	Policy Objectives	Page 2
5	Responsibilities	Page 2
6	Supporting the Victims of ASB	Page 3
7	Vulnerability and Safeguarding	Page 4
8	Actions and Enforcement	Page 4
9	Partnership Working	Page 5
10	Equalities	Page 6
11	Policy Review and Updates	Page 6
12	Complaints, Feedback and the Community Trigger	Page 6

## **1 Introduction**

- 1.1 Newark and Sherwood District Council (NSDC) is committed to reducing Anti-Social Behaviour (ASB) in our communities as it recognises the damage that persistent ASB can cause to the stability, cohesiveness and health of communities that experience it.
- 1.2 Although ASB can be difficult to define because of its impact being perception led, the Council has set out in section three of this policy, the definition and general principles that it will work to when addressing issues and complaints about ASB. The perception led nature of ASB has also required the Council to acknowledge the possibility of unreasonable complaints being made and that in those circumstances an investigation may be halted.
- 1.3 The Council also acknowledges the disproportionate impact that ASB can have upon vulnerable members of our communities, the link it has with safeguarding, the need for effective partnerships to exist, and that our primary responsibility is always to protect victims from further harm or distress. That's why the Council is committed to working with partners to ensure all victims, especially vulnerable victims, are listened to and kept informed and supported during any investigation.
- 1.4 This policy also provides an overview of the action(s) that the Council will take to deal with ASB and what route a person can take if they are not satisfied with the service they have received.

## **2 Policy Context**

- 2.1 The Council's current Corporate Plan (2016-2020) sets out the following vision:

*"We want Newark and Sherwood's urban and rural communities to take pride in being vibrant, sustainable and having a high quality of life. To achieve this, we want to deliver excellent, appropriate services and value for money".*

- 2.2 The Corporate Plan aims to achieve this vision through four strategic priorities;

1. Homes;
2. Economy;
3. Safety and Cleanliness; and
4. Healthiness.

- 2.3 The ASB Policy directly contributes to achieving 'Safety and Cleanliness' across the district and should be read alongside the Council's Corporate Enforcement Policy.
- 2.4 The Council is an active member of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) which brings together a number of organisations to work together with local people to build safer and stronger communities. The ASB Policy is a key document to help inform work carried out by the BNSCSP.

### **3 What is Anti-Social Behaviour (ASB)?**

3.1 ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves you feeling alarmed, harassed or distressed. It also includes fear of crime or concern for public safety, public disorder or public nuisance. Examples of ASB may include:

- Nuisance, rowdy or inconsiderate behaviour
- Vandalism, graffiti and fly-posting
- Street drinking
- Environmental damage including littering, dumping of rubbish and abandonment of cars
- Prostitution related activity
- Begging and vagrancy
- Fireworks misuse
- Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes

3.2 The Council will also work together with partners to utilise the resources and legal powers we have to reduce environmental crimes, problematic street drinking, graffiti, vandalism and all other types of ASB.

3.3 All of our activity to tackle ASB is intended to help make people in our communities feel safe, welcome and that they have a pleasant place in which to live, work and visit.

3.4 It is also important to acknowledge that some complaints about ASB can be considered malicious, vexatious, trivial, or unreasonable. Children playing in an area designed for play e.g. a skate boarding park or multi use games area, may fall within this category. Other examples may be someone having a one off event such as a milestone birthday party with some associated noise, a baby crying for attention, or a misplaced wheelie bin temporarily blocking access or egress. Although the incident may be annoying at the time, it is the role of the Council's officers when investigating complaints to decide whether the complaint is reasonable or not. An investigating officer will advise a complainant if they believe the complaint is unreasonable. This is done because persistent unreasonable complaints can often be perceived as harassment by the subject and lead to a counter complaint being made.

### **4 Policy Objectives**

4.1 The three objectives of this policy are:

- To work with partners to support and protect victims of ASB
- To deliver a range of appropriate interventions when responding to incidents of ASB
- To use enforcement and legal powers with partners to target those who continue to cause ASB

### **5 Responsibilities**

5.1 The response to ASB is provided across the Council and responsibilities are outlined as follows;

- **Homes and Communities Committee** – This committee has the responsibility for developing and adopting the Council's Anti-Social Behaviour Policy.



- **Director of Safety** – Responsibility for ensuring that the Council’s ASB Policy is in place and is being delivered effectively. The Director of Safety also has responsibility for the authorisation of high level ASB enforcement including service of a Closure Notice.
- **Business Manager Community Safety (BMCS)** - Responsible for the development of the ASB Policy for the Council and authorisation of enforcement requiring court action. The BMCS is also responsible for the monitoring of any raised risk ASB cases; responding to any complaints regarding the service and any Community Triggers made to the Council.
- **ASB Officers** – Responsible for dealing with all cases of ASB. They are responsible for notifying the Business Manager of any safeguarding concerns or any raised risk victims cases that they are dealing with. They have delegated authority to take forward any enforcement action not requiring court action. They have delegated authority to issue fixed penalty notices.
- **ASB Support Officer** – Responsible for an initial triage of cases reported to the Council and maintaining the Council’s database of ASB incidents. They will provide an initial response to incidents and support the ASB Officers in effectively performing their role.

## 6 Supporting the Victims of ASB

6.1 In accordance with the principles of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council will give priority to supporting victims of ASB. To support the focus on victims, the Council will carry out the following actions:

- Refer cases to the commissioned service in our area for offering support to victims of ASB and crime. This is currently provided by Victim Care and is commissioned by the Office of the Police and Crime Commissioner.
- Set up multi-agency meetings as to identify how vulnerable victims could be best supported and take agreed actions;
- Train our staff to identify vulnerability and feel confident to take appropriate action;
- Work closely with other agencies to share information where appropriate so that victims do not get overlooked; and
- Conduct and record a risk assessment of victims to ensure vulnerable victims are identified at an early stage.

6.2 The Council takes the welfare and support of victims of ASB seriously and will continue to work with our communities to ensure that victims feel that they are listened to and supported. Complaints regarding ASB can be made online, by telephone, or in person and referrals are often made through partner agencies and services, e.g. Environmental Health, Police and Schools. These reporting options are important to ensure that victims can access the services they need as easily as possible.

## **7 Vulnerability and Safeguarding**

- 7.1 Whilst accepting that being a victim of ASB is distressing for anyone who is affected, the Council recognises that for some people the impact may be far worse because of an identified vulnerability. Vulnerable victims are likely to be disproportionately affected by ASB and vulnerabilities can be caused by a wide range of factors, such as; isolation, a mental health condition, physical disability, age, or substance misuse.
- 7.2 Sometimes it will be necessary to make a safeguarding referral and cases that require this course of action will be additionally recorded as part of our corporate safeguarding procedures. Concerns about ASB and safeguarding often overlap which reinforces the necessity for strong partnership working.

## **8 Actions and Enforcement**

- 8.1 To deal effectively with ASB the Council recognises that it is necessary to affect a long-term change in people's behaviour so that individuals are able to make alternative behavioural choices that are more acceptable to the communities within which they live.
- 8.2 The Council will take an uncompromising approach to the initiation of enforcement action for cases of ASB in order to achieve this goal and protect victims. However, the Council also recognises that behavioural change can be achieved in many other ways and will therefore explore all reasonable interventions that could bring about the desired change in behaviour.
- 8.3 The Council will take an approach to dealing with ASB, which is proportionate and appropriate to the behaviour being produced or complained about and table one below outlines some of the main actions we will take. Whilst the Council will do all that it can to reasonably prevent ASB, at the same time it will take proportionate enforcement action and will do so at the same time as employing preventative measures if necessary.

**Table One** – Potential Preventative Measures (not exhaustive).

<b>Mediation</b>	Using qualified experts in mediation to try to resolve issues and come to agreements on a way forward.
<b>Good Neighbour Agreements</b>	These are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving relationships.
<b>Education within schools</b>	This can be on a range of topics including: alcohol and drug awareness, healthy relationships, inter-generational work, cultural awareness. These are run either by internal staff, external agencies or a mix of partners
<b>Referral to support services</b>	There are a range of support services available, some of which are provided by the voluntary sector.

<b>Warnings</b>	Often it is appropriate to issue a warning, which could be either verbal or in writing. Warnings would be issued by either an individual agency e.g. social landlord, or from the partnership.
<b>CCTV</b>	The Council has a network of monitored cameras that it provides to act as a deterrent for those who would commit acts of ASB. Evidence may also be collected on the cameras to support enforcement activity.
<b>Acceptable Behaviour Contracts (ABC's)</b>	A more formal agreement which outlines expected behaviour and highlights potential repercussions if they are breached. ABC's are formally signed by the offender, the Council and Police staff.

8.4 If early intervention and preventative measures are not successful in resolving issues, then proportionate enforcement actions will be considered. Enforcement may be taken, for example, under the Anti-Social Behaviour, Crime and Policing Act 2014. Action can also be taken under housing legislation e.g. possession proceedings. This would be done in partnership with the relevant landlord or managing agents. There are also sanctions under criminal law, such as Harassment Warnings or Public Order offences.

8.5 Court cases may be taken which can result in fines, the issue of court orders, injunctions, and even imprisonment. In all cases these powers will be used proportionately and only when considered appropriate. Whenever enforcement powers are used they will be in accordance with the principles set out in the Corporate Enforcement Policy. Generally, preventative measures will be pursued either before or alongside formal enforcement action.

8.6 Although the Council will employ a range of measures to tackle ASB its **overriding principle is that victims must be protected from those who perpetrate ASB and the Council is committed to reducing ASB in its communities**. This means that the Council will use all legal powers at its disposal and also encourage partners to do likewise. To do this we may use various techniques including collation of evidence using both covert and overt CCTV, diary records and witness statements.

## 9 Partnership Working

9.1 To ensure that it tackles ASB effectively, the Council will work with a number of external partners and is committed to effective partnership working. Partners include:

- Nottinghamshire Police;
- Newark and Sherwood Homes and other Registered Social Landlords;
- Nottinghamshire County Council, specifically the Family Service and the Youth Support Service;
- Nottinghamshire Probation;
- Change, Grow, Live (Nottinghamshire's commissioned drug and alcohol service)
- Schools and educational facilities; and
- Nottinghamshire Fire and Rescue

- Other local authorities, including town and parish councils
- The Environment Agency
- Voluntary agencies and the third sector

9.2 By working with partners and sharing information, the Council is able to adopt the best method to deal with each individual case and in many cases enforcement action is jointly taken forward. Sometimes the Council may be the lead enforcement agency whereas on other occasions it may play a supporting role. This depends on the nature of the ASB and the matters being enforced.

9.3 The Council is an active partner of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) and will support this partnership to improve community safety generally and tackle ASB across the district.

## **10 Equalities**

10.1 The Council has made a commitment to ensuring that it complies with the requirements of the Equalities Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.

10.2 It also recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that our response is tailored accordingly. Hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk.

## **11 Policy Review and Updates**

11.1 This policy will be reviewed every three years. However interim amendments may also be required to reflect any legislative or procedural changes.

## **12 Complaints, Feedback and the Community Trigger**

12.1 Should you have a complaint or comments regarding this policy or how a case has been dealt with, please make us aware.

12.2 NSDC operates a complaints procedure that can be accessed through the website, via our Customer Service Team on 01636 65000, or by writing to the Council. More information on how to make an official complaint about the service you have received from the Council can be found [here](#).

12.3 The Community Trigger gives victims and communities the right to request a review of their anti-social behaviour complaints and brings agencies together to take a joined up, problem solving approach to find a solution. More information about the Community Trigger is on our website and may be accessed [here](#).

# EQUALITIES



Anti Social Behaviour Policy Review 2018

Agenda Page 53

## **Equalities Checklist**

For every report or policy change, even if you do not think there will be an impact in terms of equalities, this checklist needs to be completed

## **Guidance**

### **Equality Impact Assessment - Considerations whether an EIA is required**

The Equality Act 2010 requires the Council to have 'due regard' for equality in the way it provides its services and makes decisions.

Whilst the specific duties of the Equality Act do not require public bodies to prepare Equality Impact Assessments (EIAs) when making every decision involving a change or new development in service or policy, these are often a useful tool in systematically assessing the likely (or actual) effects of policies on people in respect of race, sex, disability, religion or belief, sexual orientation, gender reassignment, maternity and pregnancy, marriage or civil partnership, and age. This includes looking for opportunities to promote equality, as well as for negative or adverse impacts that can be removed or reduced.

By asking questions about how a policy, service or decision will affect different groups we can design these so that they promote the good effects and eliminate the bad. By understanding and meeting the needs of different people we can better meet the needs and provide more effective services.

If we can't demonstrate that decisions have shown 'due regard' to equality issues, they can be challenged through judicial review – potentially resulting in decisions having to be re-started with significant extra costs in time, money, and negative publicity.

It should be noted that consideration should be given to completing an Equality Impact Assessment where you are considering a contract solution which will directly affect services to the council's customers.

### **Situations where it is not necessary to carry out an EIA:**

An EIA of a decision *does not* need to be carried out if any of the following apply:

- a. No change to policies, functions or services: a decision does not relate to a ‘proposed new or changing policy, service or function’, does not contain proposals for workforce restructures, and is not a financial decision that will have an impact on services. An example could be a ‘For information only’ report. If this noted the development of a new or changing policy or service, the expectation is that an EIA would have taken place at an earlier stage, for example for decisions taken at departmental management level.
- b. Recent relevant EIA already carried out: the issue has already been subject to or is an action arising from a recent equality impact assessment and that EIA properly considered the issues that are relevant to this decision.
- c. There is clearly no relevance to equality: the issue clearly has no relevance to equality (note - many issues with no apparent relevance may have hidden impacts). **The Equalities Proforma attached at the end of this guidance will assist you to identify this.** Examples of situations where it is not necessary to carry out EIA (although any relevant equality issues should still be considered) are:
  - Producing a poster
  - A decision to use double sided rather than single sided printing
  - A portfolio holder report to approve an individual routine payment as part of a wider policy
  - A report which is an update on implementation of a strategy which was originally subject to EIA (although it would be good practice to update the original EIA and check that actions it noted have been carried out)

The Equalities Proforma attached is designed to ensure you think about each protected characteristic and determine whether the actions you are proposing will have an effect on this group(s). If it is determined there is an impact, even if this is of low significance, you then need to complete a full Equalities Impact Assessment (insert link).

You will notice that there is an additional category that has been included in the Proforma which is not a “protected characteristic” defined by the legislation i.e. ‘socio-economic’. Whilst there is no duty on us to undertake a consideration for this group, the Council wishes to understand any impact there may be within our district on this group and therefore asks you to consider this whilst considering those groups with protected characteristics.

## **Equalities Proforma**

### **Business Unit:**

Community Safety

### **Section / Service Delivery / Policy covered by the assessment:**

Anti Social Behaviour Policy 2018-2021.

### **Brief description of Service Delivery / Policy covered by the assessment:**

The Anti Social Behaviour Policy sets out the Council's approach to dealing with anti-social behaviour within it's communities. The Policy has some potentially positive impacts on the grounds of equality as 'hate' motivated ASB and criminality is given an escalated risk and corresponding higher priority response from the Council services.

### **Assessment carried out by:**

Ben Adams

### **Date of Assessment:**

27/09/2018

To determine whether a Equalities Impact Assessment is required please read the following statements and tick the one that applies. At the end of this document is a quick check box which will help you think about how the users will access your service (all access channels – face to face, physical location, on-line, telephone, etc.) and how the delivery of our service may have changed. You need to complete this check box regardless of which of the four options A – D you have ticked.



## An Equalities Impact Assessment is NOT required because

• A - Does not set out proposals for changes to a policy, service or function.

This does not include:

- Proposals for a new or changing policy service or function
- Financial decisions (other than approval of routine payments)
- Proposals for any workforce restructure

or is a 'For Information Only' item – it is a report that simply asks committee / management to note information rather than make or approve any decisions

*Or*

• B - Has been subject to a recent related EIA that properly considered the issues relevant to this decision or report.  
(this needs to be attached to the form when returned.)

*Or*

C - The Decision or report is not relevant to equality in that there is no way it could have any different effect on people in relation to their race, gender or transgender, disability, religion or belief, sexual orientation, age, maternity or pregnancy, marriage or civil partnership.

**If none of the above apply, a full impact assessment is required\***

Equality Area	Access to Service			Delivery of Service		
<i>Please complete each category below:-</i>	Positive Impact	Negative Impact	Nil Impact	Positive Impact	Negative Impact	Nil Impact
Age equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender re-assignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage/Civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy / Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief equality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- Please return this completed form to the Access & Equalities Officer (John Bullock)
- If an EIA is required, please follow the guidance and template available on the intranet.

**HOMES & COMMUNITIES COMMITTEE**  
**5 NOVEMBER 2018**

**HEALTH AND SAFETY UPDATE**

**1.0 Purpose of Report**

1.1 To update the Committee on performance with regard to corporate health and safety compliance within the first six months of 2018 and allow Members to scrutinise the work that has been done.

**2.0 Background Information**

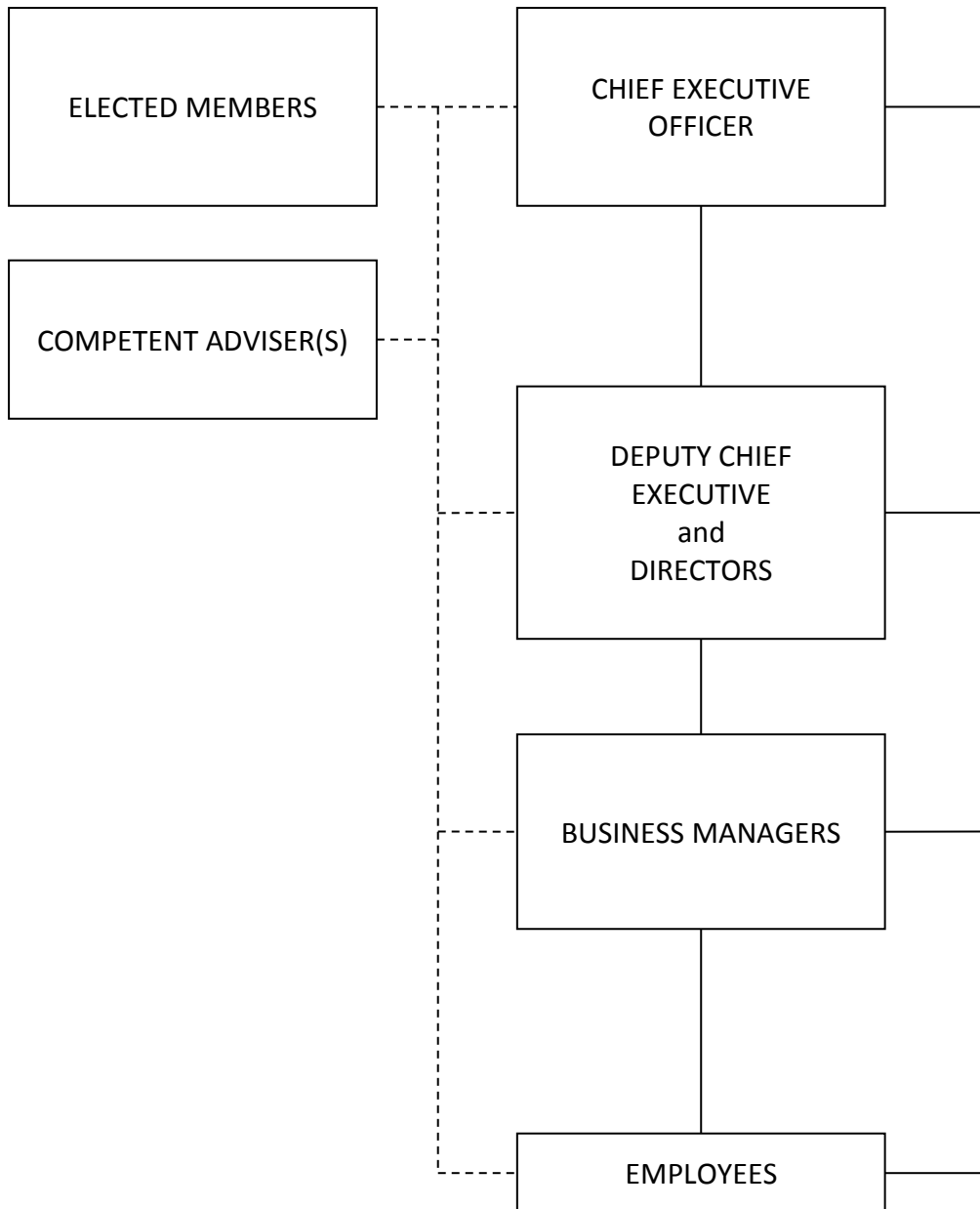
2.1 The Council's Corporate Health & Safety Policy sets out the responsibilities of various posts within the organisation. Elected Members provide the Council with leadership and strategy direction and determination in the allocation of budgets to enable services to be delivered. Because of their influence on budgets and policy decisions, elected Members can affect how health and safety is managed. Therefore elected Members, when carrying out their functions, shall ensure:

- a) The provision of such resources, that are necessary, for securing the health, safety and welfare of the council's employees and anyone else who may be affected by its undertakings.
- b) That the decision making process they employ includes and considers risks to employees and others in the decisions they make.
- c) The Chairman of the Homes & Communities Committee shall be the lead elected Member for corporate health and safety.

2.2 As part of fulfilling this responsibility Members are given the opportunity to receive an update report on current performance around compliance with our corporate health and safety responsibilities and duties.

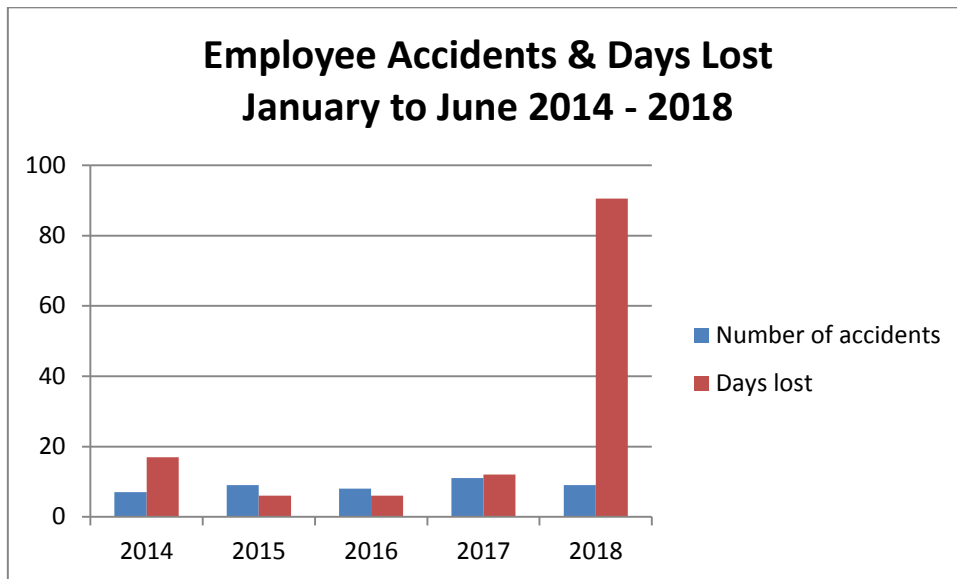
2.3 The diagram below shows the structure of how the health and safety responsibilities and accountabilities are set up. The solid black lines show the route of responsibility whereas the hashed lines illustrate the route of accountability.

————— = Responsibility  
----- = Accountability



**3.0 Accident Statistics**

- 3.1 A total of thirteen (13) accidents were reported for the period between the 1 January 2018 and 30 June 2018. Four of the thirteen accidents involved non employees with the remaining nine accidents involving employees.
- 3.2 Five of the nine employee accidents resulted in time off from work which totalled 90.5 lost working days. Whilst the number of employee accidents is comparable with previous years, the days lost is greater than expected. This increase in lost days is mainly due to the loss of 38.5 working days by a single individual. The graph below illustrates this data over the previous five years reporting period (January to June inclusive).



- 3.3 Four of the nine employee accidents occurred within the Waste, Litter & Recycling Business Unit and accounted for 89.5 lost days. The remaining lost day was within the Parks & Amenities Business Unit.
- 3.4 Four employee accidents resulted in notification to the Health & Safety Executive. Notifications were triggered due to the amount of time taken off as a direct result of the accident rather than type or severity of the injury. This is the largest number of notifications undertaken since accident legislation was updated in 2013 and reduced the need to report lower level accidents.
- 3.5 As explained above there were four reported non-employee accidents. These involved visitors to the Palace Theatre/ National Civil War Centre and Castle House.

### **Violent Incidents**

- 3.6 There are currently ten entries within the Council's Potentially Violent Person Risk Register. This register records the details of people who have presented a risk to our staff and who potentially continue to present a risk. It exists to act as a point of reference for officers who may have to deal with potentially violent members of the public.
- 3.7 Five reported incidents have been entered since 1 January 2018. Four of the five new entries are incidents involving partner agencies customers at Castle House. The remainder involved a resident who became verbally aggressive with a refuse inspector after staff had refused to collect a contaminated silver bin.
- 3.8 Since relocating to Castle House in September 2017 we have experienced an increase in the number of violent incidents directed towards our staff and incidents of violence and aggression that involve our partners. The graph and table one below show the comparable data since our move into Castle House. These figures should be read alongside an acknowledgement that footfall at Castle House has increased significantly. During the period January to July 2018, when compared to the same period in 2017, we have experienced an eighty percent (80%) increase in our footfall.

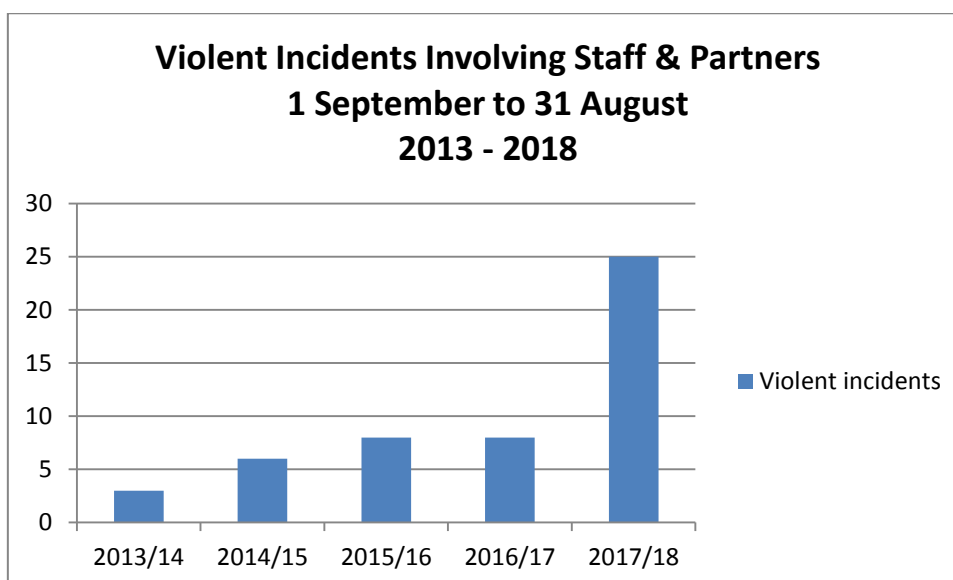


Table One – Violent and Aggressive Incidents

	September 2017 to August 2018 (Castle House)	September 2016 to August 2017 (Kelham Hall and Town Hall)	Percentage Increase
No of Incidents	25	8	212.5%

3.9 Factors affecting this figure since being located in Castle House are;

- Managers are located with their staff during opening hours which was not the case when we worked out of the Town Hall. This has resulted in a greater awareness of the need to report these incidents formally rather than dealing with them in an informal manner.
- Security Officers are now located in the building which means that more incidents are observed and responded to.
- The partner agencies that are co-located in Castle House deal with a client base that have an increased level of vulnerability and risk.
- Increased footfall into Castle House.

**Significant Incidents**

3.10 **Newark Road Rage Incident.** A refuse collector was deliberately struck by a vehicle and his team were subsequently attacked and threatened with a hammer following a road rage incident. Refuse vehicle CCTV has proven useful and there were several witnesses who have provided evidence. The Police conducted an investigation into the matter but so far have not been able to positively identify the assailants and consequently there has been no subsequent prosecution.

3.11 **Electrical Incident, Castle House.** A serious electrical incident occurred in February when an electrician touched a live mains conductor, located within a distribution board, whilst completing unfinished works at Castle House. This caused a significant power outage and produced smoke which activated the building’s fire alarm which subsequently led to a full fire evacuation of the building. Fortunately nobody was hurt.

- 3.12 As requested by Corporate Management Team (CMT), the Business Manager – Asset Management has subsequently reviewed contractor management arrangements for Castle House. CMT have also received reports regarding this matter and assurances regarding the implementation of controls to prevent a reoccurrence.
- 3.13 **Suspected Synthetic Cannabinoid Incident, Castle House.** During a recent incident at Castle House a small number of staff were affected by fumes released from a bin believed to be containing synthetic cannabinoids. It is believed that this was deposited by a customer visiting the Department of Work & Pensions.
- 3.14 The substance was removed and disposed of. All staff made a full recovery without any lasting effects. The Police were informed but unfortunately were unable to determine the exact nature of the substance.
- 3.15 The individual suspected of depositing the substance has been formally written to and warned that we will not permit him access into Castle House if it is suspected that he is carrying or is under the influence of drugs or alcohol. He has also been added to the Potentially Violent Persons Risk Register.
- 3.16 Further training is currently being developed for frontline staff to help identify the signs of possible users of synthetic cannabinoids and how to appropriately respond if they believe the substance is identified.
- 3.17 **Street Name Plates.** A cast iron heritage street name plate, located at height, recently fell off a building located within central Newark. On inspection it would appear that the signs original fixings had failed. Work was immediately undertaken to determine any other plates at immediate risk of failure and identify the extent/condition of signs across the district and deal with these.

#### **Significant Work Undertaken**

- 3.18 **Health and Safety Policy.** As in accordance with the requirements of relative legislation the Council's Health and Safety Policy has been reviewed and agreed with Joint Consultative Committee and CMT.
- 3.19 **Finger Traps.** Following a recent accident at Vicars Water Visitor Centre, where a small child trapped the end of his finger between a door and its frame, risk assessments of all similar public areas have been undertaken. This work has identified the need for the installation of further door finger guards to high risk areas. The work is being managed and undertaken by Asset Management.
- 3.20 **Health and Safety Software.** The Council currently uses a software system to help manage its risk assessments and safety compliance. This system is many years old and has been reviewed to assess whether or not it is fit for purpose. The view of the Risk Management Group concluded that the system needed replacing and consequently we have assessed a number of systems and are currently in the final stages of testing prior to purchase

#### **4.0 Equalities Implications**

4.1 None of the incidents reported had any equality implications identified at the time. Incidents which involve any of the 'protected characteristics' set out under the Equalities Act 2010 would be taken account of as part of any investigation.

#### **5.0 Financial Implications FIN18-19/1247**

5.1 There are no direct financial implications from the recommendation within this report. Where appropriate, analysis of the incidents and resultant improvements to prevent reoccurrences can reduce the financial exposure of the Council.

5.2 An effective health and safety management system, in which risks are identified and either eliminated or reduced will result in a reduction in costs to the organisation.

#### **6.0 RECOMMENDATION**

**That the Committee note the content of the report and consider the actions taken to deal with health and safety issues that have arisen across the Council's activities over the past 6 months of the financial year 2018/19.**

#### **Reason for Recommendation**

**To allow the committee to satisfy themselves through the process of scrutiny that corporate health and safety is being adequately managed and resourced across the authority.**

#### **Background Papers**

Nil

For further information please contact Ben Adams on Ext 5232

Karen White  
Director - Safety



## HOMES & COMMUNITIES COMMITTEE

5 NOVEMBER 2018

### HOUSING REVENUE ACCOUNT - DEVELOPMENT PROGRAMME

#### **1.0 Purpose of Report**

1.1 This report provides the Committee with an update on the progress being made with the 5 year Housing Revenue Account (HRA) development programme and the proposal to develop an extra care scheme in Boughton.

#### **2.0 Background Information**

2.1 Delivery of new affordable housing is a strategic priority for the Council, with the need to develop a mixed provision of affordable homes to meet the requirements of younger people, families with young children and older people across the district's urban and rural communities.

2.2 Set against this strategic priority the Policy & Finance Committee, at its meeting on 30 June 2016, approved that the Council and Newark and Sherwood Homes work in partnership to deliver a 5 year housing (HRA) development programme to provide an indicative 335 new affordable units across the district, with the Homes & Communities Committee charged with monitoring the delivery of the programme.

#### **3.0 Progress - Housing Revenue Account (HRA) Development Programme**

3.1 As previously reported Robert Woodhead Ltd has been appointed as the delivery partner for the 5 year HRA development programme following a detailed and successful procurement exercise based upon both price and quality.

3.2 Newark and Sherwood Homes are project managing the programme on behalf of the Council and review meetings are held between officers of the Council and Company in order to monitor delivery of the programme.

3.3 In addition, a service specification has been drawn up covering the project management roles and responsibilities of the Company. The fee charged by the Company is based on per unit delivery, rather than a % of the overall programme and reflective of a competitive market rate.

#### ***Phase One - Site Progression***

3.4 The table below provides the Committee with an update on progression with development of the phase one sites:

<b>Locality</b>	<b>Address</b>	<b>Units</b>	<b>Anticipated Completion or Completion Date</b>
Newark Cluster	Grange Road	5 x 2 bed houses	Completed May 2018
	Meldrum Crescent	8 X 1 bed apartments	Completed June 2018
	Quibell Road	1 bed bungalow 2 x 2 bed houses	Completed April 2018
	Stephen Road	2 x 1 bed apartments	Completed August 2018

Balderton Cluster	Gibson Crescent	2 x 3 bed houses	Due for completion October 2018
	Wolfit Avenue (1)	3 x 2 bed houses	Due for completion October & November 2018
	Wolfit Avenue (2)	2 x 2 bed bungalows	
	Wolfit Avenue (3)	1 x 2 bed bungalow	
	Wolfit Avenue (4)	2 x 2 bed bungalows	
Farndon Cluster	Almond Grove 1 & 2	(1) 2 x 2 bed units (2) 1 x 2 bed bungalow	Due for completion November 2018, subject to Severn Trent final installation.
	California Road	1 x 2 Bed bungalow	Due for completion October 2018
	Staveley Court	6 x 2 bed houses 2 x 3 bed houses 2 x 1 bed bungalows 1 x 3 bed bungalow	Phased handover from October 2018
	The Willows	1 x 2 bed unit 1 x 3 bed unit	Completed September 2018
Collingham Cluster	Windsor Road	3 x 2 bed houses	Due for completion November 2018, subject to Severn Trent final installation now scheduled for December 2018.
	Snowden Road	2 x 2 bed bungalows	Due for completion October 2018
	Windsor Close (2)	4 x 2 bed houses	Due for completion February 2019
West Cluster	Adj 1 Allenby Road, Southwell	2 x 1 bed bungalows	Due for completion December 2018
	Adj 31 Trinity Road, Southwell	1 x 1 bed bungalow	Due for completion November 2018
	Greenwood Cres, Boughton	2 x 2 bed bungalow	Completed September 2018
	Adj 67 Greenwood Cres, Boughton	1 x 2 bed house	Due for completion November 2018
	Eastfield Close, Clipstone	2 x 2 bed houses	Due for completion December 2018
	Vicars Court, Clipstone	2 x 2 bed houses	Due for completion December 2018
	Haywood Oaks Lane, Blidworth	3 x 1 bed apartments	Due for completion January 2019
	Central Avenue, Blidworth	1 x 2 bed bungalow	Completed September 2018

	Preston Road, Rainworth	2 x 1 bed bungalows	Due for completion October 2018
<b>Target Total</b>		<b>70</b>	

- 3.5 Due to the extremely dry summer, Severn Trent have not been able to provide a connection date for water services and failed to attend agreed appointments. Discussions with Severn Trent indicated they have been forced to divert many of their resources into water conservation and fixing leaks rather than new connections.
- 3.6 This issue has begun to alleviate with a number of sites handing over in the past month and subsequent completion dates for the remainder of the units by the end of the October, with the exception of Windsor Close, Collingham.

***Budgetary Position (Phase One)***

- 3.7 The development costs for phase one, which run over two financial years (2017/18 & 2018/19) and led to the scheme being developed in phases, have seen an increase from those applied in the financial modelling in early 2016.
- 3.8 The initial modelling was based on an estimated figure of £100,000 per unit to provide an indication on what growth could be delivered within the parameters of the HRA Business Plan. The inputs into the financial model were informed by a number of assumptions but were not site specific.
- 3.9 The units that formed the grant bid submissions to Homes England, showed an average build cost of £132,965 per unit. The uplift in costs are primarily due to inflationary impacts since the first estimates were made, the small scale of unit delivery per site (average circa 2.8 units per site), site constraints and support costs, such as service connections and planning and infrastructure requirements.
- 3.10 As previously reported the Council has been successful in its grant bid submissions to Homes England for phase one. This will bring the cost per unit to the HRA down to an average of £93,056. The Committee should note that Homes England grant funding is primarily there to enable the delivery of schemes with significant abnormal costs that may not otherwise come forward, which is the case for a number of the smaller sites in phase one.
- 3.11 The Company have an ongoing dialogue with Robert Woodhead to value engineer site costs and establish accurate figures for the delivery of each site prior to commencement. This is to aid ongoing financial monitoring and maintain the overall viability of the development programme. The Company will continue this process throughout the life of the project to ensure that the average cost per unit over the programme achieves good value for money, within the parameters of the HRA Business Plan.
- 3.12 The inputs and assumptions of the HRA Business Plan are also in the process of being reviewed, which will enable the financial modelling and forecasting for the delivery programme to be updated.

### ***Phase Two – Site Progression***

- 3.13 The table below provides the Committee with an update on the progression with phase two sites, in terms of the planning status:

<b>Location</b>	<b>Planning Consent Granted</b>	<b>No of units</b>	<b>Unit Type</b>
Queens Court, Newark	August 2018	9	6 x 1 bed apartments 3 x 2 bed apartments
Meldrum Crescent, Newark	February 2018	4	4 x 1 bed apartments
Central Avenue, Blidworth	April 2018	4	2 x 1 bed apartments 2 x 3 bed bungalows
Thorpes Close/Parkes Close, Coddington	March 2018	4	3 x 2 bed bungalows 1 x 1 bed bungalow
Valley View, Coddington	May 2018	3	3 x 2 bed houses
Westhorpe, Southwell	August 2018	3	1 x 3 bed bungalow 2 x 1 bed bungalow
Beech Avenue, Ollerton	June 2018	2	2 x 2 bed houses
		<b>29</b>	
Lansbury Road, Bilsthorpe	Due for submission October 18	2	2 x 1 bed bungalows
Lindsay Avenue, Newark	Due for submission October 18	10	6 x 1 bed apartments 2 x 2 bed apartments 2 x 2 bed houses
Rainworth Water Road, Rainworth	Due for submission October 18	2	2 x 1 bed apartments
St Marys Gardens, Newark	Due for submission October 18	7	7 x 2 bed houses (tbc)
		<b>21</b>	
<b>Target Total</b>		<b>50</b>	

- 3.14 It is anticipated that work will start for the phase two delivery in early Autumn and the commencement of all sites will be staggered over a period of several months reflecting the completion profile of the phase one sites.

### ***Homes England Grant Funding***

- 3.15 Further to positive discussions with Homes England, grant bids will be submitted through the Affordable Homes Programme for the majority of the phase two sites and the Council will use its 1-4-1 Right to Buy receipts on the remaining sites.

## **4.0 Extra Care – Boughton**

### ***Proposed Extra Care Scheme - Boughton***

- 4.1 Approval was given at the Policy & Finance Committee meeting on 28<sup>th</sup> June 2018 to progress the development of an extra care scheme in Boughton financed through the Housing Revenue Account (HRA), and subject to a successful housing grant bid submission to Homes England. The capital finance split of the scheme is:

<b>Funding Source</b>	<b>Capital Contribution</b>
Homes England	30%
Newark & Sherwood District Council <i>(Through Housing Revenue Account (HRA) Balances and/or Borrowing).</i>	70%

- 4.2 The scheme is being project managed by Newark and Sherwood Homes and a full planning application has now been submitted for a 40 unit extra care scheme (30 x 1 bedroom apartments and 10 x 2 bedroom bungalows), to be developed on the allocated HRA housing site (*Policy OB/Ho/2 - Ollerton & Boughton - Housing Site 2*).
- 4.3 On the same principle as Gladstone House, the accommodation specification will be in line with extra care design guidance, along with incorporating communal facilities including a dining area and kitchen for meal provision, laundry facilities, communal room and upstairs external balcony, assisted bathing provision, hobbies room, guest bedroom and interior designed themed communal areas.
- 4.4 A bid for grant funding support through Homes England ‘Care and Support Specialised Housing Fund’ has now been submitted and the outcome of this should be known within the next 8 weeks.
- 4.5 Due to the specialist nature of the proposed scheme, it will need to be procured outside of the existing approved 5 year HRA development programme that Robert Woodhead are contracted to deliver and financed separately to the programme. Newark and Sherwood Homes are now taking forward the procurement of a main contractor for the scheme, set against preparing a detailed specification for this and in line with the Council’s Contract and Procedure rules.
- 4.6 Should the necessary capital finance be secured, an indicative timescale for delivery will see commencement on site late 2018/early 2019 with the build programme lasting approximately between 12 - 15 months.

***Nottinghamshire County Council – Housing With Care***

- 4.7 As with the arrangements at Gladstone House, the County Council have confirmed that they will be seeking to agree nomination rights to a proportion of the new homes on the scheme (*currently indicated at 30*) for use as ‘housing with care’. This arrangement will be subject to a Co-operation Agreement to guarantee a rental income to the HRA Business Plan should a unit continue to be void after a prescribed period of time.

***HRA Revenue***

- 4.8 All units will be charged at an affordable rent level, and have a service charge and provision of an intensive housing management service. (***NB: An Affordable Rent is set at up to 80% of the market rent (i.e. the average rent for local private lettings) inclusive of any service charges.***)

- 4.9 For Committee information the current affordable rent and service charge levels for Gladstone House are £264.31 for a two bedroom unit and £220.16 for a one bedroom unit. It is anticipated that the rent and service charges for the proposed scheme will be at a similar level inflated to reflect the indicative letting at 2020/21, which would provide an estimated charge of £233.57 and £280.41 for a one and two bedroom unit respectively. At Gladstone House the affordable rent and service charges are housing benefit eligible, with the exception to a proportion of the midday meal, TV licence and care line facility.

### ***Management***

- 4.10 Newark & Sherwood Homes will provide the housing management and repairs service to all the units in accordance with the existing Management Agreement and those units not under Co-operation Agreement will be allocated through the Council's housing register as general supported housing.

### **5.0 Proposals**

- 5.1 As set out above the proposal is for the Committee to note the activity being delivered in Phase one and two of the Council's approved 5 year HRA development programme and progress in developing a proposed new extra care scheme in Boughton, on the allocated HRA housing site (*Policy OB/Ho/2 - Ollerton & Boughton - Housing Site 2*).

### **6.0 Equalities Implications**

- 6.1 The Council's housing needs evidence based informs the type of affordable housing to be delivered across the district to meet the needs of all communities, including those with protected characteristics.
- 6.2 The proposed extra care scheme in Boughton will meet evidenced housing, health and social care needs for the older population in Ollerton & Boughton.

### **7.0 Financial Implications (FIN18-19/3955)**

- 7.1 Total on-site costs for the phase one of the HRA development programme (70 units) were initially £9.308m at the time of the Homes England grant submission. Total on-site costs are now estimated to be £9.388m which is an increase of £0.08m, due to contract variations. One of the 70 sites was not included in the grant submission to Homes England, in order to allocate some of the 1-4-1 Right to Buy receipts to ensure deadlines set by Government to use resources are met. The remainder of the costs will be met from the Major Repairs Reserve or other capital receipts.
- 7.2 The total costs are subject to fees as per paragraph 3.3.
- 7.3 As per paragraph 3.7 – 3.10 the cost per unit has increased considerably from the original estimate of £100,000 to £132,965 per unit. This increase in cost per unit totals £2,307,550 over the 70 units in phase one. This additional cost has been funded by the grant received from Homes England, with the HRA existing capital resources funding the remaining costs.
- 7.4 Detailed funding of the programme going forward is still to be determined once the financial modelling and forecasting has been updated to take account of inflation and increased cost per unit within the HRA Business Plan.

- 7.5 As stated at paragraph 3.15 consideration will need to be given to phase two, to put aside one or more sites from the next Homes England grant bid submission in order to utilise more 1-4-1 Right to Buy receipts to keep up with the government deadlines and avoid having to return any monies to government (*which would attract large penalties*).
- 7.6 In relation to the proposed extra care scheme in Boughton, its delivery will be dependent on the Council's housing grant bid to Homes England being successful as set in the table at 4.1.
- 7.7 As stated in paragraph 4.9 the anticipated rent and service charge for the proposed scheme will be an estimated charge of £233.57 and £280.41 for a one and two bedroom unit respectively.

## **8.0 RECOMMENDATION**

**That the Committee notes the progress being made with the Council's five year Housing Revenue Account development programme and the proposed extra care scheme in Boughton, making any observations as appropriate.**

### **Reason for Recommendation**

**To enable the Committee to regularly review and scrutinise delivery of the Council's 5 year Housing Revenue Account development programme.**

### **Background Papers**

Nil

For further information please contact Karen White on Ext 5240 or Rob Main on Ext 5930

Karen White  
Director – Safety

## HOMES & COMMUNITIES COMMITTEE

5 NOVEMBER 2018

### PERFORMANCE MONITORING: NEWARK AND SHERWOOD HOMES

#### **1.0 Purpose of Report**

1.1 To provide the Committee with performance information relating to the operations of Newark and Sherwood Homes (NSH) in accordance with the Management Agreement and Annual Delivery Plan.

#### **2.0 Background Information**

2.1 During the process to formulate the new Management Agreement with NSH, the Policy & Finance Committee at its meeting on 19 September 2013 resolved that the Homes & Communities Committee have the remit to '*undertake scrutiny of the operational performance of the Council's wholly owned housing management company*', with the Policy Committee taking responsibility for the determination of the Key Performance Indicators (KPI's) for NSH.

2.2 In establishing the suite of KPI's, there was a need to ensure that the Council has in place a robust performance framework that includes a core set of strategic KPI's covering the expectations of the management agreement (including the service specification) and to sustain the viability of the Council's Housing Revenue Account Business Plan (HRA BP). Set alongside this was the need to avoid duplication between the respective monitoring roles and responsibilities of the Company's Board and the Council in order to make the best use of resources and to ensure a consistent, transparent framework is adopted.

2.3 The Board already consider and scrutinise a comprehensive range of performance information covering housing management & maintenance, the capital investment programme, rents, governance, diversity, staffing, risks, costs/finance, income, management costs, satisfaction, complaints and health & safety compliance. This is so the Board can robustly challenge the operations of the Company to ensure it functions properly and meets its vision of "delivering excellent Housing Services".

2.4 The Policy & Finance Committee considered the above points and agreed to the strategic KPI's, which the Council monitors and scrutinises through the remit of this Committee.

2.5 To complement the KPI'S and ensure ongoing scrutiny of NSH, the management agreement stipulates that the Company provides in consultation with the Council the following documents annually:

a) Delivery Plan

*Along with setting the Company's main activities, targets or standards under the provisions of the management agreement for each financial year, it also records the KPI's, benchmarking information and work of the Tenants Panel.*

*At the Committee's meeting on 6<sup>th</sup> November 2017 Members approved the Company's Annual Delivery Plan for 2018/19. This will be reviewed at the time the 2019/20 Delivery Plan is presented to the Committee scheduled for its January 2019 meeting.*



- b) Asset Management Programme  
*Progress and spend is presented to the Policy & Finance Committee under the Capital Programme reports.*
- c) Tenant Panel Feedback/Work Programme  
*Details of the Tenants Panel for the 2016/17 governance year (Nov 2016 - Nov 2017) is provided in the main body of this report along with the agreed work programme for the 2017/18 governance year.*
- d) Assurance Report *(covering financial affairs & governance)*
- e) Details of formal complaints *(outcome)*
- f) List of let contracts
- g) Procurement Plan
- h) Management Fee  
*This matter is reported to the Policy & Finance Committee.*

2.6 The majority of the above matters have to be approved by the Policy & Finance Committee, prior to which consultation is undertaken with the Strategic Housing Liaison Panel.

2.7 All the KPI's are recorded and monitored on the Council's Performance Management System. Senior officers of the Council and Company meet on a regular basis to review the workings of the management agreement, discuss progress to deliver the Annual Delivery Plan and how the Council's strategic objectives are being met to ensure both parties obligations under the management agreement are being scrutinised and reviewed.

### **3.0 Newark and Sherwood Homes Performance**

#### ***Annual Performance***

3.1 An overview of NSH performance for the 2017/18 financial year is provided at **Appendix A**, which shows a positive picture with the majority of KPI's meeting or exceeding the targets set.

3.2 Company performance during 2017/18 has ensured that core service standards have been maintained including across repairs, rent and charges, tenant involvement, allocations and lettings, independent living, value for money and looking after the local areas.

3.3 Where performance has not met target an analysis and commentary has been provided at **Appendix B** for the Committee's consideration.

#### ***Survey of Tenants and Residents (STAR Survey)***

3.4 The STAR Survey covers satisfaction for the following areas; Customer Service, Information and Resident Involvement, Repairs and Maintenance, Advice and Support and Anti-Social Behaviour. The report at **Appendix C** provides useful headline commentary on satisfaction measures and results in each area.

- 3.5 The annual survey was conducted between April and May 2018. The data was collected via telephone; the same method as the previous two years. In total 545 tenants took part in the survey, comprising of 354 supported housing tenants and 191 general needs tenants.
- 3.6 Satisfaction with services remains high, with overall satisfaction at 90%. Satisfaction with all key measures remains at or above the STAR benchmark.
- 3.7 Satisfaction with Anti-Social Behaviour (ASB) is varied across indicators e.g. satisfaction with staff sensitivity when dealing with an ASB case is at 91% whereas satisfaction with the outcome of a case is 46%. Whilst both are above the benchmark for the respective indicators, this remains an area of focus for the Company who are currently working with their Board on any further work that needs to be actioned here.
- 3.8 The Committee should also note that the STAR survey is done at a point in time (*a snapshot*) and in addition to this the Company measure tenant satisfaction weekly across a range of indicators, which includes ASB. From the weekly statistics, performance in quarter two saw satisfaction with the outcome of an ASB case at 85%, an improvement of 5% from the previous quarter.
- 3.9 The Company have recently invested time in providing a comprehensive training programme for staff with a focus on early intervention in ASB cases and continue to be involved in Safer Neighbourhoods meetings, working closely with the Council's ASB officers. At this point in time the Company are not experiencing 'hot spots' of ASB across the estates they manage and deal with a relatively low number of ASB cases, set against the size of the Council's housing stock.
- 3.10 Under the Council's 'Cleaner, Safer, Greener' campaign the Company is a key partner to deliver the actions from this, especially around tackling reported ASB, with updates on this activity being reported to the Leisure & Environment Committee.

#### ***Tenants Panel Report and Work Plan***

- 3.11 A copy of the content for the Tenants Panel Report and Work Plan approved at the Company's Board meeting in September 2017 is at **Appendix D** for the Committee's consideration.

#### **4.0 Proposals**

- 4.1 The Committee note the strategic performance information supplied in relation to the activities of Newark and Sherwood Homes, set against the requirements of the Management Agreement, and make any observations as appropriate.

#### **5.0 Equalities Implications**

- 5.1 The KPI's set to monitor the activities of NSH include an assessment of tenant satisfaction for the core housing services provided by NSH. Here further interrogation could be made where satisfaction levels decline and adversely impact on equality and diversity issues for tenants.

## **6.0 Impact on Budget/Policy Framework**

6.1 The establishment of a robust housing performance framework to monitor the activities of NSH is critical to ensure delivery of the core principles of the management agreement, to sustain a viable HRA Business Plan and to measure delivery of the wider strategic housing priorities.

## **7.0 RECOMMENDATION**

**That the strategic performance information supplied in relation to the activities of Newark and Sherwood Homes is noted, with the Committee making any observations as appropriate.**

### Reason for Recommendation

To ensure a robust performance framework is put in place to monitor the strategic performance activities of Newark & Sherwood Homes in accordance with the management agreement.

### Background Papers

For further information please contact Rob Main, Strategic Housing on ext: 5930.






Karen White  
Director – Safety



**NEWARK AND SHERWOOD HOMES ACTUAL PERFORMANCE 2017/18**

<b>Performance Indicators</b>	<b>Performance 2017/2018</b>	<b>Target 2017/18</b>	<b>Performance 2016/2017</b>	<b>Performance 2015/2016</b>	<b>Performance 2014/15</b>	<b>Performance 2013/14</b>
<b>Income</b>						
% of rent collected from current tenants as a % of rent owed.	98.25%	99.30%	98.87%	99.27%	98.75%	98.73%
Amount of current arrears as a % of annual rent debit (measure of bad debt).	1.70%	1.55%	1.59%	1.57%	1.46%	1.54%
% of rent loss through dwellings being vacant	0.76%	0.60%	0.69%	0.70%	0.60%	0.73%
Former tenant arrears as a % of annual rent debit	0.88%	0.70%	0.88%	1.30%	0.98%	0.74%
% of current leaseholder arrears	0.05%	0.20%	0.02%	0.02%	0.01%	New
% of rent arrears written off	0.39%	0.26%	0.77%	0.19%	0.28%	0.13%
% of supported housing tenants in support charge arrears	2.44%	3%	5.13%	6.64 %	17.82%	New
<b>Right to Buy</b>						
Number of RTB sales	31	25	29	22	24	27
Average RTB value	£54,014.13	n/a	£61,609	£112,136	£90,781	£109,407
Average RTB discount	£53,454.23	n/a	£59,915	£56,099	£44,758	£55,201
Average Sale Price		n/a		£56,036	£46,022	£54,207
<b>Asset Management</b>						
% of properties meeting the Decent Homes standard	100%	100%	100%	100%	100%	100%
% split between responsive repairs ( <b>Revenue</b> ) and Asset Investment Programme ( <b>Capital</b> )	22.02% (R)	20% (R)	19.43% (R)	18.53% (R)	26.30% (R)	New

Performance Indicators	Performance 2017/2018	Target 2017/18	Performance 2016/2017	Performance 2015/2016	Performance 2014/15	Performance 2013/14
<b>Welfare Reform</b>						
% of general needs tenants under occupying and in rent arrears (2891 General Need Units)	5.84%	7.54%	6.58% (circa. 200 tenants)	7.54% (220 tenants in total)	11.02%	New
% of tenancies paying by Direct Debit	60.53%	70%	54.08%	44.66%	39.97%	36%
Number of general needs tenants in receipt of housing benefit (Universal Credit)	1503	n/a	1549	1,611 HB 20 on UC	1,609	New
Number of supported housing tenants in receipt of housing benefit.	1517	n/a	1518	1,559	1,531	New
<b>Customer</b>						
% of general needs tenants satisfied with the quality of their home - <b>Survey of Tenants and Residents (Star Survey)</b>	82.70%	91%	87.7%	90.40%	84.00%	84.5%
% of supported housing tenants satisfied with the quality of their home (Star Survey)	91.50%	96%	92.5%	95.30%	91.00%	92.70%
% of general needs tenants satisfied with the responsive repairs service (Star Survey)	74.30%	85%	81%	84.00%	74.00%	76%
% of supported housing tenants satisfied with the responsive repairs service (Star Survey)	87.10%	91%	87%	89.00%	87.00%	91%
% of tenants satisfied with supported housing services (Star Survey)	86.30%	90%	85.5%	85.90%	89.00%	90%
% of general needs tenants satisfied with landlord/overall service (Star Survey)	89.50%	95%	90%	94.80%	83.00%	85%
% of supported housing tenants satisfied with landlord/overall service (Star Survey)	90.30%	93%	89.5%	90.80%	89.00%	90%
% of general needs tenants satisfied with the neighbourhood (Star Survey)	77%	95%	88.6%	94.00%	81.00%	80.3%

<b>Performance Indicators</b>	<b>Performance 2017/2018</b>	<b>Target 2017/18</b>	<b>Performance 2016/2017</b>	<b>Performance 2015/2016</b>	<b>Performance 2014/15</b>	<b>Performance 2013/14</b>
% of supported housing tenants satisfied with the neighbourhood ( <i>Star Survey</i> )	90.60%	95%	93.4%	94.50%	91.00%	90.8%
% of customer satisfaction with responsive repairs ( <i>Collated from returned tenant satisfaction surveys on completion of a responsive repair</i> ).	93.17%	99%	89.00%	86.00%	98.00%	New
% of properties in low demand	0.52%	3.50%	0%	4.73%	4%	New
Complaints received referred to Tenant Panel and/or Housing Ombudsman	0	2	1	2	1	New
<b>Sustainability</b>						
Change in Council Housing Stock Size	+2	+8	5,422	5443	5,439	5,438

Name	2017/18		Current Target	NSH Latest Note
	Value	Status		
% of rent collected from current tenants as a % of rent owed	98.25%		99.3%	<p>Of the Council tenancies over 50% of income is paid via the Housing Benefit (HB) system. There have been a range of changes within the HB system, which impact on the benefit entitlement and when comparing the benefit awards with the previous year this reduced by £267k.</p> <p>There has been a significant impact of limiting the backdating of claims to 4 weeks. This reduction accounts for 1.26% of rental income. Focus continues as part of the pre tenancy work and introductory tenancy sustainment to educate and support tenants on the new benefit rules.</p>
Amount of current arrears as a % of annual rent debit	1.7%		1.55%	As above
% of rent loss through dwellings being vacant	0.76%		0.6%	A higher volume of voids (28 more than 16/17) in supported accommodation has impacted on performance. Demand for Vale View in particular has decreased. Action is being taken in conjunction with Nottinghamshire County Council, NSH and Council officers to ensure the needs of vulnerable people are effectively matched to supported accommodation in a timely manner to ensure income targets and housing need targets are met.
Former tenant arrears as a % of annual rent debit	0.88%		0.7%	<p>Actions undertaken are focused on early sustainment and enforcement work recognising that the costs of tenancy failure include former tenant debt, which can be challenging to collect where the tenant cannot be traced or has multi debt issues.</p> <p>There have been 15 evictions this financial year totalling £41,199.27 21 (30% of the former tenant debt). During the year the courts have taken a less consistent approach to possession despite comprehensive enforcement and sustainment work. Where continued failure occurs, this escalates the debt considerably and requires further resources to be deployed. NSH are continually reviewing the outcomes and changing our practices accordingly with a particular focus on the courts approach to universal credit.</p>
% of rent arrears written off	0.39%		0.26%	During the year there has been focus on taking early actions to recover any former tenant arrears. This has resulted in more balances being written off as the completion of the Former Tenant Arrears actions is concluded at an earlier point. The performance is below target but does deliver a positive trend from 2016/17 where £151k was written off compared to £85k during this year.

Name	2017/18		Current Target	NSH Latest Note
	Value	Status		
Number of RTB sales	31		25	There has been an increase in the number of RTB applications with 52 being received within 2016/17 and 61 within 2017/18. The trend will be monitored in the context of the Housing Revenue Account Financial Business Plan.
% of tenancies paying by Direct Debit	60.53%		70%	<p>This high target has been set to maintain focus on this area and recognise that progression of payment by direct debit provides efficiency and maximises income collection.</p> <p>There has been a positive performance trend throughout the year. This is expected to continue with the focus being on all new tenancies targeted to pay by direct debit and the proactive approach in taking the opportunity to promote switching to DD with existing tenants.</p>



**1. Introduction**

- 1.1 Newark and Sherwood Homes conducted the annual STAR Survey between April and May 2018. The final report was received in June 2018.
- 1.2 This report details the key findings of the STAR report and highlights areas where they may be issues that require investigation and / or improvement.
- 1.3 The data was collected by telephone survey by supplier Viewpoint Research; the same method as the previous two years. In total 545 tenants took part in the survey, comprising of 354 supported housing tenants and 191 general needs tenants.

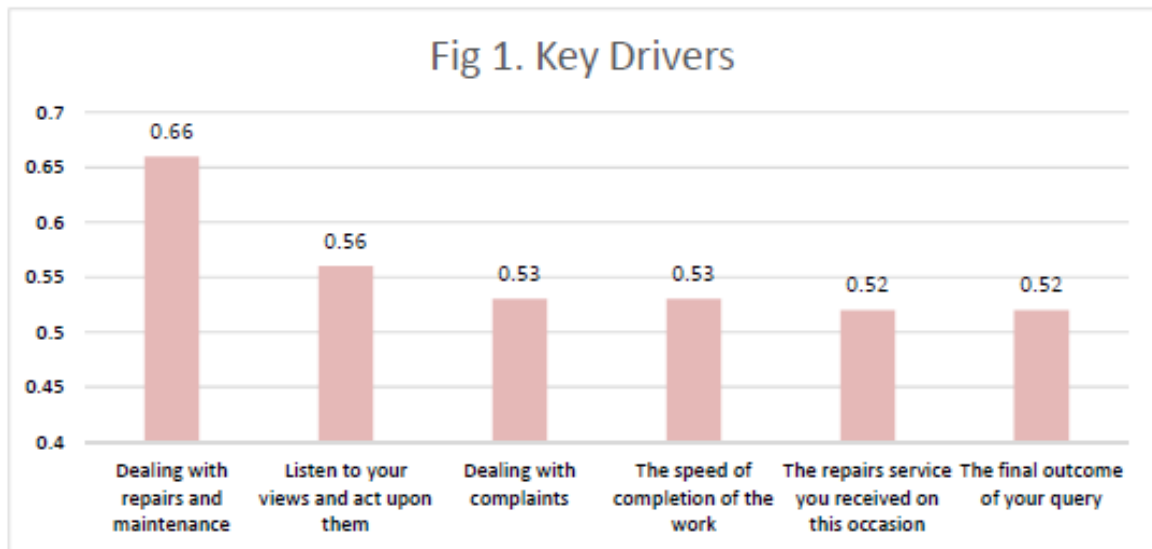
**2. STAR Results 2017/18 - Overall Satisfaction and Key Drivers**

2.1 Overall Satisfaction

2017/18	2016/17	STAR Benchmark
90%	90%	87%

2.2 Overall satisfaction is 90%, which is the same as the previous year and 3% above the STAR benchmark.

2.3 Key Drivers of Satisfaction



2.4 The key drivers for satisfaction are shown above. Dealing with Repairs and Maintenance has featured in the top five key drivers for three consecutive years.

## 2.5 Key Satisfaction Measures

	2017/18	2016/17	STAR Benchmark
Overall quality of your home	89%	81%	85%
Overall condition of your home	88%	92%	82%
Neighbourhood as a place to live	86%	92%	86%
Rent provides value for money	92%	92%	85%
Service charges provide value for money	78%	87%	73%

2.6 Satisfaction against key measures has seen a decrease in all but one area compared to the previous year, however, all remain at or above the STAR benchmark. Activity linked to the Cleaner, Safer and Greener campaign should support increased in satisfaction with neighbourhoods as a place to live. Satisfaction with 'service charges' as 'value for money' has seen the biggest decline within key satisfaction measures. Whilst still 5% points above the latest benchmark, this indicator will be closely monitored.

## 3. STAR Results 2017/18 – Improving satisfaction (improved by 2% or more over last year)

Satisfaction With	2017/18	2016/17
Ease of getting hold of the right person	75%	71%
Dealing with query quickly and efficiently	83%	81%
The final outcome of query	80%	75%
Listening to views and acting upon them	82%	80%
Overall quality of repairs work	93%	91%
Repair done 'right first time	81%	79%
The repairs service on this occasion	90%	88%
Repair appointment being kept for last repair	90%	86%
Advice and support in relation to moving home	88%	84%
Advice and support for new customers	96%	91%
Helpful staff dealing with ASB	85%	78%
Sensitive staff dealing with ASB	91%	87%
Kept informed throughout ASB case	58%	50%
Speed of dealing with ASB case	67%	65%
The way ASB was dealt with overall	64%	59%

**4. STAR Results 2017/18 – Areas for monitoring and/or improvement (declined by 2% or more)**

<b>Satisfaction With</b>	<b>2017/18</b>	<b>2016/17</b>
Query dealt with in a reasonable time	85%	87%
Being given opportunity to make views known	82%	85%
Repairs and maintenance	83%	85%
Time taken before the repairs work started	75%	83%
Advice and support for claiming housing and other benefits	90%	93%
Advice and support for managing finances and paying rent and service charges	91%	93%
Responsive staff dealing with ASB	82%	84%
Knowledgeable staff dealing with ASB	85%	88%
Advice provided in relation to ASB	73%	81%
Keeping to the agreed ASB action plan	61%	68%
Support of ASB staff	58%	60%
The final outcome of ASB case	46%	52%

- 4.1 Despite the areas above showing a decline, all are still above the most recent benchmark data, with the exception of ‘time taken before the repairs work started’ (75% against benchmark of 78%).
- 4.2 Satisfaction with Anti-social Behaviour (ASB) is varied with some indicators reflected in section 3 (improving) and others having declined. For this reason, satisfaction with ASB remains a focus for the company. Despite ASB indicators having some of the lowest satisfaction levels across services delivered by the Company, performance remains above the latest benchmark figures across all areas of satisfaction in relation to ASB (between 7% and 28% above).



<b>REPORT SUMMARY</b>			
<b>Report to</b>	Board	<b>Meeting date</b>	28 September 2017
<b>Report Title</b>	<b>Tenants Panel Annual Report and Annual Work Programme 2016/2017</b>		<b>Agenda Item: 9</b>
			<b>Non Confidential</b>
<b>Report From</b>	Stephen Feast		<b>Decision</b>

<b>Report Purpose and Background</b>	This report supports the Board in considering the activities undertaken by the Tenants Panel in the 2016/2017 governance year and to consider and approving the proposed Tenants Panel Annual Work Programme for the 2017/2018 governance year.
<b>Budget Implications</b>	No budget implications have currently been identified. Any Budget implications arising from an individual scrutiny exercise will be indicated as part of the scrutiny report for the Board's consideration.
<b>Vision and Mission</b>	<p>The undertaking of scrutiny exercises by a group of tenants with the appropriate skills and knowledge represents good practice in governance and offers a significant contribution to the delivery of the Company's vision and mission by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Managing and maintaining homes to agreed standards and offering services to support vulnerable people in the community and their own homes</li> <li><input type="checkbox"/> Engaging with our customers, tenants, residents, the public, and staff to get the best possible service for every pound spent</li> <li><input type="checkbox"/> Encouraging tenant involvement in the management of their homes</li> </ul>
<b>Risk</b>	None identified
<b>Relevant Consultative Action</b>	<p>The Tenants Panel undertakes relevant consultation as part of its scrutiny exercises and its reports are open to the public when considered by the Board.</p> <p>Additionally the Chairman of the Tenants Panel presents an annual report to the Company's Annual General Meeting.</p>
<b>Equality &amp; Diversity Issues</b>	<p>There are no specific Equality &amp; Diversity issues raised as a result of report.</p> <p>The Tenants Panel is representative of the diverse population of the community of Newark and Sherwood. The Panel takes into account equality and diversity issues when undertaking both elements of its role and takes steps to ensure that no individuals or group receiving services from Newark and Sherwood Homes are disadvantaged.</p>
<b>Recommendations</b>	<p><b>(a) the Tenants Panel Annual Work Programme for 2017/18 be approved;</b></p> <p><b>(b) the Tenants Panel be thanked for its work during the 2016/17 governance year.</b></p>

### **1 Introduction**

- 1.1 The Tenants Panel has been in place since November 2010 following the Board's decision to further enhance tenant scrutiny with the introduction of a panel to scrutinise service performance and also to act as the third stage of the Company's Complaints process.
- 1.2 Following its inception and the subsequent training and development the Panel has delivered its annual scrutiny programme, as agreed by the Board, and reported their findings to the Senior Management Team and Board for consideration and appropriate action.
- 1.3 This report provides the Board with detail of the Tenants Panel activities during the 2016/17 governance year and the Panel's proposals for its annual work programme for the 2017/18 governance year.

### **2 Annual Report**

- 2.1 During the 2016/2017 Governance year the Tenants Panel has undertaken a scrutiny exercise on the role of the Company in dealing with Anti-social Behaviour. The Panel has found this to be a particularly complex area with responsibility for dealing with Anti-Social Behaviour resting with the Police and District Council through their remits for crime and disorder but the Company also having a role through management of tenancies in line with the tenancy agreement.
- 2.2 As always, the Panel placed great emphasis on obtaining the views of both tenants and staff. This is in addition to its collation and analysis of a wide range of relevant financial and performance data. Currently the Panel is reviewing the information obtained and is drafting its final report which it is anticipated will be provided to the Senior Management Team and Board in late 2017.
- 2.3 2017 has been a particularly challenging year for the panel due to several panel members or close family members experiencing significant illness and continued turnover amongst panel members. This has prevented the Panel from completing scrutiny exercises in the demanding timescales which they set themselves. In light of this the panel has reluctantly, as its preference is for independence, accepted additional support from the Company to progress its work plan.

### **3 Work Programme**

- 3.1 The Tenants Panel procedure rules identify that the Panel may scrutinise and review the delivery of services to tenants through the consideration of the Company's:
  - i. Vision and Mission
  - ii. Business Plan
  - iii. Local Service Standards

- 3.2 In selecting areas for inclusion in its work programme and in the prioritisation of topics for consideration, the Panel has given regard to the following principles:
- i. To add value to the work of Newark and Sherwood Homes.
  - ii. To deliver demonstrable and significant outcomes.
  - iii. To have impact across the Company's services.
  - iv. To be of value for money in terms of proportionality and manageability of the area under consideration.
  - v. To not be solely for information purposes.
  - vi. To avoid duplication of scrutiny.
- 3.3 In addition, the Panel does not normally consider the scrutiny of issues which are being reviewed by another means, for example: other tenant bodies, staff, councillors, external bodies or advisors.
- 3.4 It is proposed that upon the completion of the scrutiny of Anti-Social Behaviour the Panel scrutinises of the Impacts of Welfare Reform and Resident Involvement as the 2017/2018 Tenants Panel Annual Work Programme in line with the Panel's procedure rules.
- 3.5 Should the Board be in agreement with these proposals then the scrutiny exercises will be completed in the following priority order:
- i. Welfare Reform
  - ii. Resident Involvement

For enquiries or clarification on the content of the report please contact:

Stephen Feast by email to [stephen.feast@nshomes.co.uk](mailto:stephen.feast@nshomes.co.uk)

or telephone 01636 655448

**Forward Plan of Homes & Communities Committee Decisions from 1 December 2018 to 3 November 2019**

This document records some of the items that will be submitted to the Homes & Communities Committee over the course of the next twelve months.

These committee meetings are open to the press and public.

Agenda papers for Homes & Communities Committee meetings are published on the Council's website 5 days before the meeting <http://www.newark-sherwooddc.gov.uk/agendas/>. Any items marked confidential or exempt will not be available for public inspection.

Meeting Date	Subject for Decision and Brief Description	Contact Officer Details
14 January 2019	Tackling Affordable Warmth – New Gas Connection Scheme	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
14 January 2019	Local Offer for Care Leavers	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a> <a href="mailto:cheska.asman@newark-sherwooddc.gov.uk">cheska.asman@newark-sherwooddc.gov.uk</a>
14 January 2019	Newark and Sherwood Homes – Delivery Plan 2019/20	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
14 January 2019	Customer Comments – Update and Trends on Comments/Complaints Received	<a href="mailto:jill.baker@newark-sherwooddc.gov.uk">jill.baker@newark-sherwooddc.gov.uk</a>
14 January 2019	Homeless Review and New District Homelessness Strategy 2018-2023	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
14 January 2019	Rough Sleeper Count	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a> <a href="mailto:cheska.asman@newark-sherwooddc.gov.uk">cheska.asman@newark-sherwooddc.gov.uk</a>
14 January 2019	Temporary Accommodation Proposals – Hostel Provision at Seven Hills and Wellow Green	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
14 January 2019	CCTV Review	<a href="mailto:Ben.adams@newark-sherwooddc.gov.uk">Ben.adams@newark-sherwooddc.gov.uk</a>
14 January 2019	Disabled Facilities Grants National Review findings – Impact on NSDC	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a> / <a href="mailto:alan.batty@newark-sherwood.dc.gov.uk">alan.batty@newark-sherwood.dc.gov.uk</a>
11 March 2019	Home Energy Conservation Report Bi-Annual Report -	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a> <a href="mailto:helen.richmond@newark-sherwooddc.gov.uk">helen.richmond@newark-sherwooddc.gov.uk</a>
11 March 2019	Gladstone House Extra Care Facility – Update Report	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>

11 March 2018	Syrian Resettlement Update & Post 2020	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
11 March 2018	Attendance by Andy Rooke, Police – Community Safety & Policing in District	<a href="mailto:ben.adams@newark-sherwooddc.gov.uk">ben.adams@newark-sherwooddc.gov.uk</a>
May/June 2019	Refresh of the District Wide Housing Need Study	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
May/June 2019	CCTV Annual Update	<a href="mailto:ben.adams@newarksherwooddc.gov.uk">ben.adams@newarksherwooddc.gov.uk</a>
May/June 2019	Housing Allocations Scheme – Annual Review	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
May/June 2019	Safeguarding – Annual Update	<a href="mailto:leanne.monger@newark-sherwooddc.gov.uk">leanne.monger@newark-sherwooddc.gov.uk</a>
May/June 2019	Better Care Fund (Disabled Facilities Grant) – Annual Update	<a href="mailto:alan.batty@newark-sherwooddc.gov.uk">alan.batty@newark-sherwooddc.gov.uk</a>
May/June 2019	Annual Affordable Housing Delivery and HRA 5 Year Build Programme – Update	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>
November 2019	N&SH Annual Performance Review & Tenants Panel Report	<a href="mailto:rob.main@newark-sherwooddc.gov.uk">rob.main@newark-sherwooddc.gov.uk</a>