



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 3RD JUNE 2020

AT 6.00 P.M.

VIRTUAL MEETING - SKYPE - VIRTUAL

MEMBERS: Councillors K.J. May (Leader), G. N. Denaro (Deputy Leader),
A. D. Kent, M. A. Sherrey, P.L. Thomas and S. A. Webb

AGENDA

1. To receive apologies for absence
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 26th February 2020 (Pages 1 - 4)
4. Minutes of the meeting of the Overview and Scrutiny Board held on 10th February 2020 (Pages 5 - 12)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Bromsgrove Overview and Scrutiny Board - Sporting Task Group (Pages 13 - 32)
6. Anti Social Behaviour Policy (Pages 33 - 62)
7. Discretionary Business Rates Grant (to follow)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special

circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
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B61 8DA

26th May 2020



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

26TH FEBRUARY 2020, AT 4.30 P.M.

PRESENT: Councillors K.J. May (Leader), G. N. Denaro (Deputy Leader), A. D. Kent, M. A. Sherrey and S. A. Webb

Officers: Mr. K. Dicks, Ms. J. Pickering and Ms. A. Scarce

76/19 **TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies for absence.

77/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

78/19 **MINUTES**

The minutes of the Cabinet meeting held on 12th February 2020 were submitted.

RESOLVED that the minutes of the Cabinet meeting held on 12th February 2020 be approved as a correct record.

79/19 **COUNCIL TAX RESOLUTION**

The Executive Director, Finance and Resources introduced the item which was seeking the approval of the appropriate formal resolutions to determine the levels of Council Tax for 2020/21, taking into account the requirements of this Council, Worcestershire County Council, Police and Crime Commissioner for West Mercia, Hereford and Worcester Fire & Rescue Authority and the various Parish Councils.

It was noted that, whilst the figures quoted within the report had not changed at all, the cross references to the Medium Term Financial Plan were incorrect, as the report had been considered at the Cabinet meeting on 15th January. Revised recommendations were therefore tabled at the meeting and would be attached to these minutes for ease of reference. It was also highlighted that at 3.3 of the report the figure quoted should be £1,875.28 and not £1,809.56 as stated.

RESOLVED that

Agenda Item 3

Cabinet
26th February 2020

- 2.1 At the Cabinet meeting held on 15th January 2020 the calculated Council Tax Base 2020/21 was approved as:
- (a) for the whole Council area as 37,208.98 [Item T in the formula in Section 31B of the Local Government Act 1992, as amended (the “Act”)]; and
 - (b) for dwellings in those parts of its area to which a Parish precept relates the amounts as shown in Column 4 of the attached **Schedule 1**.

RECOMMENDED that

- 2.2.1 The calculation of the Council Tax requirement for the Council’s own purposes for 2020/21 (excluding Parish precepts) as **£8,483,805.00**.
- 2.2.2 That the following amounts be calculated for the year 2020/21 in accordance with sections 31 to 36 of the Act:
- (a) £42,619,245 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e. Gross expenditure*)
 - (b) £33,183,608 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e. Gross income*)
 - (c) £9,435,442 being the amount by which the aggregate of 2.2.2 (a) above exceeds the aggregate at 2.2.2 (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
 - (d) £253.58 being the amount at 2.2.2 (c) above (Item R), all divided by Item T (2.1.(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - (e) £951,832 being the aggregate amount of all special items (Parish precepts) referred to in Section 34 (1) of the Act (as per the attached **Schedule 3**).
 - (f) £228.00 being the amount at 2.2.2 (d) above less the result given by dividing the amount at 2.2.2 (e) above by Item T (2.1.(a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

Agenda Item 3

Cabinet
26th February 2020

- (g) The amounts shown in Column 3 of **Schedule 1**. These are the basic amounts of the council tax for the year for dwellings in those parts of the Council's area shown in Column 1 of the schedule respectively to which special items relate, calculated by the Council in accordance with Section 34(3) of the Act. (District and Parish combined at Band D).
- (h) The amounts shown in Column 5 of **Schedule 1** being the amount given by multiplying the amounts at 2.2.2(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

2.2.3 It be noted that for the year 2020/21 Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	874.03	1,019.71	1,165.38	1,311.05	1,602.39	1,893.74	2,185.08	2,622.10
Police and Crime Commissioner for West Mercia	150.13	175.16	200.18	225.20	275.24	325.29	375.33	450.40
Hereford and Worcester Fire and Rescue Authority	57.33	66.88	76.44	85.99	105.10	124.21	143.32	171.98

2.2.4 Having calculated the aggregate in each case of the amounts at 2.2.2 (h) and 4 above, that Bromsgrove District Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown in **Schedule 2** as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings.

2.2.5 That the Executive Director Finance & Resources be authorised to make payments under Section 90(2) of the Local Government

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26th February 2020

Finance Act 1988 from the Collection Fund by ten equal instalments between April 2020 to March 2021 as detailed below:

	Precept	Surplus on Collection Fund	Total to pay
	£	£	£
Worcestershire County Council	48,782,833.00	1,248,036.00	50,030,869.00
Police and Crime Commissioner for West Mercia	8,379,328.49	214,396.00	8,593,724.49
Hereford & Worcester Fire and Rescue Authority	3,199,599.40	83,211.00	3,282,810.40

2.2.6 That the Executive Director Finance & Resources be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £9,680,390 being the Council's own demand on the Collection Fund (£8,483,805), Parish Precepts (£951,832) together with the distribution of the Surplus on the Collection Fund (£244,753).

2.2.7 That the Executive Director Finance & Resources be authorised to make payments from the General Fund to the Parish Councils the sums listed on **Schedule 3** by two equal instalments on 1 April 2020 and 1 October 2020 in respect of the precept levied on the Council.

2.2.8 That the above resolutions be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes.

2.2.9 Notices of the making of the said Council Taxes signed by the Chief Executive are given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

The meeting closed at 4.35 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

10TH FEBRUARY 2020, AT 6.00 P.M.

PRESENT: Councillors M. Thompson (Chairman), S. R. Colella, R. J. Deeming, M. Glass, R. J. Hunter, A. D. Kriss, P. M. McDonald, M. Middleton (Substitute), C. J. Spencer and P. J. Whittaker (Substitute)

Observers: Councillor K. J. May and Councillor G. N. Denaro

Officers: Ms. J. Pickering, Ms. A. Scarce and Mrs. J Gresham

82/19 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received from Councillors A. Beaumont, C. Hotham and J. Till. Councillor M. Middleton was present as substituted for Councillor Beaumont and Councillor P. Whittaker attended as substitute for Councillor Till.

82/19 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received from Councillors A. Beaumont, C. Hotham and J. Till. Councillor M. Middleton was present as substituted for Councillor Beaumont and Councillor P. Whittaker attended as substitute for Councillor Till.

83/19 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest on this occasion.

84/19 **MINUTES**

The Minutes of the meeting of the Overview and Scrutiny Board held on 13th January 2020 were considered.

Councillor P. McDonald advised that he had not received the information requested on page 3 of the minutes, Minute No. 72/19 in respect of the Redditch Basement Project and officers confirmed that this would be followed up.

Reference was made to the Market Hall site Meanwhile Use, Minute No. 74/19. It was acknowledged that additional information had come to light at the Cabinet meeting on 15th January, but that for the purpose of these minutes the information as stated was correct.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 13th January 2020 be approved as a true record.

85/19

BROMSGROVE SPORTING TASK GROUP - FINAL REPORT AND RECOMMENDATIONS

As a representative from Bromsgrove Sporting was present at the meeting, the Chairman agreed to bring this item forward on the agenda.

The Chairman introduced the draft report (included in the supplementary agenda pack) and drew Members attention to the summary of recommendations on page 10 of the agenda pack. It was noted that the original topic proposal had been put forward by former Councillor Chris Bloore and had considered evidence from a number of witnesses.

A typographical error on page 13 (page 6 of the report) was highlighted, which officers confirmed would be corrected prior to the report being considered at Cabinet. Officers also confirmed that further details in respect of financial implications and resource implications would be included.

Mr. P. Baker from Bromsgrove Sporting was asked whether he had anything to add and he confirmed that he did not.

RECOMMENDED that the report and recommendations as detailed in it be considered by Cabinet at its meeting on 1st April 2020.

86/19

STAFF SURVEY UPDATE

The Head of Transformation and Organisational Development together with the Human Resources and Organisational Development Manager provided Members with an update in respect of the staff survey and actions arising from it.

This included:

- The Staff Survey had been delayed until summer 2020 in order to incorporate the culture change programme that was being undertaken by the organisation.

Agenda Item 4

Overview and Scrutiny Board
10th February 2020

- Workshops were being arranged in order to engage more closely with staff.
- A stress risk assessment would be introduced prior to Easter 2020.

The Chairman invited the Portfolio Holder for Finance and Enabling to comment on the presentation and he thanked the officers for their update and stated that although there had been a delay in co-ordinating the next staff survey the delay was for the right reasons and would enable the culture change programme to embed in to the Council.

Following presentation of the briefing paper Members discussed a number of areas and officers responded to questions raised. Particular reference was made to sickness absence and the retention of staff. Members were advised that sickness absence was recorded on the Corporate Dashboard and Members were provided with the latest figures. However, it was explained that a more holistic view was taken in respect of how staff were feeling and that simply providing the sickness figures did not necessarily give the full picture.

Reference was made to the original survey and how it had been tailored to the needs of the Council with a bespoke methodology and it was questioned whether the same questions would be used again in order to see any trends that may be arising and improvements that were being made. It was confirmed that this would be the case and it was hoped that the results of the next survey would be available, following analysis, in October 2020.

There had been a Task Group set up, which had been a joint piece of work with Redditch Borough Council, which had looked at the staff survey and it was noted that one of the recommendations had been in respect of the appointment of a Staff Champion, at that time this had been Councillor Colella. Councillor Colella gave a brief overview of how this role had originally worked, but he advised that he had had no involvement in more recent months. Following discussion it was agreed that this role should be re-instated.

Officers suggested that as a number of Members were new to the Council and the Board, that at a future meeting the Board receive a presentation of the Corporate Dashboard and how to access this on iPads. It was noted that the Corporate Dashboard was used by the Corporate Performance Working Group and therefore would be useful should that Working Group recommence its work.

RESOLVED that

- a) the Update in respect of the Staff Survey be noted;
- b) the role of a Member as a Staff Champion be revisited; and
- c) Officers include in the Overview and Scrutiny Board Work Programme and item in respect of a demonstration on the content and workings of the Corporate Dashboard.

87/19

FINANCE AND BUDGET WORKING GROUP - UPDATE

Councillor M. Thompson, Chairman of the Finance and Budget Working Group, explained that at its most recent meeting, when the Working Group had considered the Medium Term Financial Plan, the Executive Director Finance and Resources had discussed the allocation of funds to Worcestershire County Council (WCC) in respect of support for local libraries. The Working Group had put forward a recommendation (which was tabled at this meeting) but the matter was felt to be of such importance that the Leader and Executive Director, Finance and Resources, had been asked to attend this evening's meeting to provide further information on this proposal.

The Leader explained that discussions had taken place regarding the libraries and the part they play in our District in particular with at risk and vulnerable residents. The piece of work currently being proposed was part of a bigger piece of work and would provide connectivity between rural and urban centres.

The Executive Director, Finance and Resources went on to give a short presentation (attached at appendix 1) which set out more detail around the proposals. It was also agreed that the slides would be provide for Members outside of the meeting.

Following the presentation Members discussed a number of areas in more detail including:

- That this was an interesting project that could aid the autism, dementia services in the District and also reduce anti-social behaviour.
- Where the extra services would be sourced from? Currently there was a lack of resources and so why would this be any different going forward?
- The schedule of payments for the £50k needed to be very carefully monitored.

In light of the information provided, Members were in agreement that the recommendation from the Finance and Budget Working Group should be withdrawn.

A recommendation was put forward by Councillor P. McDonald and seconded by Councillor S. Colella that the Libraries Review Task Group should monitor how the funds from the Council were being spent by WCC to ensure that it was appropriate and to the benefit of the district. On being put to the vote this recommendation was lost. However, the Executive Director, Finance and Resources assured Members that this would be monitored through the Quarterly Finance Monitoring Report, which was considered by both the Working Group and Cabinet.

RESOLVED that the presentation and its content be noted.

88/19

LIBRARIES TASK GROUP - MEMBERSHIP

Councillor S. Colella, the appointed Chairman of the Libraries Review Task Group advised that following the presentation it was clear that the task group's role would be an important one moving forward and he would welcome the attendance of the Leader at a meeting to explain in more detail the plans and progress that had been made in the development of the proposals. Members also suggested that as part of the task group's work programme it would be useful if the Programme Manager from Worcestershire County Council could attend their meeting to discuss the proposal. This was agreed and officers agreed to contact the Programme Manager in order that she could attend a future task group meeting.

Officers explained to the Board the process for seeking interest in task group membership. An email had been sent to all Members with the exception of those on the Cabinet, inviting them to join the task group. Whilst there were no hard and fast rules in respect of the numbers of Members who could be on a task group, it was usually restricted to 5 or 6 as it was much easier to set up meetings with a smaller number. However, it was at the discretion of the Board and if it wished to increase this then it was in its gift to do so. Councillor M. Middleton (who was substituting for Councillor Beaumont) asked if she could be considered, she had not put forward her name as she had missed the email sent round.

Following discussions it was agreed that Councillor Middleton be included in the Membership and a quorum of 4 be set for each meeting, in order to aid officers in setting up meetings going forward.

RESOLVED that

- a) the terms of reference of the Libraries Task Group be agreed;
- b) the membership of the Libraries Task Group be agreed as being Councillors S. Colella (Chairman) A. Kriss, P. McDonald, H. Rone-Clarke, J. King, S. Douglas and M. Middleton;
- c) on this occasion a quorum of 4 be set for any meeting of the Libraries Task Group;
- d) the Task Group report back to the Overview and Scrutiny Board with its findings in six months time; and
- e) the Task Group commences its work as soon as possible.

89/19

TASK GROUP UPDATES

These had been covered under other items on the agenda.

90/19

TOPIC PROPOSALS

In line with discussions at the previous meeting, Councillor R. Hunter had submitted a topic proposal in respect of a Review of Services to Prevent Flooding. The Chairman invited Councillor Hunter to present his topic proposal and in so doing he explained that due to the recent flooding in the District residents had become increasingly concerned. Councillor R. Hunter showed a particular interest in the maintenance of culverts.

It was noted that Councillors S. Colella and C. Spencer showed an interest in joining the Task Group.

RESOLVED that

- a) a Task Group be established and Officers canvass interest from Members to join It and report back to the March meeting of the Board; and
- b) Councillor R. Hunter be appointed as Chairman of the Review of Services to Prevent Flooding Task Group.

91/19

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

It was confirmed that Councillor J. Till, the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) had attended the most recent meeting and that there had been a

presentation and discussions around the Acute Hospitals Trust. Officers agreed to provide Members with copies of the relevant minutes when these were available.

92/19

CABINET WORK PROGRAMME

The most recent Cabinet Work Programme had been provided in the supplementary agenda pack. Officers confirmed that all the items on this had already been incorporated within the Board's work programme.

RESOLVED that the Cabinet Work Programme

93/19

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Officers advised Members that the Work Programme had been updated in line with the discussions at the previous meeting and would further be updated to take account of the Outstanding Actions Update which had been included within the agenda pack.

RESOLVED that the Overview and Scrutiny Board Work Programme be noted.

94/19

OVERVIEW AND SCRUTINY OUTSTANDING ACTION UPDATE

Officers advised that following the last meeting of the Board they had revisited the minutes from previous meetings to ensure that any actions had been picked up. Members could see from the table attached that there were a number of items outstanding and it was confirmed that these would be incorporated within the Board's Work Programme over the coming months. It was noted that this included the items which had been referred to specifically at the previous meeting.

RESOLVED that the Outstanding Actions Update be noted.

The meeting closed at 7.17 p.m.

Chairman

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CABINET

3 June 2020

RECREATION ROAD SOUTH CAR PARK TASK GROUP

Relevant Portfolio Holder	Councillor P Thomas
Portfolio Holder Consulted	Yes
Relevant Head of Service for Overview and Scrutiny	Claire Felton – Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	All Ward Councillors were invited to join the Task Group.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to allow Cabinet to consider the findings and recommendations of the attached Overview and Scrutiny Board report.

2. RECOMMENDATIONS

- 2.1 **The Cabinet is requested to:**
- (a) **consider the attached Overview and Scrutiny Board report (Appendix 1) and the recommendations contained within it;**
 - (b) **to either agree, amend or reject each of the recommendations contained in the report;**
 - (c) **provide an Executive Response to the Overview and Scrutiny Board report and recommendations (this may include an Action Plan to summarise how and when each of the agreed recommendations will be implemented).**
 - (d) **request the relevant Portfolio Holder in consultation with appropriate officers to indicate the expected implementation dates, as appropriate.**

3. KEY ISSUES

Financial Implications

- 3.1 The estimated Financial and Resource implications of the recommendations are detailed in the Summary of Recommendations of the appended report.

Legal Implications

- 3.2 These are detailed within the attached report.

Service/Operation Implications

- 3.3 Following the submission of an Overview and Scrutiny Topic Proposal form, by former Councillor Chris Bloore, at the Overview and Scrutiny Board meeting held on 3 December 2018, it was agreed that a Task Group would be established to consider the role of Bromsgrove Sporting in the local community. Full details of the Task Group's investigations are detailed in the attached report.
- 3.4 The report and recommendations were agreed by the Overview and Scrutiny Board at its meeting on 10th February 2020 and referred to Cabinet for consideration.

Customer / Equalities and Diversity Implications

- 3.5 N/A

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

Appendix 1 – Bromsgrove Sporting Task Group Report

6. BACKGROUND PAPERS

See attached report for details.

7. KEY

None

AUTHOR OF REPORT

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**OVERVIEW & SCRUTINY
BOARD**

**BROMSGROVE SPORTING
TASK GROUP**

FINAL REPORT

January 2020



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MEMBERSHIP OF THE TASK GROUP



Councillor Michael Thompson (Chairman)



Councillor Sue Douglas



Councillor Charlie Hotham



Councillor Rob Hunter

SUPPORTING OFFICER DETAILS

Amanda Scarce – Senior Democratic Services Officer
a.scarce@bromsgroveandredditch.gov.uk

Foreword from the Chairman

The Sporting Task Group was set up by former Labour Councillor, Chris Bloore, and, first and foremost, I would like to thank Chris for making this happen. It was a real honour to work objectively with councillors and officers on the project. We have reached recommendations that we are excited about and that we believe will benefit Sporting and the Bromsgrove district and its communities.

I would also like to thank Officers for their support in carrying out this investigation and the representatives of Bromsgrove Sporting who took the time to attend and give evidence.

**Councillor Michael Thompson
Chairman, Bromsgrove Sporting Task Group**

Summary of Recommendations

After consideration of the evidence available and interviewing witnesses the Task Group have proposed the following recommendations, supporting evidence can be found under the relevant chapters within the main body of this report.

Chapter 1 – What Contribution the work of Bromsgrove Sporting made to the Local Communities’ Health and Wellbeing

Recommendation 1
That officers work with Bromsgrove Sporting to develop a business case to be presented to Council to provide a contribution of up to £10k pa for a period of 5 years to fund capital investment in the ground. This would also be subject to reviewing the lease arrangements in relation to works undertaken.
Financial Implications for recommendations: Potential borrowing cost to the authority of any proposed projects.
Legal Implications for recommendations: These would need to be assessed as part of the lease arrangements.
Resource Implications: Officer time in developing any business cases.

Chapter 2 – The Lease and legal position between Bromsgrove Sporting and this Council

Recommendation 2
That the terms and length of the lease to Bromsgrove Sporting be reviewed, with a view to replacing the current lease to enable a 50 year lease to be in place, in order to allow them to access grant funding from other sources.
Financial Implications: Minimal cost to the Council.
Legal Implications: The Lease would need to be reviewed in detail.
Resource Implications: Officer time in reviewing the lease and making any relevant agreed changes.

Background Information

Former Councillor C. J. Bloore presented a topic proposal form containing proposed terms of reference for a Task Group to establish the benefit that the Bromsgrove Sporting club brought to the local community and how the Council could support the club going forward.

Following consideration of the topic proposal the Board agreed that a Task Group should be established, Councillor Bloore was not a member of the Overview and Scrutiny Board, so was unable to Chair the Task Group, but was invited to join it. At the Board meeting held on 3rd December 2018, Councillor M. Thompson was appointed Chairman and asked to report back its findings within 6 months. At the Board meeting held on 14th January 2019 the Membership of the Task Group was confirmed as Councillors C. Hotham, R. Jenkins, R. Laight and S. Webb.

Unfortunately, for a variety of reasons, the Task Group were unable to meet for a number of months. At the Board meeting held on 10th June 2019 it was reported that as Councillor Laight was now Chairman of the Council and Councillor Webb a Portfolio Holder, they were unable to take part in the Task Group. Following discussion, Members agreed that it would be easier to complete the review quickly if only Board Members were appointed to it. With this in mind Councillor Thompson remained as Chairman and Councillors S. Douglas, C. Hotham and R. Hunter agreed to join it.

The Group held its first meeting on 27th June 2019 and has held a further 4 meetings where it investigated the matter in great detail and held discussions with a number of key witnesses. The outcome of those discussions is summarised in the following chapters and provides evidence to support the recommendations which have been proposed.

Chapter 1

What contribution the work of Bromsgrove Sporting made to local communities' health and wellbeing

From initial discussions the Task Group was keen to understand the role that Bromsgrove Sporting played in the local community and how this fed into the work of the Council, with particular reference to health and wellbeing.

From evidence provided by officers it was noted that whilst Bromsgrove Sporting ran a significant number of teams at all levels, the Club had no formal relationship with the Council for delivery of activities for the community or wellbeing. It was further acknowledged that the growth of the club since its inception in 2009 and the increase in attendees at the ground would undoubtedly have an impact on the growth of the local economy. However the ability to evidence such growth was not an easy thing to do.

Members were provided with information in respect of the availability of rooms at the ground for hire, which was an additional source of income for them, but also a potential opportunity for use by community groups. It was understood that the clubhouse was provided for FA courses at a reduced rate that that a countywide football festival had been hosted at the Barnsley Hall site (it was noted that Bromsgrove Sporting did not have exclusive use of this site), for which there was a separate lease and management agreement with Bromsgrove Sporting Colts. The junior work in the community was already part of this agreement. The requirements of that agreement were being met and Members were advised that in previous years the Council, together with Bromsgrove Sporting Colts had received praise from the Football Foundation as to how well it was achieving its outcomes.

It was noted that the current overall outlay for Bromsgrove Sporting was £17k per annum including the Barnsley Hall site.

It was further noted by the Task Group that Bromsgrove Sporting had, since 2016/17 entered into an agreement with Worcester City FC to share the Victoria Ground, initially with a two year agreement with the option for a third, which was activated. A fourth year has also been taken up and it was assumed that a further agreement had been put in place.

At its meeting held on 18th September 2019 representatives from Bromsgrove Sporting attended and provided a significant amount of information in support of their request for the rent on the ground to be reduced and were keen for the Task Group to understand the need for that request and gain its support.

The representatives of Bromsgrove Sporting were keen to highlight its community involvement and were aware of its social responsibilities and wherever possible contributed to the welfare of the community and supported a number of local charities. This included holding a charity football match, food donation collections and was currently support MIND through charity

collections. It also provided free entry to under 12 year olds to its home games. It was also highlighted to Members that due to its rapid promotion in successive years the average home attendance at games was now approximately 1k which was nearly a 50% increase for that period in previous years. It was felt that this would have increased the foot fall in the direct locality of the ground and in the town and had resulted in many local businesses reporting improved trading.

Members were provided with details of Bromsgrove Sporting's ambitious 10 year Development Plan, which had been submitted to the Football Association and which detailed the club's vision on how it proposed to improve the footballing opportunities and facilities in the Bromsgrove area. Many of the areas within the plan were dependent on the appropriate funds being made available, either by the club or in partnership with other organisations.

The representatives from Bromsgrove Sporting explained to Members that they understood that a number of other local clubs paid significantly less rent than they currently did. It should be noted that the group does not have access to any evidence that would prove this to be the case. However, this would allow those clubs to pay more attractive wages to players and the club reported it had lost players due to this and they were keen to be able to retain players and attract new players in order for them to progress further within the leagues. There was real concern that the club may drop back down to a lower league if it did not retain some of its key players.

At a following meeting the Task Group was reminded that the Council operated within a very restrictive financial framework that severely restricted its ability to provide financial assistance to commercial organisations. Unless very clear and accountable community benefits could be established, the power to fix a less than best consideration rent was derived from the General Consent (England) Regulations 2003 (made under the Local Government act 2000), which stated that consent was not required for the disposal of any interest in land which the authority considered would help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area. Therefore an organisation needed to demonstrate clearly that the service it provided met the test of the Act then the Council may consider a concessionary rental payment.

It was clear from this information that to enable Bromsgrove Sporting to pay less than the market rent to the Council it needed to demonstrate clear examples of the following as delivered and provided by their club.

- Achieve Community Club Status
- Increase the availability of floodlight training spaces for team sports to reduce pressure on grass pitches.
- Provide a venue for the delivery of sports and coaching based vocational and educational courses/activities.
- Improve access and egress for disabled users and visitors to the site.
- Increased participation rates in junior football and physical activity for health and wellbeing benefits.

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- Allowing the club to ensure player pathways are maintained for football from grassroots through to semi-professional standard.
- Increased employment opportunities to support the delivery of increased services provided on site.

It was noted that currently there were no performance measures included within the lease arrangement with Bromsgrove Sporting that would enable the Council to demonstrate any community benefit. An example of where such an agreement was successful was given as Redditch United, in a neighbouring authority where the Club worked closely with the Council to meet the required performance measures in respect of all the above areas and support the strategic purposes of Redditch Borough Council.

With this in mind the group concluded that Bromsgrove Sporting would benefit from additional support. Members are therefore proposing that a business case should be developed, to be presented to Council, to support capital investment in the ground. This would enable the Council to provide financial support to the club.

The Task Group therefore recommends the following:

Recommendation 1

That officers work with Bromsgrove Sporting to develop a business case to be presented to Council to provide a contribution of up to £10k pa for a period of 5 years to fund capital investment in the ground. This would also be subject to reviewing the lease arrangements in relation to the works undertaken.
--

Chapter 2

The Lease and Legal Position between Bromsgrove Sporting and this Council

The second area which the Task Group looked at in detail was in respect of the lease between Bromsgrove Sporting and this Council. It was noted that the land where the Victoria Ground was gifted to the Council for use as a sports facility. Members questioned the value of the site and it was acknowledged that it was difficult to come up with a figure for its current use as opposed to for example if it were sold off for development of some kind. It was also noted that the Bromsgrove sporting Limited was currently registered as a limited liability, community interest company.

The Task Group Members were advised by officers that Bromsgrove Sporting had been formed in 2009 following the collapse of Bromsgrove Rovers. A tender process had been put in place for the lease of the Victoria Ground following that collapse, when Bromsgrove Sporting were successful. The rent of the Ground was agreed with the new Board. The rent was reviewed every five years and at the first review the decision was made to keep the rent at the same level. It was noted that a request had been made for a reduction in rent in March 2012, but as the Council had just spent £42k on the ground, this was fed back to the club and the request was withdrawn by them.

It was noted by Members that the Club had written to officers in October 2018 requested that a longer lease be given in order for them to more easily access funding from other bodies for improvements to the ground in order to match the standard of football that was being played following its promotion through the leagues. It was understood that the Football Foundation required a 25 year security tenure.

The lease was currently under review and Members were keen that consideration be given to its terms and length in order for Bromsgrove Sporting to be in a more favourable position to enable them to access funding from other organisations as it was appreciated that it was difficult for them to be able to secure this with the lease in its current format.

The Task Group therefore recommends the following:

Recommendation 2
That the terms and length of the lease to Bromsgrove Sporting be reviewed, with a view to replacing the current lease to enable a 50 year lease to be in place, in order to allow them to access grant funding from other sources.

Areas to Note

- From its investigations the Task Group had noted that a number of more established football clubs had secured sponsorship from a number of local and sometimes national organisations. As Bromsgrove Sporting had made rapid progress in recent years, Members were keen for them to take advantage of this progress and seek sponsorship wherever possible.
- Members appreciated that currently the club was often reliant on volunteers and were keen that this was continued and developed further
- To consider all income streams including the commercial use of the facilities for example through hiring out the facilities more widely or use of the car park outside of match days.
- To continue to develop neighbourhood relations.

Appendix 1



Bromsgrove
District Council
www.bromsgrove.gov.uk

OVERVIEW AND SCRUTINY TOPIC PROPOSAL

This form can be used for either a Task Group or a Short Sharp Review topic proposal.

Completed forms should be returned to scrutiny@bromsgrove.gov.uk – Democratic Services, Bromsgrove District Council.

Name of Proposer: Christopher Bloore	
Tel No:	Email: c.bloore@bromsgrove.gov.uk
Date: 13/11/18	

Title of Proposed Topic (including specific subject areas to be investigate)	Supporting Bromsgrove Sporting FC including reducing the cost of rent for use of the Victoria Ground.
Background to the Proposal (Including reasons why this topic should be investigated and evidence to support the need for the investigation.)	Bromsgrove Sporting FC have had a meteoric rise since Bromsgrove Rovers folded. The club has risen from the bottom of the football Pyramid to the Evo-Stik South and has now commenced with plans to increase their work within the local community. They currently pay £12,000 to Bromsgrove District Council for use of the Victoria Ground. This land was originally gifted to the Council for the use of football. Growing attendances and the improved junior football offer mean hundreds of people are now using shops in the town centre when they visit Bromsgrove.
Links to national, regional and local priorities (including the Council's strategic purposes)	To grow our local economy and promote health and well-being.

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<p>Possible Key Objectives</p> <p>(these should be SMART – specific, measurable, achievable, relevant and timely)</p>	<p>To establish the benefit the club currently brings to the local community and town centres, if this is sustainable and what the next steps would need to be to increase the community offer of the club.</p> <p>The task group could recommend that any money refunded to the club is used for community development/junior football development.</p>			
<p>Anticipated Timescale for completion of the work.</p>	<p>TBC</p>			
<p>Would it be appropriate to hold a Short Sharp Inquiry or a Task Group? (please tick relevant box)</p>	<p>Task Group</p>		<p>Short Sharp Inquiry</p>	

Appendix 2

Declarations of Interest

It was agreed at the Task Group's initial meeting that all Members at some time had visited the Bromsgrove Sporting Ground and there a general declaration would be included which covered this.

Appendix 3

ACKNOWLEDGEMENTS

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations:

Internal Witnesses:

Jayne Pickering – Executive Director, Finance and Resources
Julie Heyes – Business Development Manager
Chris Wells – Club and Coach Development Officer

Councillors:

Councillor P. Thomas – Portfolio Holder for Leisure Services

External Witnesses:

Mr. M. Burke – Chairman, Bromsgrove Sporting
Mr P. Baker – Company Secretary and Director, Bromsgrove Sporting
Mr. M. Gardiner – Projects Director, Bromsgrove Sporting

BACKGROUND PAPERS

Tenancy Agreement
Lease Agreement
Original Conveyance Document

Legal, Equalities and Democratic Services

Bromsgrove District Council, Parkside Offices, Market Street

Bromsgrove, Worcestershire B61 8DA

Telephone: (01527) 881443

Email: scrutiny@bromsgrove.gov.uk

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ANTI SOCIAL BEHAVIOUR POLICY

Relevant Portfolio Holder	Cllr Philip Thomas
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Head of Community & Housing Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	No

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to recommend the approval and adoption of the Bromsgrove District Council Anti-Social Behaviour (ASB) Policy set out in Appendix A.
- 1.2 Under the Crime and Disorder Act 1998, the council has a statutory duty to work with the police and other partner agencies to reduce crime, ASB and re-offending in its area. Section 17 of the Act also places a duty on the council to do all that it reasonably can to prevent crime, disorder and ASB.
- 1.3 The draft ASB policy outlines how the council will tackle anti-social behaviour, through a framework of prevention, early intervention, support and enforcement. A number of changes are reflected in the policy revision; including an updated definition of ASB in line with legislative changes, clarification on what is considered ASB, enhanced case management procedures and risk assessment processes and updated details about the tools and remedies available to address ASB.
- 1.4 The draft ASB policy replaces all previous ASB policies and guidance.

2. RECOMMENDATIONS

The Cabinet is asked to RECOMMEND that

- 2.1 The draft ASB policy (as set out at Appendix A) is adopted.**
- 2.2 The Head of Housing and Community Services be given delegated authority to update and amend the policy in line with any new legislation and guidance, as and when required.**

3. KEY ISSUES

Financial Implications

- 3.1 Failure to manage ASB effectively can lead to increased costs to the council due to damage to property and land, compensation claims via the Housing Ombudsman and court costs relating to compensation, enforcement and legal action.
- 3.2 However, tackling ASB and nuisance early and amicably could lead to reductions in costs to the council for repairs, damage and legal fees etc. There is also the option to seek to recover the costs of ASB damage and vandalism to council property directly from the perpetrator, once a case has been proven.

Legal Implications

- 3.3 Under the Crime and Disorder Act 1998 (as amended), district councils have a duty to plan jointly with other named responsible authorities to prevent and reduce crime, ASB, the misuse of drugs and re-offending. The responsible authorities (including the Police, other Councils, National Probation Services, Clinical Commissioning Groups and the Fire and Rescue Service) form the Community Safety Partnership alongside other invited and cooperating bodies.
- 3.4 To comply with Section 17 of the legislation, the council must have a clear policy, across all service areas of enforcement. This is to enable us to take proportionate preventative, supportive, and/or robust action to tackle the problems ASB causes within and to communities.
- 3.5 Council also works in partnership with social landlords who also have a range of powers at their disposal to deal with tenants who exhibit ASB. Those powers were extended and strengthened by the Housing Act 1996; the Anti-social Behaviour Act 2003; and the Housing Act 2004. The Anti-social Behaviour, Crime and Policing Act 2014, which gained Royal Assent on 13 March 2014, amended existing powers and extended social landlords' powers to secure the eviction of anti-social tenants in certain circumstances.

Service / Operational Implications

- 3.6 The ASB policy directly supports the council's strategic purpose "Communities which are safe, well maintained & green" and is also linked to the purposes "Affordable and sustainable homes" and "Living independent, active, healthy lives". The policy also contributes to North Worcestershire Community Safety Partnership's priority to "Reduce Anti-Social Behaviour"
- 3.7 Reducing crime and disorder is a corporate priority and introducing this policy will demonstrate how the council will deal with cases of ASB, making the process clearer for residents and staff.

- 3.8 The policy outlines the council's responsibilities in dealing with various of types of ASB, recognising that different council services can have an impact on poor behaviour, supporting victims and taking action on their behalf, as appropriate.
- 3.9 The policy reflects the definition of ASB contained within the ASB, Crime & Policing Act 2014 and sets out what the council considers to be anti-social behaviour, what powers and tools we have available to prevent ASB from occurring and what action we can take when it does. The policy also outlines instances where the council may not get involved and details the expectations placed on residents and their visitors to assist us in maintaining peaceful communities.
- 3.10 The policy is clear on the council's commitment to delivering a preventative and harm reduction centred approach to tackling ASB and provides a consistent and proportionate response to all behaviour we define as ASB

Customer / Equalities and Diversity Implications

- 3.13 The Equality Act 2010 provides people with a protected characteristic with protection from direct or indirect discrimination; harassment and victimisation. It is widely recognised that ASB can disproportionately impact on people with protected characteristics and can lead to or include hate crimes and incidents. The application of this policy utilises a two stage risk assessment matrix to consider the effect of ASB incidents on a victim, taking into consideration their individual circumstances. This process will ensure that where necessary additional steps and/or reasonable adjustments can be made in line with the requirements of the Equality Act.
- 3.14 There is the potential for negative effects where action may need to be taken against vulnerable groups perpetrating ASB, such as those under the age of 18 and those with mental health problems. An Equality Act Assessment has been included in the policy to ensure that the potential risks of taking any such action are fully considered and documented before any decisions are taken.
- 3.15 Each case will be fully risk assessed and the proportionality of any corrective action will be measured and recorded to identify any mitigating circumstances or additional support needs. Following this risk assessment it may still be considered that any potential negative impacts on the perpetrator are justified on the grounds of protecting the victim, the perpetrator themselves and/or the wider community.
- 3.16 Once the policy is agreed, communication on what the public can expect from the council, how we will deal with reports of ASB, how the services can be accessed and how quickly we will respond will be designed and publicised.

4. RISK MANAGEMENT

- 4.1 The council has a statutory duty to exercise its functions with due regard to the effect of those functions on crime, disorder, ASB and reoffending. The council

must also do all it reasonably can to prevent crime, disorder, ASB and reoffending throughout the borough.

- 4.2 Failure to manage ASB within communities presents a high reputational risk to the Council. This is significantly mitigated by having a robust policy and agreed procedures in place.

5. **APPENDICES**

Appendix A – Draft Bromsgrove District Council ASB Policy

6. **BACKGROUND PAPERS**

Anti Social Behaviour, Crime & Policing Act 2014 – Updated [Statutory Guidance](#) from the Home Office (Dec 2017)

AUTHOR OF REPORT

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Anti-Social Behaviour Policy

Document Version Control

Created By	Bev Houghton			
Date Approved				
Date Published				
Maintained By				
Review Date				
Version Number	Modified By	Modifications Made	Date Modified	Status
V. 0.1	Bev Houghton	Initial comments from HoS	10/01/2020	Draft
V. 0.2	Bev Houghton	New format / Appendices included	11/02/2020	Draft circulated to HoS and Housing Manager for comments
V. 0.3	Bev Houghton	Comments from Housing Tenancy & Advisory Services Manager incorporated	14/02/2020	Draft circulated to 4 th tier Mgrs. for comments
V. 0.4	Bev Houghton	Comments/Amends from 4 th Tier Managers	21/02/2020	Presented to CMT (25/02)
V. 0.5	Bev Houghton	Comments from CMT incorporated	02/03/2020	To be presented to Leader's Group (TBC)

Agenda Item 6

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2. Aims and Objectives	3
3. Responsibility	4
4. Legislation and Guidance	8
5. Related Policies and Procedures	9
6. Appendices	10

1. Introduction

Bromsgrove District Council recognises that the problems created by Anti-Social Behaviour (ASB) need to be dealt with in a robust but proportionate manner. Our residents are entitled to live in a quiet and peaceful environment; so when it is appropriate for the Council to act we will aim to work quickly and efficiently to tackle incidents of ASB.

- 1.1 The Council's ASB policy applies to all tenants and residents (regardless of tenure), their family members and other occupants and visitors.
- 1.2 ASB is defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:
 - Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
 - Conduct capable of causing (housing-related) nuisance or annoyance to any person

2. Aims and Objectives

The aim of this policy is to set out Bromsgrove District Council's approach to responding and effectively dealing with various aspects of ASB. It sets out the obligations of relevant departments and the commitments the Council makes to tenants, residents and the wider community as it delivers its services.

- 2.1 This policy supports the Council's corporate priorities which are set out in the Bromsgrove District Council Plan 2019 – 2023. The Council Plan identifies reducing crime and disorder as one of its priorities and provides a commitment to work with partners to reduce crime and disorder, which includes targeting the causes of ASB across the District and addressing the ASB issues affecting our communities.
- 2.2 The Council is committed to promoting equality of opportunity in its services and has procedures in place to ensure that all residents are treated fairly and without unlawful discrimination. The Equality Act 2010 provides a framework to ensure council services are not provided in a discriminatory manner, having due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations between people from all communities.
- 2.3 The Council believes that consideration of the impact of incidents on victims and neighbourhoods is crucial and therefore takes a victim-centred approach when dealing with ASB. How each case is handled will vary depending on the specific circumstances of the victim and the perpetrator and all service users will be treated with dignity and respect. Language barriers and certain forms of mental illness or disability may make it difficult for some people to express themselves or communicate clearly, so officers will consider use of advocates, translation services and/or make reasonable adjustments to meet the needs of each individual.
- 2.4 Under this policy, the Council will:
 - demonstrate that we have considered any vulnerability identified within the Equality Act when deciding to proceed with legal action.

- determine whether legal action is needed, due to the effect of the anti-social behaviour on either the health & well-being and quality of life of the victim[s] and/or the perpetrator[s].
- ensure that the proposed legal action is a proportionate response to the anti-social behaviour taking place.

3. Responsibility

3.1 Our role as a statutory member of the Community Safety Partnership

Under the Crime and Disorder Act 1998, the Council must work with the Police, Fire & Rescue Services, Public Health Bodies and other statutory agencies to reduce crime and disorder in Bromsgrove. In this role, we play a key part in dealing with ASB of all kinds and to comply with the legislation, the Council across all of its relevant service areas must be able to take appropriate action to tackle the problems that ASB cause within and to local communities.

3.2 Our environmental protection role

The Council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, fly tipping and abandoned vehicles etc. These responsibilities arise primarily from the Environmental Protection Act 1990. The Council also has responsibility for a number of parks, open spaces and waterways that it manages and maintains for the enjoyment all of our residents and visitors to the District.

3.3 Whilst these are two distinct roles, there are very strong links between them and close working arrangements have developed between the different teams that deliver the various services involved.

3.4 Worcestershire Regulatory Services

Complaints regarding certain types of noise, artificial light, odour, insects, animals, smoke, fumes/gases and accumulations or deposits may constitute a statutory nuisance and are dealt with by Worcestershire Regulatory Services (WRS). The problem must be excessive or unreasonable rather than an annoyance and would not include issues such as children playing, babies crying, ordinary domestic living noise or road traffic noise as these circumstances are outside the scope of the law. Behaviours within the scope of WRS are not addressed as part of this policy but more information about these types of environmental nuisances and how to report them can be found [here](#).

3.5 Dealing with Anti-Social Behaviour

Anti-social behaviour (ASB) can be a destructive force within communities and the lives of a significant number of people can be negatively affected by the behaviour of an unreasonable minority. Everyone has a right to live in a safe environment that allows them the quiet enjoyment of their home and neighbourhood and equally, every resident has the responsibility not to interfere with their neighbour’s quiet enjoyment of life.

3.6 The term ASB is used to describe a wide range of issues from some crimes and serious nuisance to less severe but frequent and annoying behaviour. Some examples of ASB include:-

Noise: This includes but is not restricted to, extremely loud televisions and music, persistent, unnecessary or excessive noises such as banging on walls, shouting and yelling or excessively loud or frequent parties.

Intimidation, harassment and violence: Such as verbal or written abuse, threats of violence **that have also been reported to Police**, threatening or aggressive behaviour, harassment, assault, damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as selling, handling or storing or using illegal drugs, prostitution, handling stolen goods or domestic abuse.

Environmental ASB: Such as dumping rubbish and littering, vandalism, dog fouling, bonfires, graffiti, fly-posting, abandoned vehicles.

Behaviour motivated by hate directed at a person's Race or nationality, gender, sexual orientation, disability, faith/religion or age: The Council recognises that hate-motivated incidents and harassment are serious offences that are often under-reported. The Council will remove hate-motivated graffiti and carry out any emergency repairs required, as a matter of urgency after a hate crime or incident is reported. The Council will also support and encourage victims and witnesses to report these types of incidents to the Police and relevant support agencies at the earliest opportunity.

The above is not an exhaustive list of conduct falling within each aspect of ASB and should not be read as such.

3.7 When we may not be able to get involved

We are unable to control human relationships. ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by the Council's service areas.

Examples include, but are not limited to: Children playing in the street or communal areas or young people gathering socially, unless they are being threatening or deliberately intimidating, parking issues (such as not being able to park outside of your property), civil disputes between neighbours e.g. shared driveways, fences, complaints about normal household noise or a single minor incident.

3.8 Our Commitments

The Council's Anti-social Behaviour Policy is founded on the following five commitments.

- No one should have to tolerate ASB
- Reports of ASB will be treated seriously and dealt with professionally
- ASB will be dealt with firmly, fairly and proportionately
- We will work with our partners in order to deliver an effective, value for money ASB service across the community
- We will provide a high quality service that meets people's identified needs

3.9 No one should have to tolerate ASB

Our policy is to:

- Make people aware of what anti-social behaviour is.
- Publicise and promote our various services to combat ASB.
- Encourage people to report ASB.
- Seek to respond to each reported case of ASB as quickly as possible.
- Support victims of ASB throughout the case

3.10 Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

- Assess (and re-assess, when the Council considers it necessary) the seriousness of the ASB reported to us using a nationally recognised ASB risk assessment tool. See **Appendix 1**
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (e.g. the Police, housing associations, other landlords etc.) and observing data protection laws, information-sharing agreements and any other relevant legislation.
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Register and record each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator(s) and may involve interviewing third party witnesses.
- Quickly involve different departments of the Council and other agencies as necessary.
- Formally close all cases in writing.
- Where we feel no action is appropriate, explain our reasons and provide advice on self-help or other alternative courses of action, whenever it is possible and appropriate to do this.
- Periodically seek information on how cases have been handled and look to improve our service based on feedback from customers and partners.

3.11 ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take any necessary early action to protect people and property.
- Investigate the circumstances and seek to understand all the facts of the matter reported to us.
- Seek always to resolve cases at the lowest level of intervention, taking formal action only when the ASB is serious or persistent or when it threatens people's safety or health.
- Use any of the tools and powers available to us under the law and Council policy, according to our best professional judgment.
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person by utilising Equality Act Assessment guidance when considering cases of ASB. See **Appendix 2**
- With the consent of the people involved and where both parties are willing to contribute financially, we may refer suitable cases to a mediation service.
- Not necessarily intervene where there is no statutory duty on the Council to act. For example, where the issue solely involves private sector housing or private businesses.

- Recommend that when dealing with a neighbour dispute, that mediation be attempted. This may be the only action taken by the Council, where there is no impact on the wider community.

3.12 We will work with partners in order to deliver an effective, value for money ASB service across the community

Our policy is to:

- Play a full part as a key member of the North Worcestershire Community Safety Partnership.
- Work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB, making use of their own resources.
- Participate in relevant strategic forums and preventative initiatives.
- Participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues.
- Consider whether reports or actions are considered inappropriate or unreasonable and ensure such reports do not take up a disproportionate amount of officer time, to ensure public money is not misspent.

3.14 We will provide a high quality service that meets people's identified needs

Our policy is to:

- Ensure that officers dealing with ASB are appropriately trained.
- Ensure that officers dealing with ASB understand and follow agreed policies and procedures.
- Focus the response to ASB on the needs of those most affected by adopting a victim-centred approach.
- Review this and other relevant policies to reflect any new legislation and lessons learnt.
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.
- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond. See **Appendix 2**

3.15 Support for victims and witnesses

The Council is committed to providing a high level of service to victims and witnesses of ASB. Residents and Tenants should always report housing related ASB to the Housing Association or Landlord directly involved, in the first instance. Council officers from services such as Community Safety, Environmental Services and Planning are available during normal office hours to support residents and customers wishing to report other types of ASB issues. Depending on the issue being reported, these council officers will normally be the first point of contact and will make an initial assessment of the severity of the problem. A lead officer may work alongside and draw on the expertise of other relevant officers of the Council and/or other agencies and may, if necessary, refer the case to an anti-social behaviour specialist.

Whether the victim is working with a council officer or an ASB specialist, an action plan will be completed which will detail what can be expected from the Council and what the investigating officer will need from the victim/witness in order to progress the case. Council officers can also work with other local agencies and community groups to help provide both practical and emotional support for victims of ASB.

4. Legislation and Guidance

- 4.1 There are a number of different tools and remedies available to Local Authorities and Housing providers to address ASB problems, ranging from written warnings and acceptable behaviour contracts to criminal prosecution and even eviction.

Using relevant legislation, such as the ASB Crime and Policing Act 2014, the Council will aim to take the lowest level of intervention appropriate to the circumstances. In exceptional circumstances, formal legal action can be taken immediately but only where the case is serious enough to warrant this type of urgent intervention. Any actions that are taken will be based on consideration of the facts, evidence gathered and officer's professional judgement.

A list of the types of interventions and powers available to tackle ASB can be found at **Appendix 3**

- 4.2 Alongside the ASB, Crime and Policing Act 2014, the following legislation will also be taken into consideration when implementing this policy:

- Data Protection Act 1998, 2003 and 2018 (GDPR)
- Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003
- Police and Criminal Evidence Act 1984 (PACE)
- Mental Health Act 1983 (amended 2007)
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Housing Act 1996
- The Noise Act 1996 as amended by the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005
- Children's Act 2004
- Harassment Act 1997
- Human Rights Act 1998
- Homeless Reduction Act 2018
- Freedom of Information Act 2000
- Equality Act 2010
- Police Reform and Social Responsibility Act 2011

4.3 **Confidentiality and information sharing**

Where appropriate, the Council will share information with the Police and other key agencies under joint information sharing protocols, so that all agencies can carry out their function and duties in accordance with the Crime and Disorder Act 1998.

The Council works within the provisions of the General Data Protection Regulations (GDPR) / Data Protection Act 2018 which provide the framework for the sharing of information and the need for confidentiality and privacy. There is more information on how we use your information in our Privacy Policy, which is available on our website.

In certain circumstances, the Council will consider using professional witnesses and hearsay evidence where it is appropriate to do so. Specific actions, details of proposed action or any measures being taken with a third party will not be disclosed to the complainant by any investigating officer, unless there is a valid legal reason for the Council to do so.

4.4 **Discretion**

This policy commits the Council to dealing with ASB in Bromsgrove in a way that will always be fair and, in all-important aspects, is consistent across cases of a similar kind. However, our services are constantly evolving to meet customer need and each case that is dealt with is likely to be unique in some respect. This means that occasionally our discretion may be used to vary our approach from that described in this document. We may do this in any individual case, with appropriate consultation, or we may make any changes to our approach apply to all future cases. In this instance, we will formally amend this policy and our procedures.

5. **Related Policies and Procedures**

5.1 **Links to other corporate documents**

This policy links to and should be read in conjunction with the following Bromsgrove District Council corporate policies and strategies:

- Safeguarding Children and Vulnerable Adult Policy
- Lone Working Policy
- Environmental Enforcement Strategy
- Bromsgrove Housing Strategy
- North Worcestershire Community Safety Partnership Plan

5.2 There are many partner agencies that we work with to address anti-social behaviour such as:

- North Worcestershire Community Safety Partnership members - [NWCSP](#)
- West Mercia Police and Crime Commissioner
- Housing Associations and Registered Landlords
- Neighbouring Local Authorities
- Her Majesty's Prison Service
- Schools and Colleges
- Victim Support
- Other voluntary, community and business sector organisations

5.3 **ASB Case Review (Community Trigger)**

An ASB Case review (Community Trigger) gives victims and communities the right to request a review of their existing ASB case. If the review criteria are met, it will bring agencies together to take a joined-up, problem solving approach to finding solutions to the issues in the case.

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In Bromsgrove, the Case Review (Community Trigger) criteria will be met if:

- an individual has made 3 or more reports of ASB within a 6 month period and they consider no action has been taken, or
- a group of 3 or more individuals or organisations from the local community have separately reported incidents of ASB within the last 6 months and they consider that no action has been taken.

If an application qualifies for a review, each stage of the process is communicated with the applicant to let them know what is happening and what the next steps will be. More information about the North Worcestershire Community Safety Partnership's ASB Case Review process which covers Bromsgrove District can be found [Here](#)

6. Appendices

- 6.1 ASB Risk Assessment & Re-assessment Tool
- 6.2 Equalities Act Guidance and Assessment Form
- 6.3 Tools and Remedies available to address ASB

ASB Risk Assessment Matrix

Name:	Address:
Incident No:	DOB:

History	1. Other than this occasion - how often do you have problems	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Do you think the current incident is linked to previous incidents? If so why? Details:	2 0	Yes No
	3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. Does the perpetrator (or their associates) have a history of or reputation for harassment or intimidation?	6 4 2 0	Perpetrator or their associates are currently harassing the complainant Perpetrator or their associates have harassed the complainant in the past Perpetrator or their associates have not harassed the complainant but have a history or reputation for harassment or intimidation Perpetrator or their associates have no history or reputation for harassment or intimidation
	6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0 1	Yes No

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Vulnerability	7. Which of the following do you think that this incident deliberately targeted? Specify	4 3 1 0	You Your family Your community None
	8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No
	9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	10. How affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

Support	11. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	12. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	13. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	14. Apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	TOTAL SCORE:		

CONSENT TO SHARE INFORMATION

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

SIGNATURE:

DATE:

PRINT NAME:

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Low	0	4	8	12	16	20	22	24	26	28	30	High
Medium												
HIGH	34	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the HIGH range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Take any immediate steps required to reduce the risk of harm. Refer the case to ASB Manager (local equivalent) for a Complex Case Group referral using the Victim Referral Form.</i></p>										
	32											
	28											
	26											
	24	<p>I have carried out the risk assessment and the result falls within the MEDIUM range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve. Consider ASB Co-ordinator (local equivalent) advice. Consider Victim Support re: consideration of referral. Regularly monitor changes in risk factors.</i></p>										
	22											
LOW	20											
	18											
	16	<p>I have carried out the risk assessment and the result falls within the LOW range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response. Consider ASB Co-ordinator (local equivalent) advice to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered. Regularly monitor changes in risk factors. Isolated incidents should be dealt with in accordance with agency minimum standards.</i></p>										
	8											
4												
0												

ASB (& HATE INCIDENT) RISK RE- ASSESSMENT MATRIX

To be completed 8 weeks from original risk assessment

Name:	Address:
Incident No:	DOB:

History	1. At this present time i.e. in the last two weeks how often have you had problems?	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Have there been any incidents since the last risk assessment? If yes, give details	2 0	Yes No
	3. Are the incidents reducing?	0 2	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. If you have had recent incidents and if you know the perpetrator/s do they (or their associates) have a history of or reputation for harassment or intimidation?	6 4 0 0	Recent perpetrators are the same ones as before Recent perpetrators are different from before and I know they have a reputation for harassment and intimidation Recent perpetrators are different from before and I know they have no reputation for harassment and intimidation There have been no incidents or I do not know the recent perpetrators

Vulnerability	6. If there have been any recent incidents , do you feel any of the following are being deliberately targeted? Specify why:	4 3 1 0	You Your family Your community None
	7. If there have been any recent incidents , do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No

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	8. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	9. At this present time how affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

Support	10. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	11. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	12. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	13. At this present time apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	TOTAL SCORE:		

CONSENT TO SHARE INFORMATION

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

SIGNATURE:

DATE:

PRINT NAME:

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	Low	0	4	8	12	16	20	22	24	26	28	30	High
Medium													
34 32 28 26 24 22 20 18 16 8 4 0	HIGH	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the HIGH range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Take any immediate steps required to reduce the risk of harm.</i> <i>Refer the case to ASB Manager (local equivalent) for continued discussion at the ASB Complex Case Group meeting.</i></p>											
		<p>I have carried out the risk assessment and the result falls within the MEDIUM range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve.</i> <i>Consider ASB Co-ordinator (local equivalent) advice.</i> <i>Consider Victim Support referral.</i> <i>Regularly monitor changes in risk factors.</i> <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>											
		<p>I have carried out the risk assessment and the result falls within the LOW range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response.</i> <i>Consider ASB Co-ordinator (local equivalent) to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered.</i> <i>Regularly monitor changes in risk factors.</i> <i>Isolated incidents should be dealt with in accordance with minimum standards.</i> <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>											
		<p>I have carried out the risk assessment and the result falls within the LOW range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response.</i> <i>Consider ASB Co-ordinator (local equivalent) to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered.</i> <i>Regularly monitor changes in risk factors.</i> <i>Isolated incidents should be dealt with in accordance with minimum standards.</i> <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>											

Equality Act Assessment Guidance

Summary

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

Under the Act the Council has a duty not to discriminate against any person on the grounds of:-

- Age
- disability
- race
- religion or belief
- Gender (including gender reassignment)
- sexual orientation
- Pregnancy or maternity
- Marriage of civil partnership
- Sex

Discrimination can include treating a person unfavourably because of something arising from their disability, unless the Council can show that this treatment is justified.

Section 35 prescribes that we must not discriminate, and we must show proportionality when taking action against a person known to have a disability under the Act.

Section 149 outlines the Public Sector Duty, which ensures that we have policies and procedures that pay due regard to disability and prevent us from acting in a discriminatory manner.

Why complete an Equality Act Assessment (EAA)

The purpose of completing the Equality Act Assessment is to demonstrate that you have shown due regard to the customer's disability/protected characteristic and how you have adapted the service to meet their needs where possible.

Should the situation need to progress to legal action in the future you will have already demonstrated what you have done to try and resolve the matter in a different way and shown due regard to the customers disability.

As a Council we must demonstrate that we have taken the disability into account particularly if we are considering legal action against an individual.

When to complete an EAA

If you are aware that a resident has a protected characteristic or disability you should complete an EAA prior to considering any form of action. This is relevant to all operations across our business and when considering action for Antisocial Behaviour such as an NOSP, Injunction or possession action.

You may not be aware that the resident has a disability from the outset and this may come to light during engaging with the customer or after you have already commenced legal action. You should commence the assessment at the earliest point that you become aware.

You can do an EAA even if you are not considering legal action to demonstrate how you have done things differently and shown due regard to the customer's disability.

Anti-Social Behaviour

As soon as you are aware of a disability you must complete an EAA to assess what action is appropriate. You may need to consider whether a lesser action could be considered rather than legal action.

Example: if you are considering serving a Notice of Seeking Possession or seeking an Injunction or a notice, is there a lesser action you could try first such as an Acceptable Behaviour Contract, mediation or working with support workers to try and remedy the behaviour. You should show due regard to the customer's disability and consider all other avenues before legal action and demonstrate on the EAA what you have done to address this.

There will be occasions when it may be appropriate to proceed with legal action, particularly when the antisocial behaviour is impacting on a wider community. If you consider that this is the only route available you should discuss this with your line manager and review the EAA prior to seeking permission to commence legal action.

Reviewing the Equality Act Assessment

Once you have commenced an EAA you should regularly review and update it. It should be updated at any significant stages throughout managing an ASB case.

- When the case is opened complete the EAA
- When you engage with a resident or to demonstrate that they are not engaging.
- Prior to taking any formal action
- Prior to proceeding to apply to court
- Prior to court hearings
- On receipt of a medical report or information from any other agencies

Working with Other Agencies

If you are aware that the customer has support agencies in place you should try and work closely with them and demonstrate actions and outcomes as part of the EAA. You may also need to engage support agencies on behalf of the customer.

Authorisation for Legal Action

When completing a request to proceed with legal action if there is an EAA in place this should also be provided to the appropriate Manager to consider prior to approving. Managers should consider whether all steps have been taken to show due regard to the customer's disability and whether proceeding with legal action is proportionate.

During Legal Action

It may only come to light that a customer has a disability once we have already commenced legal action. This can often happen when an expert's report is submitted as part of the case. Once you have received a copy of the report you must demonstrate that you have read and considered all of the information and make adjustments to the action where possible.

Storage and Recording EAA's

You should retain copies of EAA's securely in case files. Also, record that you have completed an EAA on any case processing documentation where appropriate e.g. for referral to external support agencies, escalation to senior managers or when preparing a case file for Legal Services.

Equality Act Impact Assessment

Name of Resident(s)	
Address	
Tenancy	<u>Type of Tenancy</u> <i>If RBC, outline tenancy clauses relevant to breaches</i>
Policy and Procedure	<i>Outline the ASB Policy, Procedure or Tenancy Management Policy, Procedure specific to case and where breaches are</i>
Rent Arrears History	<i>(If an arrears case or linking arrears with ASB actions) (Include any recharges)</i>
ASB Case Details	<i>Provide an overview of the case. List correspondence, nuisance diary sheets, file notes, complaints made, any police or other information</i>
Details of known disability & Evidence.	<i>Outline known or suspected disability or protected characteristic; include Doctors reports, liaison with other agencies. Provide any evidence you have of the disability. This will be required for any court action.</i>
If ASB is the behaviour causing an impact on others	<i>Provide an outline of what the impact is e.g. on other residents, the community</i>
Other material relevant to the type of case	<i>Any other relevant information to the case, tenant history, support needs, safeguarding, signposting</i>

1	Is there a relevant "Protected Characteristic"?	<i>(Disability, age, race, religion or belief, sex, sexual orientation, gender reassignment, marriage/civil partnership status, pregnancy/maternity)</i>
2	Is there a disability/suspected disability, what is this?	<i>(Disability is defined as a physical or mental impairment that has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities).</i>
3	What action is proposed?	<i>(E.g. service of Notice, Order, NOSP, issue of possession claim, enforcement of warrant, issue of Injunction application etc.)</i>
4	Is this action proposed because	<i>Describe the behaviour and how this links to the disability.</i>

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	of behaviour arising from the disability?	
5	List alternative action which has been considered and/or attempted to address the problem.	<i>Show what you have done prior to considering legal action e.g. ABC, mediation, Community Protection Warning, action plans</i>
6	List any reasonable adjustments which have been made, or could be made to take account of the disability and state what action taken.	<i>(e.g. visually impaired tenant – letters sent in large font size; tenant with learning difficulties – social services assistance in understanding tenancy agreement)</i> <i>What have you done to try and resolve the behaviour e.g. contact other services, Drs, partner meetings and liaison with other agencies, alternative actions such as ABC's? Ensure that you document any failed visits and non-engagement by the resident.</i>
7	Is the proposed action a proportionate means of achieving a legitimate aim?	<i>Why do you feel the action is justified? E.g. to protect the health and safety of other residents, reduce impact on community</i> <i>Is the action appropriate e.g. does the resident have capacity, an injunction would not be appropriate if there is no capacity</i>
8	Decision marked for review at what stage	<i>This assessment should be reviewed at regular intervals e.g. Prior to serving NOSP, prior to the court hearing, if there is a change in circumstances or condition. List here all the dates it has been reviewed and for what reason.</i>

I have had due regard to the Aims and Objectives set out in the Public Sector Equality Duty in Section 149 of the Equality Act 2010, including the need in appropriate circumstances to treat persons with a disability more favourably than persons who do not have a disability. I have however concluded that notwithstanding this, it is appropriate that the action outlined should be taken.

Form completed by:

Name:

Job Title:

Date:

Tools and Remedies to address ASB

Most neighbour problems can be resolved by talking to each other in the first instance and we always encourage this approach. A friendly conversation with a neighbour to make them aware of a problem is often effective.

However, in some circumstances this may not be possible, or it may have been tried and the behaviour still continues. In these cases, the Council can look at other options available, placing an emphasis on early intervention and prevention. The options available will be assessed on a case by case basis and only used when reasonable and proportionate to the ASB problem at hand.

ASB by its nature is subjective and it can mean different things to different people, impacting on them in a variety of ways. Officers will risk assess reports to determine an appropriate response to the ASB being reported; based on type, frequency, severity of incidents and impact on the victim. We will pursue all available remedies by working with our partner agencies with a view to modifying the behaviour of offending individuals and achieving a lasting solution.

Working with our partner agencies, these are some of the tools and remedies available when dealing with cases of ASB. Support is provided throughout the process and referrals to other organisations can be made as and when it is appropriate.

Preventative/Early Intervention Tools

Where necessary, the Council will use early intervention methods to assist in preventing the escalation of problems; these could include **home visits, letters** and **early advice**.

Introductory Tenancies

Introductory Tenancies/Starter Tenancies allow Housing Managers to deal quickly with problems like ASB. We will explain to new tenants at sign-up and settling in visits, the terms of their tenancy relating to ASB/causing nuisance. We will clarify our expectations and any consequences, to ensure residents understand their responsibilities from the outset of their tenancies.

Warnings and Agreements

Verbal or written warnings can be issued to challenge unacceptable behaviour, and reinforce that ASB isn't tolerated in our communities. The Council will use warnings to remind residents of their obligations under their tenancy/lease or the rule of law and we will set out the specific clauses/conditions/legislation that has been breached. When issuing warnings we will clarify the issue, advise the individual we are monitoring their behaviour and warn them that further enforcement action will be taken if their behaviour continues.

Acceptable Behaviour Contract (ABC)

An ABC is a non-legally binding written agreement. We will use an ABC to engage an individual to get them to acknowledge their behaviour and the effect it has on others, with the aim of stopping the ASB. The agreement will be signed by the individual, the Council and the Police and it can be signed with any resident aged 18 and over. Failure to adhere to a signed contract could be used as evidence in any formal action that may be required in the future

Parenting Contract Agreement (PCA)

A PCA is a written agreement made with parents of children under the age of 18, which is used to address the behaviour of a child. The contract places the emphasis on the parent(s) to address the child's behaviour with the support from relevant agencies, to prevent the child from becoming involved in further ASB. Similar to the ABC, the Council and the Police can be involved in signing the agreement. We may involve other Youth Services too, to provide advice on interventions/activities to assist the young person with changing their behaviour.

Mediation / Restorative Justice

The Council can use external mediation organisations to help resolve disputes. The types of situation they can assist with include, but are not limited to, noise, youth nuisance, pets, shared spaces and lifestyle differences. We will pass residents' details to the Mediation Service, to discuss the benefits with the parties and assist them in resolving their dispute. The Mediation Service can also work with young people to resolve ASB in the wider community.

Diversionsary Activities for Young People

Young people are often profiled as causing ASB, sometimes, mistakenly or unintentionally, i.e. not understanding that loitering can be perceived as intimidating to others. The Council is committed to providing opportunities for young people, to help challenge some of these beliefs and behaviours and provide a platform for young people to engage and find new interests, including activities such as, youth clubs (in partnership with Youth Services Providers and the Police) or after school clubs in partnership with local schools and voluntary organisations.

We will utilise and promote the use of activities for young people and where appropriate, can link these activities with the use of Acceptable Behaviour Contracts and Parenting Contract Agreements, by including terms within the contract/agreement requiring a young person to engage in relevant activities.

Designing out ASB – Environmental Visual Audits

Where there are instances of ASB activity in an area or estate, we will carry out joint visits with residents and other relevant partners to identify improvements, repairs and additional security that may benefit an estate / area. We will aim to identify physical improvements to areas and neighbourhoods to help reduce ASB and tackle location specific issues, for example, mopeds in pedestrianised areas, people congregating in stairwells to smoke and drink etc. We will work with a range of agencies to ensure we deal with ASB in a holistic manner and our partners include the Police, local Residents, Housing Providers, Businesses and Community and Voluntary organisations.

Legal Remedies

We will use legal remedies where non-legal action is not appropriate, proportionate or fails to resolve ASB. The various legal options we may pursue are set out below.

Possession (Eviction) Proceedings

The Council will consider applying to the Court for possession where early intervention has been unsuccessful in resolving ASB and/or alternative remedies are not suitable. The County Court can issue a Suspended Court Orders on specific terms, Outright Possession Court Orders or a Warrant of eviction

Mandatory Grounds for Possession

The ASB Crime & Policing 2014 Act introduced an absolute ground for possession for secure/fixed term secure tenancies, where ASB or criminality has been proven by a conviction in another court. The purpose of this power is to speed up the possession process in cases where there has already been a criminal or ASB conviction. Landlords no longer have to prove that it is reasonable to grant possession but, instead courts must grant possession if the correct procedure has been followed and at least one of the specified conditions has been met.

Civil Injunction

An injunction can be used to stop/prevent individuals engaging in ASB, aiming to tackle problems before they escalate. Councils, Social Landlords and Police can all apply for an Injunction, which can be used when an individual's behaviour is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance. It is issued by the County Court or to under 18s, in the Youth Court. The injunction sets a clear standard of behaviour and includes prohibitions and can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach of an injunction is not a criminal offence but is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For those aged under 18, breach proceedings are dealt with in youth court and could result in a supervision order, curfew or an activity requirement.

Criminal Behaviour Order (CBO)

A CBO can be given to an individual on their conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (i.e. an anti-social individual commits a criminal offence and is prosecuted). The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements) and it must also be determined what is required within the CBO to tackle the underlying cause of the behaviour.

The penalty for a breach, upon summary conviction, could result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. For under 18s they would be called in front of a youth court, which could result in a 2 year detention and training order.

Community Protection Notice (CPN)

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over or a business/organisation which negatively affects the community's quality of life. A CPN can be issued, following a formal warning, if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable.

Council Officers, Police Officers, PCSOs and Social Landlords can all issue a CPN, which is written notice to the individual demanding they stop the behaviour that is detailed and a requirement to take reasonable steps to stop further incidents in the future.

The CPN can be used against a wider range of perpetrators and can be used to deal with noise nuisance and litter on private land. A breach is a criminal offence which could be prosecuted and a person found guilty of failing to comply with a CPN without reasonable excuse is liable to a fine of up to £2,500, with unlimited fines for a business or organisation.

Premises Closure Power

The Closure Powers allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and the disorder is related to the premises in question. A Closure Notice is issued out of court and allows closure for up to 48 hours but cannot stop those who live there from accessing premises. A Closure Order can last for up to 6 months and restricts all access to the premises. This can be sought through the Courts once the Closure Notice has been issued.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public. Breach of either is a criminal offence with penalties including:

Notice - Up to 3 months in prison

Order -Up to 6 months in prison; and

Both - An unlimited fine

Public Space Protection Order

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

The restrictions and requirements in the order are set by the Council after consultation with the Police, PCC and other relevant bodies. A PSPO may include preventing certain behaviours or restricting access to certain areas of a public area. A breach is a criminal offence and is enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. More than one restriction can be added to the same PSPO, meaning that a single order can deal with a wide range of behaviours that prevent people enjoying the use of a public space.