



Monday, 18 January 2021

Dear Sir/Madam

A meeting of the Community Safety Committee will be held on Tuesday, 26 January 2021 via Microsoft Teams, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	D Bagshaw	J P T Parker
	B C Carr	C M Tideswell
	L Fletcher	R I Jackson
	J C Goold	P Roberts-Thomson
	S Kerry	P Lally (Chair)
	H Land	L A Lally
	R D MacRae (Vice-Chair)	

## A G E N D A

### 1. APOLOGIES

To receive any apologies and notification of substitutes.

### 2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

### 3. MINUTES

(Pages 1 - 4)

To approve the minutes of the previous meeting held on 12 November 2020.

4. UPDATE FROM THE NEIGHBOURHOOD POLICING INSPECTOR

To provide the meeting with a verbal update from the Neighbourhood Police Inspector.

5. UPDATE ON RECENT ISSUES IN STAPLEFORD

A verbal update will be provided to the Committee.

6. UPDATE ON THE POLICE AND CRIME PANEL

To provide the meeting with an update from Cllr R MacRae on the work of the Police and Crime Panel.

7. UPDATE ON COVID-19 ISSUES

A verbal update will be provided to the Committee.

8. BUSINESS PLANS AND FINANCIAL ESTIMATES 2021/22 - 2023/24 (Pages 5 - 30)

To consider proposals for business plans, detailed revenue budget estimates for 2021/22 and proposed fees and charges for 2021/22 in respect of the Council's priority areas.

9. ANTI-SOCIAL BEHAVIOUR POLICY (Pages 31 - 62)

To update the existing Anti-social Behaviour Policy.

10. CORPORATE ENFORCEMENT POLICY (Pages 63 - 80)

To seek approval of a revised Corporate Enforcement Policy.

11. WELFARE FUNERALS (Pages 81 - 86)

To seek approval for proposals in respect of retention periods of ashes and personal effects in connection with welfare funerals.

12. NOTING REPORTS

The following reports are for noting by the Committee:

12.1 Throw lines adjacent to open water

12.2 Update on issues of noise and odour from premises  
affecting residents of Trowell and Stapleford

13. WORK PROGRAMME

(Pages 87 - 88)

To consider items for inclusion in the Work Programme for  
future meetings.

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## **COMMUNITY SAFETY COMMITTEE**

**THURSDAY, 12 NOVEMBER 2020**

Present: Councillor P Lally, Chair

Councillors: D Bagshaw  
B C Carr  
L Fletcher  
S Kerry  
H Land  
R D MacRae  
J P T Parker  
C M Tideswell  
R I Jackson  
P Roberts-Thomson

There were no apologies for absence.

### 25 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 26 **MINUTES**

The minutes of the meeting on 10 September 2020 were confirmed as a correct record.

### 27 **UPDATE FROM THE NEIGHBOURHOOD POLICING INSPECTOR**

The Committee received a presentation from Inspector Riley on crime in the Borough. It was noted that there had been a number of student parties for which a dispersal order had been issued. It was added that the University of Nottingham community liaison team had been conducting street patrols to ensure that students were behaving within the restrictions in place due to the COVID-19 pandemic.

There followed a discussion about Operation Larkspur and an increase in street drinking in Stapleford.

### 28 **UPDATE ON THE POLICE AND CRIME PANEL**

It was noted that there had been no meetings of the Police and Crime Panel.

29 SAFEGUARDING CHILDREN AND SAFEGUARDING ADULTS POLICIES

The Committee considered the Safeguarding Children and Safeguarding Adults Policies, with reference to specific revisions to terminology and processes.

It was noted that Nottinghamshire County Council was the safeguarding authority, but that Broxtowe, as a Borough Council, had a clear role to play in making safeguarding referrals and training staff to understand their responsibilities for the safety of residents.

Discussion progressed on to a request for comparative data from the Multi-Agency Safeguarding Hub (MASH) at Nottinghamshire County Council to ensure that Broxtowe Borough Council was making an appropriate number of referrals for an authority of its size.

**RESOLVED that the revised Safeguarding Children Policy and Safeguarding Adults Policy be approved.**

30 EASTWOOD VEHICLE NUISANCE PUBLIC SPACES PROTECTION ORDER

The Committee discussed the enforcement of the PSPO, with particular reference to measuring how successful an order had been. It was noted that a lack of enforcement could show that the order had discouraged anti-social behaviour and was of benefit to the local community by preventing the offending conduct. There was concern that problems might be moved to other areas and it was noted that should this happen powers of dispersal or further PSPOs could be used.

**RESOLVED that in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, the making of the Eastwood Vehicle Nuisance PSPO, as detailed in appendix 1, be approved.**

31 RENEWAL OF CHILWELL RETAIL PARK, BASIL RUSSELL PLAYING FIELDS, AND MALTHOUSE CLOSE / KNAPP AVENUE PUBLIC SPACES PROTECTION ORDERS

The Committee discussed the synchronisation of work surrounding the Chilwell Retail Park, Basil Russell Playing Fields and Knapp Ave / Malthouse Close PSPOs. The aim of this was to reduce the amount of administration involved.

There was a discussion about including the Park and Ride facility at the Tram Terminus on Toton Lane. It was noted that to change any part of a PSPO would involve a consultation, but that this could be considered if any complaints of offending behaviour were made.

**RESOLVED that, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, the Chilwell Retail Park, Basil Russell Playing Fields, and Knapp Ave / Malthouse Close PSPOs be renewed, as detailed in the appendices to this report with an end date of 1 May 2023, be approved.**

32 ANTI-SOCIAL BEHAVIOUR ACTION PLAN

The Committee noted the Anti-Social Behaviour (ASB) Action Plan. It was of concern to the Committee that over 2,000 reports of ASB had been made to the Council and there was a request for more detailed data so that the seriousness of these incidents could be understood.

There followed a discussion about hate crime, with reference to the increase in incidents experienced by Chinese students shortly after the outbreak of COVID-19, but that these had ceased. It was stated that the ASB Panel was a multi-agency forum for discussing specific cases where a number of interventions might be needed.

**RESOLVED that the Anti-Social Behaviour Action Plan 2020-2022 be approved.**

33 QUESTIONS AND COMMENTS ON NOTING REPORTS

The Committee noted reports on Domestic Abuse, Safeguarding Children and Safeguarding Adults referrals and Performance Management – Review of Business Plan Progress – Community Safety.

34 WORK PROGRAMME

The Committee requested a report on the use and vandalism of open water safety equipment.

**RESOLVED that the Work Programme, as amended, be approved.**

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## Joint Report of the Chief Executive and the Deputy Chief Executive

### **BUSINESS PLANS AND FINANCIAL ESTIMATES 2021/22 - 2023/24**

#### 1. Purpose of report

To consider proposals for business plans, detailed revenue budget estimates for 2021/22 and proposed fees and charges for 2021/22 in respect of the Council's priority areas.

#### 2. Detail

As part of the Council's performance management framework, the business and financial plans for the five corporate priority areas identified within the Corporate Plan are brought together in one report so that the linkages between service priorities, spending proposals and targets are clear.

Under the Constitution, financial and business planning is reported to the Committee which has primary responsibility for oversight of the relevant corporate priority area and related services, in this case Community Safety.

An extract of the proposed Community Safety Business Plan is provided in appendix 1b. The extract includes relevant critical success indicators (CSI), key performance indicators (KPI) and key tasks and priorities for improvement (actions) for approval by Members.

The revenue budget proposals for the corporate priority and relevant service areas, together with the proposed fees and charges, are provided in in appendices 2a to 2b.

Following consideration by the respective Committees, a summary of the estimates, including any changes recommended, will be presented to the Finance and Resources Committee on 11 February 2021 for consideration and recommendation to Full Council on 3 March 2021.

#### **Recommendations**

- 1. The Committee is asked to RESOLVE that the Community Safety Business Plan be approved.**
- 2. The Committee is asked to RECOMMEND that the Finance and Resources Committee recommends to Council that the following be approved:**
  - a) The detailed revenue budget estimates for 2021/22 (base) including any revenue development submissions.**
  - b) The fees and charges for 2021/22.**

Background papers – Nil

**APPENDIX 1****Introduction**

The Council's business and financial planning framework is one of identifying key service and spending pressures and prioritising resources accordingly, taking into account national and local priorities.

The targeted outcomes from these key issues and the anticipated impact on service performance are set out in business plans. These plans are combined with financial information, including proposals for reducing business costs and increasing income, to form the Business Plans for each priority area.

This report considers the detail in respect of the Business Plan covering the priority area of Community Safety. The financial consequences of the business plan, together with the expenditure and income from maintaining existing services, are set out in the revenue budget proposals, the capital programme and the proposed fees and charges which follow the plan.

Within the Business Plan there are some key tasks which can be met from existing resources or which relate to policy preparation. These are not included in the key spending proposals detailed in the appendices. Any planned activities which will have a financial implication either by increasing costs or reducing income are identified in the budget papers.

There are several key tasks where it is not appropriate to make financial provision at this stage. These include areas that are subject to external funding bids, partnership arrangements or where insufficient information exists at the present time. In addition, there are a number of capital schemes within the programme which are deemed to be 'awaiting funding' pending receipt of the necessary resources to complete them. These schemes will be brought forward for approval once a potential funding source has been identified.

All of these items will be the subject of further reports throughout 2021/22 as further information and resources become available, thus ensuring that the service and financial planning framework is a fluid process.

**Business planning**

As part of the Council's performance management framework, it is the responsibility of each Committee to consider its business plans prior to recommendations being made to Council. The purpose of the plans is twofold. Firstly, they establish the linkage between the Council's high-level objectives and the strategies and aims of the respective services, and secondly, they outline the services' proposals for meeting those aims and objectives.

This report deals with the Community Safety Business Plan and associated budgets covering this priority area. The Council's corporate objectives and aims, as included in the Corporate Plan, are shown at appendix 1a to provide the framework for consideration of the plans.

**Financial background**

The revenue budget proposals for the corporate priority, together with proposed fees and charges, are shown in appendices 2a to 2b.

The revenue budgets show the 2020/21 revised estimate as of December 2020 and the 2021/22 base estimate for the areas encompassed by the relevant business plans. The base estimate figures generally reflect the same level of service as in the current year with a few exceptions.

The following are included in the 2021/22 base figures in this report:

- a) Allowance for certain inflationary pressures including the pay award and cost of utilities. These allowances are guided by the best indications available at the time.
- b) Anticipated additional income within the General Fund and the Housing Revenue Account (HRA) arising from the review of fees and charges.
- c) Any revenue developments.

The classification of expenditure shown in the revenue estimates is based on the CIPFA Standard Accounting Classification. The following shows the type of expenditure charged to each heading:

- Employee Expenses – salaries and wages; employer's national insurance and pensions contributions
- Premises Related Expenses – repairs, alterations and maintenance of buildings, fixed plant and grounds; energy costs; rents; national non-domestic rates; water charges; fixtures and fittings; cleaning and domestic supplies.
- Transport Related Expenses – direct transport costs; recharge of pooled transport costs; travelling allowances
- Supplies and Services – equipment, furniture and materials; clothing, uniforms and laundry; printing, stationery and general; office expenses; postages; telephones; insurances; grants and subscriptions; miscellaneous expenses
- Third Party Payments – other local authorities; private contractors; charges from trading services
- Transfer Payments – Housing and Council Tax Benefits
- Central, Departmental and Technical Support Services - administrative buildings expenses; central departmental support; departmental administration
- Capital Financing Costs – operating lease charges; asset register charges

## Appendix 1a

**FRAMEWORK FOR BUSINESS PLANNING**

The Corporate Plan is subject to annual review to ensure that it continues to reflect the aims and objectives of the Council.

**Vision**

The Council's Vision for Broxtowe is “**greener, safer, healthier Broxtowe, where everyone prospers**”.

**Priorities**

The Council's updated priorities have been updated have been developed within the context of national, regional and countywide plans and priorities with the aim being to align these with our own aspirations wherever possible.

The Council's priorities are **Housing, Business Growth, Environment, Health** and, **Community Safety**.

Underpinning the above and all of the Council's work is a series of values which the Council has adopted, namely:

**G**oing the extra mile: *a strong, caring focus on the needs of communities*

**R**eady for change: *innovation and readiness for change*

**E**mployees: *valuing our employees and enabling the active involvement of everyone*

**A**lways improving: *continuous improvement and delivering value for money*

**T**ransparent: *integrity and professional competence.*

**Objectives**

Each priority area is underpinned by its strategic objectives. Each strategic objective has targeted outcomes against which progress can be monitored.

The priorities and objectives for **Community Safety** are ‘Broxtowe will be a place where people feel safe and secure in their communities’:

- Reduce anti-social behaviour in Broxtowe
- Work with partners to reduce domestic violence and support survivors
- Work with partners to reduce knife crime.

## Appendix 1b

**COMMUNITY SAFETY BUSINESS PLAN 2021–2024**Introduction

An extract of the proposed Community Safety Business Plan is provided below includes the relevant critical success indicators (CSI), key performance indicators (KPI) and the key tasks and priorities for improvement (actions) that are required to be approved by this Committee.

In an attempt to streamline the reporting process, the extract does not include the regular information and data relating to:

- published strategy and policy documents supporting the delivery of priorities and objectives;
- service level objectives;
- contextual baseline service data;
- management performance indicators (MPI); and
- summary of key risks.

This information will be added to the extract below and included in the full Business Plan that will be published on the Council's website in advance of the financial year.

Background

The Business Plan details the projects and activity undertaken in support of the Corporate Plan priority of **Community Safety**.

The Corporate Plan prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned with other local, regional and national plans to ensure the ambitions set out in the Corporate Plan are realistic and achievable.

The Business Plan covers a three-year period but will be revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures is undertaken quarterly by this Committee. The Policy and Performance Committee also receives a high level report of progress against Corporate Plan priorities on a quarterly basis.

Business Plan – Performance Indicators and Key Tasks for Improvement

The critical success indicators (CSI), key performance indicators (KPI) and the key tasks and priorities for improvement (actions) are considered in detail below for approval.

## MEASURES OF PERFORMANCE AND SERVICE DATA

## CRITICAL SUCCESS INDICATORS (CSI)

Priority leaders work corporately to **define** the **outcome objective** for each priority area and have **identified outcome indicator(s)** which will be **Critical Success Indicators**. There will be a maximum of two CSI for each corporate priority.

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
<b>Reduce anti-social behaviour in Broxtowe (CS1)</b>							
Reduction in reported ASB cases in Broxtowe (Nottinghamshire Police Strategic Analytical Unit) (ComS_011)	2,875	2,011	1,500	1,951	1,932	1,932	Chief Communities Officer
Reduction in ASB cases reported in the Borough to:							
• Environmental Health (ComS_012)	564	480	386	465	400	400	Chief Environmental Health Officer
• Housing (ComS_013)	152	191	126	185	125	125	Housing Operations Manager
• Communities (ComS_014)	32	40	22	38	20	20	Chief Communities Officer
<b>Work with partners to reduce domestic abuse and support survivors (CS2)</b>							
High risk domestic abuse cases re-referred to the Multi Agency Risk Assessment Conference [expressed as a % of the total number of referrals] (ComS_24)	22%	24%	14%	22%	15%	15%	Communities Officer (Health)

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Domestic abuse reported in the borough (ComS_025)	516	834	749	809	750	750	Chief Communities Officer Figures represent total of domestic violence incidents and domestic violence crime
<b>Work with partners to reduce knife crime (CS3)</b>							
Residents surveyed who feel safe when outside in the local area after dark % (ComS_033)	50%	72%	66%	76%	78%	78%	Chief Communities Officer Annual figures from County Council survey.

### KEY PERFORMANCE INDICATORS (KPI)

Priority leaders identify two sets of performance indicators namely; **Key Performance Indicators (KPI)** for reporting to GMT and Members; and **Management Performance Indicators (MPI)** for use in business planning and performance monitoring at a service level.

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Environmental Health related ASB cases closed in under three months – No. received (ComS_012) and % closed in 3mth (ComS_012d)	564 72%	480 79%	386 82%	465 81%	400 82%	400 82%	Chief Environmental Health Officer
Council Housing related ASB cases closed in less than three months – No. received (ComS_013) and % closed in 3mth (ComS_013d)	152 60%	191 82%	126 75%	185 84%	125 85%	125 85%	Housing Operations Manager Housemark benchmarking available
Communities related ASB cases closed in less than three months – No. received (ComS_014) and % closed in 3mth (ComS_014d)	32 94%	40 78%	22 67%	38 80%	20 81%	20 81%	Chief Communities Officer

Indicator Description (Pentana Code)	Achieved 2017/18	Achieved 2018/19	Achieved 2019/20	Target 2020/21	Target 2021/22	Future Years	Indicator Owner and Comments (incl. benchmarking)
Residents surveyed who feel safe when outside in the local area during the day (%) (ComS_032)	100%	96%	94%	100%	100%	100%	Chief Communities Officer Figures from Nottinghamshire County Council survey
Food Inspections – High Risk - Inspect all businesses due for inspection in accordance with a pre-planned programme based on risk (ComS_048)	100%	100%	98%	100%	100%	100%	Chief Environmental Health Officer Risk Categories A/B/C determined by the Food Law Code of Practice and premises subject to an 'official control' as defined by the EU e.g. inspection or audit. <a href="http://www.food.gov.uk/sites/default/files/laems-food-hygiene-data-2013-14.xls">http://www.food.gov.uk/sites/default/files/laems-food-hygiene-data-2013-14.xls</a> shows national statistics
Food Inspections – Low Risk - Inspect all businesses due for inspection in accordance with a pre-planned programme based on risk (ComS_049)	96%	69%	96%	100%	100%	100%	Chief Environmental Health Officer Risk category D/E as determined by the Food Law Code of Practice.

### KEY TASKS AND PRIORITIES FOR IMPROVEMENT 2021/22 – 2023/24 INCLUDING COMMERCIAL ACTIVITIES

Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
COMS 1922_01	Produce an updated Neighbourhood Action Plan for Stapleford	Reduction in all crime types and improvements in community confidence	Police / County Council / Voluntary Sector/Fire Service	Communities Officer Mar 2022	Dependent on resources being allocated by Police and Crime Commissioner



Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
COMS 2023_02	Produce an updated Neighbourhood Action Plan for Eastwood South	Reduction in all crime types and improvements in community confidence	Police / County Council / Voluntary Sector/Fire Service	Communities Officer Mar 2022	Dependent on resources being allocated by Police and Crime Commissioner
COMS 2023_05	Monitor and update cross departmental Anti-social Behaviour Action Plan	Reduction in anti-social behaviour in the borough	Police / County Council / Voluntary Sector	ASB Enforcement Officer Mar 2022	Within existing budget
COMS 1821_13	Produce Food Service Plan	Council has a fit for purpose Food Service Plan which informs activity in this area	Food Standards Agency	Chief Environmental Health Officer Jun 2021	Within existing resources
COMS 2023_11	Renew existing Public Spaces Protection Orders (PSPOs) where appropriate	Reduction of anti-social behaviour	Public, Notts Police	Chief Communities Officer Mar 2022	Within existing resources
COMS 2124_01	Review the Council's Gambling Licensing Statement	A fit for purpose policy on the Council's duties under the Gambling Act 2005	Notts Police	Licensing Manager Dec 2021	Within existing resources
COMS 2124_02	Review the Council's Sex Establishment Policy	A fit for purpose policy on the Council's duties in respect of sex establishments	Notts Police	Licensing Manager Mar 2022	Within existing resources
COMS 2124_09 (NEW)	Update Knife Crime Action Plan	Reduce levels of knife crime in the borough	Police / NHS	Communities Officer March 2022	Within existing

Pentana Code	Description	Targeted Outcome	Partnership/ Procurement Arrangement	Officers Responsible/ Target Date	Budget Implications/ Efficiencies/Other comments
COMS 2124_10 (NEW)	Produce a Domestic Abuse Action Plan	Raise awareness and reduce levels of domestic abuse in the borough	Nottinghamshire County Council / Police / Women's Aid	Housing Operations Manager March 2022	Within existing
COMS 2124_11 (NEW)	Produce a Hate Crime Strategy and Action Plan	Raise awareness and reduce levels of hate crime in the borough	Police / Local groups	Chief Communities Officer March 2022	Within existing

## APPENDIX 2a

Community Safety Portfolio - Revenue Budgets		
Cost Centre	2020/21 Revised Budget (as at December 2020)	2021/22 Base Budget (as at December 2020)
Communities Team	370,773	326,746
CCTV	98,330	99,001
South Notts Crime Reduction Partnership	0	0
Private Sector Housing	172,740	187,388
Public Protection	120,840	141,079
Environmental Health	623,430	670,062
Pest Control	0	0
Private Sector Housing Renewal	(6,350)	(5,336)
Licensing	(26,090)	(3,027)
Neighbourhood Wardens	111,540	120,094
	<b>1,465,213</b>	<b>1,536,007</b>
Community Safety Portfolio - Revenue Budgets		
Cost Centre	2020/21 Revised Budget (as at December 2020)	2021/22 Base Budget (as at December 2020)
Employees	1,112,843	1,151,371
Premises	18,500	19,000
Transport	14,550	12,170
Supplies & Services	183,390	140,170
Third Party Payments	183,150	183,150
Central Support Recharges	378,800	450,271
Capital Charges	3,350	3,350
Income	(429,370)	(423,475)
	<b>1,465,213</b>	<b>1,536,007</b>

The change in the 2021/22 base budget for total net expenditure when compared with the 2020/21 revised estimate is primarily a consequence of the following items:

	Change (£)
<b>Communities Team</b> - The 2020/21 revised estimate includes a carry forward of £30,150 from 2019/20 to meet the cost of various crime reduction projects to be undertaken in 2020/21.	(30,150)
<b>Private Sector Housing</b> - The 2021/22 base budget assumes that costs charged to the capital programme will be £8,600 lower than the 2020/21 revised estimate to reflect actual time recording data from 2019/20.	8,600
<b>Public Protection</b> - The 2021/22 base budget includes an increase of £19,300 in Central Support Recharges to reflect both structure changes and a more streamlined approach to this process to better reflect where costs should be attributed.	19,300
<b>Environmental Health</b> - The 2021/22 base budget includes an additional £13,450 for employee costs such as an estimated for the April 2021 pay award (yet to be confirmed) as well as factors such as increments and other staffing changes plus an increase of £38,800 in Central Support Recharges to reflect the items set out above.	52,250
<b>Licensing</b> - The 2021/22 base budget includes an additional £22,600 for employee costs such as an estimated for the April 2021 pay award (yet to be confirmed) as well as factors such as increments and other staffing changes.	22,600
<b>Neighbourhood Wardens</b> - The 2021/22 base budget includes an increase of £6,550 in Central Support Recharges to reflect both structure changes and a more streamlined approach to this process to better reflect where costs should be attributed.	6,550

## APPENDIX 2b

**COMMUNITY SAFETY – REVIEW OF FEES, CHARGES AND ALLOWANCES**

*All fees and charges are quoted exclusive of VAT, which will be added where applicable.*

**1. Licensing fees**

Licensing fees come into three categories:

**(i) Licences for which the fees are fixed by statute and amended from time to time by statutory instruments, i.e.**

**Licensing Act 2003**

	£
Premises Licences Band A-New application/Vary	100.00
Premises Licences Band A-Annual fee	70.00
Premises Licences Band B-New application/Vary	190.00
Premises Licences Band B-Annual fee	180.00
Premises Licences Band C-New application/Vary	315.00
Premises Licences Band C-Annual fee	295.00
Premises Licences Band D-New application/Vary	450.00
Premises Licences Band D-Annual fee	320.00
Premises Licences Band E-New application/Vary	635.00
Premises Licences Band E-Annual fee	350.00
Premises Licence Minor variation – All Bands	89.00
Personal Licence Applications/Renewals	37.00
Temporary Event Notice	21.00
Change of Address	10.50
Vary designated premises supervisor	23.00
Transfer Premises Licence	23.00

Interim Authority	23.00
Replace Personal/Premises Licence	10.50
Freeholder Notification	21.00

**Gambling Act 2005**

Lotteries and Amusements-Registration	40.00
Lotteries and Amusements-Renewal	20.00

## Gambling Act 2005 (ctd.)

TYPE OF APPLICATION PERMIT TYPE	Application Fee £	Renewal Fee £	Existing Operator Grant £	Transitional Application Fee £	Transfer Fee £	Change of Name £	Copy of Permit £
Unlicensed Family Entertainment Centre	300.00	300.00	100.00	N/A	N/A	25.00	15.00
Prize Gaming	300.00	300.00	100.00	N/A	N/A	25.00	15.00
Notification of two machines	50.00	N/A	N/A	N/A	N/A	25.00	15.00
Licensed premises gaming machine	150.00	50.00	N/A	100.00	25.00	25.00	15.00
Club machine permit/club gaming permit	200.00	50.00	N/A	100.00	N/A	25.00	15.00
Temporary use notice	350.00	N/A	N/A	N/A	N/A	N/A	N/A

(ii) Licences for which the fees are at the discretion of the Council, subject to maximum limits set by legislation, i.e.

**Gambling Act 2005**

TYPE OF APPLICATION PREMISES TYPE	Transitional Fast-Track Application £	Transitional Non-fast Track Application £	New Application £	Annual Fee £	Application to Vary £	Application to Transfer £
Existing Casino	N/A	N/A	N/A	N/A	N/A	N/A
New Small Casino	N/A	N/A	7,050.00	1,005.00	1,075.00	925.00
New Large Casino	N/A	N/A	7,050.00	1,005.00	1,075.00	925.00
Regional Casino	N/A	N/A	7,050.00	1,005.00	1,075.00	925.00
Bingo Club	N/A	1,045.00	1,405.00	830.00	1,045.00	925.00
Betting Premises - Excluding Tracks	N/A	1,045.00	1,055.00	540.00	1,045.00	750.00
Betting Premises - Tracks	N/A	N/A	1,055.00	540.00	1,045.00	750.00
Family Entertainment Centre	N/A	870.00	880.00	510.00	870.00	750.00
Adult Gaming Centre	N/A	870.00	880.00	510.00	870.00	750.00



TYPE OF APPLICATION PREMISES TYPE	Application for Re- instatement £	Application for Provisional Statement £	Licence Application (Provisional Statement Holder) £	Copy Licence £	Notification of Change £
Existing Casino	N/A	N/A	N/A	N/A	N/A
New Small Casino	925.00	7,030.00	2,808.00	20.00	40.00
New Large Casino	925.00	7,030.00	2,808.00	20.00	40.00
Regional Casino	925.00	7,030.00	2,808.00	20.00	40.00
Bingo Club	925.00	1,385.00	850.00	20.00	40.00
Betting Premises excluding tracks	750.00	1,035.00	675.00	20.00	40.00
Betting Premises Tracks	750.00	1,035.00	675.00	20.00	40.00
Family Entertainment Centre	750.00	860.00	585.00	20.00	40.00
Adult Gaming Centre	750.00	860.00	585.00	20.00	40.00

Many of these fees, whilst they have been set as required by legislation, will not be applicable to this Council, in particular the fees relating to casinos.

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## (iii) Licences for which the fees are at the discretion of the Council:

## Private Hire/Hackney Carriage

	Present charge 2020/21 £	Proposed charge 2021/22 £
Private Hire/Hackney Carriage Operators (5 years)		
- 1 vehicle	103.00	103.00
- 2-5 vehicles	200.00	200.00
- 6-10 vehicles	426.50	426.50
- 11-15 vehicles	722.00	722.00
- 16-20 vehicles	958.75	958.00
- 21 or more vehicles	1,372.00	1,372.00
Private Hire or Hackney Carriage Vehicle (1 year) (initial inclusive of refundable plate deposit of £40)	342.00	342.00
Private Hire or Hackney Carriage Vehicle (1 year) (renewal)	216.00	216.00
Private Hire or Hackney Carriage Vehicle (6 month) (renewal) over 5 years old	185.50	185.00
Private Hire or Hackney Carriage Driver Application (1 year)	149.00	149.00
Private Hire or Hackney Carriage Driver Application (3 year)	259.00	259.00
Private Hire or Hackney Carriage Driver Renewal (1 year)	114.00	114.00
Private Hire or Hackney Carriage Driver Renewal (3 year)	224.00	224.00
Private Hire or Hackney Carriage Driver Topography test or retest	53.00	53.00
Replacement of lost badge	31.50	31.50
Replacement of lost plate per plate	31.50	31.50
Transfers – Change of Operator details/ownership	53.00	53.00
Transfer – Change of details	53.00	53.00
Re-inspection of vehicle if examination failed or failed to keep appointment	53.00	53.00

**Miscellaneous**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Establishments for Massage and Special Treatment/Sunbed/both	187.50	187.50
Establishments for Massage and Special Treatment and Laser New	410.00	410.00
Establishments for Massage and Special Treatment and Laser Renew	299.00	299.00
Sex Establishment – application	1,037.00	1,037.00
Sex Establishment – Grant	2,593.50	2,593.50
Sex Establishment – Transfer	1,037.50	1,037.50
Street and House-to-House Collections	No legal provision to make a charge	No legal provision to make a charge

**2. Environmental Health Licences**

(Licences and registrations are exempt from VAT, all other charges are VAT inclusive)

**Animal Boarding Establishment**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Only cats or only dogs < 40	264.00*	264.00*
Cats and Dogs < 40	300.00*	300.00*
For every additional 50 animals above 40	53.50*	53.50*

\*plus veterinary or other advisers' fees

**Dog Care**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Dog Sitting (domestic 4 dogs max) Grant/Renewal (incl HOSTS)	187.00*	187.00*
Dog Sitting/Home Boarding – Providers / Franchisors	147.50*	147.50*
Dog Day Care/Creche Grant/Renewal	300.00*	300.00*

\*plus veterinary or other advisers' fees

**Dog Breeding Establishment**

	<b>Present charge 2020/21</b>	<b>Proposed charge 2021/22</b>
Domestic up to 5 breeding bitches - Grant/Renewal	208.50*	208.50*
Domestic 6-12 breeding bitches - Grant/Renewal	264.50*	264.50*
Commercial up to 10 breeding bitches - Grant/Renewal	264.50*	264.50*
Commercial up to 10 breeding bitches - Grant/Renewal for every additional 6 (or part thereof) breeding bitches above 10	36.50*	36.50*

\*plus veterinary or other advisers' fees

**Pet Shop / Vending**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Single Species - Grant/Renewal	264.50*	264.50*
Multiple Species - Grant/Renewal	310.00*	310.00*

\*plus veterinary or other advisers' fees

**Dangerous Wild Animals**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Licence (2 years)	335.50*	335.50*
Amendment of species or new accommodation	335.50*	335.50*
Variation (number kept if can be contained in existing accommodation)	86.50*	86.50*

\*plus veterinary or other advisers' fees

**Riding Establishment**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Grant/Renewal	264.50*	264.50*
Variation (number kept)	51.00*	51.00*

\*plus veterinary or other advisers' fees

**Zoo**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Licence (4 years)	813.50*	813.50*
Renewal (6 years)	813.50*	813.50*

\*plus veterinary or other advisers' fees

**Performing animals**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Grant/Renewal (3 years)	264.50*	264.50*
Amendment - no additional visit required	86.00*	86.00*

\*plus veterinary or other advisers' fees

**Other Animal-Related**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Combination of Activities applied for at the same time	less 30% of lowest fee	less 30% of lowest fee
Animal Rerating Inspection	122.00*	122.00*

\*plus veterinary or other advisers' fees

**Residential Caravan Site**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
New Licence	478.00 plus 8.00 per pitch	478.00 plus 8.00 per pitch
Transfer/Minor Amendments	166.00	166.00
Major Amendments	288.00	288.00
Annual fee	17.00 per pitch	17.00 per pitch
Deposit of site rules	128.00	128.00

**3. Registrations****Acupuncture, Semi-permanent Skin Colouring, Tattooing, Cosmetic Piercing and Electrolysis**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Person	132.00	132.00
Premises	157.50	157.50

**Tattoo Hygiene**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Rating Application	121.00	121.00
Rating Rescore	59.00	59.00



**4. Miscellaneous****Food Hygiene**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Food Condemnation Certificates	107.00	107.00
Export Certificates	122.00	122.00
Health and Safety Statements	120.00	120.00
Food Hygiene Course – individuals, level 2	61.00	61.00
Food Hygiene Course – individuals, level 3	101.50	101.50
Food Hygiene Course – commercial customers on site, 8 candidates	305.00	305.00
Health and Safety Course Level 2	61.00	61.00

**Scrap Metal Dealers (3 years) and Motor Salvage Operators**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Site	279.50	279.50
Collector	100.00	100.00
Variation of Site Manager	46.00	46.00
Change of licence	97.00	97.00

**Contaminated Land Information**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Full Report	122.00	122.00
Per pre-determined question	25.50	25.50

It is felt that the charges where no increase is proposed are appropriate, having regard to market competition and the level of charges levied by other local authorities in the county. No change in income is anticipated.

### **5. Private Water Supplies**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Risk Assessment (Maximum permitted charge = 500.00)	25.00 per hour	25.00 per hour
Sampling (Maximum permitted charge = 100.00)	25.00 per hour	25.00 per hour
Investigation in event of test failure (Maximum permitted charge = 100.00)	25.00 per hour	25.00 per hour
Authorisation – application for temporary breach during remediation (Maximum permitted charge = 100.00)	25.00 per hour	25.00 per hour
Analysis – Regulation 10 domestic supplies (Maximum permitted charge = 25.00)	25.00 each	25.00 each
Analysis – Check Monitoring – Commercial Supplies (Maximum permitted charge = 100.00)	Labour Cost Plus time	Labour Cost Plus time
Analysis – Audit Monitoring – Commercial Supplies (Maximum permitted charge = 500.00)	Labour Cost Plus time	Labour Cost Plus time

### **6. Environmental Permitting**

In accordance with DEFRA Schedule

### **7. Houses in Multiple Occupation**

	<b>Present charge 2020/21 £</b>	<b>Proposed charge 2021/22 £</b>
Full licence fee/renewal	570.00	570.00
Reduced fee if landlord is a member of recognised landlord's association or is making an application in respect of a second or subsequent HMO	457.00	457.00
Immigration Housing Certificate	115.00	115.00

## Report of the Chief Executive

### ANTI-SOCIAL BEHAVIOUR POLICY

#### 1. Purpose of report

To update the existing Anti-social Behaviour Policy.

#### 2. Detail

Anti-social behaviour (ASB) is defined as any action which causes harassment, alarm or distress. A lot of behaviours which are described as anti-social are also crimes, such as graffiti, vandalism and hate crime. However, anti-social behaviour is not necessarily criminal. It may be the cumulative effect of an individual's actions which cause a nuisance and can be distressing to another individual or to the community in which they live – for example, a person who persistently plays loud music at night.

Although the number of cases of anti-social behaviour reported to Nottinghamshire Police has dropped considerably in recent years, it still accounts for a significant percentage of the incidents reported to the police. Figures show that 22.5% of all incidents reported to the police in the United Kingdom are classified as anti-social behaviour (Office of National Statistics).

Broxtowe Borough Council is committed to combatting the damage caused to communities by anti-social behaviour by appropriately using the range of powers available to it. This commitment is demonstrated with one of the Council's five Corporate Priorities being Community Safety – "A Safe Place for Everyone." This applies across the whole range of services provided by the authority, including Public Protection, Housing, and Environment.

It is recognised that tackling anti-social behaviour cannot be undertaken effectively by any one organisation. Working in partnership with relevant agencies including, amongst others, the police, county and district councils and social housing providers, is necessary to tackle the issues.

This Policy, attached at appendix 1, sets out the approach the Council will take, across all aspects of its service delivery in dealing with anti-social behaviour. A summary of the main changes to the existing policy is given in appendix 2.

#### Recommendation

**The Committee is asked to RESOLVE that the revised Anti-social Behaviour Policy be approved.**

#### Background papers

Nil

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# **ANTI-SOCIAL BEHAVIOUR POLICY**

Section 1	Introduction
Section 2	Policy Statement
Section 3	Policy context and statutory framework
Section 4	The Council's responsibilities in respect of anti-social behaviour
Section 5	What is anti-social behaviour?
Section 6	Policy objectives
Section 7	Our approach to dealing with anti-social behaviour
Section 8	Other issues
Section 9	Roles and responsibilities
Section 10	Anti-social Behaviour Case Review (Community Trigger)
Appendix 1	What you can expect from the Council
Appendix 2	Reporting anti-social behaviour and contact details

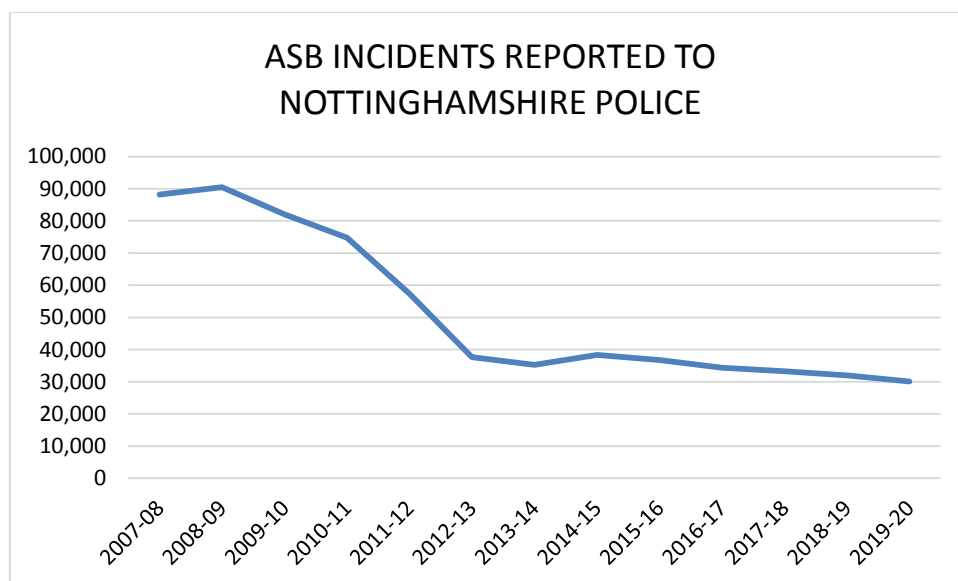
## Broxtowe Borough Council Anti-social Behaviour Policy

### 1.0 Introduction

Anti-social behaviour (ASB) is unacceptable. It can be distressing – especially so if it is persistent and on-going. Broxtowe Borough Council (the Council) recognises that the problems created by anti-social behaviour need to be addressed in a proportionate manner. Residents should not be subjected to anti-social behaviour, and where appropriate, the Council will endeavour to tackle incidents quickly and efficiently.

The detailed definition of anti-social behaviour is covered later in this policy but it covers a wide range of behaviours which although they may not be criminal in their own right, can certainly cause harassment, alarm, or distress.

Although the number of cases of anti-social behaviour reported to Nottinghamshire Police has dropped considerably in recent years (see Figure 1 below), it still accounts for a considerable percentage of the incidents reported to the police.



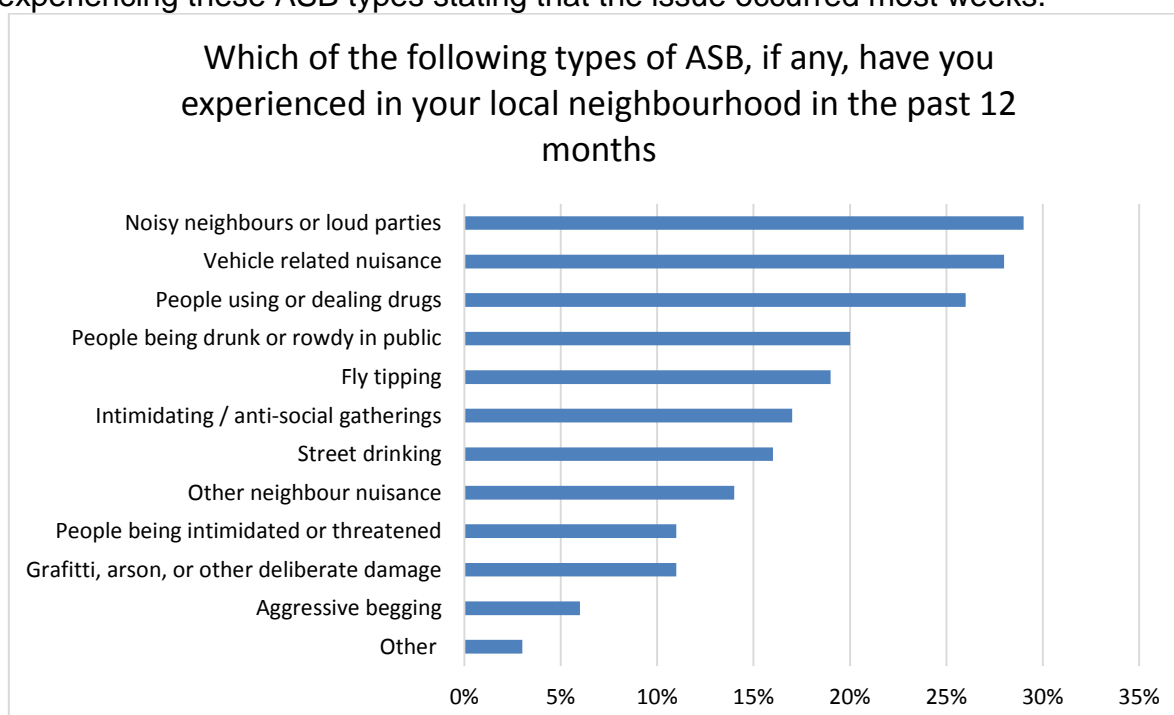
**Figure 1.** Number of anti-social behaviour cases reported to Nottinghamshire Police (Office of National Statistics)

According to the Nottinghamshire Police and Crime Needs Assessment 2019, ASB remains the most common community safety issue affecting local residents. Incidents are heavily concentrated in city and town centres, correlating with concentrations of violent crime and criminal damage in the night time economy.

Questions introduced within the Nottinghamshire Police and Crime Survey (PCS) in December 2019 found that around 54.8% of respondents reported having

experienced one or more forms of ASB over the previous year. The Police and Crime Survey also found that of those experiencing ASB, 72% did not report the experience to any agency, while 18% reported to their local council, 16% reported to the police, 3% reported to their housing provider and 2% reported to Crimestoppers. Furthermore, around 73% of those experiencing ASB stated that the issue had little (29%) or no (44%) effect on their quality of life, while 7% reported a significant impact.

The most common forms of ASB experienced by residents were noisy neighbours and loud parties (29%), vehicle-related nuisance (28%) and people using or dealing drugs (26%). Of these, people using or dealing drugs and vehicle related nuisance were the most frequent, with between 66% and 70% of those experiencing these ASB types stating that the issue occurred most weeks.



Figures show that 24% of all incidents reported to the police in the United Kingdom are classified as anti-social behaviour ([www.ukcrimestats.com](http://www.ukcrimestats.com)). To tackle anti-social behaviour effectively requires a positive approach from not just the police, but other partner organisations which have a role to play, including Broxtowe Borough Council.

This document, which will be supported by a number of procedural guides for the relevant actions, provides a clear statement of the Council's policy, and the way in which it will tackle anti-social behaviour.



## **2.0 Policy Statement**

*“Broxtowe Borough Council is committed to tackling anti-social behaviour and recognises the need to respond in a proportionate manner in order to address the concerns of residents of the borough.”*

### **3.0 Policy context and statutory framework**

This policy is intended to address anti-social behaviour across the district, whether personal, nuisance or environmental, wherever it occurs. There is a wide range of legislation to consider both in our role as a local authority dealing with anti-social behaviour, as well as in the management of social housing across the district.

In terms of the strategic context at Broxtowe, the Council's Corporate Plan 2020-2024 has Community Safety (Broxtowe – a safe place for everyone) as one of its five strategic priorities. This priority was developed following a survey which highlighted that reducing the amount of anti-social behaviour in the borough was the most supported objective among residents.

In addition, as a landlord, Broxtowe Borough Council has a duty to investigate and respond to anti-social behaviour in properties owned and managed by the authority. In terms of the landlord function, the Council has signed the Chartered Institute of Housing's 'Respect: Anti-social Behaviour Charter for Housing'. This makes a public declaration that the Council, in undertaking its housing functions, commits to:

1. Demonstrating leadership and strategic commitment
2. Providing an accessible and accountable service
3. Taking swift action to protect communities
4. Adopting a supportive approach to working with victims and witnesses
5. Encouraging individual and community responsibility
6. Having a clear focus on prevention and early intervention
7. Ensuring a value for money approach is embedded in the service

As a landlord, our own tenancy agreements and those of social housing providers with stock in our district, have additional requirements relating to the behaviour of tenants and that of their household members and visitors. These will be set out in individual tenancy agreements and are in addition to the rights and responsibilities of all residents in the district with regard to anti-social behaviour generally.

This policy will also be directly relevant to a number of other Council policies including Safeguarding Adults Policy, Safeguarding Children Policy, and Hate Crime Policy.

## **4.0 The Council's responsibilities in respect of anti-social behaviour**

The Council's wide range of functions is reflected in its responsibilities to tackle anti-social behaviour. It should be noted, however, that much of the relevant legislation grants "powers" to local authorities to deal with anti-social behaviour as opposed to imposing "duties".

The responsibilities arise from the Council's three distinct roles which are:

### **Landlord role**

As a landlord, the Council has a duty to respond to anti-social behaviour affecting the properties it manages and the associated residents. The landlord duties and powers are different from, and in addition to, the duties and powers available to deal with anti-social behaviour in the wider community.

### **Role as part of the Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council must work with the police and other partnership agencies to reduce crime and disorder in Broxtowe. In this role we play a key part in dealing with anti-social behaviour of all kinds and also facilitate project and preventative work.

### **Environmental protection role**

The Council has a range of responsibilities to deal with 'environmental' anti-social behaviour, such as noise, litter, bonfires, dumped rubbish and abandoned cars. These responsibilities arise from a number of pieces of legislation, including the Environmental Protection Act 1990, and the Crime and Disorder Act 1998, which places a duty on a local authority to "exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a)crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)."

Whilst these are distinct roles, there are very strong links between all three and close working arrangements have been developed between the teams that deliver the various services.

## 5.0 What is anti-social behaviour?

Legally, anti-social behaviour is defined as behaviour which causes, or is likely to cause, harassment, alarm or distress. It can, in cases where an injunction is applied for, mean conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises. Also, it can mean conduct capable of causing housing-related nuisance or annoyance to any person, where "housing-related" means directly or indirectly relating to the housing management functions of a housing provider or a local authority.

Some behaviours which are described as anti-social may also be crimes, such as graffiti, vandalism, and hate crime. However, anti-social behaviour is not necessarily criminal. It may be the cumulative effect of an individual's actions which cause a nuisance to another individual or to the community in which they live – for example, a person who persistently plays loud music at night. Authorities have a range of civil powers to help prevent anti-social behaviour, and we are committed to combatting the damage caused to communities by anti-social behaviour by appropriately using the range of powers available to us.

The police group anti-social behaviour into three categories:

**Personal** – Anti-social behaviour perceived to be targeted at an individual or group rather than the community at large

**Nuisance** - Anti-social behaviour causing trouble, annoyance or suffering to the community at large rather than an individual or group.

**Environmental** - Incidents not aimed at an individual or group but which target the wider environment, e.g. public spaces/buildings.

Anti-social behaviour may include (but is not limited to):

- loud televisions and music
- persistent, unnecessary or excessive noise
- persistent alarms
- frequent loud parties
- dogs persistently barking
- verbal abuse
- threats of violence
- damage to property
- keeping and failing to control an aggressive dog
- using or allowing the premises to be used for illegal or immoral activity such as prostitution, handling or storing drugs and handling or storing stolen goods.
- street drinking
- dumping rubbish and littering

- vandalism
- dog fouling
- graffiti
- fly-posting
- abandoned vehicles

Hate behaviour directed at a person's:

- race or nationality
- gender
- sexual orientation
- disability
- faith
- lifestyle
- appearance
- age

Anti-social behaviour affecting our landlord role (in addition to the above):

- failure by tenants to prevent children or visitors from behaving anti-socially
- failure by tenants to observe any anti-social behaviour-related tenancy condition
- any act (whether or not committed by a tenant or leaseholder) which directly or indirectly adversely affects the Council's housing management function
- misuse of communal areas (including parking areas)
- use of motor vehicles in an anti-social manner by tenants or visitors.

### **5.1 What is not anti-social behaviour?**

Some behaviour can be difficult to categorise specifically. However, there are some actions which we would not ordinarily class as anti-social behaviour and which would therefore not normally be investigated by the Council. Examples include:

- Children playing in the street or communal areas
- People gathering socially unless they are being intimidating
- Being unable to park outside your own home
- Parking in unrestricted areas
- Domestic DIY and car repairs unless they are taking place late at night
- Civil disputes between neighbours e.g. shared driveways
- One off complaints about noise e.g. parties, or other similar one-off incidents

However, some of these issues may have implications in respect of tenancy agreements and as such, may be investigated by the Housing Division in relation to the Council's housing stock.

## **6.0 Policy objectives**

This policy has the following five objectives:

1. No one should have to tolerate anti-social behaviour.
2. Reports of anti-social behaviour will be treated seriously and dealt with professionally.
3. Anti-social behaviour will be dealt with fairly, proportionately, and in accordance with available resources.
4. The Council will work with partners in order to deliver an effective anti-social behaviour service across the community.
5. The Council will provide a high quality efficient service which meets the identified needs of the community.

### **6.1 Objective 1. No one should have to tolerate anti-social behaviour**

We will aim to:

- i. make people aware of what anti-social behaviour is
- ii. publicise and promote our various services to combat anti-social behaviour
- iii. encourage people to report anti-social behaviour and make it possible for them to do this using a range of reporting methods
- iv. seek to respond to each reported case of anti-social behaviour in a timely manner, by prioritising urgent cases and using officer time as efficiently and effectively as possible
- v. support victims of anti-social behaviour throughout the case in a manner appropriate to its seriousness

### **6.2 Objective 2. Reports of anti-social behaviour will be treated seriously and dealt with professionally.**

We will aim to:

- i. assess (and periodically reassess) the seriousness of anti-social behaviour reported to us, and take action according to our target times
- ii. treat all reports as confidential, sharing information only with other organisations that can assist with the problem (for example the police) and observing data protection laws and information sharing agreements
- iii. ensure that criminal anti-social behaviour reported to the Council is quickly passed on to the police
- iv. register each case we open
- v. fully investigate the complaint, which may involve interviewing any complainant, alleged perpetrator, and third party witnesses
- vi. refer cases between the different departments of the Council and to other agencies as necessary in a timely manner
- vii. notify the complainant of, and fully record, the transfer of any case referred to another Council department or external agency
- viii. formally close all cases in writing, giving reasons for the closure

- ix. respond promptly to complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint
- x. explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this.

### **6.3 Objective 3. Anti-social behaviour will be dealt with firmly, fairly and proportionately.**

We will aim to:

- i. fully investigate the facts and circumstances of any matter reported to us
- ii. take any necessary early action to protect people and property, once facts are established
- iii. respond in a proportionate manner and seek always to resolve cases at the lowest level of intervention, but escalate to more formal action where appropriate
- iv. use any of the tools and powers available to us, according to our best professional judgment
- v. take into account when a victim or a perpetrator is a vulnerable person

### **6.4 Objective 4. We will work with partners in order to deliver an effective anti-social behaviour service across the community.**

We will aim to:

- i. play a full part as a key member of the South Nottinghamshire Community Safety Partnership
- ii. participate in relevant strategic or preventative initiatives
- iii. participate in permanent or ad-hoc multi-agency workgroups dealing with specific anti-social behaviour issues
- iv. 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 anti-social behaviour making use of their own resources

### **6.5 Objective 5. We will provide a high quality service which meets people's identified needs.**

We will aim to:

- i. ensure that staff dealing with anti-social behaviour are appropriately trained
- ii. ensure that staff dealing with anti-social behaviour understand and follow agreed policies and procedures
- iii. review the policy on a regular basis reflecting new legislation and lessons learnt
- iv. seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need and consideration of available resources

## **7.0 Our approach to dealing with anti-social behaviour**

It is recognised that some cases will require minimal intervention whilst others need a more complex multi-agency approach. The action taken in each case will be determined by the officer assigned the case, in consultation with their line manager if necessary. The action will be appropriate and proportionate and an incremental approach will be adopted. As stated earlier, officers will seek to resolve cases at the lowest level of intervention.

Enforcement action should not be a last resort but a proportionate response to anti-social behaviour which will stop problems. The provisions of the Council's Enforcement Policy will also be referenced.

Some of the intervention tools available which can be used when dealing with ASB are detailed below.

### **7.1 Tenancy Agreement**

Under the terms and conditions of the Council's tenancy agreements, tenants are responsible for the behaviour of everyone in their household (including children) together with their visitors, whether in the home or in the vicinity of the property.

Upon moving into Council Housing, the tenant will receive a tenancy agreement, which clearly outlines the rights and responsibilities placed on the tenant for the duration of their tenancy and the consequences of any breaches.

All new social housing tenants will initially be given an Introductory tenancy, if their introductory period is successful this will convert to a Secure tenancy. If there are issues with anti-social behaviour during the introductory period the Council may bring the tenancy to an end.

### **7.2 Home visits**

Home visits can be a useful tool for raising awareness of a particular problem, or discussing how it might be possible to resolve it. We may carry out a visit ourselves, and in some cases it may be more appropriate for a partnership organisation to do so.

### **7.3 Warning letters**

Warning letters may be issued requiring a change of behaviour. If the person receiving the warning also has a tenancy agreement with the Council or one of our partners, we will highlight if they are in breach of it.

### **7.4 Acceptable Behaviour Contracts**

Acceptable Behaviour Contracts (ABCs) are voluntary written agreements between the person who has been involved in committing the anti-social behaviour and one or



more local agencies, whose role it is to prevent such behaviour. Usually this is the Council and the Police. The Acceptable Behaviour Contract will contain a number of requirements and lasts for six months. Although it is not legally binding, if the person does not agree to sign, or the conditions are breached, further enforcement action may be taken.

## **7.5 Abatement Notice**

An Abatement Notice can be served under the provisions of the Environmental Protection Act 1990 where the Council is satisfied that a statutory nuisance exists. These are often served in cases of noise nuisance.

## **7.6 Civil Injunctions**

These were introduced by the Anti-social Behaviour Crime and Policing Act 2014, and replaced Anti-social Behaviour Orders and Anti-social Behaviour Injunctions. The purpose of a civil injunction is to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. They can be applied for by local councils, social landlords, police (including British Transport Police), and Transport for London.

The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying.

An Injunction is issued by the County Court and High Court for over 18s and the youth court for under 18s. It will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.

Breach of the injunction is not a criminal offence, but a breach must be proved to the criminal standard, that is, beyond reasonable doubt. The consequences of a breach vary depending on the age of the person but include fines, prison sentences, suspension orders, and civil detention orders.

## **7.7 Criminal Behaviour Order**

The Criminal Behaviour Order is available on 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.

The Criminal Behaviour Order can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, persistently being drunk and aggressive in public, or criminal damage. It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the Criminal Behaviour Order. The court has the power to impose serious penalties on conviction, including fines or prison sentences, or both.

## **7.8 Community Protection Notice**

The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A warning letter (Community Protection Warning) must be issued, prior to the Community Protection Notice being served, requesting the nuisance behaviour to cease.

A Community Protection Notice can be served if the Council is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality,
- is persistent or continuing in nature, and
- is unreasonable.

Community Protection Notices can only be issued for behaviours that are persistent or continuing and unreasonable.

## **7.9 Public Spaces Protection Order**

Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. Examples include restricting the consumption of alcohol in a public space, restricting dogs from a children's playground, and keeping dogs on leads. Other methods of dealing with the ASB should be explored before the making of a Public Spaces Protection Order.

## **7.10 Closure Order**

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the Council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled. Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment or a fine or both.

## **7.11 Possession Orders (for Broxtowe Borough Council tenants)**

Possession proceedings allow the Council to apply for, and possibly take back, possession of a property in cases where there has been a breach of the tenancy or where the Council considers other orders or agreements to be inappropriate. A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing may be made. It will be for the judge to decide if it is reasonable for the perpetrator of the anti-social behaviour to lose their home.

## **7.12 Amendments to the discretionary grounds for possession**

As a result of amendments to the 1985 and 1988 Housing Acts brought in by the Anti-social Behaviour, Crime and Policing Act 2014, the Council can seek possession where a tenant (or person living in or visiting the tenant's home) is guilty of conduct likely to cause nuisance or annoyance to the Council, or someone employed in connection with the Council's management functions, where the conduct relates to, or affects, those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

## **7.13 Absolute grounds for possession**

If a tenant, a member of the tenant's household, or a person visiting the property has been:

- convicted of at least one of a list of 'serious' offences, or
- found by a court to have breached a civil injunction, or
- convicted for breaching a Criminal Behaviour Order, or
- convicted for breaching a noise abatement notice, or
- the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour,

then the Council can apply to the court for a mandatory possession order. As with all such action, there are rights of appeal.

## **7.14 Fixed Penalty Notices**

These can be used in certain circumstances where the relevant legislation allows, for example in respect of dog fouling, fly tipping, and graffiti.

## **7.15 Surveillance**

In the most serious cases of anti-social behaviour, the Council will consider the use of surveillance or the use of professional witnesses to assist in its investigations. Professional witnesses could include observations from professionally trained staff and would be undertaken under the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA).

In appropriate circumstances we may use noise monitoring equipment or Surveillance Cameras (see below) to record and monitor anti-social behaviour. We will consider using these tools within the context of the issue of anti-social behaviour that we are investigating and with due regard of the provisions set out in the Regulation of Investigatory Powers Act 2000 (RIPA).

## **7.16 Surveillance cameras**

The Council operates a network of surveillance cameras throughout the borough. Such cameras, just by their presence, can act as a deterrent to those who may

commit anti-social behaviour. Also, the video footage provided by these cameras can be used by the police and local authority, in strictly regulated circumstances, to provide evidence of acts of anti-social behaviour as well as acts of a criminal nature. However, the use of surveillance cameras is very closely regulated and has to be justified in all cases. The use of such cameras will almost invariably be used to conduct overt surveillance and as such, signs indicating the presence of the cameras will have to be clearly displayed.

“Body-cams” (body worn cameras) will also be used by officers in some situations and the evidence provided used as appropriate.

### **7.17 Noise monitoring**

The Council will use noise monitoring equipment in appropriate cases to determine if a statutory nuisance or anti-social behaviour is taking place.

## **8.0 Other issues**

### **8.1 Closing a case**

A case can be closed if any of the following apply:

- It is agreed with the complainant that anti-social behaviour is no longer a concern
- There is insufficient evidence to take action
- If monitoring sheets are not returned in the stated period
- It has been assessed that the behaviour complained of is not anti-social behaviour and therefore does not fall within the Council's Anti-social Behaviour Policy
- Where the complainant does not provide information that is reasonably requested and in a timely fashion
- Where the alleged perpetrator moves out and away from the area
- If the lead officer has made several reasonable attempts to contact the complainant without success and therefore can no longer monitor the case

The complainant will be informed why and when their case has been closed along with other parties involved in the case where appropriate.

### **8.2 Protection of staff**

Unfortunately, officers of the Council investigating complaints of anti-social behaviour may from time to time be threatened, abused or physically harmed in the course of their duties. Such threats against staff are criminal acts which will be reported to the police in addition to any enforcement action that we take directly against the perpetrator. Anyone who attacks or abuses a member of staff, or threatens to, can expect action to follow as such behaviour is totally unacceptable.

### **8.3 Equality and Diversity**

Broxtowe Borough Council aims to treat all tenants, leaseholders and members of the community fairly, equally and no less favourably than anyone else. We are committed to promoting diversity within the community and expect staff and customers to respect diversity. We therefore aim to limit the impact of anti-social behaviour to create an inclusive community for everyone within the borough. When dealing with complaints and progressing anti-social behaviour cases, we will consider the access to service implications throughout the investigation and potential enforcement. This applies in respect of both complainants and perpetrators or perceived perpetrators.

## **8.4 Data protection measures for anti-social behaviour**

To comply with its duties under data protection legislation, the Council will:

- Keep all records of anti-social behaviour cases in accordance with the legislation
- Normally advise customers when we need to share data with other agencies, explain the process and seek their consent to do so
- Share information with other relevant agencies such as the police, children's services, adults' services or mental health services without consent, in certain situations, in order to:
  - a. prevent crime or disorder; or
  - b. safeguard adults at risk of abuse, or safeguard children; or
  - c. protect an individual's health and wellbeing.

This will be done within the relevant legislative framework and any agreed local guidance.

## **8.5 Support for victims and perpetrators of anti-social behaviour**

The Council recognises that vulnerabilities can exist for both the perpetrators or perceived perpetrators of antisocial behaviour and the victims. We will attempt to ensure that any vulnerability is considered fully within the context of the situation and any action the Council can reasonably expect to take is given due consideration.

We will endeavour to highlight vulnerability at the earliest opportunity and work in partnership with relevant agencies to support victims. When approaching alleged perpetrators, we will give consideration to issues of vulnerability such as disabilities, mental health issues, drug and alcohol abuse, etc. Where such issues exist, we will seek intervention and support from relevant agencies and departments to assist in addressing the problematic behaviour. Vulnerability in itself will not prevent the Council from taking action to bring an end to complaints of anti-social behaviour. Therefore, we will continue to deal with the anti-social behaviour complaint and adopt appropriate methods to try and resolve the issues.

Individuals, both victims and / or perpetrators, who give their written consent, will be referred, in appropriate circumstances, to the Complex Cases Panel. The Panel sits monthly and has representatives from the police, Council, probation, victim support, and fire and rescue service. The Panel seeks to raise the profile of vulnerable people across agencies and ensure that all appropriate services are being provided. If further support is recommended then the appropriate referrals will be made to external supporting agencies.

We will work closely and make referrals where appropriate to partner agencies, such as the Drug and Alcohol Teams and Community Mental Health Teams to provide

support for perpetrators to overcome their problems without having to resort to enforcement action, if possible.

Support may be used as a positive condition of an Injunction or a Criminal Behaviour Order.

#### **8.6 Performance indicators for anti-social behaviour**

The Council will set, monitor and report on performance in relation to anti-social behaviour within individual services, at a corporate level, and within the Community Safety Partnership.

#### **8.7 Discretion**

This policy provides a framework and commits the Council to dealing with anti-social behaviour in Broxtowe in a way that aims to be fair and, in all important respects, consistent across cases of a similar kind. However, due to the individual nature of cases, officers may occasionally use their discretion to vary the approach from that described in this document, following appropriate consultation with senior management.

## **9.0 Roles and responsibilities**

### **9.1 Safer Nottinghamshire Board**

The Safer Nottinghamshire Board is a countywide strategic group that is required under The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 to ensure the delivery of shared priorities and a community safety agreement.

The Board supports local Community Safety Partnerships, which were set up as statutory bodies under the provisions of the Crime and Disorder Act 1998, and aims to bring together agencies and communities to tackle crime and anti-social behaviour in local areas.

### **9.2 South Nottinghamshire Community Safety Partnership**

In 1998, the Crime and Disorder Act came into force which placed a statutory obligation on local authorities and the police to work in partnership with other agencies to develop and implement a strategy for tackling crime and disorder in their area. In August 2009 the three Crime and Disorder Reduction Partnerships for Broxtowe, Gedling and Rushcliffe, that had been in existence since 1998, came together to formally merge into the single partnership which exists today to address, in a coordinated manner, crime, disorder and the fear of crime in the three boroughs.

### **9.3 Elected Members**

Elected members are responsible for the monitoring and review of this policy.

### **9.4 General Management Team and Heads of Service**

The General Management Team, led by the Chief Executive, will lead the authority with regard to anti-social behaviour responsibilities. The General Management Team in conjunction with Heads of Service, will ensure that this policy and the associated procedures are properly implemented to ensure the Council's duties and responsibilities with respect to anti-social behaviour are properly discharged.

### **9.5 Head of Legal Services**

The Head of Legal Services is responsible for assessing the evidence and deciding if legal proceedings should be instigated in cases of anti-social behaviour.



## **9.6 Head of Public Protection**

The Head of Public Protection is responsible for:

- Writing and reviewing the Council's Anti-social Behaviour Policy
- Implementation of the Council's Anti-social Behaviour Policy (with the exception of anti-social behaviour relating to the Council's housing stock)
- Championing action to deal with anti-social behaviour and the dissemination of this policy and associated guidance across the Council
- Coordinating the actions of teams within the Public Protection Division in respect of anti-social behaviour
- Convening and managing the Case Review (Community Trigger) process on behalf of all relevant agencies in the borough
- Representing the authority at the South Nottinghamshire Community Safety Partnership Strategic Group
- Chairing the Complex Cases Panel
- Chairing the ASB Panel

## **9.7 Head of Housing**

The Head of Housing is responsible for:

- Implementing this policy in respect of the Council's housing stock
- Ensuring appropriate training is provided for staff in the Housing Division to enable this policy and any associated procedures to be properly implemented
- Production of working procedures for the Housing Division to enable the policy to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases within the Housing Division.

## **9.8 Chief Environmental Health Officer**

The Chief Environmental Health Officer is responsible for:

- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the section
- Overall monitoring of cases being handled by the section
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases.

## **9.9 Chief Communities Officer**

The Chief Communities Officer is responsible for:

- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the Communities Section
- Overall monitoring of cases being handled by the section
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Representing the authority at the South Nottinghamshire Community Safety Partnership Executive Group
- Line management of the Anti-social Behaviour Enforcement Officer
- Liaison with Nottinghamshire Police
- Administration of the Complex Cases Panel
- Administration of the ASB Panel
- Administer the E-CINS case management system

## **9.10 Anti-social Behaviour Enforcement Officer**

The Anti-social Behaviour Enforcement Officer is responsible for:

- Managing a case-load of anti-social behaviour cases reported to the Council
- Identifying any anti-social behaviour hot-spots, groups or individuals and liaising with the Police to take appropriate action
- Identifying vulnerabilities in victims and perpetrators and making appropriate referrals
- Providing necessary performance information in respect of anti-social behaviour cases
- Preparation and presentation of applications for, and in, court.

## **9.11 Head of Environment**

The Head of Environment is responsible for:

- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the Environment Division
- Overall monitoring of cases being handled by the Division
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases.

### **9.12 Neighbourhood Wardens**

The Neighbourhood Wardens are responsible for:

- Investigation of cases of low-level anti-social behaviour
- Investigation and enforcement of dog fouling, fly-tipping, litter, graffiti, and fly posting
- Providing necessary performance information in respect of anti-social behaviour cases
- Collection of evidence and preparation of legal cases.

### **9.13 Legal Services**

Officers within Legal Services are responsible for:

- Preparing and presenting cases and applications for, and in, court
- Advising on aspects of related law, procedures, and documents
- Advising on drafting of Public Spaces Protection Orders
- Assessing evidence before service of Community Protection Notices

### **9.14 Learning and Development Coordinator**

The Learning and Development Coordinator is responsible for:

- Working with appropriate senior officers to develop and monitor suitable training for staff and members.

### **9.15 Customer Contact Centre**

The Customer Contact Centre is responsible for:

- Receiving anti-social behaviour related enquiries into the Council and directing them to the relevant service department or other relevant agency

### **9.16 Business Support Unit**

The Business Support Unit is responsible for:

- Receiving anti-social behaviour related enquiries into the Council, inputting them onto relevant systems and directing cases to the relevant service

### **9.17 Environment Division**

The Environment Division is responsible for:

- Responding to cases on public or Council land to remove litter, fly tipping, graffiti, abandoned vehicles, or drugs paraphernalia.

### **9.18 Anti-social Behaviour Panel**

The aim of the Panel, which is convened by the Council, is to reduce the incidence of anti-social behaviour within the Borough of Broxtowe. The Panel meets monthly and has representatives from the police, Council, probation, victim support, Nottinghamshire County Council and Fire and Rescue Service. Input from all partner agencies enables a coordinated approach to existing and emerging anti-social behaviour issues.

### **9.19 Complex Cases Panel**

The Panel, which is convened by the Council, meets monthly and has representatives from the police, Council, probation, victim support, Nottinghamshire County Council and Fire and Rescue Service. The Panel seeks to raise the profile of those with complex needs across agencies and ensure that all appropriate services are being provided for the individual. If further support is recommended, then the appropriate referrals will be made to external supporting agencies.

### **9.20 Nottinghamshire Police**

The Council works closely with the police to address crime and anti-social behaviour in Broxtowe. Where individual cases include acts of a criminal nature, the Council will signpost such cases to the police, providing a joint response where appropriate, without jeopardising any criminal investigation. The Council will also work collaboratively with the police to monitor and investigate anti-social behaviour. Police Neighbourhood Teams, including Police Community Support Officers, provide people with reassurance, can patrol hotspot areas, and can support enforcement action taken to tackle anti-social behaviour. The police can also provide a response out of hours, including an emergency response where cases have escalated.

The police also set and update their priorities on a regular basis and the Council has feedback into this process.

### **9.21 Social Housing providers**

The Council recognises that housing providers have powers to address anti-social behaviour caused by tenants or leaseholders, their household members and their visitors, through tenancy and lease enforcement and anti-social behaviour legislation. The Council will signpost all relevant cases to housing providers for a response. Where such cases have escalated, the Council will ensure they are

discussed with relevant partners and joint action plans put in place where appropriate.

## **9.22 Victim Care**

Victim Care is an independent charity which provides emotional and practical help to people who have been affected by crime in Nottinghamshire. They can be contacted for support regardless of whether or not the police have been contacted, and no matter how long ago the crime took place. They provide help for victims for as long as it takes to overcome the impact of crime.

## **10.0 Anti-social behaviour case review (Community Trigger)**

The community trigger is a mechanism introduced by the Anti-social Behaviour Crime and Policing Act 2014 for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review.

A case review is triggered by the victim if they have reported at least three separate anti-social behaviour incidents to the Council, the police, or their housing provider within a period of six months. The trigger must be applied for within six months of the first report of anti-social behaviour, and each report must have been made within one month of the incident of anti-social behaviour.

It may be that victims only trigger a case review if they are dissatisfied; however, the community trigger is not a complaints process but rather an opportunity for better collaborative working between relevant authorities. It is expected that the majority of anti-social behaviour cases will be dealt with effectively. The Council has a separate complaints procedure, and we are aware that our partners and relevant authorities do as well.

A case review entails the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. If it is identified that more be done to solve the victim's issue, then a new action plan will be put in place with agency support for the victim.

When the community trigger is activated, all the relevant case history must be gathered and a review panel assembled. In most circumstances this panel will be made up of representatives from each of the partner organisations.

The review panel considers the actions taken by each organisation as part of the case, and determines the adequacy of those actions. The panel may decide that inadequate action was taken, and recommend that further action be taken to resolve the case. The victim will be informed of any recommendations made, which will include timescales and individuals or organisations responsible for further action. The outcome of a meeting may also include recommendations about service provision more generally, so that identified gaps in the anti-social behaviour casework processes can be resolved and bridged.

Victims who activate the trigger can appeal if a case review is not undertaken. If a review is undertaken they may also appeal the decision and recommendations of the case review panel. Applicants wishing to appeal must first make an informal appeal to the panel itself, to see if a local solution can be agreed.

In Broxtowe, the Borough Council will lead on all requests for an anti-social behaviour case review which are made to any of the relevant organisations (police, local authority, social housing provider).

### What you can expect from the Council

When a complaint of anti-social behaviour is received by the Council, we aim to:

- Record the details and allocate the case to the appropriate team within one working day.
- Keep complainant details confidential as far as legally possible
- Respond to the complainant by telephone, e-mail, or in writing within five working days to advise them if the case will be accepted by the Council. If the case is accepted, the complainant will be advised of the next steps. If the case is not one the Council can deal with, the complainant will be advised and given information on any further appropriate action they can take
- Provide complainants with the name of the Lead Officer dealing with their case
- If the next stage involves the issue of diary sheets, these will be issued within the five working day period
- Close the complaint if diary sheets are not returned at the end of the specified monitoring period
- Liaise with partner agencies if it is felt they can assist in dealing with the issue
- Assess diary sheets when they are returned
- Arrange for noise monitoring equipment to be installed if appropriate.
- Try to resolve problems quickly and without having to use legal action wherever possible
- Keep complainants updated on progress
- Advise complainants if the case is closed and the reasons for that
- Where it is deemed appropriate, explore the possibility of mediation if parties cannot sort out problems between themselves
- Keep proper records of each case, including details of visits, interviews and contacts with other departments/agencies/organisations.
- Keep complainants fully informed of how the investigation of their complaint is progressing

### Reporting anti-social behaviour and contact information

Anyone may report anti-social behaviour whether as a victim, witness or a third party.

If one or both parties are a tenant of Broxtowe Borough Council, contact the Housing Division at the Council on 0115 917 7777 or by e-mail at [hps@broxtowe.gov.uk](mailto:hps@broxtowe.gov.uk)

The following types of behaviour should be reported to Nottinghamshire Police on 101 (in an emergency call 999)

- Vandalism
- Threatening and abusive behaviour
- Hate related anti-social behaviour
- Drunk and rowdy groups
- Drug related anti-social behaviour
- Misuse of fireworks
- Nuisance vehicles on the public highway

The following should be reported to Broxtowe Borough Council by telephoning 0115 917 7777 or email [customerservices@broxtowe.gov.uk](mailto:customerservices@broxtowe.gov.uk)

- Dumping, littering and fly-tipping
- Graffiti
- Abandoned vehicles
- Nuisance dogs
- Noise nuisance – including barking dogs, music, vehicles not on the public highway, house alarms
- Rubbish on neighbouring property
- Bonfires

Details of the Anti-social behaviour Case Review (Community Trigger) can be found at: <http://www.broxtowe.gov.uk/index.aspx?articleid=16155>

Victim Support can be contacted on 0300 303 1967 (out of hours 0808 16 89 111) or <https://www.victimsupport.org.uk/help-and-support/get-help/request-support>



**APPENDIX 2**

**Summary of changes to Anti-social Behaviour Policy**

- New administration arrangements
- Change of name from Adults at Risk Panel to Complex Case Panel
- Administration arrangements / chairing of Anti-social Behaviour Panel, and Complex Cases Panel
- Remove reference to Mediation Service
- Change of management arrangements for Neighbourhood Wardens
- Reference to “new” legislation removed
- Amendments to reflect structure changes in Legal Division
- Reference to Introductory Tenancies
- Change of name from Victim Support to Victim Care

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## Report of the Chief Executive

### **CORPORATE ENFORCEMENT POLICY**

#### 1. Purpose of report

To seek approval of a revised Corporate Enforcement Policy.

#### 2. Detail

The main purpose of local government enforcement activity is to protect the public, the environment, consumers and legitimate businesses by ensuring that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council generally endeavours to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The intention of the Policy is to ensure that any enforcement action is compliant with the relevant legislation, codes of practice and government guidance. Also that any such action is transparent and accountable, proportionate, targeted, consistent in approach, and appropriate.

The policy starts from the premise that most businesses and individuals want to comply with the law. Help and support will be provided to enable them to meet their legal obligations without unnecessary expense, while more formal action will be considered against those who flout the law or act irresponsibly. It seeks to assist officers in the decision making process, and to ensure a consistent approach when using the range of enforcement tools available to them. It will ensure that there is a transparently fair process adopted with regard to decision making and to the selection and application of enforcement options, as well as to the consideration of circumstances relevant to those options.

The main changes in the revised policy are the references to the use of civil penalties for breaches of private sector housing legislation. A copy of the revised policy is shown in the appendix.

#### **Recommendation**

**The Committee is asked to RESOLVE that the revised Enforcement Policy be APPROVED.**

#### Background papers

Nil

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## **Enforcement Policy**

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## **1.0 Introduction**

The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council (the Council) will generally endeavour to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The Legislative and Regulatory Reform Act 2006 (2006 Act) requires local authorities to have regard to the Principles of Good Regulation when exercising a specified regulatory function.

The Regulators' Code (Department for Business Innovation and Skills – April 2014), came into force in April 2014 and regulators must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

The Council fully supports the principles set out in the 2006 Act and the Regulators' Code and has set out within this Enforcement Policy the procedures to be adopted by all services and officers exercising any enforcement functions. The Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law.

The Council, nevertheless, acknowledges the need for firm action against those who flout the law and put consumers and others at risk. The Council expects all officers taking enforcement decisions to take this policy as a guide when making their decision. Every case must be decided on its own individual facts. Officers must ensure that if they depart from the policy when they make their decision, they can provide reasons for doing so.

This document represents the Council's Enforcement Policy, and supersedes any previous corporate policy statements on enforcement. It may be supplemented in some cases, by more specific and detailed service policies.

## **2.0 Objective**

The Council will endeavour to carry out its enforcement functions in an equitable, effective, efficient, practical and consistent manner.

## **3.0 Link to Corporate Plan**

The policy will contribute to all five of the Council's corporate priorities (Business Growth, Community Safety, Environment, Health, and Housing) as well as according with the Council's stated value of "integrity and professional competence".

## **4.0 Areas covered**

The relevant legislation and guidance specifies areas of enforcement to which the Principles of Good Regulation apply. These do not include all the services provided by the Council. However, the Council will adopt the provisions of this policy in all its enforcement activity. Although not an exhaustive list, the service areas falling within the scope of this policy include:

- Environmental health and private sector housing
- Licensing
- Planning
- Waste and recycling services
- Revenues and benefits
- Tenancy services
- Communities

## **5.0 Principles of enforcement**

### **5.1 Overview**

The Council believes in the principles of good enforcement, as set out in the 2006 Act. Those principles are that regulatory activities should be carried out in a way which is:

- transparent
- accountable
- proportionate
- consistent
- targeted

The Council will observe any requirements of national bodies and, where practicable, national good practice guidance.

Where appropriate, services will provide enforcement advice and information in accessible formats.

The Council will seek to employ the provisions of the Regulators' Code, the main principles of which are detailed in sections 5.2 to 5.7 below.

### **5.2 Regulators should carry out their activities in a way that supports those they regulate to comply and grow**

Effective and well-targeted regulation is essential in promoting fairness and protection from harm. The Council will ensure that enforcement is proportionate and flexible enough to allow and encourage economic progress, and provide help and encouragement to businesses in order that they can meet regulatory requirements more easily.

### **5.3 Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views**

The Council will endeavour to create effective consultation and feedback opportunities to enable continuing cooperative relationships with businesses and



other interested parties. The aim will be to ensure that employees provide a courteous and efficient service to businesses and seek the comments and views of regulated businesses. The Council has established and published a comprehensive complaint procedure which is available to any aggrieved party. This can be accessed on the website at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)

In response to non-compliance that is identified, officers will clearly explain what the non – compliant item or activity is, the advice being given and the action required or decision taken, and the reasons for these. Opportunity will be provided to discuss any such actions that need to be taken and any appeal process available.

#### **5.4 Regulators should base their regulatory activities on risk**

Risk assessment will underpin our approach to planned regulatory activity (comprising inspections, data collection, advice and support, and enforcement and sanctions). Efforts and resources will be targeted where they will be most effective and risks will be rated to regulatory outcomes. Risk assessment will be based on relevant available data and consider the combined effect of:

- the potential impact of non-compliance on regulatory outcomes; and
- the likelihood of non-compliance (where we will take into account past compliance and potential future risks and willingness to comply).

Due regard will be taken when dealing with juveniles or other vulnerable people. Each case will be determined on its own merits taking into consideration the requirements of the governing legislation and relevant sources of evidence. In the case of a person suspected of being vulnerable, the case must be discussed with a senior manager to determine the appropriate action.

#### **5.5 Regulators should share information about compliance and risk**

To help target resources and activities and minimise duplication, information will be shared with other enforcement agencies wherever possible.

#### **5.6 Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**

The aim will be to ensure that businesses are provided with, or signposted to, clear and accessible information on legal requirements relating to their operations.

Targeted and practical information will be provided through a variety of means including on-site visits, telephone advice and online guidance (both national and local). Officers will endeavour to distinguish between legal requirements and advice or guidance which seeks to improve the basic level of practice. The response to a request for advice will normally be to provide such advice and to help secure compliance rather than directly triggering enforcement action.

#### **5.7 Regulators should ensure that their approach to their regulatory activities are transparent**

Standards of performance within individual service areas will be reported on regularly. The choice of enforcement action will be justified to relevant interested parties, and enforcement action will be undertaken in a transparent, fair and consistent manner.

## **6.0 Enforcement options**

The Council recognises the importance of achieving and maintaining consistency in its approach to enforcement. For many areas of its enforcement activity, government guidance already exists in the form of Codes of Practice, Planning Policy Guidance, and Government Circulars etc. There may also be local or regional Codes of Practice which have been produced to promote consistency in enforcement activity. When making enforcement decisions, officers must have regard to any relevant national or local guidance as well as the provisions of the Human Rights Act 1998, Equalities Act 2010, and this Enforcement Policy.

When considering what action should be taken, the Council will look to:

- Be proportionate to the nature of the offence and the harm caused
- Change the behaviour of the offender
- Eliminate any financial gain or benefit from non-compliance
- Address the harm caused by regulatory non-compliance, where appropriate
- Deter future non-compliance
- Be responsive and consider what is appropriate for the particular offender and regulatory issue.

### **6.1 Prevention**

The Council believes that the first step in enforcement is to promote good practice, ensure policy compliance and prevent contravention of the law by raising awareness and promoting good practice. Methods of achieving this include training courses, seminars, special promotions, the issuing of press releases, newsletters, the Council's web site, the production of leaflets and other forms of written guidance and opportunities presented by day to day contact with businesses and other customers. This approach will be applied when officers are unaware of any specific contraventions of the law.

### **6.2 No action**

There are circumstances where contraventions of the law may not warrant any action being taken. Consideration will be given to whether the resultant cost of action would outweigh the detrimental impact of the contravention. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or on medical grounds or if the offender is frail and formal action would seriously damage their well-being. In such cases the offender and any complainant will be advised of the reasons for taking no action.

### **6.3 Informal action and advice**

For minor breaches of the law, verbal or written advice may be given. In such cases any contraventions of the law will be clearly identified and advice on how to put them right given. This advice will include a timeframe for compliance. Offenders will also be advised of any relevant 'good practice'. Where good practice advice is issued, any actions required to remedy any breach of law and what is advice only will be clearly defined. Offenders will be made aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

Informal action will be considered when:

- the act or omission is not serious enough to warrant formal action
- from the individual's or business's past history we can reasonably expect that informal action will achieve compliance
- the officer has high confidence in an individual or business proprietor
- the consequences of non-compliance will not pose a significant risk to public health, public safety or the environment.

#### **6.4 Formal action**

Circumstances where formal action will be considered include (but are not restricted to) situations where:

- There is a significant contravention of legislation
- The wording of legislation requires the Council to take a specified action
- An informal approach has failed
- There is a history of non-compliance with informal action
- There is a lack of confidence in the successful outcome of an informal approach
- Standards are generally poor, suggesting a low level of awareness of, and compliance with, statutory responsibilities
- The consequences of non-compliance, for health, safety, the environment, or other Council priorities, are unacceptable and/or immediate
- Effective action needs to be taken quickly in order to remedy conditions which are deteriorating
- Formal action is expected to achieve the desired outcome without incurring expense or inconvenience that is disproportionate to the risks
- Legal requirements, relevant formal guidance, or other Council policies or strategies require formal action to be taken
- A charge applied by a Fixed Penalty Notice has not been paid

Formal action can take any form that the Council is empowered by legislation to take. The following list details some formal action which can be used but is not exclusive.

##### **6.4.1 Statutory notices**

Certain legislation that the Council enforces provide for the service of 'statutory notices' on individuals, businesses and other organisations requiring them to meet specific legal obligations. Where a statutory notice is served, the method of appealing against the notice and the timescale for doing so will be provided in writing at the same time. A contact name at the Council will also be given. The notice will explain what is wrong, what is required to put things right and what the likely consequences are if the notice is not complied with. In some cases, a statutory notice can be served to prevent the occurrence or recurrence of a problem e.g. a noise nuisance. In most cases, failure to comply with a statutory notice will result in more severe formal action being taken. In some cases, there will be a charge made as a result of serving the notice.

#### **6.4.2 Prohibition / stop notices and injunctions**

Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices or Injunctions, can be issued in some circumstances, including where:

- there is an imminent risk of injury to health or safety
- there is serious hazard to residential premises
- there is an imminent risk of serious environmental pollution
- the consequences of not taking immediate and decisive action, to protect the public, would be unacceptable
- an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice
- unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option
- the guidance criteria on when prohibition may be appropriate are met
- the Council has no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk
- a proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition
- it would be the most effective remedy available.

Offenders will be made aware of any right of appeal they may have against any action taken. The act of serving a prohibition/stop notice or injunction does not prevent the Council from deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

#### **6.4.3 Work in default**

In general, it is the responsibility of others to achieve compliance with the law.

In certain cases, the Council may undertake work to achieve compliance on behalf of others, and may seek a warrant to gain entry to land or premises to do so. This may occur if the responsible person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases, the Council's costs will be recovered from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against the property, if the relevant legislation allows, to be recovered at a later date.

This kind of formal action will be considered (but is not restricted to) occasions where:

- A statutory notice requiring work to be undertaken has not been complied with
- Immediate work is required and it is not practicable to contact the responsible person, or they are not willing to respond immediately
- There is no responsible person e.g. burial or cremation of a deceased person with no next-of-kin

#### **6.4.4 Fixed penalty notices**

These are notices that apply a fixed penalty for specific offences, such as littering. The notice will describe the method of payment and the options and timescales for doing so. Failure to make a payment will result in prosecution for the original offence, unless there are exceptional circumstances.

#### **6.4.5 Simple caution**

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute. Cautions will be issued to:

- deal quickly and simply with less serious offences
- divert less serious offences away from the courts, or
- reduce the chances of repeat offences.

To safeguard the suspected offender's interests, the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction, and
- the suspected offender must admit the offence, and
- the suspected offender must understand the significance of a caution and give an informed consent to being cautioned.

A caution is a serious matter which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than three years before. Where the offer of a caution is refused, a prosecution will generally be pursued.

No pressure will be applied to a person to accept a caution.

The Council maintains a central register of cautions administered.

#### **6.4.6 Civil penalties**

A civil penalty is a financial penalty imposed by a local housing authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004 and a breach of a banning order under the Housing and Planning Act 2016. Reference to the Council's agreed policy will be made to determine if this course of action is appropriate and the financial level of any penalty. Some legislation requires this course of action as a sanction for breaches, for example the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

#### **6.4.7 Compulsory purchase**

The Housing Act 1985 allows the local authority to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area. In addition, the Town and Country Planning Act 1990 (as amended) allows local authorities to acquire land or buildings if acquisition will allow improvements or redevelopment to take place.

Compulsory purchase may be used as the enforcement route for returning empty homes to use.

#### **6.4.8 Management orders**

In certain circumstances, the Council has the power to take over the management of residential properties.

#### **6.4.9 Demand for payment**

The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship. However, the Council will consider the use of Enforcement Agents where demands for payment are outstanding.

#### **6.4.10 Licensing and registration – breach of conditions**

The Council issues licences and approvals for a variety of activities including hackney carriages, caravan sites, food premises, selling alcohol and providing entertainment, horse riding, animal boarding kennels, catteries, and houses in multiple occupation. There are usually specific conditions which control how facilities at the premises are managed and provided, or how the business is operated.

The Council will work with applicants to help them to understand what is required to gain approval through pre-application advice, published guidelines, and post-application discussion. Applications may be approved as they are submitted, varied by agreement and then approved, approved subject to conditions, or rejected. Applicants, or their agents, will always be notified, in writing, of the outcome of their application, including the reasons if rejected. Details of any rights of appeal will be provided at the time the decision is notified.

After issue of a licence, permission, or registration, if there has been a relatively minor incident where conditions have not been met and the duty holder is willing to take the necessary action to put things right, a verbal or written warning will usually be issued first. If there are serious failures to meet the conditions or if the informal approach failed to make the necessary improvements, consideration will be given as to whether or not a licence will be renewed, withdrawn, suspended, or revoked. The duty holder will be entitled to make a statement to support their case.

If there is a serious incident where licensing or registration conditions have not been met, the Council will consider the matter in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, there may be a need to suspend a licence or approval until the relevant Committee or panel can consider the matter.

There are a number of separate policies relating to licensing, for example, Gambling Act Statement of Principles, Hackney Carriage and Private Hire Licensing Policy, etc.

#### **6.4.11 Imposition of an administrative penalty**

Where an allegation of benefit fraud has been investigated and officers are satisfied an offence has been committed but the offender does not admit to committing an offence it may, dependent upon the severity of the offence and other factors of the case, be considered appropriate to offer the offender the opportunity to pay an Administrative Penalty rather than prosecute. The Council will pursue full repayment of any benefit overpaid and recoverable in addition to any administrative penalty.

#### **6.4.12 Seizure and forfeiture proceedings**

Certain legislation enables authorised officers to seize goods, equipment or documents, where they may be required as evidence for possible future court proceedings or to prevent further offences from being committed. When items are seized an appropriate receipt will be given to the person from whom the items are taken. The decision to seize items will be at the discretion of the investigating officer, subject to the requirements of the legislation.

In certain circumstances officers will make an application to the Magistrates' Courts for forfeiture of the goods. Forfeiture may be used in conjunction with seizure and / or prosecution, where there is a need to dispose of the goods, vehicles or equipment to prevent them being used to cause a further problem or to prevent them re-entering the market place.

#### **6.4.13 Proceeds of crime applications**

Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in appropriate cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. The Council will seek to recover proceeds of crime in appropriate circumstances.

#### **6.4.14 Enforced sale**

In certain circumstances, following a charge put on a property for works in default or for Council Tax arrears, the local authority can exercise a statutory power of sale to recover the money it is owed. This power may be considered in certain circumstances, for example bringing empty homes back into use.

#### **6.4.15 Prosecution**

The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

The decision to undertake a prosecution will normally be taken by the Council's Solicitor in consultation with the relevant Director/Head of Service.

All relevant evidence and information will be considered before deciding upon a prosecution in order to enable a consistent, fair and objective decision to be made. The Council will have regard to the Attorney General's Code for Crown Prosecutors, which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic prospect of conviction
- Whether the prosecution is in the public interest

The public interest test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will consider whether there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances to divert the person from prosecution.

To determine the public interest, test the following questions should be considered:

a) How serious is the offence committed?

The more serious the offence, the more likely it is that a prosecution is required. When deciding the level of seriousness, the Council will include amongst the factors for consideration the suspect's culpability and the harm to the victim.

b) What is the level of culpability of the suspect?

The greater the suspect's level of culpability, the more likely it is that a prosecution is required. Culpability is likely to be determined by the suspect's level of involvement, the extent to which the offending was planned, and whether there are previous convictions.

c) What are the circumstances of and the harm caused to the victim?

The greater the vulnerability of the victim the more likely it is that a prosecution is required. A prosecution is also more likely if the offence has been committed against a victim who was a person serving the public. The Council will take into account the views of the victim and the impact it would have on the victim and families.

d) Was the suspect under the age of 18 at the time of the offence?

The best interests and welfare of the child or young person must be considered including whether a prosecution is likely to have an adverse impact on his or her future prospects that is disproportionate to the seriousness of the offending.

e) What is the impact on the community?

The greater the impact of the offending on the community the more likely it is that a prosecution is required. In considering this question, prosecutors should have regard to how "community" is an inclusive term and is not restricted to communities defined by location

f) Is prosecution a proportionate response?

Consideration will be given as to whether prosecution is proportionate to the likely outcome, and in doing so the following may be relevant to the case:

- The cost to the Council, especially where it could be regarded as excessive when weighed against any likely penalty
- Cases should be capable of being prosecuted in a way that is consistent with principles of effective case management

g) Do sources of information require protecting?

In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that could harm sources of information. It is essential that such cases are kept under review.

In deciding on the public interest the Council will make an overall assessment based on the circumstances of each case.

Where there has been a breach of the law leading to a work-related death, the Council will liaise with the police, Coroner and the Crown Prosecution Service



(CPS) and, if there is evidence of manslaughter, will pass the case to the police or, where appropriate, to the CPS and /or the Health and Safety Executive (HSE)

#### **6.4.16 Other considerations in respect of formal action**

The Council will consider the desirability of using formal enforcement in the case of a person who is elderly or is, or was at the relevant time, suffering from significant mental or physical ill health. It will balance this with the need to safeguard others, taking into account the public interest.

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. As such, consideration will be given to the Safeguarding Children Policy and Safeguarding Adults Policy when considering what enforcement action to take.

The Council will have regard to the Crown Prosecution Service Public Policy Statements on dealing with cases which involve victims and witnesses who have a learning disability and victims and witnesses who have mental health issues.

The Council's approach to the collection of Local Taxes (Council Tax and Business Rates) and in the recovery of overpaid Housing and Council Tax Support, is one which seeks to strike a balance between the need to maximise income to the Council and the desire not to cause further hardship to the poorest within the community.

Regard will be had to relevant protocols and policies, such as the pre-eviction protocol and the rent collection policy and procedures when taking enforcement action to enforce debt.

## **7.0 Delegation of authority**

The Council's Scheme of Delegation specifies the extent to which enforcement powers are delegated to officers. Whilst delegation is mainly to officers, in some specific circumstances the decision to take enforcement action lies with the relevant Council Committee.

## **8.0 Officers' powers of entry and obstruction**

Enforcement officers have a wide variety of duties and have to act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide information, they could be subject to criminal sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

Officers will use their powers of entry only when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes consideration of prosecuting those individuals who obstruct or assault officers during investigations or inspections.

If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may, in some instances, be accompanied by other persons. In appropriate cases a warrant from a Magistrate may be obtained to obtain entry to premises.

## **9.0 Training and appointment of officers**

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

The Council supports the principle of continuing professional development and will ensure that all officers are given relevant additional in-post training to maintain up to date knowledge and skills. This will be highlighted through their learning and development plan as part of their performance review. Officers will carry an identity card and their authorisation with them at all times.

## **10.0 Shared regulatory roles**

Where the Council has a complementary regulatory role or is required to inform an outside regulatory agency of an incident or occurrence it will do so.

Such external agencies include (but are not restricted to):

- Police
- Fire Authority
- Health and Safety Executive
- Environment Agency
- County Council services
- Other Council services
- Utility providers
- Other councils

Officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience for those who are being visited, inspected, or subject to other enforcement action.

Wherever possible, in situations where there is a shared enforcement role, the most appropriate authority will, by mutual agreement, carry out the enforcement. Other agencies may also be authorised to act on behalf of the Council in some cases.

Exchange of information with other enforcement teams within the Council will take place wherever applicable. Liaison will also take place between relevant services and Members within the Council to avoid potential conflicts of interest.

## **11.0 Responsibilities**

Effective implementation of this policy is the responsibility of the relevant Head of Service.

Team managers will be responsible for its implementation on a day to day basis.

Each officer within these teams will be responsible for applying it in relation to specific cases.

## **12.0 Complaints**

Any person dissatisfied with the service they have received should let the Council know.

The Council is committed to providing quality services and any suggestions and criticism about any aspect of the service will assist in the process of continuous improvement. Most problems can be resolved in the first instance with the Council employee who has been dealing with the matter, or their supervisor.

Confidentiality will be respected subject to any requirement to disclose information (for example if it is necessary to do so in order to investigate the complaint, or to provide information to the Local Government Ombudsman).

However, the Council will not normally investigate anonymous service complaints.

If this fails to resolve the situation, a formal complaint can be made using the Council's Complaints Procedure. This can be done by phone, fax, letter, e-mail or in person. Once a formal complaint is received, the Council will acknowledge receipt, in writing within five working days. A manager will investigate the complaint and will normally reply to in writing, within 10 working days, either giving a full answer or an indication of the likely time scale for the provision of a full answer. Advice of what further action can be taken if the complainant remains dissatisfied will also be included. The Complaints Procedure can be viewed on the Council's web site at: [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)

## **13.0 Contacting the Council**

### **By telephone**

A contact telephone number is given on any correspondence sent out. Alternatively, telephone 0115 917 7777.

### **In person**

At the Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

### **In writing**

Write to the following address: Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

**By e-mail**

Environmental health and private sector housing	<a href="mailto:health@broxtowe.gov.uk">health@broxtowe.gov.uk</a>
Licensing	<a href="mailto:licensing@broxtowe.gov.uk">licensing@broxtowe.gov.uk</a>
Legal and Planning	<a href="mailto:legalmail@broxtowe.gov.uk">legalmail@broxtowe.gov.uk</a>
Waste and recycling services	<a href="mailto:Refuse@broxtowe.gov.uk">Refuse@broxtowe.gov.uk</a>
Council tax	<a href="mailto:Billing@broxtowe.gov.uk">Billing@broxtowe.gov.uk</a>
Benefits	<a href="mailto:benefits@broxtowe.gov.uk">benefits@broxtowe.gov.uk</a>
Communities	<a href="mailto:spc@broxtowe.gov.uk">spc@broxtowe.gov.uk</a>
Tenancy services	<a href="mailto:hmps@broxtowe.gov.uk">hmps@broxtowe.gov.uk</a>

**14.0 Review of policy**

This policy document will be reviewed every three years or sooner should legislation or guidance change. Minor changes will be approved by the Head of Public Protection in consultation with the Chairman of the Community Safety Committee. More substantial changes will require committee approval.

## Report of the Chief Executive

### WELFARE FUNERALS

#### 1. Purpose of report

To seek approval for proposals in respect of retention periods of ashes and personal effects in connection with welfare funerals.

#### 2. Detail

Under the provisions of the Public Health (Control of Disease) Act 1984, it is the duty of a local authority “to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority”. Effectively, these are cases where there is no next of kin or there are insufficient funds to pay for a funeral. Details of the number and cost to the Council of these welfare funerals over the past five years are shown in appendix 1.

The process is quite complex and involves contact with several agencies including the Coroner, Registrar, and Funeral Director. In some cases, a will is available and next of kin are easily found. In such cases, the process is straightforward in terms of transfer of ownership of money and goods, and also of the deceased person’s ashes. However, the process can be a little more complex if there is no will or readily identifiable next of kin.

A recent internal audit of the procedure has identified that although our process is sound, there are two areas which require clear guidance. These are the length of time the Council retains (a) the ashes of a cremated person, and (b) any valuables or personal effects of a deceased person.

A summary of the relevant part of the procedure is reproduced in appendix 2. In view of the sensitive nature of these matters, it is considered that a formal committee decision is made on the retention times. It is suggested that these are set at 12 months from the date of the welfare funeral.

#### Recommendation

**The Committee is asked to APPROVE that personal effects and ashes of a deceased person resulting from a welfare funeral are kept for a 12 month period if they have not been properly claimed in the meantime.**

#### Background papers

Nil

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**Welfare Funerals undertaken by Broxtowe Borough Council 2015-2021**

<b>Year</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>
<b>Number of welfare funerals</b>	<b>11</b>	<b>5</b>	<b>7</b>	<b>6</b>	<b>12</b>	<b>7</b>
<b>Expenditure (£)</b>	<b>19,919</b>	<b>7,728</b>	<b>11,930</b>	<b>11,006</b>	<b>19,007</b>	<b>12,709</b>
<b>Income (£)</b>	<b>9,185</b>	<b>1,775</b>	<b>8,432</b>	<b>9,086</b>	<b>5,553</b>	<b>2,201</b>
<b>Net cost (£)</b>	<b>10,734</b>	<b>5,953</b>	<b>3,498</b>	<b>1,923</b>	<b>13,454</b>	<b>10,507</b>

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**Relevant sections of Welfare Funerals Procedure**

- a) At the start of the welfare funeral process, an Heir Hunter company will be engaged, at no cost to the Council, to try and establish if there is a next of kin. If one is found, the Council will contact them to advise of the person's death and enquire if they want the ashes and / or personal effects and any money which has been located. If no next of kin can be traced, the following sections will apply.
- b) All searches of a dwelling will be undertaken by two officers, or one Council officer and one police officer, and any inventory of goods and cash removed will be signed by both officers. If there is cash or any items of monetary or potential sentimental value (photographs, medals, etc.) in the property, these will be taken by the officer, logged, and stored securely at the council offices. If the goods and / or cash are not claimed, goods will be sold and all cash paid into the Council's bank account to offset the costs of the funeral. The amount of money will be readily identifiable. All photographs will be scanned and retained electronically.
- c) After the funeral, the ashes of the deceased will be kept securely. If these are not collected by next of kin, then the ashes will be taken to Bramcote Crematorium and spread on the land in accordance with the standard operating practice.

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## Report of the Strategic Director

### WORK PROGRAMME

#### 1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

#### 2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

27 May 2021	<ul style="list-style-type: none"> <li>• Performance Management – Review of Business Plan Outturn</li> <li>• Update from Neighbourhood Policing Inspector</li> <li>• Update on the Police and Crime Panel</li> <li>• Food Service Plan</li> <li>• Purple Flag</li> </ul>
9 September 2021	<ul style="list-style-type: none"> <li>• Performance Management –Business Plan Outturn</li> <li>• Update from Neighbourhood Policing Inspector</li> <li>• Update on the Police and Crime Panel</li> <li>• Armed Forces Covenant</li> <li>• Safeguarding Referrals</li> </ul>
11 November 2021	<ul style="list-style-type: none"> <li>• Performance Management – Review of Business Plan Progress</li> </ul>
20 January 2022	<ul style="list-style-type: none"> <li>• Business Plans and Financial Estimates 2022/23 - 2024/25</li> <li>• Car parking annual report</li> <li>• CCTV annual report</li> </ul>

### Recommendation

**The Committee is asked to CONSIDER the Work Programme and RESOLVE accordingly.**

#### Background papers

Nil

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