

HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE AGENDA

Friday 5th October 2018 at 10am in the Council Chamber, The Arc, Clowne

Item No.	<u>PART A – FORMAL</u>	Page No.(s)
	<u>PART 1 OPEN ITEMS</u>	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u> To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u> Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 7 th September 2018.	3 to 8
5.	List of Key Decisions & Items to be Considered in Private. <i>(Members should contact the officer whose name appears on the List of Key Decisions for any further information).</i>	9 to 13
6.	Anti-Social Behaviour Policy – Policy Review.	14 to 38
7.	Review of Enforcement Action undertaken by Bolsover District Council to improve the quality of the environment across the District – Executive Response.	39 to 64
8.	Scrutiny Committee Work Programme 2018/19.	65 to 70
	<u>PART B – INFORMAL</u>	
	The formal meeting of the Healthy, Safe, Clean and Green Communities Scrutiny Committee will meet informally as a working party to carry out their review work. This meeting is closed to the public, so members of the public should leave at this point.	
9.	Review Work.	

HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

Minutes of a meeting of a Healthy, Safe, Clean and Green Communities Scrutiny Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Friday 7th September 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor S. Peake in the Chair

Councillors J.E. Bennett, C.R. Moesby, T. Munro, P. Smith (from Minute No 0261) and K.F. Walker.

Officers:- K. Hanson (Strategic Director – Place), V. Dawson (Team Manager – Legal), A. Bashir (Improvement Officer) (to Minute No. 0263), J. Wilson (Scrutiny & Elections Officer) and A. Bluff (Governance Officer).

0257. APOLOGIES

Apologies for absence were received on behalf of Councillors T. Cannon, J.A. Clifton and Mrs P.A. Cooper.

Also in attendance at the meeting was Councillors H.J. Gilmour (Portfolio Holder for Housing and Community Safety), M.J. Dooley (Portfolio Holder for Partnerships and Transformation) (to Minute No. 0263) and B.R. Murray-Carr (Portfolio Holder for Streetscene).

0258. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0259. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0260. MINUTES – 27TH JULY 2018

Moved by Councillor K.F. Walker and seconded by Councillor C.R. Moesby
RESOLVED that the Minutes of a Healthy, Safe, Clean and Green Communities Scrutiny Committee held on 27th July 2018 be approved as a correct record.

HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

0261. LIST OF KEY DECISIONS AND ITEMS TO BE CONSIDERED IN PRIVATE

Committee considered the List of Key Decisions and items to be considered in private document.

Moved by Councillor C. Moesby and seconded by Councillor S. Peake
RESOLVED that the List of Key Decisions and items to be considered in private document be noted.

0262. CORPORATE PLAN TARGETS PERFORMANCE UPDATE; APRIL 2018 TO JUNE 2018 (QUARTER 1 – 2018/19)

Committee considered a report which provided performance outturns for the period April 2018 to June 2018 in relation to Corporate Plan Targets under the Committee's remit of 'supporting our communities to be healthier, safer, cleaner and greener'.

17 targets sat under the Committee's remit. 5 targets had been previously achieved. Ten targets were on track, 1 had been completed in the quarter and 1 had been withdrawn previously.

With regard to 6 of the performance targets, queries had been raised at the Scrutiny pre meeting by the Chair and Vice Chair and responses to those queries were circulated at the meeting as follows;

H07 – Assist partners in reducing crime by delivering 12 Crime Cracking events in the community each year.

What other events are currently planned for 2018/19? (It would be useful if the commentary made reference to future events i.e. the next quarter).

Officer response;

Six crime cracking events would be held in Quarter 2; three in South Normanton, 1 in Pinxton and 2 in Shirebrook. Four were proposed for Quarter 3 in Bolsover, Clowne, Shirebrook and South Normanton. Reference to future events would be made in the commentary when known. However, the Community Safety Partnership only attended crime cracking events when invited to do so and invitations were often received at short notice.

H09 – Achieve a combined recycling and composting rate of 49% by March 2019.

Members note that the status is to be reviewed – what does this mean? Is the target unachievable? Does the target relate solely to household waste or is it a combination of household and trade? Members are aware of a number of issues with collection of side recycling waste i.e. cardboard, with contractors refusing to take the waste despite the leaflet stating it will be collected.

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Officer response;

We only have an estimate for Quarter 1 so we have left this on track, however, we need to assess at Quarter 2 whether this target was on track to achieve the target by March 2019 or whether it needs to be put on 'alert'.

It is unlikely that we will achieve a 50% combined recycling target by 2020 as recycling appears to have plateaued at 42% to 43%. We are participating in a piece of work lead by DCC which is exploring how greater levels of organic (i.e. food waste) may be diverted from residual (black bin) to organic (green bin) waste streams. This will form a wider piece of work to inform future Corporate Plan targets/priorities.

The EU Circular Economy which the UK is likely to adopt will set future recycling targets at 65% by 2030. It will also make separate food waste collection a requirement by 2023. Details of this are at http://ec.europa.eu/environment/circular-economy/index_en.htm

H 10 - Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).

H 11 - Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).

Which areas have been surveyed during Quarter 1 (Wards)? This is a recommendation from the recent Review which is about to go through Executive.

Officer response;

See attached spreadsheet.

The Scrutiny and Elections Officer advised the meeting that she would email the spreadsheet to Members as it contained too much detail to print out in way of a full breakdown of all the areas which had been surveyed in Quarter 1.

H 12 - Annually undertake 10 local environmental enforcement and educational initiatives in targeted areas to deal with dog fouling, littering or fly tipping.

What else is planned for 2018/19? Are local Ward Members informed prior to attendance at events, so they can support/encourage attendance?

Officer response;

Events are scheduled on request to support community requests and events.

1. 25th October 2018 - The Hub, South Normanton, PDSA educational event (responsible dog ownership, dog microchipping, littering and fly tipping awareness)
2. Fortnightly enforcement patrols in main towns to deal with littering and dog fouling offences via issue of Fixed Penalty Notices.

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3. Waste enforcement visits to business premises.
4. Chewing gum initiative in autumn (location to be decided)
5. Visits to schools with Streetscene Recycling officers.

Environmental Health would arrange for ward Members to be informed where appropriate and welcomed the support from Members.

H 17 - To deliver the Building Resilience Programme by September 2019

When is the next update planned to Council?

Officer response;

Mid-term evaluation has just been received in draft form (August 2018). Once we have had chance to digest and agree a final version this will be presented to Executive Board (6 September 2018) alongside plans for the next round of Controlling Migration Fund (CMF) which we are bidding for on 1 October 2018.

In relation to Corporate Plan Target H07, a Member felt that the Crime Cracking events needed to be publicised more widely and suggested that this be done via all parish council clerks and by use of posters. In response to the Member's comment regarding recycling and compostable bags for food and waste, the Portfolio Holder for Streetscene advised the meeting that these were being looked into with a view to being trialled, however, the overall costs and benefits would need to be taken into consideration.

Further to a lengthy discussion regarding Corporate Plan Target H10, Members agreed that litter continued to be a problem in significant parts of the District especially cigarette butts in the main shopping areas around pubs, bus shelters and betting shops. A Member suggested that the Head of Housing and Community Safety attend a future meeting of the Committee to explain what was being done to encourage shop owners in the District to keep the areas around their premises clean.

A Member noted that some councils publicised the fines they issued for littering in local newspapers and suggested that this should be considered by the Council to help as a deterrent. Members agreed that prosecution was necessary for prevention and enforcement was key and that a performance target should be set for enforcement.

The Scrutiny & Elections Officer referred to the Committee's Review of Enforcement which would be presented to Executive on 10th September and suggested that the Chair raise as part of the presentation of the Review that although Members were aware of existing approaches to enforcement, the recommendation also related to businesses and not just the general public and Executive should consider how the educational element of the recommendation was carried out with businesses in the District.

The Strategic Director – Place supported Members concerns and noted that much could be done around enforcement. Keep Britain Tidy did a fantastic amount of work on initiatives and the Council could pick up resources from that, for example, posters and campaigns etc. All Council employees could be Eyes and Ears and trained to act as professional witnesses by reporting incidences so fixed penalty notices could be issued and also the possible use of other third parties. In relation to Corporate Plan Target H09, the Strategic Director – Place noted that the target was a European legislation

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target and post Brexit, would need to be reviewed along with Members input as part of the Corporate Plan refresh.

A Member felt that an action plan with milestones should be in place for each quarter for Corporate Plan Target H09 so Members could see what was being done to help deliver the target throughout the year. With regard to Corporate Plan Targets H10 and H11, the Member queried what was being done in relation to the 2% that was not meeting the standard and where the areas in the District were that the 2% referred to.

The Portfolio Holder for Streetscene agreed with the Member and stated that these consistently failing areas needed targeting - he suggested that the Streetscene & Waste Services Manager be invited to a future meeting to explain to Members how this affected the Committee's Review.

A Member advised the meeting that she was concerned with regard to the numerous complaints being received from residents that cardboard left as side waste next to burgundy bins was not being collected by the new contractor and that this could affect the Council's recycling targets. The Portfolio Holder for Streetscene noted that Members had been previously assured that side waste would be collected by the new contractor and he would raise Members concerns with the Head of Streetscene.

Moved by Councillor S. Peake and seconded by Councillor C. Moesby
RESOLVED that the report be received.

The Portfolio Holder for Partnerships and Transformation and the Improvement Officer left the meeting.

0263. JOINT CORPORATE ENFORCEMENT POLICY

Committee considered a draft Joint Corporate Enforcement Policy which set out overarching principles for enforcement activities across the Council.

The Council was responsible for ensuring that a wide range of legislation was properly complied with by both businesses and individuals to protect the rights and safety of the District's residents, workers, visitors and local environment.

The preparation and publishing of the Policy was not in itself a legal requirement. However, the Regulators' Compliance Code, issued in accordance with section 22 of the Legislative and Regulatory Reform Act 2006, required regulators to have regard to the Code, which came into statutory effect on 6 April 2014.

Whilst there were service specific enforcement policies, it was considered good practice to have an overarching Corporate Enforcement Policy, which set out the broad principles to be adopted by all departments and officers when exercising any enforcement functions on behalf of both councils. This would ensure that the Council operated with fairness, openness and consistency in the enforcement action it took.

Members welcomed the report.

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In response to Members' questions regarding the wording of paragraph 4.1 – No Action and 4.12 – Simple Cautions, the Team Manager – Legal, referred to the public interest test and agreed to add clarity to the wording of the paragraphs.

In response to a Member's question relating to the paragraph in the Policy regarding training, the Team Manager – Legal, noted that the statement was an overarching statement. In terms of all enforcement activity, officers received relevant training on the service specific enforcement policy they worked under.

Moved by Councillor K.F. Walker and seconded by Councillor T. Munro

RECOMMENDED that the Council be recommended to approve and adopt the Joint Corporate Enforcement Policy.

(Team Manager – Legal)

The Portfolio Holder for Housing and Community Safety and the Portfolio Holder for Streetscene left the meeting.

0264. SCRUTINY COMMITTEE WORK PROGRAMME 2018/19

Committee considered their Work Programme for 2018/19.

The Scrutiny & Elections Officer presented the scoping document in relation to the Committee's Review of the Authority's Perception of Young People.

Moved by Councillor T. Munro and seconded by Councillor P. Smith

RESOLVED that (1) the Work Programme be noted,

(2) the Scoping document for the Committee's Review of the Authority's Perception of Young People be approved.

The formal meeting concluded at 1120 hours and Members then met as a working party to continue their review work. The working party concluded at 1125 hours.



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Key Decisions & Items to be Considered in Private

To be made under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Published on: 7th September 2018

INTRODUCTION

The list attached sets out decisions that are termed as “Key Decisions” at least 28 calendar days before they are due to be taken by the Executive or an officer under delegated powers.

Preparation of the list helps Executive to programme its work. The purpose of the list is to give notice and provide an opportunity for consultation on the issues to be discussed. The list is updated each month with the period of the list being rolled forward by one month and republished. The list is available for public inspection at The Arc, High Street, Clowne, S43 4JY. Copies of the list can be obtained from Sarah Sternberg, Assistant Director – Governance, Solicitor to the Council & Monitoring Officer at this address or by email to sarah.sternberg@bolsover.gov.uk. The list can also be accessed from the Council’s website at www.bolsover.gov.uk.

The Executive is allowed to make urgent decisions which do not appear in the list, however, a notice will be published at The Arc and on the Council’s website explaining the reasons for the urgent decisions. Please note that the decision dates are indicative and are subject to change.

The names of Executive members are as follows:

Councillor A.M. Syrett - Leader
Councillor M. Dooley
Councillor S.W. Fritchley
Councillor H.J. Gilmour
Councillor D. McGregor – Deputy Leader
Councillor B.R. Murray-Carr
Councillor M.J. Ritchie
Councillor B. Watson

The Executive agenda and reports are available for inspection by the public five clear days prior to the meeting of the Executive. The papers can be seen at The Arc at the above address. The papers are also available on the Council’s website referred to above. Background papers are listed on each report submitted to the Executive and members of the public are entitled to see these documents unless they contain exempt or confidential information. The report also contains the name and telephone number of a contact officer.

Meetings of the Executive are open to the public and usually take place in the Council Chamber at The Arc. Occasionally there are items included on the agenda which are exempt and for those items the public will be asked to leave the meeting. This list shows where this is intended in Part 2 and the reason why the reports are exempt or confidential. Members of the public may make representations to the Assistant Director – Governance, Solicitor to the Council & Monitoring Officer about any particular item being considered in exempt.

The list does not detail all decisions which have to be taken by the Executive, only “Key Decisions. In these Rules a “Key Decision” means an Executive decision, which is likely:

(1) **REVENUE**

- (a) Results in the Council making Revenue Savings of £75,000 or more; or
- (b) Results in the Council incurring Revenue Expenditure of £75,000 or more

(2) **CAPITAL**

- (a) Results in the Council making Capital Income of £150,000 or more; or
- (b) Results in the Council incurring Capital Expenditure of £150,000 or more

(3) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

In determining the meaning of “significant” the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is significant.

The dates for meetings of Executive for 2018/19 are as follows:

2018 – 10 th September	2019 - 7 th January
8 th October	18 th February
5 th November	4 th March
3 rd December	1 st April

The Council hereby gives notice of its intention to make the following Key Decisions and/or decisions to be considered in private:

Matter in respect of which a decision will be taken	Decision Maker	Date of Decision	Documents to be considered	Contact Officer	Is this decision a Key Decision?	Is this key decision to be heard in public or private session
Medium Term Financial Plan	Executive	10 th September 2018	Report of Councillor B. Watson - Portfolio Holder for Finance & Resources and Sustainable Energy	Joint Head of Finance and Resources	Yes – involves revenue income or expenditure of £75,000 or more and/or capital income or expenditure of £150,000 or more.	Exempt – Paragraph 3
Medium Term Financial Plan	Executive	10 th September 2018	Report of Councillor B. Watson - Portfolio Holder for Finance & Resources and Sustainable Energy	Joint Head of Finance and Resources	Yes – involves revenue income or expenditure of £75,000 or more and/or capital income or expenditure of £150,000 or more.	Open
Management of Corporate Debt – Write off of outstanding amounts	Executive	5 th November 2018	Report of Cllr B. Watson – Portfolio Holder for Finance and Resources and Sustainable Energy	Joint Head of Finance and Resources	Yes – involves revenue income or expenditure of £75,000 or more and/or capital income or expenditure of £150,000 or more.	Exempt – Paragraphs 1, 2 & 3

Matter in respect of which a decision will be taken	Decision Maker	Date of Decision	Documents to be considered	Contact Officer	Is this decision a Key Decision?	Is this key decision to be heard in public or private session
Safe and Warm Works to Hides Green and Hilltop, Bolsover	Executive	5 th November 2018	Report of Cllr H Gilmour – Portfolio Holder for Housing and Community Safety	Joint Head of Housing and Community Safety	Yes	Open

SCHEDULE 12A

ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1

DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Bolsover District Council

Healthy, Safe Clean and Green Communities Scrutiny Committee

5th October 2018

Anti-Social Behaviour Policy Review - 2018

Report of the Joint Head of Service, Housing and Community Safety.

This report is public

Purpose of the Report

- To seek members views on the reviewed Anti-Social Behaviour Policy.

1 Report Details

- 1.1 Officers have completed a review of the Council's Anti-Social Behaviour Policy and the draft is attached as an Appendix to this report. This was last reviewed in 2013.
- 1.2 The new policy reflects changes in legislation and in particular the Anti-Social Behaviour, Crime and Policing Act 2014 which came into effect in October 2014. The policy aimed to reinforce the legislation and Government guidance has been published. The Council aims to make the best use of the tools that are available in tackling ASB.
- 1.3 The policy is intended to provide clarity of the Council's role, responsibilities and approach in addressing anti-social behaviour. It confirms the Council's purpose and operating principles, how we work with partners and what the Bolsover community can expect.
- 1.4 The Councils approach to tackling ASB is itself innovative, within the Council a range of departments are involved including;
 - Housing
 - Community Safety
 - Environmental Health
 - Planning
 - Legal Service
 - Street Scene
- 1.5 This approach ensures that ASB activities are fully integrated with the other functions of these services, but allows officers to work together when appropriate, in particular when addressing more serious issues.
- 1.6 In the wider context, the work of the Council in working with partners is regarded as an exemplar within Derbyshire. Officers work well with a range of agencies, this

includes not only the Police and Fire Brigade, but others such as Adult Care, Children's Services and the Voluntary Sector who other authorities find more difficult to engage with.

- 1.7 The policy recognises that the Councils approach to tackling ASB needs to be flexible. This approach is based on adopting an outcome based approach, i.e. a desired outcome is identified at the start of the process and officers will consider the best 'tools' to achieve this outcome. This is in contrast with more traditional approaches which are more procedural
- 1.8 Linked to this, the policy also recognises the need for clear communication with victims of ASB and to ensure that their needs are fully taken into account. This includes ensuring that people are kept informed of their 'case', but can be equally important in managing expectations.

2 Conclusions and Reasons for Recommendation

- 2.1 The changes introduced as a result of the review of the ASB Policy bring the policy up to date and ensure that it remains fit for purpose.

3 Consultation and Equality Impact

- 3.1 This revised policy has been developed with a number of officers in different department including Housing & Community Safety and Legal Services.
- 3.2 There has been a detailed equality impact assessment carried out on this version on the policy and this has now been signed off.

4 Alternative Options and Reasons for Rejection

- 4.1 None, there is a statutory requirement for the council to have an appropriate Policy that addresses Anti-Social Behaviour.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None directly.

5.2 Legal Implications including Data Protection

- 5.2.1 Legal Services have been fully involved with the development of this Policy. Information sharing is fully covered within the Policy

5.3 Human Resources Implications

- 5.3.1 Not directly.

6 Recommendations

- 6.1 That Members note the updated Anti-Social Behaviour Policy (2018).

6.2 That Members recommend that the updated Anti-Social Behaviour Policy is adopted by the Executive.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	Yes
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	Yes
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Aim: Supporting Our Communities to be Healthier, Safer, Cleaner, Greener Priority: Working with partners to reduce crime and anti-social behaviour</p>

8 Document Information

Appendix No	Title
7.1	Anti-Social Behaviour Policy 2018
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
P Campbell, Joint Head of Housing and Community Safety	

Report Reference –

Anti-Social Behaviour Policy

October 2018



We speak your language

Polish

Mówimy Twoim językiem

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

If you require this publication in
large print or another format
please call us on **01246 242424**

CONTROL SHEET FOR ANTI-SOCIAL BEHAVIOUR POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Anti-Social Behaviour Policy
Current status – i.e. first draft, version 2 or final version	Final Version
Policy author (post title only)	Housing Enforcement Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	Councillor Gilmour
Equality Impact Assessment approval date	25 th September 2018
Partnership involvement (if applicable)	Community Safety Partnership Environmental Health
Final policy approval route i.e. Executive/ Council	Executive
Date policy approved	Previous versions approved: June 2008; 30 th September 2013
Date policy due for review (maximum three years)	3
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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1 Introduction

The Bolsover District, is in the heart of the Country being a wonderful place to live, in either villages or towns, set in a predominantly rural location.

The Council aims to deliver services to enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District. The Council has set four priorities to achieve this aim:

- Unlocking growth potential
- Providing our customers with excellent service
- Supporting communities to be healthier, safer, cleaner and greener
- Transforming our organisation

The Council will meet the relevant priorities by working with partner agencies to support victims and tackle offenders as appropriate, tailoring services to individual needs and with an emphasis on preventing problems from occurring and reoccurring Anti-Social Behaviour, crime and disorder.

2 Scope and Aim

This policy is intended to provide clarity of the Council's role, responsibilities and approach in addressing Anti-Social Behaviour. It confirms the Council's purpose and operating principles, how we work with partners and what the Bolsover community can expect from us.

As a landlord, the Council also has a duty to respond to Anti-Social Behaviour relating to tenants and any Anti-Social Behaviour affecting the properties they manage. The landlord duties and powers are different from, and usually act in addition to, the duties and powers available to deal with anti-social behaviour affecting the wider community. The Anti-Social Behaviour, Crime and Policing Act 2014 has brought these two aspects closer together. The Anti-Social Behaviour Act 2014 also introduced the concept of Community Trigger, which enables victims to require agencies to carry out a review of their response to the Anti-Social Behaviour they reported where they feel they did not get a satisfactory response. You can find out more information about this using this link <http://www.bolsover.gov.uk/index.php/29-resident/community-safety-emergencies/103-resident-community-trigger>

This document will also identify where enforcement powers apply both to Council tenancies and the wider community and how the Council will respond. This policy also ensures that the victim is at the heart of the approach in tackling Anti-Social Behaviour. To achieve this Bolsover District Council is involved in the Anti-Social Behaviour Victims First Project.

The purpose of this project is to build on our strong partnership working to:-

- Ensure the victim is at the heart of our approach to tackling Anti-Social Behaviour
- Provide a consistent multi agency approach to the identification of vulnerable and repeat Anti-Social Behaviour victims

- Improve the service for anti-social victims, especially the most vulnerable
- Improve Anti-Social Behaviour case management for victims and offenders through ICT

This policy also has regard to the Council's Corporate Enforcement Policy found at [link to be input when new Policy adopted](#).

3 Principles

Bolsover District Council is committed to tackling Anti-Social Behaviour. This Policy will explain how the Council is working with its partners to achieve the Corporate Aims whilst delivering services to enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District which may be affected by Anti-Social Behaviour.

Bolsover District Council encourages individuals have the right to live the way they want to as long as it doesn't affect or impact on the quality of life of other people around them, being tolerant and respecting the needs and choices of other people.

The Council will:

- Encourage and help individuals to solve their differences wherever possible. This is often the easiest way to solving a problem, as often people do not realise they are causing a nuisance. We will get involved and work with people and other agencies to tackle Anti-Social Behaviour quickly and efficiently.
- Deal firmly but fairly with Anti-Social Behaviour, to discourage such behaviour and to encourage and support others to speak out about Anti-Social Behaviour.
- Where possible try to ensure that challenging families or individuals receive support to help them to modify their behaviour and then to act against those families or individuals who continue to cause a nuisance.
- Commit to making sure our neighbourhoods are peaceful, safe and secure places to live. Recognising that Anti-Social Behaviour can have a severe effect and accept our responsibility to help tackle any problems in a timely manner.
- Take appropriate and prompt actions within our powers when dealing with any disruptive tenants and other people causing a nuisance or harassment in our neighbourhoods and homes.

4 Policy Statement

The Council will:

- Support residents to enjoy their home and communities
- Take all reasonable steps to ensure that all our tenants fully comply with their obligations under the terms and conditions of their tenancy

- Respect confidentiality
- Respond to customers, normally within 10 working days, in an effective, sensitive and consistent way
- Investigate complaints of anti-social behaviour thoroughly and take timely, effective action if required
- Encourage customers to resolve their own issues where this is appropriate
- Update customers and work with other agencies to provide support if appropriate and/or necessary
- Not tolerate unlawful discrimination and/or harassment
- Deal with all complaints of harassment in a sensitive and professional manner, always taking a victim centred approach
- Ensure staff are appropriately trained to deal with anti-social behaviour
- Work effectively with partners in dealing with and preventing anti-social behaviour.

5 Roles within the Council

Various pieces of legislation provides Councils with a wide range of tools and powers to deal with anti-social behaviour within our communities. This policy focuses on the Community Safety and landlord role which is explained below. Other teams within the Council can have a role in addressing anti-social behaviour for example, Environmental Services and Planning but they have their own policy which explains how they deal with enforcement action. There will be times when a multi-agency/team approach is taken which is explained in part 11 below.

5.1 Bolsover Community Safety Partnership

Under the Crime and Disorder Act 1998, the Council has a duty to work with the Police and other agencies to reduce crime and disorder in the Bolsover District. In this role, the Council considers crime and disorder in all of its decision making across the Authority, plays a key part in dealing with Anti-Social Behaviour of all kinds and undertakes project and preventative work. The work undertaken by the partnership is to provide support to other agencies (including other teams within the Council) and to address Anti-Social Behaviour impacting the wider community. In addition, the enforcement powers generally used by the partnership are:

Community Protection Notices and warnings
 Enforcement of Public Space Protection Orders
 Criminal Behaviour Orders
 Injunctions (with or without Power of Arrest)

These powers are discussed in more detail later in this policy.

5.2 Housing management/landlord role

The Council owns and manages its housing stock consisting of 5105 properties as at September 2018. All tenants of Bolsover have signed a tenancy agreement, which sets out the rights and responsibilities of the tenant(s) and the Council. The tenancy agreement is a legally binding contract between the Council and the tenant(s) and the Council's particular the tenancy agreement states how, tenants, those residing at the property and visitors, should behave whilst at the property and within the locality of the property. In addition to the enforcement powers set out above, the Council can take enforcement action which affects the use of the property and the security of tenure. This means that the Council can apply for possession of the property, relying on certain grounds for possession as set out in Schedule 2 of the Housing Act 1985 (as may be amended from time to time).

When considering this action, the Council will take into account the tenant's personal circumstances and the proportionality of the action the Council is taking.

The Council will not always ask the court for an outright order for possession but may invite the court to allow tenants to remain, but on condition that certain terms are complied with, which will address the behaviour complained of. The Court can make an order for outright possession, meaning that the tenant and anyone living in the property would be evicted.

The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) amended the Housing Act 1985 and provides an "absolute" ground for possession which means that if anti-social behaviour or evidence of certain crimes have already been proved by another court, usually the Magistrates Court, the County Court considering the possession application, must make an order for possession.

6 What is anti-social behaviour?

There have been a number of definitions of what behaviour is anti-social by the courts. As the legislation has developed over the years, the Anti-Social Behaviour, Crime and Policing Act 2014 now defines anti-social behaviour as:

Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;

Conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises, or

Conduct capable of causing housing-related nuisance or annoyance to any person (referring to directly or indirectly housing management functions of a housing provider or local authority).

This latest definition gives the Council a greater opportunity for applying appropriate Anti-Social Behaviour tools and powers to address certain behaviours, issues or occurrences of Anti-Social Behaviour within our District in respect of tenants and the wider community.

The term 'Anti-Social Behaviour' covers a wide range of unacceptable activity which can blight the lives of many people on a daily basis. Anti-Social Behaviour may or may not include or consist of criminal activity. The key factor in deciding whether particular behaviour is anti-social or not, will be the impact of that behaviour on others.

The Act refers to housing related nuisance or annoyance which can include interference with the day to day running and strategic management of properties (either by the Council or other housing providers) which could include:

- Maintenance and repairs
- Rent collection
- Estate management
- Other tenancy management

Matters that might 'indirectly' affect the housing management function may include environmental clearance and refuse collection and other services the Council provides that enables the efficient operation of the housing service.

Anti-Social Behaviour can also be caused by:

- a tenant of a private landlord, or
- by an owner or person in control of a property or
- an occupant of a privately owned property

Types of behaviours can include, but is not limited to, the following examples:

Anti-Social Behaviour which targets a particular individual or specific group, or is aimed at having an impact on a particular individual or incident rather than a community at large including:

- Verbal or written abuse
- Threats of violence
- Assault
- Damage to property
- Using or allowing premises to be used for illegal or immoral activity for example prostitution, handling/storing of stolen goods, handling/storing of drugs.
- Harassment – including hate related incidents or racial harassment

- Playing amplified sounds from televisions, radios or mobile phones for example

Nuisance Anti-Social Behaviour that causes trouble, annoyance, inconvenience, offence or suffering to people in the local community in general rather than targeted at an individual including:

- Playing amplified sounds
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Swearing
- Excessively loud and frequent parties
- Persistent alarms
- Persistent dog barking
- Using or handling weapons or bladed articles
- Domestic violence

Environmental anti-social behaviour that are inconsiderate actions which impact upon the natural, built and social environment including:

- Littering
- Fly-tipping
- Graffiti
- Vehicles – burnt out/abandoned
- Dog fouling
- Flyposting
- Burning of controlled waste or nuisance burning
- Waste in gardens
- Vehicles – parking obstructions/noisy vehicles
- Invasion of privacy
- Property damage
- People congregating and causing nuisance or intimidation
- Problems surrounding alcohol and substance abuse/misuse
- Begging
- Street drinking public drunkenness

Anti-Social Behaviour affecting the tenancy:

- Failure by tenants to prevent children of visitors from behaving anti-socially
- Failure by tenants to adhere to all Anti-Social Behaviour related tenancy conditions
- Any act which directly or indirectly adversely affects the Council's housing management function as discussed above
- Misuse of communal area (including parking issues) and
- Use of motor vehicles in an Anti-Social manner by tenants or visitors.

The impact of Anti-Social Behaviour can often leave victim's helpless, desperate and with a reduced quality of life in their homes and communities.

7 What may not be Anti-Social Behaviour?

The types of behaviour complained about may not always be clearly Anti-Social Behaviour and there are some types of circumstances that may not constitute Anti-Social Behaviour. For example, some behaviour that individuals perceive as being 'Anti-Social' are unavoidable and may be day to day activities or out of the control by the other person. The Council will consider how to effectively address these types of issues to try to secure a positive outcome, for all parties, even the perceived perpetrator of the behaviour.

The type of issues which **may** not constitute Anti-Social Behaviour includes:

- living or domestic noises
- a baby crying,
- ordinary conversation levels through walls,
- noise from children playing in a garden
- domestic activities such as vacuuming, toilet flushing or using a washing machine.
- children playing in the street or communal area
- people gathering socially
- parking
- DIY and car repairs
- civil disputes between neighbours (e.g. shared driveways, boundaries)

The Council will consider the facts of the complaint, history and nature of the behaviour and will determine the action, if any to be taken.

8 Racial Harassment and Hate Crime

Racial Harassment and Hate Crime includes not only physical attacks on persons and damage to property, but also verbal abuse, intimidation and any other form of behaviour which deprives people of the peaceful enjoyment of their homes and lives.

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victims:

- race, colour, ethnic origin, nationality or national origins
- religion or belief
- gender or gender identity
- sexual orientation
- disability
- age

Hate crime can take many forms including:

- physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- offensive and malicious communications which can include letters, emails, telephone calls, texts and posts on social media
- threat of attack – groups hanging around to intimidate and unfounded,
- malicious complaints verbal abuse or insults, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace

The Council's definition of a hate crime is:

- Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate.

The Council will not tolerate racial harassment or hate crime of any form and will work to address such issues by doing the following:

- Being proactive in preventing racial harassment and hate crime
- Recognising incidents of racial harassment and hate crime
- Responding to incidents of racial harassment and hate crime quickly and effectively
- Acting appropriately to support victims and witnesses
- Having clear procedural commitments to respond to incidents of racial harassment
- Developing a clear message is sent to perpetrators that racial harassment and hate crime will not be tolerated in any form
- Reporting and monitoring all racist and hate crime incidents.

Please see link to Councils policy on Hate Crime:

http://intranet/intranet/index.php?option=com_remository&Itemid=573&func=stardown&id=1523

9 Domestic Abuse

Domestic abuse will not be tolerated. The Council will work with the Police, Domestic Violence Officer and Independent Domestic Violence Advisor and other relevant agencies to take informal steps and use legal remedies to address such behaviour. The Council will also where appropriate, use the Housing Act provisions to evict perpetrators of domestic abuse. Through such enforcement action the Council will:

- Ensure the victim is supported
- Refer to the Domestic Violence Officer
- Provide safe housing if necessary
- Re-house victims if appropriate

- Work together with other specialist agencies and victims to secure a positive outcome
- Provide home security and temporary CCTV cameras if appropriate.

Where victims are also perpetrators of domestic violence and/or emotional abuse, the Council will consider taking enforcement action against all parties if the behaviour is impacting on the wider community but will balance the action taken against the impact of the behaviour on others. Support will still be offered.

10 Safeguarding

The Council is committed to safeguarding children and vulnerable adults. Safeguarding is 'everybody's business' and if Council officers are concerned about the welfare of children or adults alike, appropriate referrals and information sharing will be undertaken. For more information about preventing, identifying and reporting if you suspect a child or vulnerable adult is at risk or is suffering from neglect or abuse you can contact specifically trained Safeguarding Link Officers on 01246 242424 or if it is out of normal office hours call Starting Point on 01629 533190 or 08456 058 058. (24 hours a day 7 days a week).

11 Multi-Agency Working

The Council plays a significant role in addressing and managing Anti-Social Behaviour caused by its tenants and by others whereby the behaviour impacts the wider community. The Council takes its responsibility seriously both in responding to issues/complaints and in preventing occurrences in the first instance through proactive working.

The problems members of the public will need assistance with, may be complex and contain multiple issues. The Council will address all cases of Anti-Social Behaviour and nuisance, relating to domestic properties, privately owned land and premises or public places in a proportionate manner and in a staged approach where possible.

The Council will ensure that each victim/perpetrator is allocated to an appropriate officer who is trained and equipped to respond to each of the types of problems presented (which may then be referred to as a case). The appropriate officer may draw upon additional and/or specialist service providers or other key stakeholders to manage certain aspects of the case, but will remain the lead officer, unless required to hand over the case to a different agency, for example, where there are child protection concerns.

The responsibility for dealing with Anti-Social Behaviour will be shared between agencies and the communities concerned. Usually no one agency is best placed to respond to every type of behaviour. This can however, lead to

confusion with who is responsible for managing the problem, therefore the Council seeks to ensure that the person responsible for the case is identified and appropriate agencies are worked with to identify and resolve the problem(s), prevent reoccurrence and reduce the risk of harm for all victims and witnesses of Anti-Social Behaviour but particularly the most vulnerable.

Residents and communities themselves must play an active part in resolving issues. Officers will support residents so as to facilitate compromise and to find mutually agreeable and informal resolutions where possible. In some cases, the Council may not be able to use the powers available without the support and input from residents or the wider community.

The Council may work with a number of partner agencies to problem solve Anti-Social Behaviour issues and share information to ensure the victim is at the heart of the Council's approach to tackling Anti-Social Behaviour and to provide a consistent multi agency approach to the identification of vulnerable and repeat Anti-Social Behaviour victims. Partner agencies the Council may work with include:

- The Community Safety Partnership and its statutory partners
- Town and Parish Councils
- Derbyshire County Council Multi Agency Teams
- Residents and tenants
- The Police
- Social Services
- Schools
- Community Groups
- Local businesses
- Victims and witnesses
- Youth Offending Teams
- Leisure Services
- Parenting Practitioner
- County Council
- Registered Social Landlords
- Private Landlords

12 How does the Council respond to reports of Anti-Social Behaviour?

For the purposes of this policy, a report of Anti-Social Behaviour is a request for service made to the Council to deal with the behaviour of tenants, members of their households and visitors to tenant's homes and other individuals within the community of Bolsover District Council.

Reports of Anti-Social Behaviour may be made by letter, in person, by telephone or by email. There is no requirement for a report to be in writing.

The Council has a team of officers who may be involved in a complaint of Anti-Social Behaviour. The Council has an Anti-Social Behaviour Caseworker who will deal with the more complex housing related Anti-Social Behaviour and also wider community Anti-Social Behaviour. The Council also has a team of Tenancy Management Officers who focus on housing related Anti-Social Behaviour and breaches of tenancy agreements.

The Council employs Community Action Network Rangers (CAN) who provide a highly visible, uniformed, presence in residential and public areas, town centres and high crime areas.

Unlike Police Community Support Officers (PCSOs), the CAN Rangers do not have any police powers. Rather, they are meant to be the eyes and ears of the community, looking to improve the quality of life of an area and help it along the path to regeneration. They will also try to resolve Anti-Social Behaviour in the initial stages of a report being received.

As well as providing a link between local residents and key agencies such as the local authority and the police, the CAN Rangers also undertake initiatives to provide education and advice on tackling environmental issues such as litter, graffiti, dog fouling and are authorised to issue Fixed Penalty Notices .

Upon receipt of a report of Anti-Social Behaviour, the Council will provide the complainant with updates as the case progresses. .

13 Investigation process

The Council will use different methods to investigate complaints of Anti-Social Behaviour. Such methods may include but are not limited to:

- Use of diary sheets
- CCTV
- Noise monitoring equipment
- Officer observations
- Photos
- Interrogation of social media
- Body Worn Video

Wherever possible all requests for cameras and other recording equipment to gather evidence for Anti-Social Behaviour will be referred to the Anti-Social Behaviour Team, who will make the decision on the necessity and priority of the deployment of the equipment. However, in relation to the investigation of alleged noise nuisance under the Environmental Protection Act 1990 the Council's Environmental Health Department may use noise monitoring equipment without the Anti-Social Behaviour Team's knowledge.

Anyone utilising covert or overt recording equipment will comply fully with the Regulation of Investigatory Powers Act (RIPA) and the Data Protection Act 2018 (as may be amended from time to time).

14 Decision making

The Council will assess the evidence, consider the legislative test, as well as the reasonableness and proportionality of the action, taking into account the personal circumstances of both the victim and perpetrator. This Policy will be applied along with any other relevant Council policy which can be found on the Council's website.

The Equality Act 2010 (as may be amended from time to time) will also be taken into account when decisions are being made and enforcement action is being considered. The Council will undertake Equality Act impact assessments when such decisions are being made and will be reviewed and updated as investigations and proceedings are progressed.

After investigating a case, the Anti-Social Behaviour Team may decide that Court action is necessary. All cases where Court action is decided upon will be referred to an "Orders Group Meeting" (unless the incident is urgent and a meeting cannot be called in time). The meeting is called to discuss the case and any agency involved with or who should be involved with the proposed recipient of legal action will be invited to attend the meeting to contribute. Records of the meeting will be kept and stored accordingly. All publicity relating to legal action regarding anti-social behaviour will be considered by the Orders Group.

15 Enforcement Options

The Council has a broad range of tools to tackle Anti-Social Behaviour. In the majority of cases, the Anti-Social Behaviour can be resolved without the need for legal action, particularly if customers are willing to support early intervention action, for example, by completing nuisance diary sheets and participating in mediation solutions. However, we do recognise that some cases can only be resolved through formal enforcement. The following are examples of tools available which the Council may use:

- **Warning Letters**

Warning letters can be issued highlighting breaches of tenancy or general anti-social behaviour.

- **Homes Visits**

Home visits are a useful tool for raising awareness of a particular problem face to face and to identify what needs or support may be required to address the problematic behaviour. These may be undertaken with other agencies.

- **Mediation Service**

The Council offers a free, confidential and impartial service to help resolve disputes with neighbours, if appropriate and depending on the circumstances of the case. Mediation works best when each party is willing to participate and can often help sort problems in the early stages.

- **Acceptable Behaviour Contracts (ABC)**

An ABC is a written voluntary agreement between a person and the Anti-Social Behaviour Team not to carry out certain acts, which could be considered to be Anti-Social Behaviour.

- **Community Protection Warnings and Notices**

Community Protection Notices (CPN) can be served to stop a person aged 16 or over, business or organisation committing Anti-Social Behaviour which spoils the community's quality of life. A written warning must be served before a notice can be issued. A CPN may contain:

(a) a requirement to stop doing things;

(b) a requirement to do specified things;

(c) a requirement to take reasonable steps to achieve specified results. Any breach of a CPN can result in a Fixed Penalty Notice being served (see below) or could result in a prosecution.

The CPN will be reviewed 12 months from the date of service and a decision made as to whether or not the CPN should remain in place.

- **Criminal Behaviour Order (CBO)**

The Anti-Social Behaviour Team and Police will consider a CBO against a person who commits serious and persistent Anti-Social Behaviour. This is an order which is applied for once a person is convicted of a criminal offence. The criminal offence can be completely unrelated to the Anti-Social Behaviour.

- **Civil Injunction**

The injunction under Part 1 of the Act is a civil power which can be applied for to deal with anti-social individuals. An Injunction is an Order of the Court and prohibits certain acts or instructs a course of action, including exclusions from certain areas or property. A power of arrest can be attached to the injunction order.

- **Closure Order**

A closure notice can be served by the Police or Council which closes a premises for up to 24 hours but can be extended to 48 hours. The effect is that the premises is closed to a group or class of people save for the owner and persons habitually resident at the premises. The Notice has to be presented to the Magistrates Court who can then make a closure order for up to 3 months and can be extended for a further 3 months (a maximum total period of 6 months). The closure order can close the premises to those who own the premises or are habitually resident.

- **Possession Proceedings**

Where there is a breach of tenancy, the Council can apply to the Court for a Possession Order of a property. This could lead to a person or family being evicted from their home. This type of action requires detailed evidence and complainants may be asked to keep detailed diary sheets of incidents.

- **Absolute ground for possession**

The Act introduced a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court, for example where there has been a relevant criminal offence has been committed. These possession proceedings mean that the Court has less discretion to allow the occupants to remain in the property.

- ***Tenancy Demotions***

A Secure tenant can be demoted under the Act, which reduces the rights and security of the tenure for a period of up to 12 months.

- **Fixed Penalty Notices**

Certain offences and behaviour are subject to fixed penalty notices where prescribed by legislation. Fixed penalties provide the Council with an effective and visible way of responding to low level areas of non compliance or unacceptable behaviour. Fixed penalty notices should only be used for the more minor offences, breaches of statutory Orders or Notices. Payment will be required within the specified period as set out on the notice and at the Contact Centres within the District.

16 Closure of Cases

The Council will ensure that the anti-social behaviour complainant is kept fully informed of action taken and when satisfied that no more can be done for a complainant then they will be advised, in writing, when the case is closed.

A case may be closed for a number of reasons:

- a. Action that has been taken has resolved the matter
- b. If, after a reasonable amount of time, there has been no further problems.
- c. There is no evidence of nuisance being caused.

The decision to close a case lies with the case officer. On occasion this may be contrary to the opinion of the complainant. If an Anti-Social Behaviour complainant, or their representative, is unhappy about the reasons why a case has been closed, they have the right to appeal against this decision. The appeal should be made in writing addressed to the Housing Enforcement Manager. The appeal will be considered by the officer who is more senior to the officer who decided to close the case. There can be no further appeal to reopen a case unless substantial new evidence or information is available.

The outcome of the appeal will be confirmed in writing within 14 days. If a complainant remains unhappy about the decision or how the matter has been dealt with generally, a complaint under the Corporate Complaints Procedure can be made.

In order to improve its services the Council provides all Anti-Social Behaviour complainants with a customer satisfaction form to obtain their views on the service they have received and identify any improvements which can be made.

17 Repeated Complaints

The Council will not consider a simple re-instatement of a previous Anti-Social Behaviour complaint as a new complaint. Where a matter has been closed or a decision has been made that no action can be taken then the complainant will be required to provide the Council with additional new evidence in order to re-open the matter or review the decision to close the case.

The decision to re-open the matter will normally be made within 14 days of receiving a further complaint.

18 Malicious and vexatious Complaints

If the Council discovers that a complaint has been made maliciously they will, wherever possible, seek to take legal action against the complainant to ensure that such behaviour is not repeated. In addition future complaints will not be considered unless they are addressed to Customer Services.

The Anti-Social Behaviour Team will follow the corporate procedure in relation to vexatious complaints as detailed in the Corporate Complaints Procedure. The link to the procedure is detailed below.

http://ericsrv.bolsover.gov.uk/intranet/index.php?option=com_remository&Itemid=755&func=startdown&id=94

19 Support

19.1 Victims and witnesses of Anti-Social Behaviour

The safety of victims and witnesses will always come first. The Council will endeavour to ensure that witnesses are supported and protected through the process of enforcement action.

Victims will be advised of the support provided by Remedi Restorative Services by Derbyshire Victim Services, see links below .

[S:\Community Safety & Housing\Housing BDC\PUB\Housing Enforcement\Anti Social Behaviour\2017 07 26 Process for Referring ASB Victims for Support from Remedi.docx](#)

[S:\Community Safety & Housing\Housing BDC\PUB\Housing Enforcement\Anti Social Behaviour\2017 06 28 Remedi ASB Referral Form for Emotional and Practical Support.docx](#)

[S:\Community Safety & Housing\Housing BDC\PUB\Housing Enforcement\Anti Social Behaviour\2017 07 26 Remedi ASB Referral Form for Restorative Approaches.docx](#)

The Council may also undertake a victims and witness risk assessment to ensure that victims and witnesses are fully supported in line with Anti-Social Behaviour Victims First Multi Agency Guidance document and it will be recorded on the Empowering Communities Inclusion and Neighbourhood Management system (ECINS). E-CINS is a multi-agency IT system to help Partners share information and manage medium and high risk ASB victims and perpetrators in Derbyshire.

Within the ECINS system the Council will use a risk assessment matrix tool (RAM) which will enable agencies to identify the most vulnerable, or those suffering the most harm as a result of Anti-Social Behaviour.

The Council may also offer and undertake referrals to other agencies who can deal with specialist issues such as domestic violence, victim support and home security to victims and/or witnesses of Anti-Social Behaviour.

19.2 Vulnerable Perpetrators of Anti-Social Behaviour

In some cases, the conduct of perpetrators of Anti-Social Behaviour can be as a consequence of their own vulnerabilities, for example, a disability, mental health problems or drug and alcohol abuse. In these cases it may be appropriate to deal with the nuisance initially by offering support, which can help in stopping the behaviour or reducing the impact on others. The risk assessment and the Equality Act impact assessment carried out will assist in assessing what, if any support should be provided.

If support is provided in the alternative to enforcement action, the perpetrator will be advised that failure to engage in support may lead to enforcement action being taken.

Multi agency meetings may be held to engage and liaise with support agencies and to share information.

20 Juvenile Perpetrators of anti-social behaviour

The Council will always ensure that actions taken against juvenile perpetrators are compliant with our responsibilities under the Children Act and other legislation. It will seek to provide support and intervention in liaison through Derbyshire County Council Children's Services and other relevant youth services and the District's Senior Parenting Practitioner.

21 Publicity

It is important to ensure that any publicity relating to Anti-Social Behaviour is necessary, appropriate, proportionate and contemporaneous. A decision regarding the publicising of Criminal Behaviour Orders and Injunctions will be made at the Orders Group meeting.

All publicity will be approved by the Council's Communications Officer.

22 Staff Training and Development

The council are committed to training our staff and will ensure that all staff dealing with Anti-Social Behaviour follow this policy.

Refresher training and updates for changes in legislation or good practice changes will also be provided at appropriate times.

23 Parenting

The Council, utilising the Senior Parenting Practitioner, will seek to provide education for parents to empower them to deal with the behaviour of their children as this is accepted as a successful method of dealing with problems relating to low level Anti-Social Behaviour. This can be provided in an evidence based parenting group over several weeks or on a one to one basis with parents.

In the cases of serious higher level Anti-Social Behaviour, the Senior Parenting Practitioner will work with parents to better manage the behaviour of their children. In some cases enforcement action may be taken against the child or the parent.

24 Information Sharing and Confidentiality

Any information provided to the Council will be treated in confidence and will be used and managed in accordance with the Data Protection Act 2018 or as may be amended from time to time and the Council's privacy statement on Anti-Social Behaviour. Information will not be shared, without the consent of the person who provided the information unless the law allows it, and/or it is necessary to do so to protect life or prevent crime or harm.

The Council will accept information anonymously and will investigate this information as far as is possible. Anonymous information can be used for enforcement purposes but can be easily challenged, however, it can be valuable information and used to build a picture of particular issues of Anti-Social Behaviour or support other evidence.

Sharing information can help inform and advise the wider communities about the work the Council and agencies with whom they work are doing to tackle Anti-Social Behaviour. This may take the form of local media coverage or targeted leafleting.

25 Sharing of information with other agencies

The Council and Community Safety Partnership are under a duty to act to reduce crime and disorder and will share information where it is necessary to do so to achieve this objective. This sharing has a clear basis in law including the Crime & Disorder Act 1998 and Anti-Social Behaviour, Crime and Policing Act 2014 and is in accordance with the Data Protection Act 2018 which has provisions for crime and legal proceedings. The Council's privacy statement on Anti-Social Behaviour provides further detail. .

The Council is a signatory to the Derbyshire Partnership Forum Information Sharing Protocol which is an overarching document that sets out the framework for partner organisations across Derbyshire to manage, process and share personal and sensitive personal information on a lawful, fair and transparent basis to enable them to meet both their statutory obligations and the needs and expectations of the people they serve.

Specifically the Council is a signatory to the Anti-Social Behaviour Information Sharing Agreement and to the Information Sharing Agreement for the Empowering Communities Inclusion and Neighbourhood Management System (E-CINS) for Anti-Social Behaviour. The purpose of these Information Sharing Agreements is to co-ordinate and facilitate the sharing of information between partner organisations, who have a duty, or specific objective, of working with the perpetrators and victims of Anti-Social Behaviour, with the aim of reducing the harm caused by Anti-Social Behaviour. These agreements sit under the Derbyshire Partnership Forum (DPF) Information Sharing Protocol

Bolsover District Council

Healthy, Safe, Clean & Green Communities Scrutiny Committee

5th October 2018

Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Executive Response

Report of the Chair of Healthy, Safe, Clean & Green Communities Scrutiny Committee

This report is public.

Purpose of the Report

- To present Executive's Response to the recent Scrutiny Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District.

1. Report Details

- 1.1 The Healthy, Safe, Clean & Green Communities Scrutiny Committee agreed to undertake a review of Enforcement action as part of the 2017/18 work plan following consideration of a range of topics suggested at the Annual Scrutiny Conference. The review was rolled forward in to the 2018/19 municipal year to allow sufficient time to consider all the evidence gathered.
- 1.2 This report acknowledges their response to the Review recommendations and advises Committee to commence a period of Post-Scrutiny Monitoring to ensure effective implementation of the approved recommendations.

2 Conclusions and Reasons for Recommendation

- 2.1 Following presentation of the review to Executive, Members agreed all the recommendations proposed as part of the Report.
- 2.2 In addition, Executive asked to be kept informed of the implementation of the recommendations and requested an update after six months. This will coincide with the planned programme of monitoring for the Committee. This is shown as Recommendation HSCGC17/18 1.19.
- 2.3 Members are required to make their report and findings public, in accordance with Part 4.5.17(3) of the Constitution.
- 2.4 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution.

3. Consultation and Equality Impact

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 As part of the review process there has been a survey of BDC Members to ascertain their views on a range of aspects of the current approach to street cleanliness and environmental enforcement. In addition, Members have completed a telephone survey of neighbouring authorities in order to benchmark certain aspects of service delivery.
- 3.3 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.4 Within the process of the review, the Committee has taken into account the impact of equalities. Where enforcement action is taken against individuals who are vulnerable the Council's policies for Safeguarding Adults and VARM will apply. Where action is taken against an individual with specific communication needs (for example, large print or British Sign Language) the Council's Policy for Equality & Diversity in Service Delivery may apply.

4. Alternative Options and Reasons for Rejection

- 4.1 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution and as such the report cannot be rejected.

5. Implications

5.1 Finance and Risk Implications

- 5.1.1 Members are concerned that there is potential reputational risk, where the Authority area is seen to have high levels of littering/fly-tipping and poor street cleanliness standards. Members conclude that the recommendations proposed will further improve our approach to environmental despoilment and enforcement.
- 5.1.2 Members are aware that Recommendation HSCGC17/18 1.4 could require an additional review of budgets to ascertain the long-term funding for the current temporary staffing arrangements. Should financial implications to the creation of a permanent post be established, this will require a further report to Executive.
- 5.1.3 Members acknowledge that Recommendation HSCGC17/18 1.6, may require additional resources should activity need to be increased. Members recommend that an additional report/request for resources be submitted, if and when required.
- 5.1.4 Members acknowledge that Recommendations HSCGC17/18 1.8, 1.9 and 1.11, will require creation of new and/or additional resources and publicity material, but this should be contained within existing budgets as part of a refresh of the current approach taken by the services.

5.2 Legal Implications including Data Protection

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000 and subsequent legislation which added to/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.
- 5.2.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.

5.3 Human Resources Implications

- 5.3.1 Recommendation HSCGC17/18 1.4 suggests that Executive/SAMT consider the current staffing resource and training within the legal team to ensure existing expertise is maintained, thereby enabling the Authority to have sufficient capacity to move forward with its approach to enforcement.
- 5.3.2 Members acknowledge that following further investigation, Recommendation HSCGC17/18 1.13 may require an additional report from the service should additional staffing resource be deemed necessary.
- 5.3.3 Members acknowledge that, Recommendation HSCGC17/18 1.16 may require an additional report from the service should a change to staffing be required.

6. Recommendations

- 6.1 That Members note Executive’s Response to the Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District.
- 6.2 That Members make its report and findings public, in accordance with Part 4.5.17(3) of the Constitution.
- 6.3 That Members and Officers monitor progress on the recommendations and report in twelve months’ time highlighting exceptions to delivery.

7. Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	<p>Aim: Supporting Our Communities to be Healthier, Safer, Cleaner and Greener</p> <p>Priorities:</p> <ul style="list-style-type: none"> • Ensuring a high standard of environmental maintenance and cleanliness • Developing attractive neighbourhoods

8. Document Information

Appendix No	Title
7.1	Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Action Plan
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
<p>Documents stored in: S:\Governance and Monitoring\Scrutiny BDC\RES\Healthy, Safe Clean and Green Communities Scrutiny Communities\2017-18\Environmental Enforcement\Report</p> <p>Please contact Scrutiny & Elections Officer where further information is required.</p>	
Report Author	Contact Number
Joanne Wilson, Scrutiny & Elections Officer	01246 242385

Report Reference –

EXECUTIVE RESPONSE TO RECOMMENDATIONS OF SCRUTINY REVIEW

Title of Review:	Review of Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District		
Timescale of Review:	July 2018	Post-Monitoring Period:	12 months commencing October 2018. Interim report due April 2019.
Date agreed by Scrutiny:	July 2018	Date agreed by Executive:	September 2018

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
HSCGC17/18 1.1 Ref. pp24-25	That the emerging Corporate Enforcement Policy is presented to Committee as part of the 2018/19 Work Programme, for approval and referral to Strategic Alliance Joint Committee (if required) and Executive for full adoption.	That Council ensures effective policy is in place and adhered to.	September 2018.	Team Manager (Solicitor) Contentious.	Staff time.	The draft Corporate Enforcement Policy is close to completion. We are awaiting confirmation from Strategic Alliance Management Team as to whether this will be a joint policy with North East Derbyshire District Council (NEDDC), or a standalone Bolsover District Council (BDC) policy. The draft policy is programmed to be put before the committee for consideration in September 2018. This is to be an overarching policy which covers the whole of the Council's enforcement	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						activities. The policy will ensure we act in a consistent manner with regards to regulatory enforcement. Individual service areas will require specific enforcement policies and procedures which reflect the principles set out in the corporate policy.	
HSCGC17/18 1.2 Ref. pp24-25	That all subsequent departmental enforcement policies, as and when reviewed, are brought to the relevant Scrutiny Committee.	That Council ensures effective policy is in place and adhered to.	January 2019.	Team Manager (Solicitor) Contentious.	Staff time.	The Corporate Enforcement Policy (CEP) is an overarching policy that applies to all the Council's services. Specific service areas may have additional and more tailored policies or procedures for enforcement and these should be	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						<p>read in conjunction with the CEP. It is intended that a list of the current policies will be uploaded to the Council website and a link contained within the CEP. This webpage will be reviewed annually</p> <p>Any new polices, or reviews to the existing polices will be brought to the relevant Scrutiny Committee.</p> <p>The revised Anti-Social Behaviour Policy is one such policy and is scheduled for scrutiny review in September 2018.</p>	
<p>HSCGC17/18 1.3</p> <p>Ref. pp32-33</p>	<p>That greater use of environmental enforcement powers is implemented by both Bolsover</p>	<p>To ensure effective use of training and staffing resources, to deliver</p>	<p>March 2019.</p>	<p>Joint Head of Housing & Community Safety.</p>	<p>Staff time.</p>	<p>Agreed. A review of legislative powers has been completed, resulting in additional provisions to be</p>	<p>Agreed.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	CAN Rangers and the wider team of Environmental Health Officers, to ensure full use of the Authority's enforcement capacity.	environmental improvements				<p>utilised by the Environmental Enforcement Team. However, appropriate powers are being utilised by the wider teams.</p> <p>The delegated powers of officers are kept under constant review (2-3 times per year) and updated on a regular basis, especially in response to changes in law, case law and changes to the structure. This will continue.</p>	
HSCGC17/18 1.4 Ref. pp24-25	That Executive/Strategic Alliance Management Team consider the current staffing resource and training within the legal team to	Sufficient legal staffing resource in place to deliver required enforcement activity.	January 2019	Joint Head of Corporate Governance & Monitoring Officer	Existing staffing budget, with review if required.	Legal – Legal currently has a temporary lawyer in post, who has considerable expertise as a former Crown Prosecution Service lawyer which they	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	ensure existing expertise is maintained, thereby enabling the Authority to have sufficient capacity to move forward with its approach to enforcement.					are passing on. They are also an experienced trainer, which we are making use of. Legal (and Environmental Health) wish to keep and exploit this expertise. It is also the situation that the number of cases the Contentious Team is dealing with has increased substantially and the additional resource is needed. To make this happen, a report has to be agreed with the Head of Paid Service and sent to Executive to authorise the additional spending. A recruitment exercise may be needed.	

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						EH – We strongly support this recommendation and already feel the benefits of training that staff have been given recently. Due to current resourcing we can now progress cases quickly.	
HSCGC17/18 1.5 Ref. pp24-25	That a full assessment is carried out to establish if there is sufficient evidence to establish a Bolsover District-wide Public Space Protection Order (PSPO) for dog fouling and dog control.	Effective dog control enforcement in place District-wide.	June 2019.	Team Manager (Solicitor) Contentious.	Staff time.	Legal – A small working group will be established by legal and environmental health to collate and review this matter to see if there is sufficient evidence in support of a Public Space Protection Order for dog fouling and dog control. We can only seek to use a Public Space Protection Order where the	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						evidential test is met. EH – As a joint service any assessment and subsequent new Order agreed, would need to be replicated across both Districts.	
HSCGC17/18 1.6 Ref. p29-31	That Indicators SS 03 and SS 04 are kept under review to ensure that performance levels improve over the next 12 months.	Improved delivery against service performance targets for street cleanliness.	June 2019.	Joint Head of Streetscene.	Existing staffing/service resources. Should the service deem additional resource is required a further report should be brought to Executive.	Streetscene undertake regular performance monitoring of SS03 and SS04 by way of Local Environmental Quality Survey of England (LEQSE) carried out monthly and reported quarterly to ensure pre-determined targets are met and actions put in place to address low performance. This is reported at quarterly Directorate	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						<p>Performance Meetings.</p> <p>Arising from housing growth pressures on operational resource, Streetscene have recently increased frontline Street Cleansing resource levels by 2FTE (approx.) equating to 3,800 (approx.) hours of staff time on the ground in order to maintain cleansing performance/standards.</p>	
<p>HSCGC17/18 1.7</p> <p>Ref. p29-31</p>	<p>That the commentary for cleanliness indicators (both Corporate Plan and service level) in PERFORM includes details of areas surveyed and a clear list of</p>	<p>Greater clarity for Members as to areas surveyed, hot spots identified and intervention planned.</p>	<p>October 2018 onwards.</p>	<p>Joint Head of Streetscene.</p>	<p>Staff time.</p>	<p>LEQSE surveys (streets) change annually and represent a proportionate sample of the district. The quarterly inspection\survey file may be provided</p>	<p>Agreed.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	areas not achieving Grade B, including planned intervention.					to illustrate how overall % site cleanliness is assessed; however, Members should be aware that cleanliness ratings A, B, C & D may be affected by environmental (i.e. wind\rain) conditions and timings between cleansing frequency occurrences and inspections taking place.	
HSCGC17/18 1.8 Ref. pp29-31; pp40-41; pp41-44; pp44-45; pp46-49	That a programme of regular publicity is in place on how to contact the Council and log incidents in relation to street cleanliness and fly-tipping, using a range of communication channels including InTouch and social media.	Improved local awareness of both how to contact the Authority and increased knowledge of action taken by the Authority.	Programme in place by December 2018.	Joint Head of Streetscene/ Environmental Health Manager/ Communications, Marketing and Design Manager.	Staff time; printing internal/external literature; distribution costs; website/social media coverage	EH – Existing programme in place will now include ‘How to contact the Council’ and reporting of incidents. Streetscene – Streetscene currently place articles in ‘InTouch’ and utilise the Council’s website	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						<p>and social media streams to relay educational messages to residents. These may also be influenced by national campaigns (i.e. Keep Britain Tidy Group) and/or working with other partners (i.e. Environmental Health/County Council) or attending events (i.e. Bolsover Food Fayre).</p> <p>Comms – Regular updates/information is required for any publicity to be undertaken. This could be included in InTouch, District/Parish Gazettes, website, Twitter and specific marketing</p>	

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						campaigns in target areas.	
<p>HSCGC17/18 1.9</p> <p>Ref. pp32-33; pp40-41; pp41-44; pp44-45; pp46-49</p>	<p>That a standard process is adopted to ensure maximum publicity of environmental enforcement activity taking place across the District.</p>	<p>Regular and consistent publicity of our enforcement activity across all service areas covered via the Corporate Enforcement Group.</p>	<p>Process agreed by December 2018.</p>	<p>Solicitor (Corporate Enforcement Group Lead)/ Communications, Marketing and Design Manager.</p>	<p>Staff time; printing internal/external literature; distribution costs; website/social media coverage.</p>	<p>EH – Process now established.</p> <p>Legal – Now that the Environmental Enforcement team is fully staffed, more robust processes are in place with the Communications team to identify the most appropriate methods of publicity for the action that has been taken. Comments from the Portfolio Holder and Legal are incorporated in to the publicity.</p> <p>Enforcing departments (most notably Housing/Community Safety) have different requirements, so a standard procedure</p>	<p>Agreed.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						<p>isn't necessarily appropriate across all service areas.</p> <p>Comms – Regular updates/information is required for any publicity to be undertaken. This could be included in InTouch, District/Parish Gazettes, website, Twitter and specific marketing campaigns in target areas.</p>	
<p>HSCGC17/18 1.10 Ref. pp32-33</p>	<p>That the regular use of CCTV (mobile where available) is continued and measures are taken to ensure staff absence does not impact the ongoing use of the equipment, which is vital for enforcement.</p>	<p>Maximum use of all resources available to ensure effective enforcement levels, regardless of staffing resource.</p> <p>A clear monitoring report which evidences usage of camera equipment to</p>	<p>Continued regular use from July 2018 onwards.</p> <p>Monitoring report of usage by September 2019.</p>	<p>Environmental Health Manager.</p>	<p>Staff time; Existing camera resources.</p>	<p>EH – Agreed. We acknowledge that use of the system has been impacted by staff absence previously. Use of CCTV is a proactive enforcement measure which is overseen by the Information Commissioner to protect human rights and ensure</p>	<p>Agreed.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
		demonstrate both value for money and if required the need for additional resource.				<p>data protection. Only specific EH staff have been trained in privacy impact assessments and are experienced in the deployment of CCTV in order to minimise risks to the Council.</p> <p>Housing & Community Safety Service are also in the process of procuring Body Worn Video. There will be 10 cameras available for use across EH teams when out on patch. A number are also being purchased for Officers in Housing and Community Safety. A Privacy Impact Assessment is complete and roll-out of the</p>	

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						equipment is imminent. Streetscene – Streetscene Team support enforcement arrangements by deployment of mobile CCTV equipment to aid detection of fly-tipping and wider environmental despoilment.	
HSCGC17/18 1.11 Ref. pp34-35; pp44-45	That a formal programme of educational initiatives is maintained as a combined approach by Streetscene and Environmental Enforcement, with greater consideration given to coverage across the whole of Bolsover District.	Improved local knowledge and greater awareness of environmental responsibility. Inclusion in Corporate/ Service Plans beyond March 2019. Programme is enhanced further to cover whole	April 2019.	Joint Streetscene & Waste Services Manager/ Environmental Health Manager.	Staff time; printing external literature and distribution costs where required; website/social media coverage.	EH – This is ongoing as part of mainstream delivery. The development of this proactive measure will be considered at the Environmental Enforcement Cleansing and Education group and via engagement with the Youth Council. Specific work is	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	The programme should be adapted to be age specific to suit the school/group as required and cover primary/secondary and community events.	District, with increased number of events/initiatives.				<p>underway looking at environmental education in secondary schools to ensure the programme content is appropriate.</p> <p>Streetscene Team have established schools education arrangements with an environmental despoilment and waste recycling focus. This is jointly delivered with Environmental Health and is open to Primary and Secondary schools and is subject to them requesting the programme within their curriculum activity.</p> <p>Streetscene\ Environmental Health attend\participate in community events</p>	

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						<p>to deliver these programs (i.e. Bolsover Food Fayre).</p> <p>Public events are chosen based on the size of the event and potential footfall/audience. Streetscene approach all schools but take up by the schools is voluntary. The response from those who have taken up the programme is very positive, with a number of requests for return visits by staff.</p>	
<p>HSCGC17/18 1.12 Ref. pp35-39</p>	<p>That additional staff training take place to ensure there is adequate staffing resource with the ability to support access to the DVLA system</p>	<p>Improved service resilience and effective delivery of service whilst operating 'mobile' across the Districts.</p>	<p>December 2019.</p>	<p>Environmental Health Manager.</p>	<p>Existing staff training budgets; staff time.</p>	<p>We appreciate that this was an issue raised during the course of the review. This is in progress. Another user has now been trained to ensure</p>	<p>Agreed.</p>

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	and create resilience within the team.					<p>flexibility, with a further additional Officer in the team identified to receive the training.</p> <p>The abandoned vehicle process is under review with input from Internal Audit. This should ensure that the correct checks and balances are in place for access to the DVLA system so as to meet compliance with the DVLA Guidance.</p>	
HSCGC17/18 1.13 Ref. pp41-42	That subsequent to the benchmarking exercise undertaken by Members (Appendix 3), further analysis is completed by the Head of Housing and Community Safety in to	Adequate staffing resource is available to manage the level of service demand.	September 2019.	Joint Head of Housing & Community Safety.	Staff time; any additional staffing resource identified would require a further report to Executive.	It is my intention to carry out a wider review of Environmental Health staffing not restricted to the one team.	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	staffing levels of the Environmental Enforcement Team to assess if resources adequately meet service demand, with a report back to Committee on the findings.						
HSCGC17/18 1.14 Ref. pp41-42	That the 'Report It' system on the website is fully reviewed, with 'user' testing, alongside the wider recommendation to improve publicity on communication channels and how to report incidents.	An improved, simple, user-friendly online system to aide prompt reporting of service requests/ incidents to the Authority.	December 2018.	Environmental Health Manager/ Customer Service Manager.	Staff time; Customer/ Member input for testing of system.	EH – This is in progress. Comms – The corporate website is due to be completely revamped during the latter stages of 2018 to make it more user and mobile friendly. Customer Services – Passed to Team Innovate to review script and set up a user testing meeting with an Elected Member, Customer Service Manager,	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						Team Innovate, Customer Information System (CIS) developer and Environmental Enforcement Team Leader.	
HSCGC17/18 1.15 Ref. pp37-39	That all Environmental Enforcement Technical Officers (EETOs) have access to mobile technology to ensure they can work off site/make calls etc. while travelling around both Districts.	Better communications provision for mobile staff, with particular emphasis on hands-free equipment.	March 2019.	Joint Head of Housing & Community Safety/ Environmental Health Manager.	IT/service budgets for equipment i.e. mobile phones/iPads/ mobile equipment.	Complete. While we are aware of issues raised during the course of the review, all EETOs and Dog Wardens have mobile smart phones and laptops to enable new work to be allocated whilst out on the District.	Agreed.
HSCGC17/18 1.16 Ref. pp37-39	That as per the staffing provision prior to merger via the Strategic Alliance, each District should have a designated Dog Warden and Environmental Enforcement Technical Officer (EETO), to reduce	Greater consistency in staff cover within the District. Improved resilience in Team when covering both Districts due to rotation of staff.	November 2018.	Joint Head of Housing & Community Safety/ Environmental Health Manager.	Staff time.	HoS – As per 1.13 a wider review of staff is planned. EH – This is already in place. The design of the joint service means that staff operate across designated patch areas already. Patches are	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	time spent travelling across both Districts. These designated staff should rotate on a bi-monthly basis to maintain local knowledge of both Districts.					designed based on service demand and ensuring maximum efficiency. A bi-monthly rotation would not be practical. Technical Support also assign work based on officer presence in the area at the time. There is also cover for staff leave. The current approach used leads to flexibility and resilience in the team.	
HSCGC17/18 1.17 Ref. pp46-49	That a combination of regular Member Briefings (District and Parish) and additional detail within quarterly performance reports is provided, outlining the level of enforcement taking place.	Improved understanding of Council activity, current trends and how Members can engage with officers where issues arise within their Wards. A programme of briefings in place	September 2018.	Environmental Health Manager.	Staff time; potential contribution from Communications Team and option of Member Development Sessions.	EH – Our intention is to work with the Communications team to develop further detailed quarterly updates. We will consider this at Environmental Enforcement, Cleansing and Education Group.	Agreed.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
		either weekly or monthly to clarify activity taking place/ enforcement in progress.				Comms – We are producing more publications now and detail such as this can be included in the District/Parish Gazettes, InTouch and website.	
HSCGC17/18 1.18 Ref. pp46-49	That the trial Members' Surgery meetings be evaluated for usage/effectiveness and made permanent if demand is proven.	Improved/ additional options for Member/Officer dialogue to identify Ward issues and 'hot spots'.	September 2018.	Environmental Health Manager.	Staff time.	Agreed, this can be delivered with a report back on the outcome.	Agreed.
HSCGC17/18 1.19	That Executive receive an update on progress following the initial six-month monitoring report.	That Executive remain informed as to the progress in implementing the Review's recommendation	May 2019	Scrutiny & Elections Officer	Officer time	An update will be produced as	Agreed.

Bolsover District Council

Healthy, Safe, Clean & Green Communities Scrutiny Committee

5th October 2018

Scrutiny Committee Work Programme 2018/19

Report of the Scrutiny & Elections Officer

This report is public

Purpose of the Report

- To provide members of the Scrutiny Committee with an overview of the meeting programme of the Committee for 2018/19.

1 Report Details

- 1.1 The main purpose of the report is to inform members of the meeting programme for the year 2018/19 and planned agenda items (Appendix 1).
- 1.2 This programme may be subject to change should additional reports/presentations be required, or if items need to be re-arranged for alternative dates.
- 1.3 Review Scopes will be agreed within Informal Session in advance of the designated meeting for Member approval to ensure that there is sufficient time to gather the information required by Members and to enable forward planning of questions.
- 1.4 Members may raise queries about the programme at the meeting or at any time with the Scrutiny & Elections Officer should they have any queries regarding future meetings.

2 Conclusions and Reasons for Recommendation

- 2.1 This report sets the formal Committee Work Programme for 2018/19 and the issues identified for review.
- 2.2 The Scrutiny Programme enables challenge to service delivery both internally and externally across all the Corporate Plan Ambitions.
- 2.3 Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.
- 2.4 Committee is required to formally approve review scopes in advance of commencing a review.

3 Consultation and Equality Impact

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.3 As part of the scoping of Reviews, consideration is given to any consultation that could support the evidence gathering process.

4 Alternative Options and Reasons for Rejection

- 4.1 There is no option to reject the report as Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None from this report.

5.2 Legal Implications including Data Protection

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

5.3 Human Resources Implications

- 5.3.1 None from this report.

6 Recommendations

- 6.1 That Members note this report and the Programme attached at Appendix 1. All Members are advised to contact the Scrutiny & Elections Officer should they have any queries regarding future meetings.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	N/A
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
1.	Work Programme 2018/19
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Previous versions of the Committee Work Programme.</p>	
Report Author	Contact Number
Joanne Wilson, Scrutiny & Elections Officer	2385

Report Reference –

Healthy, Safe, Clean and Green Communities Scrutiny Committee

Work Programme 2018/19

Vision: To enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District

Corporate Aim: Supporting our Communities to be Healthier, Safer, Cleaner and Greener

Performance Review	Policy Development	Policy/Strategy Programme Monitoring	Review Work	Call-In/Review of Executive Decisions	Petition

Date of Meeting	Items for Agenda		Lead Officer
1st June 2018 *1:00PM start	Part A – Formal	<ul style="list-style-type: none"> Agreement of Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Scoping of Review Work 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Final Draft Report 	Scrutiny & Elections Officer
29th June 2018 *2:00PM start	Part A – Formal	<ul style="list-style-type: none"> Licensing Act – Statement of Licensing Policy 2019-2024: Policy Review 	Licensing Team Leader/ Solicitor (Contentious Team Manager)
		<ul style="list-style-type: none"> Gambling Act – Statement of Principles 2019-2022: Policy Review 	Solicitor (Contentious Team Manager)
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work – Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Final Draft Report 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Training Session – Analysis/Evidence Interpretation Skills 	Monitoring Officer/Legal Team

Date of Meeting	Items for Agenda		Lead Officer
27th July 2018 *1:00PM start	Part A – Formal	<ul style="list-style-type: none"> Health and Well Being Strategy – update on the action plan. 	HR& OD Manager
		<ul style="list-style-type: none"> Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Approval of Final Report 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work – Agreement of Scope 	Scrutiny & Elections Officer
7th September 2018 *10:00AM start	Part A – Formal	<ul style="list-style-type: none"> Quarter 1 – Performance Update 	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> Anti-Social Behaviour Policy – Policy Review (subsequently postponed) 	Joint Head of Housing & Community Safety/ Solicitor (Contentious Team Manager)
		<ul style="list-style-type: none"> Corporate Enforcement Policy – Policy Review 	Solicitor (Contentious Team Manager)
		<ul style="list-style-type: none"> Work Programme 2018/19 (inc. Approval of Scope) 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
5th October 2018 *10:00AM start	Part A – Formal	<ul style="list-style-type: none"> Anti-Social Behaviour Policy – Policy Review 	Joint Head of Housing & Community Safety/ Solicitor (Contentious Team Manager)
		<ul style="list-style-type: none"> Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Executive Response 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
2nd November 2018 *10:00AM start	Part A – Formal	<ul style="list-style-type: none"> Quarter 2 – Performance Update 	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
30 th November 2018 *10:00AM start	Part A – Formal	<ul style="list-style-type: none"> Homelessness – Update on approach at BDC to meet new legislative duty 	Housing Needs Manager
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
25 th January 2019 *10:00AM start	Part A – Formal	<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Preparation for Annual Review of the Community Safety Partnership. 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
1 st March 2019 *1:00PM start	Part A – Formal	<ul style="list-style-type: none"> Quarter 3 – Performance Update 	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
29 th March 2019 *1:00PM start	Part A – Formal	<ul style="list-style-type: none"> Annual Review of Community Safety Partnership 	Housing Enforcement Manager & Community Safety Officer
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer
26 th April 2019 *1:00PM start	Part A – Formal	<ul style="list-style-type: none"> Post-Scrutiny Monitoring: Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Interim Report 	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Work Programme 2018/19 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work 	Scrutiny & Elections Officer