



# Council

Mon 20 Jul  
2020  
7.00 pm

Virtual Meeting  
Skype



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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If you have any queries on this Agenda please contact  
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## **GUIDANCE ON VIRTUAL MEETINGS**

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Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

### **Notes:**

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

# Council

Monday, 20th July, 2020

7.00 pm

**During the Covid-19 outbreak  
Committee meetings are taking  
place on Skype for Business**

## Agenda

### Membership:

Cllrs:

Gareth Prosser (Mayor)  
Julian Grubb (Deputy Mayor)  
Salman Akbar  
Joe Baker  
Tom Baker-Price  
Roger Bennett  
Joanne Beecham  
Juliet Brunner  
Michael Chalk  
Debbie Chance  
Greg Chance  
Brandon Clayton  
Matthew Dormer  
John Fisher  
Peter Fleming

Andrew Fry  
Bill Hartnett  
Pattie Hill  
Ann Isherwood  
Wanda King  
Anthony Lovell  
Gemma Monaco  
Nyear Nazir  
Mike Rouse  
Mark Shurmer  
Yvonne Smith  
David Thain  
Craig Warhurst  
Jennifer Wheeler

### 1. Welcome

### 2. Apologies for Absence

### 3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

### 4. Minutes (Pages 1 - 8)

### 5. Announcements

To consider Announcements under Procedure Rule 10:

- a) Mayor's Announcements
- b) The Leader's Announcements
- c) Chief Executive's Announcements.

### 6. Questions on Notice (Procedure Rule 9)

## 7. Motions on Notice (Procedure Rule 11) (Pages 9 - 10)

## 8. Executive Committee

Executive Committee minutes from the meeting of the Committee held on 9th June 2019

### 8.1 Anti-Social Behaviour Policy (Pages 25 - 54)

### 8.2 Members' Bring Your Own Device Policy (Pages 55 - 78)

Members are asked to note that, whilst the full report that was considered by the Executive Committee has been attached, a decision is only required at the Council meeting in respect of the Bring Your Own Device (BYOD) Policy.

## 9. Overview and Scrutiny Annual Report 2019/20 (Pages 79 - 98)

## 10. Outside Body Appointments

Members are invited to consider and agree the following appointments to outside bodies.

### a) Worcestershire Armed Forces Covenant Partnership

Council is invited to appoint a Councillor as Armed Forces Champion to the Worcestershire Armed Forces Covenant Partnership. This is a new Outside Body appointment and the Councillor appointed to this position will serve for a year until the next Annual Council meeting. The Councillor will act as a representative for Redditch Borough Council.

### b) Worcestershire Local Transport Board

To agree the following appointments to the Worcestershire Local Transport Board, which are agreed with partner authorities in north Worcestershire.

Lead Member – Councillor Adam Kent (Bromsgrove District Council)

Substitute – Councillor Fran Oborski (Wyre Forest District Council)

## **11. Urgent Business - Record of Decisions** (Pages 99 - 110)

To note the following decision taken in accordance with paragraph 7 at Part 2 and paragraph 5 at Part 9 of the constitution since the last meeting of Council.

### **Business and Planning Act 2020**

An urgent decision was required in respect of this matter because it was necessary to be ready to begin considering applications immediately the legislation received Royal Assent, expected to be early in July 2020.

#### **RESOLVED to**

- 1) DELEGATE the Council's functions in sections 1 to 10 of the Business and Planning Act 2020 to Worcestershire Regulatory Services [WRS];**
- 2) ADOPT the appended policy and procedure for implementation by WRS; and**
- 3) AUTHORISE the Head of Legal, Democratic and Property Services to make any necessary amendments to the Service Level Agreement and other documents Governing the Council's relationship with Worcestershire Regulatory Services, to reflect decisions at (1) and (2).**

**(Council decision)**

## **12. Urgent Business - general (if any)**

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)

## **13. Rent Management System** (Pages 111 - 122)

NOTE: This report contains exempt information which has only been made available to Members and relevant Officers. In order to enable Members to discuss the content of this report, a decision may be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 3 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

(Paragraph 3: Subject to the "public interest" test, information relating to the financial or business affairs of any particular person (including the authority holding that information).)

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## Council

Monday, 22 June 2020

## MINUTES

### Present:

Councillor Michael Chalk (Mayor), Councillor Gareth Prosser (Deputy Mayor) and Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Roger Bennett, Joanne Beecham, Juliet Brunner, Debbie Chance, Greg Chance, Brandon Clayton, Matthew Dormer, John Fisher, Peter Fleming, Andrew Fry, Julian Grubb, Bill Hartnett, Pattie Hill, Ann Isherwood, Wanda King, Anthony Lovell, Gemma Monaco, Nyear Nazir, Mike Rouse, Mark Shurmer, Yvonne Smith, David Thain, Craig Warhurst and Jennifer Wheeler

### Officers:

Kevin Dicks, Claire Felton, Clare Flanagan and Sue Hanley

### Senior Democratic Services Officer:

Jess Bayley

### 1. WELCOME

The outgoing Mayor, Councillor Michael Chalk, welcomed all those present to the meeting and explained how the virtual Council meeting would proceed. Members were advised that the meeting was being live streamed to the public on the Council's website.

### 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. MAYOR'S OPENING REMARKS

The outgoing Mayor, Councillor Chalk, commented that it had been an honour and a privilege to serve as Mayor of the Borough of Redditch during the latter part of the 2019/20 municipal year. He thanked his consort, his wife Mrs Jean Chalk, for her

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Chair

support. Thanks were also extended to the Mayor's Secretary, for her support and for organising his civic appointments.

During his opening remarks the retiring Mayor thanked all NHS staff and other frontline workers who had put their own lives at risk to save others. He extended this thanks to the numerous charities and individuals who had and continued to work to reduce the impact of the Covid-19 pandemic. Councillor Chalk commented that on behalf of the town he was passing on condolences to those who had lost loved ones during the coronavirus outbreak.

During the lockdown it had been necessary to cancel a number of activities, though all the groups and individuals who had been involved in raising funding for the Mayor's charities during the year were thanked for their support. The total raised remained to be confirmed on the date of the meeting, but Members were advised that the funds would be distributed equally between the Mayor's charities.

During consideration of this item Councillor Roger Bennett, who had also served as Mayor during the 2019/20 municipal year, passed on his thanks to the people who had raised money for the Mayor's charities in 2019/20. He also thanked the Mayor's Secretary and the Chief Executive's PA for their support during the year.

#### **5. ELECTION OF MAYOR FOR 2020/21**

Councillor Gareth Prosser was elected Mayor of the Borough for the forthcoming year. He made the statutory declaration of acceptance of office verbally and then was invested with the Chain of Office. Councillor Prosser thanked the outgoing Mayor and, on behalf of the Council, expressed gratitude for the work he had carried out as an ambassador for the town.

#### **RESOLVED that**

- 1) Councillor Gareth Prosser be elected Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council; and**
- 2) the Council formally express, and record, its gratitude to Councillor Michael Chalk for his excellent service to the town as Mayor in the 2019/20 municipal year.**

#### **6. ELECTION OF DEPUTY MAYOR FOR 2020/21**

Councillor Julian Grubb was elected Deputy Mayor of the Borough of Redditch for the forthcoming year. He made the statutory declaration of acceptance of office verbally and was then invested with the Deputy Mayor's Badge of Office.



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Monday, 22 June 2020

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**RESOLVED that**

**Councillor Julian Grubb be appointed Deputy Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council.**

**7. MINUTES**

**RESOLVED that**

**the minutes of the meeting Council held on Monday 24<sup>th</sup> February 2020 be approved as a true and correct record and signed by the Mayor.**

**8. ANNOUNCEMENTS**

a) Mayor's Announcements

The Mayor announced that his consort during the 2020/21 municipal year would be his wife, Mrs Lynn Prosser. Members were advised that Councillor Prosser and his wife had lived in the Borough for 33 years and had raised a family in Redditch. Councillor Prosser had also served in the West Mercia Police Force and during this time had been based in Redditch. Members were advised that despite the challenges posed by the Covid-19 outbreak, Councillor Prosser would participate in as many civic engagements as possible.

Members were informed that Reverend Paul Lawlor had been asked to continue to serve as the Mayor's Chaplain in the 2020/21 municipal year. The Mayor's charities would be Redditch Association for the Blind and the Disability Support Project Redditch.

b) The Leader's Announcements

The Leader confirmed that he had no announcements to make on this occasion.

c) The Chief Executive's Announcements

The Chief Executive confirmed that he had no announcements to make on this occasion.

**9. THE LEADER'S APPOINTMENTS**

The Leader announced that he had appointed seven Portfolio Holders to the Executive Committee and the remit of each portfolio was outlined in papers that had been provided in a supplementary pack for Members' consideration in advance of the meeting. The Leader had also, following the practice in previous years at the

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Council, offered two places on the Executive Committee to the Labour Group, which had been accepted.

**RESOLVED that**

**the appointment by the Leader of the Deputy Leader, of Members to the Executive Committee and to the individual Portfolios be noted.**

**10. APPOINTMENT OF COMMITTEES, PANELS ETC. AND THEIR CHAIRS AND VICE CHAIRS**

The Council considered the report setting out the proposed political balance of the Council's Committees and lists of nominations to Committees, Sub-Committees and other bodies, which were circulated in a supplementary pack prior to the meeting.

**RESOLVED that**

- 1) the Political balance of the Committees of the Council be agreed as set out in paragraph 3.5 of the report;**
- 2) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;**
- 3) the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;**
- 4) the Conservative Group do not take up two seats they are entitled to, arising from the suspension of the political balance for the Overview and Scrutiny Committee and Crime and Disorder Scrutiny Panel;**
- 5) appointments by political group leaders to the places on each Committee etc. be noted;**
- 6) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 1;**
- 7) appointments to Working Groups and other bodies listed in the appendix be agreed; and**
- 8) the terms of reference for the Committees as set out at Appendix 2 be confirmed.**

**11. OUTSIDE BODIES**

Members considered a report setting out proposed appointments to various outside bodies.

**RESOLVED that**

**the Council makes appointments to the bodies listed in the appendix to the report.**

**12. CONSTITUTION UPDATES - INCLUDING THE SCHEME OF DELEGATION**

Members considered a report detailing proposed updates to the Council's constitution.

During consideration of this item an amendment was proposed by Councillor Bill Hartnett to the first recommendation in the report. This amendment was seconded by Councillor Greg Chance.

The amendment proposed the following:

“That updates made to the scheme of delegation, in line with the Monitoring Officer's authority to reflect changes to job titles, legislation and reallocation of functions, be approved.”

In proposing the amendment Councillor Hartnett explained that his group was in favour of supporting updates made to the Scheme of Delegation in accordance with the Monitoring Officer's delegated authority to reflect changes to job titles, legislation and the reallocation of functions. However, there was some opposition to the two additional delegations that had been proposed in the second and third recommendations in the report. This was due to concerns that there should be continuing Member involvement in the development of engagement, equalities and performance strategies as well as in the Council's process for organising contracts. As the wording for these two proposed additional delegations had been highlighted in the Scheme of Delegations, approval of the first recommendation in the report could be viewed as endorsing those two recommendations. The wording proposed in the amendment helped to provide a useful distinction about the parts of the Scheme of Delegation that could be supported by some Councillors.

Members discussed the proposed amendment in detail and in so doing commented on the following:

- The purpose of the amendment.
- The fact that the Monitoring Officer already had delegated authority to update the Scheme of Delegations to reflect changes to job titles, legislation and the reallocation of functions.

On being put to the vote the amendment was lost.

The recommendations detailed in the report were subsequently discussed. On the one hand, Members noted that the proposed changes to the scheme of delegations would help the Council to operate more like a business and would facilitate faster decision making in respect of equalities, engagement and performance policies as well as Council contracts. On the other hand, some Members noted that the proposed delegations would delegate more authority to officers and would reduce the involvement of Members.

**RESOLVED that**

- 1) that the Officer Scheme of Delegations be agreed;**
- 2) that the proposed change to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's policies and strategies relating to Equalities, Engagement and Performance, be approved;**
- 3) to extend the delegation in the Council's Scheme of Delegations to the Head of Legal, Democratic and Property Services or Principal Solicitor to sign or seal any document, Order or Notice on behalf of the Council and to serve or receive any documents on behalf of the Council to include contracts falling under the Contract Procedure Rules; and**
- 4) that, for a period of three months commencing 28<sup>th</sup> June 2020, the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers; and**
- 5) that the updated Redditch Borough Council constitution be approved.**

**13. URGENT BUSINESS - RECORD OF DECISIONS**

Members noted the details of six urgent decisions that had been taken in respect of the following matters since the previous meeting of Council:

- a) Local Enterprise Partnership (LEP) – Council Membership
- b) Delegations in respect of Licensing, Council Contracts and Rubicon Leisure Business Plan
- c) Delegations for Planning and Regeneration Services
- d) Public Participation in Virtual Planning Committee meetings
- e) Virtual Committee Meetings Protocol
- f) Discretionary Business Grants Policy

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During consideration of this item reference was made to the decision that had been taken with respect to the Rubicon Leisure Business Plan. In urgent decision 20/2020 a decision had been taken to suspend the requirement for a business plan from the company, but this had only been applied for three months, ending 27<sup>th</sup> June 2020. Members noted that due to the lockdown and social distancing measures that were in place it was not possible for Rubicon Leisure services to be delivered as they would normally. With this in mind, there was general consensus that the company should not be required to draft a business plan until service delivery could return to normal.

**RESOLVED that**

**the Council acknowledges that Rubicon Leisure will not have an approved Business Plan at the start of the 2020/2021 financial year. The Council resolves not to take any action in respect of any breaches of the Articles of Association or the Leisure Operating Contract (including the Services Specification) resulting from the failure for an approved Business Plan to be in place, provided that Rubicon Leisure will continue to operate as far as current circumstances allow in accordance with the previously approved (2018/2020) Business Plan and will present a revised Business Plan taking account of the operational changes necessitated by Covid-19 to the Shareholder Committee as soon as reasonably practicable.**

**14. URGENT BUSINESS - GENERAL (IF ANY)**

There was no general urgent business for consideration on this occasion.

The Meeting commenced at 7.00 pm  
and closed at 8.19 pm

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**Redditch Borough Council**

**20th July 2020**

**Motions on Notice**

**1. Covid-19**

Proposed by Councillor Matthew Dormer, seconded by Councillor Bill Hartnett.

This Council recognises the Coronavirus epidemic as a major public health incident that is adversely impacting the residents and businesses of the Borough.

In responding to the crisis, Council records its sincere thanks to the NHS, our Council's officers, emergency service workers, supermarket staff, community groups and the countless volunteers across Redditch who have provided relief and aid to our valued communities.

Council also acknowledges the work of the Council's frontline staff, colleagues and volunteers

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## Executive Committee

Tuesday, 9 June 2020

### MINUTES

#### Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett, Mike Rouse and Craig Warhurst

#### Also Present:

Councillors Joanne Beecham, Nyear Nazir and Mark Shurmer

#### Officers:

Clare Flanagan, Sue Hanley, Mark Hanwell, Kevin Hirons, Bev Houghton, David Riley and Judith Willis

#### Senior Democratic Services Officer:

Jess Bayley

#### 119. APOLOGIES

The Chair introduced the meeting and explained how the Executive Committee would operate whilst meetings took place virtually.

There were no apologies for absence.

#### 120. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 121. LEADER'S ANNOUNCEMENTS

The Chair advised that the Overview and Scrutiny Committee had considered the Parking Enforcement Task Group's final report on 4<sup>th</sup> June 2020. The Overview and Scrutiny Committee had approved the recommendations detailed in the group's report, subject to a small amendment to the first recommendation, which required the Leader of the Council to formally request that the County Council should write to the Secretary of State for Transport to request additional funding in order to issue more Traffic Regulation Orders (TROs).

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Chair

Members were asked to note that one of the recommendations in the Task Group's report, Recommendation 4, had been divided into two for the consideration of the Executive Committee. This had occurred because, whilst the Council could determine whether to send a copy of the group's report to the County Councillors, only the County Council could determine whether the issue of road markings should be discussed at a meeting of the Redditch Highways Forum.

Reference was made to an extract from the minutes of the Overview and Scrutiny Committee meeting held on 4<sup>th</sup> June 2020, which set out the Committee's debate in respect of the Parking Enforcement Task Group's report. The Chair advised that, due to the short time between the Overview and Scrutiny Committee and Executive Committee meetings, it had not been possible to send paper copies of the supplementary pack to Members, though the pack was available to view electronically on the Council's website or using the modern.gov app.

#### **122. MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Executive Committee held on Monday, 24<sup>th</sup> February 2020, be approved as a true and correct record and signed by the Chair.**

#### **123. PARKING ENFORCEMENT TASK GROUP - FINAL REPORT**

Councillor Mark Shurmer, Chair of the Parking Enforcement Task Group, presented the group's final report. The Committee was informed that during the review Members had gathered evidence from a range of sources including Council Officers, Worcestershire County Council, Wychavon District Council, which delivered the parking enforcement service in Redditch on Redditch Borough Council's behalf, and scrutiny reports issued by other Councils on the subject. The group had consulted with other Borough Councillors by circulating a survey, which had revealed that parking problems were frequently reported to Members representing wards across the Borough, particularly in respect of parking near schools. Each member of the group had also spent time accompanying a Civil Parking Enforcement Officer during a shift working in Redditch and this experience had been very informative.

The review of parking enforcement had been launched following discussion at a meeting of the Audit, Governance and Standards Committee, where problems with parking in the Borough had been raised as a concern by Members. The group had initially focused

# Executive Committee

Tuesday, 9 June 2020

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on the Council's contract with Worcestershire County Council to provide the parking enforcement service in Redditch. Members were asked to note that the service could not generate a profit that would benefit the Council; any excess revenue generated by the service over the costs of delivering the service had to be returned to Worcestershire County Council. However, there had been years where the service had operated at a financial loss and in those instances Redditch Borough Council had to cover the costs.

Members were advised that the group had proposed five recommendations all of which had been based on evidence gathered during the review. In presenting the group's recommendations to the Executive Committee one of these recommendations, recommendation 4 in the Task Group's report, had been presented in two parts; whilst the Executive Committee could determine to send paper copies of the group's report to the County Councillors representing a division in Redditch, only Worcestershire County Council could decide whether road markings should be discussed at a forthcoming meeting of the Redditch Highways Forum, as proposed by the group.

Following presentation of the report the Chair explained that, at a recent meeting of the Worcestershire Leaders' Board he had already mentioned the issue of parking enforcement and the need for more Traffic Regulation Orders (TROs) to be introduced for the zigzag lines located outside schools. There had been general consensus amongst the other Leaders present at the meeting that this would be a suitable subject for further discussion as there was the same problem across the county.

The Committee subsequently discussed the group's report in detail. The hard work of the group was recognised, and Members welcomed the majority of the group's findings. Members noted that this was an issue that had implications for all wards, as Members frequently received complaints about problem parking, and action to address this problem could help to enhance community safety.

However, during consideration of this item concerns were raised about the group's proposal that Redditch Borough Council should fund an additional Civil Enforcement Officer post dedicated to enforcement action around schools, to work term-time only. Whilst it was acknowledged that this recommendation was contingent on the group's first proposal being successfully implemented, whereby Worcestershire County Council would request and receive extra funding to introduce TROs for the zigzag lines outside schools, concerns were highlighted about the financial implications of the additional post for Redditch Borough Council. Members noted that a Civil Enforcement Officer's appearance could deter problem parking whilst they were visibly present which would mean that

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there was no guarantee there would be sufficient income to cover the costs of the post.

In this context an amendment was proposed by Councillor Mike Rouse to recommendation two in the Task group's report (recommendation five in the covering report) as follows:

“that, subject to the successful implementation of Recommendation 1 above, and following a scoped trial period, Redditch Borough Council should consider funding an additional Civil Enforcement Officer post dedicated to enforcement action around schools to work term-time only.”

This amendment was seconded by Councillor Brandon Clayton.

In proposing the amendment Councillor Rouse explained that the action required through the amended wording would result in a trial being undertaken, whereby enforcement action would be focused on schools during the trial period. This would enable the Council to obtain data about the impact of the enforcement action and that data would inform any decision on whether to introduce an additional Civil Enforcement Officer in the future. He also noted that TROs could take significant time to introduce and this would provide an opportune time to undertake a trial as proposed in the amendment

In seconding the amendment Councillor Clayton raised concerns about the lack of data underpinning the proposal to introduce an extra Civil Enforcement Officer, as proposed by the group.

Members subsequently discussed the amendment and during this discussion the following points were raised:

- The need for Redditch Borough Council to work with Worcestershire County Council in respect of enforcement action around schools.
- The number of Officers already employed to deliver the parking enforcement service in Redditch, at 1.8 full time equivalent (fte) staff and their potential to participate in the proposed trial.
- The extent to which the existing Civil Enforcement Officers had capacity to undertake additional enforcement work around schools.
- The number of schools in the Borough and the arrangements that would need to be put in place to enable the Civil Enforcement Officers to undertake enforcement action at different schools during the trial period.
- The benefits of gathering data during a trial period in respect of issues such as the length of time that vehicles were parked

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on double yellow lines. Members noted that should a vehicle be parked for less than three minutes on double yellow lines no enforcement action could be taken.

- The potentially positive impact that an additional Civil Enforcement Officer could have when working near schools.
- The concerns raised by some Members about the impact that not introducing an additional officer post could have on community safety near schools. Some Members noted that they were opposed to the amendment.
- The fact that some parking infringements were the police's responsibility to address. In these instances, Civil Enforcement Officers could not take enforcement action.

On being put to the vote the amendment was carried.

## **RESOLVED that**

- 1) at a meeting of Worcestershire Leaders' Board, the Leader should raise the need to introduce Traffic Regulation Orders (TROs) for all zigzag road markings outside schools in the county. As part of this process the Leader should formally request that Worcestershire County Council write to the Secretary of State for Transport to request that additional, ring-fenced funding be provided to Worcestershire County Council that can be invested in introducing these additional TROs;**
- 2) Officers from Redditch Borough Council work with Worcestershire County Council, local schools and West Mercia Police to develop a strategy to tackle problem parking near schools;**
- 3) all Worcestershire County Councillors representing a Redditch division should be provided with a copy of the group's final report to facilitate a discussion of this subject at a Redditch Highways Forum meeting;**
- 4) training in respect of parking enforcement arrangements in the Borough should be provided in a single training session each municipal year as part of the member induction programme. New elected Members should be offered the opportunity to shadow a Civil Parking Enforcement Officer;**
- 5) subject to the successful implementation of Recommendation 1 above, and following a scoped trial period, Redditch Borough Council should consider funding an additional Civil Enforcement Officer post**

**dedicated to enforcement action around schools to work term-time only; and**

#### **RECOMMENDED**

- 6) to Worcestershire County Council, that the need for road markings to be replaced as soon as possible after resurfacing work has been undertaken should be discussed at a forthcoming Redditch Highways Forum meeting.**

#### **124. ANTI-SOCIAL BEHAVIOUR POLICY**

The Head of Community and Housing Services and the Community Safety Manager presented a report outlining proposed amendments to the Council's Anti-Social Behaviour Policy.

The key aims of the policy were to set out how the Council would tackle anti-social behaviour in the Borough. In many cases, the Council could take action to address anti-social behaviour, but it was not always possible for the Council to respond. The policy introduced a risk assessment that placed the victim at the centre of the process. As part of the process any personal issues impacting on victims could be identified. A reassessment process had also been incorporated into the policy, to occur in the eighth week after the initial intervention, to enable officers to assess the impact that any action taken had had on the reported anti-social behaviour. An equality impact assessment would also be undertaken as part of the process. This would enable officers to identify issues impacting on the perpetrator, though this did not necessarily mean that action would not be taken.

There were various forms of intervention available for Officers to use when handling anti-social behaviour incidents. In the past there had sometimes been a focus on taking legal action. However, in some instances, mediation might be more effective. The choice of action that would need to be taken in response to incidents of anti-social behaviour would need to be assessed on a case by case basis.

After the presentation of the report the following points were discussed by Members:

- The changes that had been made to the Anti-Social Behaviour Policy and the legislative basis for these changes. Officers explained that amendments had been made to the policy to enable the Council to make use of powers set out in the Anti-Social Behaviour Crime and Policing Act 2014.

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- The costs of mediation services that were available for the Council to access and how these costs would be covered. Officers advised that mediation would be available in cases where one of the parties was a Council tenant. The parties concerned would be expected to pay, though it was possible that the Council would have to cover the costs if mediation was considered necessary and the parties concerned were unable to pay.
- The circumstances in which mediation could be useful. Members were advised that anti-social behaviour cases often built up over time until there was an impasse. Mediation could help to address these cases more effectively than legal action and was less financially costly.
- The length of time required for effective mediation and the fact that this would be charged on an hourly basis. Officers advised that, based on consultation with Housing Associations, it had been found that the length of time required for mediation to work effectively varied, though it was likely that the Council would not permit mediation to last beyond two hours.
- The availability of shuttle mediation, whereby the different parties were met by mediators on separate occasions rather than in the same room at the same time. This could be helpful in cases where the parties did not want to be in the same room together.
- The need to provide training to relevant officers in respect of the changes to the policy and new powers available to the Council.
- The process of consultation that had been followed by Officers when drafting the updated policy. The Committee was informed that relevant senior officers had had an opportunity to comment on the content of the report. Partner organisations, such as Housing Associations operating in the Borough, had been consulted about the process they followed when tackling anti-social behaviour.
- The connection between this policy and the potential for the Council to issue Public Spaces Protection Orders (PSPOs) to residents committing anti-social behaviour. Officers explained that the policy would support existing initiatives to introduce PSPOs. In the Officer Scheme of Delegation Officers had been delegated authority in respect of PSPOs and proposals to introduce these would start to be reported to Council for agreement in the autumn.
- The positive impact that changes to this policy would have on residents' quality of life.

## **RECOMMENDED that**

- 1) the draft ASB policy is adopted; and**

- 2) **the Head of Community and Housing Services be given delegated authority to update and amend the policy in line with any new legislation and guidance, as and when required.**

#### **125. MEMBERS' ICT AND BRING YOUR OWN DEVICE POLICIES**

The ICT Transformation Manager and Portfolio Holder for Leisure, as the relevant lead Portfolio Holder for IT, presented the Members' ICT and Members' Bring Your Own Device (BYOD) Policies for the Committee's consideration.

During the presentation of the report the following matters were highlighted for Members' consideration:

- Elected Members were all offered the opportunity to use ipads for their Council work at present.
- Unfortunately, the functionality of the ipads was limited. This had created difficulties during the recent lockdown as it had impacted on Members' access to virtual meetings. Members could also not access Microsoft software on their ipads.
- The amended Members' ICT policy proposed that Members should be offered two options; a Council laptop or Microsoft Surface Pro device or to use their own IT equipment, subject to agreeing to the Members' BYOD Policy.
- Under the proposals, Members would continue to provide their own broadband access, but the ICT team would provide support in relation to use of the Council's devices and software.
- All Council devices would need to be PSN compliant and scanning would be required from time to time.
- The cost of purchasing a single laptop would be £400 and a Microsoft Surface Pro device would cost £680 each.
- Additional equipment, such as a docking station to enable Members to view documents on a larger screen, might be required in some cases. These could cost approximately £250.
- The BYOD Policy provided Members with the flexibility to use alternative devices. Initially, as the Council continued to use blackberry software, only android and apple devices could be used under this policy, but when the Council migrated to a different system more alternatives could be used.
- Officers were working on a roll out of Office365 and Microsoft Teams which would provide greater flexibility and functionality for Members in the future.



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- Two factor authentication might be required in future, in relation to the BYOD policy, to ensure compliance with security requirements.
- The ICT team would be able to support Councillors in use of the Council's software but would not be able to assist Members with management of their personal devices.
- Under the BYOD policy, the Council would retain control of Council data accessible from a personal device. Should Members lose the device or cease to be a Councillor, the data would be erased, though no personal data would be removed.
- In cases where a Councillor lost either their Council device or the personal device s/he used for Council business s/he would be responsible for notifying the ICT team so that the data could be erased.
- Any laptops purchased during the lockdown for Members' use would be paid for using funding from the Council's Covid-19 budget. This would enable Members to fulfil their responsibilities during the lockdown.

Following the presentation of the report Members discussed a number of points in detail:

- The need for Councillors to be able to access information in a timely manner and to participate effectively in virtual Committee meetings during the lockdown.
- The potential for Members to access Committee papers electronically from their Council devices using the modern.gov app. Some Members noted that they would like to continue to receive paper copies of agenda packs.
- The importance of effective IT devices to enable Members to both participate in decision making at Committee meetings and to manage case work in relation to their wards.
- The timescales for the roll out of Microsoft Teams at the Council. Officers advised that the aim was to provide all elected Members with access to Microsoft Teams by 18<sup>th</sup> June 2020.
- The timescales for the delivery of Office365 to Members. Officers explained that, following exchange integration, Members would be provided with access to Office365 by 6<sup>th</sup> August 2020.
- The two options available to Members and the extent to which Members could opt to both have a Council issued piece of equipment and to use his/her own IT equipment. The Committee was advised that Members could use both options for Council business.
- The training that would be available to Members. Officers confirmed that training would be provided and paid for within existing Council budgets.

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- The need for ICT devices to be made available for new Members in the future and the potential financial implications for the Council.
- The potential for Councillors who already had access to their own ICT equipment to opt to use this in order to minimise the financial implications for the Council moving forward.
- The fact that some Councillors could not afford to purchase their own IT devices and would be reliant on the Council to supply appropriate equipment.

**RECOMMENDED that**

- 1) **the proposed Member ICT Bring Your Own Device Policy be agreed and implemented; and**

**RESOLVE that**

- 2) **the proposed Member ICT Policy be agreed and implemented for all Members and that the options within it be made available to Members.**

**126. DISCRETIONARY BUSINESS GRANT POLICY**

The Financial Support Manager presented the Discretionary Business Grant Policy for Members' consideration and in doing so highlighted the following for Members' consideration:

- The Government had introduced financial support for businesses, including grants for small businesses that were eligible for business rates relief, early in the lockdown for Covid-19.
- By the date of the meeting, £12.6 million grant funding had been distributed by the Council amongst local businesses.
- A number of local business which had been impacted by the lockdown had unfortunately not been eligible for funding under existing schemes.
- The government had recently announced that local authorities would be provided with an uplift, or additional funding, calculated on the basis of 5% of anticipated expenditure in response to Covid-19 by the Council as of 3<sup>rd</sup> May 2020. Redditch Borough Council had been allocated £724,000.
- This additional funding had been allocated to the Council in order to enable authorities to provide discretionary grant funding to businesses that had been ineligible to apply for grant funding under the previous schemes.
- In order to be eligible to apply for a discretionary business grant businesses needed to be able to prove they had been in business since at least 11<sup>th</sup> March 2020, had not previously

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received grant funding related to Covid-19 and the business could not be in administration.

- The government had advised the Council that in the first place a number of small businesses should be prioritised for discretionary business grant funding including; market stall traders, small bed and breakfast providers, Voluntary and Community Sector organisations occupying premises where they were not required to pay business rates and businesses occupying shared premises.
- The Council had also identified businesses locally that, though impacted by the lockdown, had not previously been eligible to receive grant funding. These businesses would be allowed to apply for funding under the discretionary scheme.
- The Council had identified tiers of businesses, in terms of the extent to which certain businesses would be prioritised for funding over others. The Government's priority businesses would be the first to receive funding followed by other local businesses identified by the Council as in need of financial assistance.
- Following publication of the report a couple of adjustments had been agreed to the policy. This would include explicit reference to the fact that political parties would not be eligible to apply for a grant and funding would be provided to market traders on a pro rate basis.
- The Council would advertise the opportunity for eligible businesses to apply for a discretionary business grant for a set period. Applications would be assessed at the end of that period and then funding provided within five days of the decision.

After the report had been presented Members discussed a number of points in detail:

- The Overview and Scrutiny Committee's pre-scrutiny of the report, which had resulted in Members noting the report.
- The funding that had been allocated to Redditch Borough Council for the discretionary grant, as Members noted that two separate figures had been quoted in the agenda papers. Officers explained that a typographical error had been made in the policy and this would be amended.
- The deadline for applications to the discretionary business grants scheme. Officers advised that the deadline to apply would be 30<sup>th</sup> June 2020 and Officers would aim to start advertising the funding opportunity as soon as a final decision had been taken on the matter.
- The extent to which schemes at other authorities in Worcestershire had been taken into account when developing the Discretionary Business Grant Policy for Redditch. Officers advised that the policies developed by Wyre Forest District

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Council and Wychavon District Council had been considered. There were a number of similarities between those Councils, though local priorities would vary.

- The potential for grant funding to be provided to taxi drivers and taxi firms. Members were informed that many taxi firms had a central office based in small premises and could be eligible for support through business rates relief.
- The action that would be taken to contact businesses that would be eligible to receive business grant funding and how they would be identified. The Committee was informed that a proactive approach would be adopted by Officers and, wherever possible, eligible businesses would be notified of the availability of the funding.
- Members concluded their discussions by thanking the Executive Director of Finance and Corporate Resources, the Financial Support Manager and their team for their hard work in respect of this matter.

## **RECOMMENDED that**

- 1) the guidance for awards of discretionary grants is adopted; and**
- 2) the Executive Director for Finance and Corporate Resources is authorised to finalise the guidance and to make other decisions in relation to the payment of grants, following consultation with the Chief Executive and the Portfolio Holder for Corporate Management.**

## **127. OVERVIEW AND SCRUTINY COMMITTEE**

The Committee was informed that there were no outstanding recommendations from the Overview and Scrutiny Committee that required consideration.

### **RESOLVED that**

**the minutes of the Overview and Scrutiny Committee held on 17<sup>th</sup> February 2020 be noted.**

## **128. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

The Chair explained that there were no further recommendations requiring Members' consideration on this occasion.

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## 129. ADVISORY PANELS - UPDATE REPORT

The following updates were provided in respect of Executive Advisory Panels and other bodies:

- a) Climate Change Cross Party Working Group – Chair, Councillor Brandon Clayton

Councillor Clayton explained that no meetings of the group had been held during the lockdown, though it was possible a meeting would be convened in the next few months.

- b) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the Constitutional Review Working Party was due to take place on 14<sup>th</sup> July, 2020.

- c) Corporate Parenting Board – Council Representative, Councillor Julian Grubb

Councillor Grubb informed the Committee that a meeting of the Board had taken place the previous week. During this meeting the primary topic of conversation had been Covid-19 and reference had been made to the specific impact of the outbreak on foster care.

- d) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer noted that during the Executive Committee meeting an update had already been provided by Officers in respect of the roll out of Office365 and Microsoft Teams. As a consequence, there was very little information to report to the Member Support Steering Group at this time and consideration would be given to cancelling the meeting of the group that was scheduled to take place on Tuesday, 16<sup>th</sup> June 2020.

- e) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer informed the Committee that no meetings of the Planning Advisory Panel were scheduled to take place.

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**REDDITCH BOROUGH COUNCIL****EXECUTIVE**9<sup>th</sup> June 2020**ANTI SOCIAL BEHAVIOUR POLICY**

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

**1. SUMMARY OF PROPOSALS**

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

**2. RECOMMENDATIONS**

**The Executive Committee is asked to RECOMMEND that**

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

**3. KEY ISSUES****Financial Implications**

- 3.1 Failure to manage ASB effectively can lead to increased costs to the council due to void losses, damage to property, compensation claims via the Housing Ombudsman and court costs relating to compensation, enforcement and eviction.
- 3.2 However, tackling ASB, nuisance and ongoing disputes early and amicably could lead to reductions in costs to the council for repairs, damage, house moves and legal fees etc. There is also the option to seek to recover the costs of ASB damage and vandalism to council property directly from the perpetrator, once a case has been proven.
- 3.3 Initially, additional costs will be incurred by the council in implementing this policy where one or both parties are council tenants. This relate to the use of mediation should one or both parties are unable to pay for the service. Approximate costs are in the region of £140 to £150 per hour plus administration fees. These costs will reduce significantly once housing officers are trained to deliver a service in-house. There will also be a cost implication for mediation training for staff. Courses range from £200 a day to £2,000 for a 5 day course with accreditation, per person.
- 3.4 The costs from the above will be funded from the existing HRA budget.

**Legal Implications**

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



**Service / Operational Implications**

- 3.8 The ASB policy directly supports the council's strategic purpose "Communities which are safe, well maintained & green" and is also linked to the purposes "Finding somewhere to live" and "Living independent, active, healthy lives". The policy also contributes to North Worcestershire Community Safety Partnership's priority to "Reduce Anti-Social Behaviour"
- 3.9 ASB and Community Safety is a corporate priority and introducing this policy will demonstrate how the council will deal with cases of ASB, making the process clearer for residents and staff.
- 3.10 The policy outlines the council's responsibilities in dealing with various of types of ASB, recognising that different council services can have an impact on poor behaviour, supporting victims and taking action on their behalf, as appropriate.
- 3.11 The policy reflects the definition of ASB contained within the ASB, Crime & Policing Act 2014 and sets out what the council considers to be anti-social behaviour, what powers and tools we have available to prevent ASB from occurring and what action we can take when it does. The policy also outlines instances where the council may not get involved and details the expectations placed on residents and their visitors to assist us in maintaining peaceful communities.
- 3.12 The policy is clear on the council's commitment to delivering a preventative and harm reduction centred approach to tackling ASB and provides a consistent and proportionate response to all behaviour we define as ASB

**Customer / Equalities and Diversity Implications**

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

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considered that any potential negative impacts on the perpetrator are justified on the grounds of protecting the victim, the perpetrator themselves and/or the wider community.

- 3.16 Once the policy is agreed, communication on what the public can expect from the council, how we will deal with reports of ASB, how the services can be accessed and how quickly we will respond will be designed and publicised.

**4. RISK MANAGEMENT**

- 4.1 The council has a statutory duty to exercise its functions with due regard to the effect of those functions on crime, disorder, ASB and reoffending. The council must also do all it reasonably can to prevent crime, disorder, ASB and reoffending throughout the borough.

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

**5. APPENDICES**

Appendix A – Draft Redditch Borough Council ASB Policy

**6. BACKGROUND PAPERS**

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

**AUTHOR OF REPORT**

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# Anti-Social Behaviour Policy

## Document Version Control

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

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## **1. Introduction**

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

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

## **2. Aims and Objectives**

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

- 2.1 This policy supports the Council's corporate priorities which are set out in the Redditch Borough Council Plan 2020 – 2024. The Council Plan identifies ASB and Community Safety as one of its priorities and provides a commitment to work with partners to reduce crime and disorder, target the causes of ASB across the Borough and to address the ASB issues affecting our communities.
- 2.2 The Council is committed to promoting equality of opportunity in its services and has procedures in place to ensure that all residents are treated fairly and without unlawful discrimination. The Equality Act 2010 provides a framework to ensure council services are not provided in a discriminatory manner, having due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations between people from all communities.
- 2.3 The Council believes that consideration of the impact of incidents on victims and neighbourhoods is crucial and therefore takes a victim-centred approach when dealing with ASB. How each case is handled will vary depending on the specific circumstances of the victim and the perpetrator and all service users will be treated with dignity and respect. Language barriers and certain forms of mental illness or disability may make it difficult for some people to express themselves or communicate clearly, so officers will consider use of advocates, translation services and/or make reasonable adjustments to meet the needs of each individual.
- 2.4 Under this policy, the Council will:
  - demonstrate that we have considered any vulnerability identified within the Equality Act when deciding to proceed with legal action.

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

### **3. Responsibility**

#### 3.1 Our role as a social landlord

As a landlord, we have a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and are in addition to, the duties and powers we have to deal with ASB in the wider community

#### 3.2 Our role as a statutory member of the Community Safety Partnership

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

#### 3.3 Our environmental protection role

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

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

#### 3.5 Worcestershire Regulatory Services

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

#### 3.6 Dealing with Anti-Social Behaviour

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

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

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

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

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

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

**ASB affecting our landlord role in addition to the above:** This includes but is not limited to failure by tenants to take reasonable steps to prevent others living in the property (including children or visitors) from behaving anti-socially.

- Failure by tenants to observe any tenancy conditions that are related to ASB
- Any act (whether or not committed by a tenant or leaseholder), which directly or indirectly adversely affects the Council's housing management function.
- The misuse of communal areas (including parking areas), the use of motor vehicles in an anti-social manner by tenants, others living in the property or visitors of the tenants. In cases such as these, the tenants will be referred to the Council's Tenancy Management Policy and procedures.

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

- 3.8 When we may not be able to get involved

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

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

### 3.9 Our Commitments

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

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

### 3.10 No one should have to tolerate ASB

Our policy is to:

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

### 3.11 Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

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

### 3.12 ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take any necessary early action to protect people and property.



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

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

Our policy is to:

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

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

Our policy is to:

- Ensure that officers dealing with ASB are appropriately trained.
- Ensure that officers dealing with ASB understand and follow agreed policies and procedures.
- Focus the response to ASB on the needs of those most affected by adopting a victim-centred approach.
- Review this and other relevant policies to reflect any new legislation and lessons learnt.
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond. See **Appendix 2**

### 3.15 Support for victims and witnesses

The Council is committed to providing a high level of service to victims and witnesses of ASB. Council officers from services such as Housing, Environmental Services and Planning are available during normal office hours to support tenants and other customers wishing to report an ASB issue. Depending on the type of issue being reported, these officers will normally be the first point of contact and will make an initial assessment of the severity of the problem. The lead officer may work alongside and draw on the expertise of other relevant officers of the Council and/or other agencies and may, if necessary, refer the case to an Anti-social Behaviour specialist.

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

## 4. Legislation and Guidance

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

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

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

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

- Data Protection Act 1998, 2003 and 2018 (GDPR)
- Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003
- Police and Criminal Evidence Act 1984 (PACE)
- Mental Health Act 1983 (amended 2007)
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Housing Act 1996
- The Noise Act 1996 as amended by the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005

- Children's Act 2004
- Harassment Act 1997
- Human Rights Act 1998
- Homeless Reduction Act 2018
- Freedom of Information Act 2000
- Equality Act 2010
- Police Reform and Social Responsibility Act 2011

#### 4.3 **Confidentiality and information sharing**

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

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

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

#### 4.4 **Discretion**

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

### 5. **Related Policies and Procedures**

#### 5.1 **Links to other corporate documents**

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

- Safeguarding Children and Vulnerable Adult Policy
- Tenancy Management Policy
- Introductory Tenancy Policy
- Lone Working Policy
- Housing Options Policy
- Redditch Housing Strategy
- Sustainable Tenancy Strategy
- Environmental Enforcement Strategy

- Community Safety Partnership Plan

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

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

5.3 ASB Case Review (Community Trigger)

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

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

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

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

## 6. **Appendices**

6.1 ASB Risk Assessment & Re-assessment Tool

6.2 Equalities Act Guidance and Assessment Form

6.3 Tools and Remedies available to address ASB

## ASB Risk Assessment Matrix

<b>Name:</b>	<b>Address:</b>
<b>Incident No:</b>	<b>DOB:</b>

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

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

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

**CONSENT TO SHARE INFORMATION**

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

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

**SIGNATURE:**

**DATE:**

**PRINT NAME:**

Version 1 28/06/16

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



## ASB (& HATE INCIDENT) RISK RE- ASSESSMENT MATRIX

To be completed 8 weeks from original risk assessment

Name:	Address:
Incident No:	DOB:

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

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

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

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

**CONSENT TO SHARE INFORMATION**

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

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

**SIGNATURE:**

**DATE:**

**PRINT NAME:**

Version 1 28/06/16

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

## Equality Act Assessment Guidance

### Summary

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

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

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

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

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

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

### Why complete an Equality Act Assessment (EAA)

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

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

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

### When to complete an EAA

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

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

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

### **Anti-Social Behaviour**

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

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

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

### **Reviewing the Equality Act Assessment**

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

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

### **Working with Other Agencies**

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

### **Authorisation for Legal Action**

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

### **During Legal Action**

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

### **Storage and Recording EAA's**

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

## Equality Act Impact Assessment

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

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

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

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

Form completed by:

Name:

Job Title:

Date:



## **Tools and Remedies to address ASB**

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

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

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

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

### **Preventative/Early Intervention Tools**

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

### **Introductory Tenancies**

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

### **Warnings and Agreements**

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

**Acceptable Behaviour Contract (ABC)**

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

**Parenting Contract Agreement (PCA)**

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

**Mediation / Restorative Justice**

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

**Diversionsary Activities for Young People**

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

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

**Designing out ASB – Environmental Visual Audits**

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

## **Legal Remedies**

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

### **Possession (Eviction) Proceedings**

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

### **Mandatory Grounds for Possession**

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

### **Civil Injunction**

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

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

### **Criminal Behaviour Order (CBO)**

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

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

**Community Protection Notice (CPN)**

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

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

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

**Premises Closure Power**

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

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public.

Breach of either is a criminal offence with penalties including:

Notice - Up to 3 months in prison

Order -Up to 6 months in prison; and

Both - An unlimited fine

**Public Space Protection Order**

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

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

**Members ICT Policy**Date: June 9<sup>th</sup> 2020

Relevant Portfolio Holder	Cllr Mike Rouse
Portfolio Holder Consulted	Yes
Relevant Head of Service	Deb Poole – Head of Transformation, OD & Digital Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Members are asked to consider the Member ICT Policy that covers their ability to access electronic information. The proposed policy offers three options for the type of equipment available to provide this access, each has its own financial implications.

**2. RECOMMENDATIONS**

The Executive Committee is asked to RECOMMEND that

- 1) the proposed Member ICT Bring Your Own Device Policy be agreed and implemented; and

to RESOLVE that

- 2) the proposed Member ICT Policy be agreed and implemented for all Members and that the options within it be made available to Members.

**3. KEY ISSUES****Equipment Options and Financial Implications****3.1 Option One**

The Council will provide Members with a choice of a standard Laptop or a lighter, portable, touch screen MS Surface Pro device.

The cost for providing a standard Laptop would be £400. The cost of providing an MS Surface Pro device would be £680.

- 3.2 There are some options for additional equipment which can enhance the usability of these devices. In particular, docking stations which allow the device to be used like a desktop computer where an additional larger screen can be attached. These range in cost from £200 to £250 each.

Should all Members choose to have a standard Laptop the cost would be £11,600. If all Members chose to have an MS Surface Pro the cost would be £19,720. The docking station and monitor is in addition to this.

**Members ICT Policy**Date: June 9<sup>th</sup> 2020

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**3.3 Option Two**

The option of Bring Your Own Device has no additional financial implications as this option, and the associated licenses for Members, are already available. There would be some potential savings if Councillors decided to use their own equipment, as the Council would not incur any costs to provide hardware.

**Legal Implications**

3.4 None.

**Service / Operational Implications**

3.5 The Member ICT Policy offers Members options to use different types of equipment to access electronic information. The majority of Members currently use Council provided iPads to do this. Whilst this has been sufficient for some Members, others have found it restrictive, particularly in recent times when remote working and video conferencing have become vital to the ongoing delivery of both Council services and decision making during the COVID-19 pandemic.

3.6 The attached Member ICT Policy outlines two options for Members to select from, depending on their individual ICT equipment needs. These options are:-

**Option One**

3.7 The council will provide either a standard Laptop or a lighter, more portable, touch screen, MS Surface Pro device. Both are based on Windows 10 and will provide access to all the advanced features of Skype for Business and Microsoft Office as well as providing better visibility for Modern.Gov and other applications used by Members, including the use of MS Teams and Office 365 in the future.

**Option Two**

3.8 That Members provide their own device and the council provides technically secure Blackberry Software to enable Councillors to access corporate email, corporate calendars and any necessary documents stored on the Councils network. The software would be installed on the Councillors own Android or Apple device which would not be owned by the council. The Blackberry Software will be replaced with Microsoft Office 365 at the earliest opportunity during 2020 and this will extend the list of devices that can be used beyond mobile phones to most privately owned laptops and tablets.

**Members ICT Policy**Date: June 9<sup>th</sup> 2020

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**Customer / Equalities and Diversity Implications**

3.9 None.

**4. RISK MANAGEMENT**

4.1 None.

**5. APPENDICES**

None

**6. BACKGROUND PAPERS**

None

**7. KEY**

None

**AUTHOR OF REPORT**

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email: m.hanwell@bromsgroveandredditch.gov.uk

Tel.: 01527 881248

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# **Redditch Borough Council**

## **Members ICT Policy**

**June 2020**

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## 1 Policy Statement

Redditch Council Members require access to information that enables them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spreadsheet files. The Council's general presumption is for electronic provision of information / transaction of business.

## 2 Purpose

The purpose of this policy is to ensure that Redditch Borough Councillors can access Information and Communication Technology (ICT) facilities whilst maintaining compliance with Central Government's Public Service Network (PSN) and other related policies.

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

## 3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

## 4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the data protection act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

## **5 Provision for ICT equipment.**

The Council recognises that individual Councillors have a requirement to access electronic information.

The governments zero tolerance approach to compliance with the PSN code of connection, has required the implementation of innovative methods of accessing ICT, whilst remaining within the budget and resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will revisit current ICT needs for the future.

The council will not automatically forward Council emails to personal email accounts such as Hotmail, Google mail etc. This is to ensure the authority complies with the Government's PSN code of connection.

### **Option One**

The Authority will provide either a standard Laptop or a lighter, more portable, touch screen MS Surface Pro device. This will enable the Councillor to access corporate emails, corporate calendars, Modern.Gov, MS Office suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Laptop or Surface Pro Device will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the Laptop or Surface Pro device.

The Council provides the Laptop or Surface Pro device together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

**Option Two (can be in addition to Option One)**

That the Councillor provides their own device and the council provides technically secure Blackberry Software to enable the Councillor to access corporate email, corporate calendars and necessary documents stored on the network, to be accessed from an Android or Apple device not owned by the council.

Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Blackberry Software, but not the device it is installed on, will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the Blackberry Software, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

No scanning, monitoring and filtering of any activity outside of the Blackberry Software will take place.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

All ICT equipment (including software licenses) provided by the authority remains the property of the Council and must be returned at the end of the election term.

**6 Policy Compliance**

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

**7 Policy Governance**

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

<b>Responsible</b>	ICT Transformation Manager
<b>Accountable</b>	Head of Transformation, Organisational Development & Digital Services
<b>Consulted</b>	Corporate Management Team, Members' Services
<b>Informed</b>	All Councillors

## 8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every twelve months.

Policy review will be undertaken by the ICT Transformation Manager.

## 9 References

The following Redditch Borough Council policy documents are directly relevant to this policy.

- Central Government's PSN Policy
- Information Security Policy.
- Members' Code of Conduct and related Codes and Protocols.

**Receipt and acceptance statement**

I, Councillor \_\_\_\_\_ agree to comply with the policy items as stated within this document.

Signed \_\_\_\_\_ Date \_\_\_\_\_

PLEASE RETURN COMPLETED STATEMENT AS SOON AS POSSIBLE TO :

Democractic Services  
Redditch Borough Council  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

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**Council Members  
Policy  
Document**

**RBC Bring Your  
Own Device Policy**

Version 1.2

**Document Control**

<b>Organisation</b>	Redditch Borough Council
<b>Owner</b>	ICT Transformation Manager
<b>Protective Marking</b>	Not protected
<b>Review date</b>	One year from last approval

**Revision History**

<b>Revision Date</b>	<b>Reviser</b>	<b>Version</b>	<b>Description of Revision</b>
11/03/2019	Peter Bailey	1.0	Policy created
20/03/2019	Peter Bailey	1.1	Initial wording review, signature field
25/04/2019	Peter Bailey	1.2	Second wording review, signature field

**Document Approvals**

<b>Sponsor Approval</b>	<b>Name</b>	<b>Date</b>	<b>Version Approved</b>

**Document Distribution**

This document will be distributed via Democratic Services to all Council Members. For those without access to NetConsent the Policy can be signed and returned to the Information Management Team directly or via Democratic Services.

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## 1. Policy Summary

This policy covers any person wishing to use a device owned by someone other than the Council (e.g. personal devices) to access Council data – commonly known as Bring Your Own Device (BYOD). You must comply with the whole policy, but in summary:

- If you have accepted certain policies and your device meets certain criteria, you may access Council data from a personal device
- **The Council retains control of the council data**, and as part of this agreement you accept the installation of software that can erase Council data from your device and adds certain management facilities for Council use which include being able to record use of facilities
- **You must tell the ICT Helpdesk** if your device is lost, stolen, sold, infected with malware or the security of the device is otherwise compromised or no longer in your possession.
- **The Council does not offer support of the physical personal device** although installation instructions are maintained for your use. The Council will accept comments and issues around BYOD but does not commit to respond to them. Issues with connectivity will be investigated, but if they cannot be reproduced you will have to find solutions in conjunction with your personal providers.
- **Some types of data should not be stored or accessed on BYOD devices for example DWP data. It is your responsibility to be aware of any third-party agreements that you have agreed to.** If you are using as part of your role data from certain partners, you cannot use BYOD devices.

## 2. Introduction

The Council has a responsibility to safeguard the information that has been provided to it by people and various government and statutory organisations to carry out its business. In order to do this, we need to make sure that:

- the requirements of UK law on personal data management are being met.
- the requirements of the Public Service Network Code of Connection (CoCo) are met
- the Council's own Data Privacy and Information Security policies are being followed
- where third party data is being used, the requirements of the data owners are being followed.

The Council recognises that users may wish to use their own mobile devices to access Council data and use Council applications as part of flexible working

arrangements. This policy outlines the responsibilities of both the device owner and the Council.

### **3. Who does the Policy apply to?**

This policy applies to all persons who connect or intend to connect a device not owned by the Council to use Council data.

### **4. The Council's Responsibilities**

It is the Council's responsibility to provide the Blackberry software license. This can only be done once a cost code and confirmation of policy acceptance is provided via the relevant request form.

It is the Council's responsibility to filter and monitor resources that are available or accessed via the secure Blackberry applications. Activities outside of the Blackberry applications are not captured, stored or monitored by the Council.

It is not the Council's responsibility to reimburse the Council Member for the cost of mobile data, mobile repairs, peripherals, insurance or mobile maintenance of any kind.

As the data controller, the Council is responsible for ensuring that all processing of personal data which is under its control remains in compliance with UK law. Additionally, the Council receives data from partners which may be restricted by their security policies with which we have to comply.

The Council must also remain mindful of the personal usage of such devices and the privacy of the individual. Technical and organisational measures used to protect Council owned data must remain proportionate to the risks and consider your rights as an individual to privacy. Decisions on these matters will be made via the Council's internal governance routes.

### **5. Rights, Privileges and Responsibilities**

The use of a personally-owned device in connection with Council business is a privilege granted to device owners. The Council reserves the right to revoke these privileges without notice.

You must read and understand this policy before configuring your device to access Council information.

You must also have completed the Council's training on Data Protection, Freedom of Information and Information Security and have read and accepted the ICT Information Security Policy within the last 12 months of being provided access to information from your personal device.

There are additional requirements for certain persons e.g. contractor staff who may need to sign additional agreements; please consult with the Information Team if you are in this group.

The Council remains the data controller for all Council data held on BYODs.

Disciplinary and / or **criminal action** may be taken **against you** if a breach of policy or law occurs.

As the device owner, you carry specific responsibilities, as listed below:

- You will not lend anyone your device to access Council information or use Council infrastructure.
- Should you decide to sell, recycle, give away or change your device, you will inform the ICT Helpdesk by phone on ext. 1766 or if calling from an external number on 01527 881766. **Do not allow the device to leave your possession until you have been informed council data has been wiped.**
- In accepting this policy, you must ensure that your device has, at minimum, a four-digit pin or a passcode to access your device.
- In order to access your Council e-mail and calendar, you will need to enter your network account password during setup.
- You must ensure that your device is compliant, and that security software is kept up-to-date. The system will check whether your device meets compliance criteria and if not, will automatically stop syncing and potentially be wiped of Council data.
- The Council data can be wiped from the device without notice if:
  - 1) you lose the device;
  - 2) the device is stolen;
  - 3) your council membership ends;
  - 4) ICT detects a data or policy breach or virus/malware infection;
  - 5) Your device becomes jailbroken or rooted (either intentionally or through the installation of software or an application that makes the modification to add additional functionality)
  - 6) The device has not connected to the Council infrastructure for 30 days
  - 7) OS out of date
  - 8) Deemed necessary by the Council.
- You are responsible for the safekeeping of your own personal data. We recommend that you secure and encrypt your phone appropriately using the facilities on the device, and that you have an up-to-date malware scanning solution installed (anti-virus).
- You must conform strictly to the Council's Information Security Policy.

All users are expected to use their device in an ethical manner. Using your device in ways not designed or intended by the manufacturer is not allowed. This includes, but is not limited to, "jailbreaking" your iPhone or "rooting" your android device even if this adds additional functionality.

## 6. Which devices are covered?

Current devices approved for Bring Your Own Device use are listed below along with the minimum system requirements:

- Android 6.0 (“Marshmallow”) or higher Smart Phones and Tablets
- iOS 11.0 or higher iPhones and iPad

Devices below these specifications will not comply with our policies and therefore will not be allowed to be used as BYOD.

It should be noted that as technology improves and newer versions of operating system are introduced by vendors or vulnerabilities are discovered in existing operating systems this list is subject to immediate change and access maybe revoked (in some instances this may be without notice).

## 7. Which Services Are Available via Blackberry Applications?

Currently, the only Services available and covered by this policy are:

- E-mail
- Calendar
- Contacts
- Tasks
- Network file access and editing
- Whitelisted Intranet Sites

Note that some file types cannot be securely opened, and hence you may find you cannot open certain attachments etc.

A minimum four-digit passcode will be required to access devices containing Council data; you will also initially need to set up the device using your Council username/email and password. You **MUST NOT** share these with any other person.

Council data is stored encrypted to protect it and is subject to restrictions on copying and where it can be saved.

## 8. Who Manages this Facility?

ICT will manage the BYOD facility, as described within this document, on behalf of the Council.

## 9. What Support will ICT provide?

The Council makes reasonable endeavours to ensure that your device is not adversely affected and that only Council data is erased, but this cannot be guaranteed, and the Council accepts no liability for issues resulting from use.

**The Council does not offer support of the physical personal device** although installation instructions are maintained for your use. Furthermore, the Council will not cover any damage to the device or any loss of personal data that may occur as a result of use of BYOD or as part of the removal of Council data.

It is recommended that device owners insure their device as part of their home contents insurance or via a specific mobile device insurance scheme and advise their insurer that the device will be used for work purposes at home and at work locations.

Upon installation of the mobile device management software, the device owner can connect to the Council infrastructure to access their Council accessible data. However, the device owner is personally liable for the device and carrier service costs. They will not be reimbursed by the Council for the acquisition of a mobile device, its use, maintenance or replacement or any carrier service charges incurred. The device owner must agree to all terms and conditions in this policy to be allowed access to Council services listed in this document.

## 10. If a Security incident should occur

A Security incident is defined in the ICT Information Security Policy and can be generally described as **any** event that could compromise information security. Some examples: your device is lost or stolen, someone else gains access to your password/passcode, your device becomes infected with malware.

If a security incident should occur, you are required to inform the Information Management Team and your Line Manager **immediately** with details.

The Council reserves the right to wipe Council data and applications.

You should ensure that you read and understand both the policy and your responsibilities to report a security incident. In all cases you should contact the Information Management Team directly or via the ICT Helpdesk.

The Council also needs to act where potential incidents are identified. Where 'near misses' occur, these should be reported to Information Management Team and a local decision taken as to whether the cause of the 'near miss' is one which could involve the enhancement of the policy or the process. If this



is the case, you should contact the Information Management Team directly or via the ICT Helpdesk.

Note that not immediately reporting security incidents is a breach of this policy.

## **11. ICT Services Security Incident Response**

When a security incident is reported ICT Services are required to remove the Council data and application from the affected device.

## **12. Guidelines for Acceptable Behaviour**

Device owners are expected to behave in accordance with the Council's policies whilst undertaking work for the Council. Further information can be provided by your manager or by contacting a HR advisor.

Be aware that any personal device used at work may be subject to discovery in litigation. This means that it could be used as evidence in a lawsuit. Your data and device could be examined by other parties in any legal action.

## **13. Allowed Countries**

The General Data Protection Regulation only permits export of personal data to certain countries. Because of this, we can only permit BYOD applications with Council data to be accessed within the United Kingdom. Council data is encrypted using the password set by the Council Member in the Blackberry application and **MUST NOT** be entered outside the United Kingdom.

## **14. If You Leave the Council**

Democratic Services are required to inform ICT when you are leaving the council, your access to the Council infrastructure and applications will cease and your device will be de-provisioned, access to Council data will cease and Council data wiped.

## **15. Council Release of Liability and Disclaimer Statement**

The Council hereby acknowledges that the use of a personal device in connection with Council business carries specific risks for which you, as the device owner and user, assume full liability. These risks include, but are not limited to, the partial or complete loss of non-council data, errors, bugs, viruses, and/or other software or hardware failures, or programming errors which could render a device inoperable.

The Council hereby disclaims liability for the loss of any such non-council data and/or for service interruptions. The Council expressly reserves the right to wipe the Council application and data at any time as deemed necessary for purposes of protecting or maintaining Council infrastructure and services. The Council also disclaims liability for device owner injuries such as repetitive stress injuries developed; The Council provides ICT equipment that is suitable for long-term office use.

Device owners bring their devices to use at the Council as their own risk. Device owners are expected to act responsibly with regards to their own device, keeping it up to date and as secure as possible. It is their duty to be responsible for the upkeep and protection of their devices.

The Council is in no way responsible for:

- Personal devices that are broken while at work or during work-sponsored activities
- Personal devices that are lost or stolen at work or whilst undertaking work-related activities
- Maintenance or upkeep of any device (keeping it charged, installing updates or upgrades, fixing any software or hardware issues)
- The management or creation of users own 'cloud' based user accounts, which are required for purchasing software, or backing up data

The Council does not guarantee that Service will be compatible with your equipment or warrant that the Service will be available at all times, uninterrupted, error-free, or free of viruses or other harmful components, although it shall take reasonable steps to provide the best Service it can.

Furthermore, depending on the applicable data plan, the software may increase applicable rates. You are responsible for confirming any impact on rates as a result of the use of Council supplied applications as you will not be reimbursed by the Council.

The Council reserves the right, at its own discretion, to remove any Council supplied applications from your personal device as a result of an actual or deemed violation of the Council's BYOD Policy.

**16. Policy Acceptance for Offline Distribution**

Please sign and date below to acknowledge that you have read and understand the content above and agree to adhere to the RBC Council Members Policy. **You cannot use a BYOD if you do not read, understand and accept this policy.**

Signed:

Date:

**Please return the signed policy document to :-**

Democractic Services  
Redditch Borough Council  
Town Hall  
Walter Stranz Square  
Redditch  
Worcestershire  
B98 8AH

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Redditch Borough Council  
Overview and Scrutiny Committee  
Annual Report 2019 – 2020



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## **CHAIR'S FOREWORD**

Over the last year it has been a privilege and a pleasure to be the Chair of the Overview and Scrutiny Committee. It has been a good year as there has been a lot of cross-party working. This is significant in a number of different ways; the importance of cross-party decision-making when representing the community as a whole, in addition it shows that by working together in partnership we can move things forward as a Council. The majority of the recommendations made by the Overview and Scrutiny Committee were cross-party recommendations, however the Executive Committee have not agreed all of them.

It is noted that there have been two specific Task Groups established during the year, the Suicide Prevention Task Group and the Parking Enforcement Task Group. We have had in-depth group discussions at meetings of the Overview and Scrutiny Committee. Frequently we discussed individual items put forward by the whole Committee and raised issues that mattered to the community.

Overview and Scrutiny Committee used its powers to scrutinise decisions made by the Executive Committee in a cross-party way. There have been changes implemented over the municipal year. /this year it was decided that a regular meeting be set up with the Chief Executive Officer and Leader of the Council which has been useful in the support of the scrutiny process. It was also encouraging when scrutinising the Overview and Scrutiny Select Committee Findings and New Governance Guidance, published in May 2019, to see that the Committee is working in line with best practice.

I would like to take this opportunity to thank Members of the Overview and Scrutiny Committee who have contributed their time and energy to make this a successful year for Overview and Scrutiny. Further thanks are extended to those councillors who have chaired Task Groups and Working Groups during the year, Councillors Debbie Chance, Andy Fry, Mark Shurmer and Jenny Wheeler as well as to Councillor Mike Chalk who has provide excellent written updates on the work of the West Midlands Combined Authority Overview and Scrutiny Committee and Worcestershire Health Overview and Scrutiny Committee during the year. I am proud that I have been able to continue in my role as Chair.

**Councillor Joe Baker**  
**Chair of the Overview and Scrutiny Committee**



## INTRODUCTION

This report outlines the work undertaken by the Overview and Scrutiny Committee of Redditch Borough Council during 2019 – 2020.

## THE ROLE OF OVERVIEW AND SCRUTINY

The role of overview and scrutiny is an important one in the Council's governance structure, in providing challenge and driving improvement. It is often referred to as the "critical friend" of the Council and can review any issues of concern or real interest to local residents.

The Overview and Scrutiny Committee has a number of roles within the Council. These include:

- Holding the Executive Committee to account by thoroughly scrutinising their decisions to ensure that the Council continues to provide the best services possible for Redditch residents. As part of this role, the Committee has the power to 'call-in' decisions made by the Executive Committee and to request that the Executive Committee review the original decisions, taking into account the issues raised by the Committee.
- Acting as a 'critical friend' to the Executive Committee by reviewing Council policies and strategies, making recommendations where appropriate.
- Performance and financial monitoring, to ensure the Council's services are sustainable and to the highest possible standard.
- Commissioning reviews of services/topics that impact on the Council or on the lives of Redditch residents.
- Pre-scrutiny of items prior to a decision being made by the Executive Committee.
- Setting up Task Groups to focus on specific subjects and recommend ways to improve existing practices within the Council and community as a whole. A flow chart on how to consider potential scrutiny reviews can be found at Appendix A and the Council's scoping form at Appendix B.



**MEMBERSHIP**

The Committee appoints individual Members to oversee the work of Overview and Scrutiny. Membership of the Committee for 2019/20 is as follows:



Cllr Joe Baker (Chair)



Cllr Debbie Chance (Vice Chair)



Cllr Salman Akbar



Cllr Joanne Beecham



Cllr Michael Chalk



Cllr Peter Fleming



Cllr Andy Fry



Cllr Mark Shurmer



Cllr Jennifer Wheeler

**ACTIVITIES AND OUTCOMES DURING 2019/20**

Non-Executive Members attended Overview and Scrutiny training in May 2019 and during this session the Councillors identified priority issues to add to the Overview and Scrutiny Committee's work programme.

The Committee considered the potential items for scrutiny that had been identified during the training. In addition, Members considered topics suggested by the Corporate Management Team (CMT) for potential review.

Based on the items detailed in the report Members agreed that the following subjects would be suitable for scrutiny:

- Poverty – Members agreed that this subject might be suitable for a Short Sharp Review or Task Group exercise.
- Mental Health Services - to include loneliness, in particular, with older people.
- Skills in the local workforce – training needs for young people entering the workforce, skills and training for adults seeking to move careers and local employees' salaries.
- Anti-Social Behaviour (ASB) – Through the Crime and Disorder Scrutiny Panel members would consider the work of the North Worcestershire Community Safety Partnership to address anti-social-behaviour in Redditch.

The Overview and Scrutiny Committee monitors the impact of all of its recommendations that have been endorsed by the Executive Committee. A tracking report is presented to the Committee during the year stating progress made to date.

During consideration of the Executive Committee's Work Programme, Members agreed to pre-scrutinise the following items:

- Disposal of HRA Asset at Green Lane, Studley
- Redditch Council Plan
- National Waste Strategy - Implications for the Council.
- Housing Strategy report
- Review of the One Stop Shops.
- Voluntary and Community Sector Grants Programme 2020/21.
- Leisure and Cultural Services Strategy.

Further information about the issues discussed by the Committee during the year and Members' findings are detailed below.

### **PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY – 6 JUNE**

Representatives from the Strategic Housing and Private Sector Housing Teams presented the private sector housing assistance report for members' consideration. This report outlined changes to an existing policy.

The policy had been updated in line with recommendations from an internal audit that was conducted during 2017/2018. There were a number of proposed changes included in the report which reflected changes around loan limits and local land charges.

Members discussed the proposed changes to the policy and highlighted a number of points including the need for increased communication with partner organisations and the public in order to make them aware of the grant's existence. This updated policy was welcomed by Members as it offered a wider range of assistance to people with disabilities and would potentially benefit the local community.

### **TENANCY CONDITIONS FOR COUNCIL HOUSING TENANTS AND TENANTS HANDBOOK PRESENTATION – 4 JULY 2019**

Members pre-scrutinised a report providing an update in respect of proposed changes to the Council's Housing Tenancy Agreement and Conditions.

The new conditions of tenancy detailed the tenant's rights and responsibilities as well as the Council's rights and responsibilities as a landlord. The Committee was informed that the Tenants' Handbook was being revised and contained more detailed Information on managing a tenancy.

The presentation made reference to the new Recharge Policy for tenants, their rights and responsibilities as Council tenants, information for tenants on how to mitigate issues and dealing with tenant's who suffer mental health issues.

A recommendation was made by the Committee that the Council should be more proactive in their enforcement with tenants particularly with regards to rubbish deposited in gardens. This recommendation was approved by the Executive Committee.

**OVERVIEW AND SCRUTINY SELECT COMMITTEE FINDINGS AND NEW GOVERNANCE GUIDANCE – PRESENTATION – 4 JULY**

In May 2019, a report had been presented to the Committee which highlighted the areas in the Overview and Scrutiny Statutory Guidance which had been produced by the Department of Housing, Communities and Local Government. Members were pleased when looking through the guidance as the council was already primarily compliant with scrutiny best practice.

Members considered the need for greater and more formal engagement between the Executive Committee and the Overview and Scrutiny Committee. Following discussion at the Constitutional Review Working Party it was decided that there would be quarterly meetings between the Leader of the Council and the Chair of the Overview and Scrutiny Committee. .

The Leader of the Council subsequently met with the Chair of the Overview and Scrutiny committee, the Chief Executive and Senior Democratic Services Officer (Redditch) to discuss the scrutiny process and how the Committee could assist the governance process at the Council more effectively. At the first meeting in November 2019 it was decided that the relevant Portfolio Holder should be invited to attend future meetings of the Overview and Scrutiny Committee to speak on items within their remit. This has occurred at every meeting since that date and has worked very well. The next meeting between the Leader and Chair of the Overview and Scrutiny Committee is due to take place in April 2020.

During consideration of the report there were also discussions regarding communicating Scrutiny's role and purpose to the wider Authority and to the public. There was discussion that the Communications team would be invited to a future meeting to help discuss actions that could be taken to help raise public awareness of the work of the Overview and Scrutiny Committee.

**DISPOSAL OF HRA ASSET AT GREEN LANE, STUDLEY - PRE-DECISION SCRUTINY – 5 SEPTEMBER**

A report was presented to Members in respect of the disposal of a Council asset in the Housing Revenue Account (HRA) located at Green Lane, Studley and the removal of a railway bridge from an adjacent site. The project would require a significant amount of expenditure from Redditch Borough Council to make the bridge properly fit for purpose. Officers proposed that the bridge structure should be completely removed, and the site realigned to allow for two new four-bedroom properties to be built at the site.

Members discussed the options for the site and endorsed the proposals brought forward by Officers in respect of the site. These recommendations were subsequently agreed by the Executive Committee.

### **HEREFORDSHIRE AND WORCESTERSHIRE SUSTAINABILITY AND TRANSFORMATION PARTNERSHIP – 24 OCTOBER 2019**

The Director of Strategy and Partnerships for Worcestershire Health and Care Trust presented an update on the Herefordshire and Worcestershire Sustainability and Transformation plan (STP). This was the latest update in respect of this matter, which had also been discussed in previous years, and enabled Members to learn more about plans for local health services moving forward.

### **CONCESSIONARY RENTS – 7 NOVEMBER 2019**

On 7<sup>th</sup> November 2019 a position statement was presented in respect of the Council's Concessionary Rents Policy. Public speakers were in attendance at the meeting in order to express their views on the possibility of a change in Council policy for concessionary rents.

A recommendation was made by the Overview and Scrutiny Committee at the end of the meeting that was held on 7<sup>th</sup> November 2019 which proposal that the Executive Committee abolish the idea of removing concessionary rent relief for Voluntary and Community Sector groups and instead look at alternative methods of funding the shortfall in the Council's budget. It was decided that this item would be discussed again at a future meeting of Overview and Scrutiny on 14<sup>th</sup> January 2020. This recommendation was not approved by the Executive Committee.

### **PRE-DECISION SCRUTINY - SUPPORT TO THE VOLUNTARY AND COMMUNITY SECTOR 2020/21 – 9 JANUARY 2020**

Further to the report that was presented to the Committee on 7<sup>th</sup> November 2019 this was an additional presentation that covered the Support to the Voluntary Sector. It was a policy that divided the Council however the Committee acknowledged that due to the financial position of the Council difficult decisions needed to be made. There were registered public speakers at this meeting who expressed their opinions regarding the proposed policy and how it would affect the Voluntary Sector.

There was a lengthy discussion which included comments about the consultation period with the sector and the revised funding model that was proposed. The discussions consisted of what options should or could be left in and which ones should or could be removed from the proposal. It was a long and difficult discussion for the Committee on a subject matter that had created much debate in the community and across Members. A recommendation was made to the Executive

Committee regarding the exemption of 'meanwhile type' leases in any proposed options. This recommendation was not agreed by the Executive Committee.

### **PRE-DECISION SCRUTINY - TOWN CENTRE REGENERATION (COMMUNITY HUB AND RAILWAY QUARTER) – 7 NOVEMBER**

A report was received on the regeneration of Redditch Town Centre. In the course of the presentation Members were advised that the report captured the outcomes of a master planning exercise and the key points of a business case for a public Sector Community Hub.

The following was discussed at length by the Committee:

- The need for Redditch Town Centre to be regenerated and the benefits that this might have in respect of the impact on the local economy and the community.
- A submission of an Investment Plan by the Council in order to help secure funding from the Towns Fund
- The regeneration of Redditch Town Centre would be significant for all Councillors due to the importance of the town centre to all residents
- Further consultation had not yet been undertaken as the plans were only at an indicative stage. Specific proposals would be subject to consultation once they were brought forward.

The Committee made a number of recommendations in relation to this presentation including endorsing the concept of a comprehensive regeneration for the station quarter, Church Road sites, the library site and outdoor market sites. Another recommendation that was agreed to during this presentation which was that authority be delegated to the Chief Executive to commission an architect-led professional team to draw up feasible and deliverable design proposals supported by viability appraisals for a Community Hub, to include consideration of partners' requirements. These recommendations were approved by the Executive Committee

### **WASTE SERVICES – PRESENTATION – 7 NOVEMBER 2019**

A brief presentation was delivered in respect of Waste Management. The presentation focussed mainly on the approach that Redditch Borough Council took in Waste Management and the communications that are currently underway in order to encourage residents to reduce the amount of waste generated by each household and the value of taking preventative action. Members were also informed about changes to waste and recycling collection services, including garden waste collections, that had been the subject of Government consultation earlier that year.

**CIVIL CONTINGENCIES ANNUAL REPORT – 5 DECEMBER 2019**

The Civil Contingencies Annual Report was presented to the Committee and provided an update for Members on matters that had been carried out over the past year. This annual report was delivered in accordance with recommendations made by the Civil Contingencies short Sharp Review Group in a previous municipal year.

There had been extensive work around the updating of Business Continuity Plans and Rest Centre Plans across the Authority. A test was carried out on the Rest Centre Plan which had highlighted some errors within the plan that officers had then updated to ensure that the plan contained the most up to date and accurate information. Members were also provided with information on a multi-agency test exercise that had been carried out by officers at the West Midlands Safari Park. It was an opportunity to test the emergency plan with partner organisations.

**REDDITCH PARTNERSHIP ANNUAL REPORT – 5 DECEMBER 2019**

A report was presented to the Committee in relation to the Redditch Partnership Annual report. Again this report was presented in accordance with a proposal by the Local Strategic Partnership Task Group some years ago that the partnership should provide an annual update to the Committee.

The partnership is made up of from a range of organisations in Redditch who have identified priorities for the Borough including health inequalities, education attainment, raising aspirations of young people and the economy of Redditch.

The Redditch Partnership worked with local businesses to look at the skills available in the Borough and distributed data and knowledge to Members and partner organisations.

**SKILLS IN THE LOCAL WORKFORCE – PRESENTATION – 5 DECMEBER 2019**

The Committee received a report in relation to Skills in the Local Workforce and were advised on key areas including employment and local business initiatives, education and engagement with young people in the Borough and the work that Members could undertake in order to increase the engagement of local schools, pupils and their parents / care givers.

Members requested that a further presentation take place later in the year in order to clarify some of the data and receive an update on the initiatives that were currently underway.

**PRE-DECISION SCRUTINY- HOUSING REVENUE ACCOUNT STRATEGIC IMPROVEMENT PLAN PROGRESS REPORT – 16 DECEMBER 2019**

Members were updated on the progress of the Housing/Housing Revenue Account report and questioned officers regarding progress that had been made.

There had been significant changes since the previous update including the consultation and implementation of a review of the Housing and Community Services Management Team and consultation of a review of Housing Capital/ Property/ Compliance Team(s). The Committee was also updated that non-essential electrical work had been suspended and that significant work was being carried out by officers regarding cultural change within the service. The Committee were interested in receiving information regarding the backlog of Void properties and the Housing IT System Project Plan going forward.

Members were advised that compliance work including Fire Safety Orders, the control of asbestos, electricity and gas safety checks were being regularly disseminated to Portfolio Holders and Executive Committee Members. The new Housing IT system had been procured and would provide a more robust control of the Council's housing stock in addition to linking with the Council's new Finance system.

**PRE-DECISION SCRUTINY - REDDITCH COUNCIL PLAN – 16 DECEMBER 2019**

The Redditch Council Plan was presented by the Policy Manager for Members' consideration. This was the new plan and contained 5 new Strategic Purposes that provided strategic direction for the Borough. In order to support Climate Change issues there was a 'Green Thread' that ran through the new plan.

**PRE-DECISION SCRUTINY - REVIEW OF THE ONE STOP SHOPS – 16 DECEMBER 2019**

A report on the Review of the One Stop Shops was presented to the Committee.

The falling customer numbers at One Stop Shops (OSS) in Batchley, Winyates and Woodrow had resulted in the proposal that they would be closed. The proposal would not affect the Locality offices who would still have a presence within the communities along with other support teams including Financial Independent Teams (FIT).

Members were concerned with the potential loss of access for vulnerable and older residents concerning the making of payments. The Committee were reassured that there were plenty of locations for payments to be made and the cashiers at the Town Hall were still available to customers.



The Committee did recommend that Executive Committee note they had concerns regarding the content of this report.

**PRE-DECISION SCRUTINY - ESSENTIAL LIVING FUND POLICY – 9 JANUARY 2020**

The Essential Living Fund report was presented for Members 'consideration, which proposed an update of the current policy. The new policy would provide clarity for customers and officers and provided a more targeted approach to enable customers to work towards long term financial stability and a consistency of service. Members recommended that the policy should be adopted.

**PRE-DECISION SCRUTINY - FEES AND CHARGES 2020/21 – 9 JANUARY 2020**

The Fees and Charges report was pre-scrutinised prior to its consideration at the Executive Committee and then Council. The Heads of Service were present at this meeting in order to explain any changes to fees and charges in their service area. Members were largely in agreement with the changes and noted the report. They did, however, request that more detail be provided in the report in future years.

## **TASK GROUPS AND SHORT SHARP REVIEWS**

Task Groups are established by the Overview and Scrutiny Committee to conduct an in-depth review of any service, policy or issue that affects the Borough. The work carried out by Task Groups in 2019/20 is summarised below.

### **REVIEW OF PARKING ENFORCEMENT CONTRACT – 6 JUNE 2019**

At the start of the year Members decided to launch a review of parking enforcement arrangements in the borough. This subject had been raised as an area of concern at a meeting of the Audit, Governance and standards Committee in April 2019. Members had concerns regarding the Council's parking enforcement arrangements, in particular, dangerous and illegal parking around schools and hospitals. The review would include engagement with both Wychavon District Council, which provided a parking enforcement service on behalf of the Council, and Worcestershire County Council in respect of the legal agreement which shaped what the Council could do.

The meetings have included interviews and consideration of evidence submitted by with the following officers and representatives from partnership organisations:

- Representative from West Mercia Police
- Head of Environmental Services (Redditch Borough Council)
- Environmental Services Manager (Redditch Borough Council)
- Representative of Worcestershire County Council

A survey was undertaken and distributed to Members to gauge the extent to which parking enforcement problems were reported by residents to Councillors and whether there were any variances between wards.

The group has agreed their recommendations and will report to the Overview and Scrutiny Committee on their findings at the first meeting of the new municipal year.

### **SUICIDE PREVENTION**

Six Members were appointed to the Task Group and the first meeting of the Task Group took place on 27th June, 2019, and a work programme was produced. To ensure that Members could undertake an effective review of an important subject Members agreed that the deadline for the Suicide Prevention Task Group should be extended to 2020.

In the course of this review the task group has interviewed the following:

- Representatives of Worcestershire County Council

- Local community group experience in helping people mental ill health.
- NHS Practitioners
- The Redditch Partnership manager and other Council officers

The group is due to report their findings to the overview and scrutiny committee at the first meeting in the new municipal year.

### **CRIME AND DISORDER SCRUTINY PANEL – 25 SEPTEMBER**

Local authorities are required to have a Committee designated with responsibility to review the work of the local Crime and Disorder Reduction Partnership and this Committee must meet at least once a year to discuss the work of the partnership. In Redditch this role is undertaken by the Crime and Disorder Scrutiny Panel, which is a permanent sub-committee of the Overview and Scrutiny Committee. The Panel holds the North Worcestershire Community Safety Partnership to account for its work in Redditch.

A meeting of the Crime and Disorder Scrutiny Panel took place in September 2019. During the meeting Members received an update on the work of the partnership in the Borough in the preceding 12 months, this included Anti-Social Behaviour and data surrounding the reporting of it in the Borough. There was also discussion and information circulated to Members regarding the Nominated Neighbour Scheme.

**BUDGET SCRUTINY WORKING GROUP – CHAIR, COUNCILLOR JENNY WHEELER**

The Budget Scrutiny Working Group held a number of meetings in 2019/20. The model of the working group had been considered successful in the previous year and therefore a similar approach would be undertaken in 2019/20. Members concluded that this was a challenging time financially for the Council and that the Budget Scrutiny Working Group had an important role to play in terms of providing assurance to the Executive Committee and scrutinising any plans that might have significant financial implications for the Council.

During the year the Budget Scrutiny Working Group considered the following matters:

- Medium Term Financial Plan which outlined the potential budget gap for 2020/21 – 2023/24.
- Commercialism Programme Board including the progress within the Authority with delivering commercial services and the role of Black Radley. Professor Peter Latchford OBE, from Black Radley presented to the group and it was recommended that there be a presentation organised for all Council Members in respect of the budget.
- Section 24 Notice and the implications of this for the Council's financial position moving forward – including difficult decisions that needed to be made in order to help balance the council's budget.
  - Enterprise Finance system
  - Fees and Charges
  - Financial Monitoring reports
  - Investment and Acquisition Strategy

During the municipal year all recommendations made by the Budget Scrutiny Working Group have been accepted.

**PERFORMANCE SCRUTINY WORKING GROUP**

The group has an important role in scrutinising the delivery of the Council's priorities. The group agreed that for 2019/20 Members would monitor performance of services in relation to the strategic purposes. Each Member was allocated responsibility for taking a lead on monitoring the Council's performance in relation to a single strategic purpose. The Group met seven times in 2019/20. This represented a significant improvement on the previous year when only three meetings took place. The group had agreed at the start of the year that they would have at least six meetings and a quorum of three. Every meeting of the group was quorate.

During these meetings the following items were discussed:

- Corporate Performance report in respect of one of the strategic purposes 'Help me be Financially Independent'.
- Interviewed the Chief Executive and Head of Economic Development for North Worcestershire about work in respect of the strategic purpose 'help me run a successful business'.

At the end of the year members decided that in future the group should review the performance of services collectively. Heads of Service will be invited to meetings of the group in 2020/21 in turn to discuss the performance of services within their remit.

### **EXTERNAL SCRUTINY BODIES**

#### West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee – Council representative, Councillor Michael Chalk

The Committee received regular updates from Councillor Chalk, the Council's representative on the West Midlands Combined Authority Overview and Scrutiny Committee. During the year Councillor Chalk frequently provided written updates about the work of the Committee and highlighted the following points:

- Members considered the content of the WMCA Overview and Scrutiny Committee's Annual Report for 2018/19.
- 5G network and how this should be rolled out across the region#
- Homelessness – including Housing First initiatives

#### Worcestershire Health Overview and Scrutiny Committee (HOSC) – Council Representative, Councillor Michael Chalk.

The Committee received regular updates from Councillor Chalk about the work of the Worcestershire Health Overview and Scrutiny Committee (HOSC). Some of the issues highlighted during the year included:

- Acute stroke services - Members discussed stroke service provision in the County
- Interview with the Chief Executive of Worcestershire Acute Hospital Trust

## CONCLUSION

This has been a busy year for Overview and Scrutiny in Redditch. In particular Members have undertaken a significant amount of pre-scrutiny work and many of the Committee's recommendations have influenced the decisions reached by the Executive Committee and Council.

The Committee welcomed the report in respect of the Overview and Scrutiny Guidance that was published in 2019. Members were pleased to learn that the majority of points detailed in the report were already in place in Redditch, indicating that the Council's scrutiny function is compliant with national best practice.

To ensure that the Council's Overview and Scrutiny process continues to meet the needs of Redditch residents whilst complying with legislative requirements, a scrutiny training session will be provided in the new municipal year. All non-Executive Members will be invited to attend.

**The Chair of Overview and Scrutiny Committee express his thanks to all Members of the Overview and Scrutiny Committee, recognising in particular the valuable contribution made by Members through Task Group investigations and on the Budget and Performance Scrutiny Working Groups.**

For any background information on the work of Overview and Scrutiny Committee in Redditch, please visit <https://www.redditchbc.gov.uk/council/the-council.aspx>

Democratic Services, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: 01527 64252 Ext 3031 email: [joanne.gresham@bromsgroveandredditch.gov.uk](mailto:joanne.gresham@bromsgroveandredditch.gov.uk)

## Scrutiny Proposal Form

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note:** The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation		Date of referral	
Proposed topic title			
Link to local priorities including the strategic purposes			
Background to the issue			
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)			
How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)			

Please return this form to: Jess Bayley, Jo Gresham or Amanda Scarce, Democratic Services Officers, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH

Email: [jess.bayley@bromsgroveandredditch.gov.uk](mailto:jess.bayley@bromsgroveandredditch.gov.uk)  
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**REDDITCH BOROUGH COUNCIL****RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES****SUBJECT: BUSINESS AND PLANNING ACT 2020****BRIEF STATEMENT OF SUBJECT MATTER:**

The Business and Planning Bill, to promote economic recovery, was introduced in Parliament on 25 June with the intention that it would receive Royal Assent by 1 July 2020. Sections 1 to 10 of the Act introduce a regime of pavement licences for premises serving food and drink to seat and serve customers outdoors through temporary changes to Planning procedures and alcohol licensing. These will be issued by district councils, so that Worcestershire Regulatory Services [WRS] will manage the regime on behalf of the Council.

Even though the word "licence" is used throughout sections 1 to 10 of the 2020 Act, this is self-standing legislation and there is no provision in the Act that puts this matter within the remit of licensing committees.

WRS have worked at pace to draft a policy and procedure for the operation of the new legislation in Worcestershire, including local conditions and the application and fee process.

This document is appended to this decision, for adoption by the Council.

These measures intended to last until 30 September 2021.

**DECISION:****To RESOLVE to**

- (1) DELEGATE the Council's functions in sections 1 to 10 of the Business and Planning Act 2020 to Worcestershire Regulatory Services [WRS];**
- (2) ADOPT the appended policy and procedure for implementation by WRS; and**
- (3) AUTHORISE the Head of Legal, Democratic and Property Services to make any necessary amendments to the Service Level Agreement and other documents Governing the Council's relationship with Worcestershire Regulatory Services, to reflect decisions at (1) and (2).**

**(Council / Executive decision)****GROUNDINGS FOR URGENCY:**

It is necessary to be ready to begin considering applications immediately the legislation receives Royal Assent, expected to be as early as 1 July 2020.

**DECISION APPROVED BY:***(Deputy)* CHIEF EXECUTIVEEXECUTIVE DIRECTOR FINANCE & RESOURCES  
*(if financial implications)*.....  
**(Signature) (Sue Hanley / Kevin Dicks - (D)CX)**.....  
**(Signature) (Jayne Pickering)****Date: 1 July 2020****PROPOSED ACTION SUPPORTED** *(amend as appropriate)*

<i>.....</i> <b>(Signature)</b>	<i>.....</i> <b>(Signature)</b>	<i>.....</i> <b>(Signature)</b>	<i>.....</i> <b>(Signature)</b>	<i>.....</i> <b>(Signature)</b>
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
<b>MAYOR *</b>	<b>PF HOLDER</b>	<b>LEADER / LABOUR Group</b>	<b>LEADER / LDR CONSERVATIVE Group</b>	<b>CHAIR O&amp;S Committee</b>
Date:	Date:	Date:	Date:	Date:

Notes:

\* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

**Business and Planning Act 2020**  
**Redditch Borough Council**  
**Policy Statement on Pavement Licences**

Background

The Business and Planning Act 2020 was passed to promote economic recovery and growth in response to the economic impacts of the global Covid-19 pandemic. The Act included urgent provisions designed to make it easier for premises in England serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

Sections 1 to 10 of the Act create a temporary regime for the issuing of “pavement licences” by appropriate local authorities. Redditch Borough Council is the appropriate local authority for issuing pavement licences in the administrative area covered by the Council.

This new process introduces a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. The aim of the legislation is to support businesses to operate safely while social distancing measures remain in place. The aim is to provide much needed income over the summer months and protect as many hospitality jobs as possible.

The temporary licensing regime is due to be in place until 30 September 2021 when these provisions are due to expire in accordance with section 10 of the Act.

Pavement Licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. In general terms, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use removable furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

Furniture in this context means:

- (a) Counters or stalls for selling or serving food or drink,
- (b) Tables, counters or shelves on which food or drink can be placed,
- (c) Chairs, benches or other forms of seating, and
- (d) Umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;

The Council would expect the type of furniture to be ‘in keeping’ with the local area.

### Interaction with Part 7A of the Highways Act 1980

Part 7A of the Highways Act 1980 already provides a mechanism for local authorities to grant businesses permission to place objects or structures on the highway for any of the following:

- (i) for a purpose which will result in the production of income;
- (ii) for the purpose of providing a centre for advice or information; or
- (iii) for the purpose of advertising.

In Redditch Borough Council's area, permissions to put tables and chairs on the highway under Part 7A of the Highways Act 1980 are dealt with by Worcestershire County Council.

The new pavement licence regime runs alongside the provisions in Part 7A of the Highways Act 1980, which remain in place.

Any existing permissions issued under Part 7A of the Highways Act 1980 remain valid.

Those wishing to put removable furniture on the highway can apply for either a Pavement Licence under the Business and Planning Act 2020 or for permission under Part 7A of the Highways Act 1980.

### Planning Permission

If a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid and remains in force.

### Submission of Applications

Applications must be made on the Council's standard application form and must be submitted electronically to [enquiries@worsregservices.gov.uk](mailto:enquiries@worsregservices.gov.uk) along with the required supporting documentation and evidence that the required application fee has been paid.

The completed application must be accompanied by the following:

- A plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- A plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items of furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £2 million, and
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.

The Council has determined that the fee for making an application for a pavement licence is £100. The application fee is non-refundable in the event that the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

An application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

#### Applicant's Duty to Give Notice of Application

The Act requires an applicant for a pavement licence to

- (a) On the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises, and
- (b) Secure that the notice remains in place until the end of the public consultation period which means the period of 7 days beginning with the day after that on which the application is made.

A template notice for use by applicants can be found at Annex A to this policy statement and can also be downloaded from [www.worcsregservices.gov.uk/licensing](http://www.worcsregservices.gov.uk/licensing)

#### Consultation on Applications by the Council

Before determining an application, Redditch Borough Council will consult with the following bodies:

- Worcestershire County Council (The Highway Authority)
- West Mercia Police
- Hereford and Worcester Fire and Rescue Service
- North Worcestershire Economic Development and Regeneration

Any objections from these bodies must be made within the 7 day public consultation period.

Details of applications received and the relevant public consultation periods for each application will also be published at [www.worcsregservices.gov.uk/licensing](http://www.worcsregservices.gov.uk/licensing)

#### Determination of Applications

Redditch Borough Council supports the aims of the Act and wants to help promote economic recovery and growth in its area. Therefore upon receipt of an application for a Pavement Licence, the Council will normally seek to grant a licence subject to its standard conditions, provided that it was submitted in line with the requirements set out above and where granting the application would not lead to any of the following effects:

- (a) preventing traffic, other than vehicular traffic, from—
  - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - (ii) passing along the relevant highway, or
  - (iii) having normal access to premises adjoining the relevant Highway,

- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

The Council will consider any objections or comments received in respect of the application during the public consultation period, whether made by the bodies consulted or any other person, before the application is determined.

Having considered any objections or comments received in respect of the application, the Council may:

- (a) Grant a licence subject to the standard conditions
- (b) Grant a licence subject to the standard conditions and any other reasonable conditions that are considered appropriate in the circumstances of the case
- (c) Refuse the application

#### Licences Deemed Granted

The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 7 days beginning with the first day after the public consultation period.

If the Council does not make a determination by the end of the determination period, section 3 (8) of the Act provides that the licence for which the application was made is deemed to be granted by the Council to the applicant.

#### Licence Conditions

All pavement licences whether granted or deemed granted, will be subject to the Council's published standard conditions, which can be seen at Annex B to this policy statement.

In addition to the standard conditions, further reasonable conditions may be attached to individual licences as the Council considers appropriate in the circumstances of the case having regard to any comments or objections received during the public consultation period. The need for further conditions beyond the standard conditions will be considered on a case by case basis.

#### Duration of Licences

All licences granted by the Council will be valid for a period of 6 months or until 30 September 2021, whichever is the shorter, and will then expire

Any licence deemed granted under section 3 (8) of the Act will be valid for a period of 12 months or until 30 September 2021, whichever is the shorter, and will then expire.

### Enforcement and Revocation of Licences

The Council will always seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.

However if this informal approach does not resolve the issues in a satisfactory way, then formal action can be taken as detailed below.

If the Council considers that a licence-holder has breached any condition of the licence, the authority may—

- (a) revoke the licence, or
- (b) serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.

If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may—

- (a) revoke the notice, or
- (b) take the steps itself and recover the costs of doing so from the licence holder.

The Council may also revoke the licence if it considers that—

- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
- (b) as a result of the licence—
  - (i) there is a risk to public health or safety, or
  - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
  - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),
- (c) anything material stated by the licence-holder in their application was false or misleading, or
- (d) the licence-holder did not comply with the duty to advertise their application.

All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code.

### Rights of Appeal

The Business and Planning Act 2020 does not provide any statutory right of appeal against a decision to refuse or revoke a pavement licence. Nor is there a statutory right of appeal against any enforcement notice served on a licence holder.

However, clear and justifiable reasons will always be provided if a licence is refused or revoked, or if an enforcement notice is served on a licence holder.

### Review of this Policy

This policy covers the temporary provisions for the issuing of pavement licences under the Business and Planning Act which are scheduled to expire on 30 September 2021.

This policy may be reviewed from time to time should changes occur in relevant legislation, relevant social distancing measures or as a result of local considerations in the area.

DRAFT



ANNEX A

**BUSINESS AND PLANNING ACT 2020**

**NOTICE OF APPLICATION FOR GRANT OF A PAVEMENT LICENCE**

I / We .....(1)

Do hereby give notice that on ..... (2)

I / we have applied to Redditch Borough Council for a pavement licence at:

.....  
..... (3)

Known as..... (4)

The application is for:  
.....  
..... (5)

Any person wishing to make representations to this application may do so by writing to [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk) by:

..... (6)

The application and information submitted with it can be viewed at:  
[www.worcsregservices.gov.uk/licensing](http://www.worcsregservices.gov.uk/licensing)

Signed .....

Date ..... (7)

**Guidance notes on completing this notice of application.**

Complete the notice by putting the following information in the numbered spaces:

- (1) Name of the applicant
- (2) Date the application is made (submitted)
- (3) Postal address of the premises
- (4) Name the premises is known by
- (5) Brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink]).
- (6) Last date for representations being the date 7 days after the date the application is submitted to the local authority.
- (7) The date the notice was placed (must be the same date as (2) above)

On the same day that the application is made, a completed copy of this notice must be fixed to the premises so that it is readily visible to, and can be read easily by, members of the public who are not on the premises, and secure that the notice remains in place until the end of the public consultation period.

**Failure to comply this requirement may lead to the revocation of any licence granted or deemed granted.**

**ANNEX B – STANDARD CONDITIONS FOR PAVEMENT LICENCES**

1. The licence must only be used for the purpose of placing removable furniture on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the licence holder's business premises.
2. Furniture may only be placed within the area of the highway identified on the plan that accompanied the application for the licence.
3. The licence holder must ensure that furniture is positioned in such a way so as to ensure compliance with the relevant Government guidance on social distancing that is in place at any particular time and that staff can service the space regularly for cleaning and other purposes, in a manner that does not compromise their health and safety.
4. Any furniture placed on the highway in reliance on the licence must not be a fixed structure and must be able to be moved easily and stored away of an evening.
5. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of the Department for Transport's [Inclusive Mobility](#) guidance.
6. The licence holder shall not make excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface unless otherwise agreed with the Council in writing.
7. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises closes or by 22:00hrs on any day, whichever is the earliest.
8. The licence holder must observe and comply with any direction made by a Police Officer, Fire and Rescue Officer, or authorised officer of the local authority in relation to the use of the highway, including any direction to remove furniture from the highway.
9. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £2 million.
10. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area, and removing any refuse and litter on the highway in the vicinity of the removable furniture.
11. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.
12. The licence holder must not allow customers using the area to engage in anti-social or disorderly behaviour.
13. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that the conditions above are being adhered to.

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**REDDITCH BOROUGH COUNCIL****COUNCIL**

20TH JULY 2020

**IMPROVEMENT TO HRA RENT MANAGEMENT**

Relevant Portfolio Holder	Craig Warhurst
Portfolio Holder Consulted	7 <sup>th</sup> & 8 <sup>th</sup> July 2020
Relevant Head of Service	Judith Willis & Guy Revans
Ward(s) Affected	All wards
Ward Councillor(s) Consulted	
Key Decision / Non-Key Decision	Key decision
This report contains exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

**1. SUMMARY OF PROPOSALS**

To advise Members of additional software required to enable a more enhanced management of the Housing Revenue Account (HRA) rental income. This will require additional software to integrate with the already approved Housing System. The report and business plan details the rationale for the need of the additional functionality in light of the increasing arrears position as a result of the Covid-19 Pandemic.

**2. RECOMMENDATIONS**

The Council is to **RESOLVE** that

- 1) **The capital programme for 2020/21 for the Housing Project is increased by £65k to be funded from existing reserves; and**
- 2) **Delegation is given to the Head of Environment and Housing Property Services and the Head of Legal, Property and Democratic Services to procure a suitable provider for implementation.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The initial capital investment for a rental management systems is approximately £65k. This would be met from the 2020/21 existing capital reserves within the HRA.
- 3.2 Ongoing annual costs of approximately £55k pa from 2021/22 would have to be met from the HRA revenue budget. It is assumed that revenue savings would be generated to more than offset this cost.
- 3.3 Initially Phase 1 of the Housing Services Review predicted to deliver a total cost saving of around £750k by Autumn 2020, with a further £140k being delivered by April 2020 in Phase II, following implementation of CX and a rental management

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system. £320k of those savings can be attributed to the Income Management Function, assuming that arrears remained stable at 2.99%

- 3.4 Due to Covid both the Civica project and the service review have been delayed and Phase one savings cannot now be delivered before December 2020 and Phase II before May / June 2021. Because of the increased demands placed on the service due to Covid, in order to reduce caseloads per officer to realistic levels, some 27 Officers would be required at a cost of around £950,k which therefore makes rent arrears almost cost neutral to recover.
- 3.5 By bringing forward implementation of a rental management system to October 2020 the need for two phase implementation would be negated and £300-£350k of cost savings within the income function could be delivered before the end of the financial year at least, notwithstanding the service review and IT project.
- 3.6 In addition to delivering savings on operating cost, also to be considered is the stabilisation of the escalating arrears crisis. If a rental management system can be fully implemented by October 2020, rather than January 2021 onwards, then over £100k of arrears could be completely prevented and the financial position returned to its pre covid position.
- 3.7 The review of the HRA budget for 2021/22 will include the ongoing software costs together with projections on savings to be delivered

**Legal Implications**

- 3.8 The anticipated costs of the system over a projected 4 years exceed current EU procurement limits. Undertaking a full EU procurement exercise would not allow for contract award and implementation within the current timescale.
- 3.9 It is therefore proposed that the software be procured through the G-Cloud – a pre-procured framework focussed on cloud-based software administered by Crown Commercial Services. Procurement through the G-Cloud involves a sifting exercise to identify possible suppliers and a clarification exercise to ensure that suppliers' offers meet the Council's requirement and finalise costs. The process is fully compliant with EU procurement rules, but can be completed in just a few weeks.

**Background / Service Implications**

- 3.10 The reason why this report is required is because an urgent response to a rapidly escalating financial situation brought about by the Coronavirus outbreak is required in advance of implementing either Civica CX and / or resuming a review of Housing Services. The basis for making the recommendations in this report is to enable officers to procure a rental management system to mitigate the risks posed by this crisis notwithstanding either of the two above events taking place in the medium to longer term.

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- 3.11 This business case supports the Housing Services work to deliver to the Council's agreed vision and strategic purposes to enrich lives and aspirations through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.

This Business case also supports the Council's principles to:

- Put people at the heart of everything we do
- Take responsibility
- Be innovative
- Be non-discriminatory in our actions
- Be customer centred
- Be inspiring
- Take pride in our place
- Lead
- Provide expertise
- Support communities

A rental management system will enable us to deliver all of these purposes and principles.

- 3.12 The report and its proposal is underpinned by the collection of rent arrears performance data since lockdown on March 23<sup>rd</sup> along with data gathered.

**Customer / Equalities and Diversity Implications**

- 3.13 A rental management system will significantly improve the quality of service provision and helps ensure that every customer has fair and equitable access to services to support them at the right time and in the right ways and that a fair and equitable approach is taken by staff in operating the rent arrears recovery process.

**4. RISK MANAGEMENT**

- 4.1 Reputational risk of failing to deliver services fairly and equitably to customers due to unmanageable workloads.
- 4.2 Financial risks of not mitigating the impact of reducing guaranteed income from Housing Benefit and subsequent increasing Universal Credit / cash based debts as a result of Covid, along with inability to identify emerging financial issues for customers and intervene early through exploitation of innovative technology.
- 4.3 The reputational and financial risks to viability of the HRA reduction in ability to provide the full range of housing services that the HRA subsidises, such as planned and responsive repairs, neighbourhood services and tenancy sustainment activities.

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- 4.4 Financial risk to the General Fund in terms of added pressure exerted by increased evictions and homelessness due to Covid creating financial difficulty for customers and inability to pay rent

**5. APPENDICES**

Appendix 1 - The Rent Management System Business Case.

**AUTHOR OF REPORT**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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