

Agenda



Policy Development Scrutiny Committee

Date:	Wednesday, 10 September 2014 at 6:15pm
Venue:	The United Reformed Church, St Georges Road, St Annes, FY8 2AE
Committee members:	Councillor Fabian Craig-Wilson (Chairman) Councillor Leonard Davies (Vice-Chairman) Councillors Ben Aitken, Frank Andrews, Susan Ashton, David Chedd, Maxine Chew, John Davies, David Donaldson, Charlie Duffy, Karen Henshaw JP, Edward Nash, Elizabeth Oades, Richard Redcliffe, Elaine Silverwood, Vivienne M Willder.

Public Platform To hear representations from members of the public.

Item		Page
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes of the previous meetings held on 4 June 2014 and 18 June 2014, as a correct record as attached.	3 - 9
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 23(c).	1
4	General Fund Budget Monitoring Report 2014/15 – Position as at Quarter Ended 30th June 2014.	10 - 15
5	Homelessness Strategy Action Plan 2013-18 Update	16 - 28
6	Anti-Social Behaviour, Crime and Policing Act 2014	29 - 44

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Minutes

Policy Development Scrutiny Committee



Date:	Wednesday, 4 June 2014
Venue:	Lowther Pavilion, Lytham
Committee members:	Chairman: Councillor Fabian Craig-Wilson Vice-Chairman: Councillor Len Davies Councillors Brenda Ackers, Ben Aitken, Frank Andrews, Susan Ashton, Julie Brickles, David Chedd, Maxine Chew, Peter Collins, Charlie Duffy, Barbara Nash, Edward Nash, Liz Oades, Richard Redcliffe, Elaine Silverwood.
Other Councillors	Councillor Dr Trevor Fiddler
Officers:	Mark Evans, Julie Glaister, Andy Foot, Allan Oldfield, Paul Walker and Katharine McDonnell
Public	There were approximately 20 members of the public in attendance on this occasion.

Public Platform

There were no requests to address the committee on this occasion.

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members.

There were no declarations of interest on this occasion.

2. Substitute members

The following substitutions were reported under Council procedure rule 23(c):

Councillor Peter Collins substituted for Councillor John Davies

Councillor Julie Brickles substituted for Councillor Karen Henshaw

Councillor Brenda Ackers substituted for Councillor David Donaldson

Councillor Barbara Nash substituted for Councillor Vivienne Willder

3. Request for Call-in – Fylde Coast Strategic Housing Market Assessment

Fourteen members of the Council had invoked the recovery and call-in procedure to question a portfolio holder decision made on 29 April 2014 relating to the Fylde Coast Strategic Housing Market Assessment (SHMA), in particular that some of the evidence relied upon to assess the housing need was flawed and the resultant proposed housing figure was too high. Members were invited to

consider whether the decision made was not in the interests of the inhabitants of the borough and ought to be reconsidered.

The Chairman invited Councillor Liz Oades to explain why it was felt that the decision was not in the interests of the inhabitants of the borough and ought to be reconsidered.

Councillor Oades gave reasons for the call-in, in particular she drew attention to the word “robust” which she stated was a subjective term and such qualifying terms had not been applied to other pieces of evidence for the Local Plan.

Councillor Oades also stated that the range of dwellings required per annum, in the decision, did not reflect the findings of the SHMA and as such would narrow the scope of the planned public consultation. She stated that the range, if one was required for the decision, should reflect the range stated in the SHMA, that was 64-436 dwellings per annum.

Councillor Oades said that the final resolution of the decision should be deleted in its entirety as she argued the affordable housing figure, the subject of the final resolution, had not been subject to test, it had not gone through the proper process of public consultation and would consequently restrict the Development Management Committee.

The Chairman asked Councillor Trevor Fiddler, Portfolio Holder for Planning and Development, to respond.

Councillor Fiddler explained that the word “robust” was required to demonstrate confidence in the findings of the SHMA. He explained that the process and methodology required for a strategic housing market assessment was prescribed by the Government. He also stated that the SHMA had been commissioned jointly by Fylde, Wyre and Blackpool councils, he went on to say that Wyre and Blackpool Councils have already accepted the findings of the SHMA.

He went on to explain that the range for the number of dwelling required per annum was very wide, but narrowed depending on which of a number of evidenced scenarios were followed. These scenarios were detailed within the SHMA document. Councillor Fiddler explained that the range of 300-420 dwellings, as referred to in the decision, took into account of number of factors including inward migration, economic growth and longevity of the population. He offered to amend the range of the dwellings required for the purposes of the consultation, but stated that the range would likely be narrowed following consultation to reflect the factors previously mentioned.

Julie Glaister clarified that the Local Plan Steering Group had discussed the SHMA on 23rd March, they had then gone on to discuss a draft Housing Requirement Paper on the 16th April. The Draft Housing Requirement Paper uses the SHMA as background evidence. The notes from that meeting which have been published make it clear that it is the Housing Requirement Paper that will be made available for comment (not the SHMA) which will involve developers and other interest groups ahead of finalising the housing figure that will be taken forward in the next version of the Local Plan.

Councillor Fiddler cautioned that a delay in agreeing the SHMA could impact on the progress of the emerging Local Plan. He emphasised the importance of determining a local housing requirement figure to assist the determination of planning applications in particular with respect to the five year supply calculation.

There were questions from members of the committee seeking clarification on the affordable housing figure.

Andy Foot (Fylde Coast Housing Strategy Manager) advised that the affordable housing figure was a combination of the current need and the projected need over the coming five years. Unlike the number of dwellings required per annum, the SHMA methodology prescribed that the affordable housing figure should not be given as a range but as an absolute number.

As there were no further questions for the Portfolio Holder, Councillor Fiddler left the room to allow the committee to discuss the information before them.

Some members of the committee expressed concern regarding the range of the dwellings required per annum and the use of the word “robust” in resolution 1 of the decision.

Mark Evans (Head of Planning and Regeneration) advised that the process for undertaking the SHMA was a robust process, therefore it was felt justified to refer to the resulting evidence as robust. In regards to the range, and specifically the range quoted in resolution 2 of the decision (that is 300-420 dwellings per annum), Mark Evans advised that National Planning Policy Framework was clear that in determining a housing figure migration must be taken into account. The -64 figure did not take into account migration, it simply reflected natural change that is more people die in Fylde than are born. Without in migration the population would fall. The objectively assessed need for Fylde is 300 – 420 dwellings per annum. The wider range does not meet the definition of objectively assessed need set out in the guidance.

After an in-depth discussion, the following motion was proposed by Councillor Oades and seconded by Councillor Duffy,

“To call-in the individual cabinet member decision on the Fylde Coast Strategic Housing Market Assessment and ask the Portfolio Holder to reconsider the decision, and specifically, to alter the range of dwellings required per annum, from 300-420 dwellings, contained in the original decision, to a range of -64-436 dwellings per annum”

The motion was subject to a recorded vote and the motion was lost.

Votes for the motion (7): Councillors Brickles, Chedd, Chew, Collins, Duffy, Oades and Silverwood.

Votes against the motion (9): Councillors Ackers, Aitken, Andrews, S Ashton, Craig-Wilson, L Davies, B Nash, E Nash and Redcliffe

Abstentions (0)

Following the loss of the motion, Councillor Ackers proposed a motion which was seconded by Councillor Barbara Nash:

“ To reject the requested call-in of the individual cabinet member decision “

The motion was subject to a recorded vote.

Votes for the motion (9): Councillors Ackers, Aitken, Andrews, S Ashton, Craig-Wilson, L Davies, B Nash, E Nash and Redcliffe

Votes against the motion (7): Councillors Brickles, Chedd, Chew, Collins, Duffy, Oades and Silverwood.

Abstentions (0)

As the motion was carried, the committee RESOLVED to reject the request for a call-in.

The individual Cabinet Member decision on the Fylde Coast Strategic Market Assessment was therefore implemented.

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Minutes

Policy Development Scrutiny Committee



Date:	Wednesday, 18 June 2014
Venue:	Town Hall, St Annes
Committee members:	Chairman: Councillor Fabian Craig-Wilson Vice-Chairman: Councillor Len Davies Councillors Frank Andrews, Susan Ashton, Maxine Chew, John Davies, David Donaldson, Charlie Duffy, Howard Henshaw, Barbara Nash, Edward Nash, Richard Redcliffe and Vivienne Willder.
Officers:	Allan Oldfield, Tracy Morrison, Paul Walker, Paul O'Donoghue, Alex Scrivens and Katharine McDonnell

Public Platform

There were no members of the public in attendance on this occasion.

1. Declarations of interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council's Code of Conduct for Members.

There were no declarations of interest on this occasion.

2. Confirmation of minutes

RESOLVED: That the minutes of the Policy Development Scrutiny Committee meeting held on 24 April 2014, be approved as a correct record.

3. Substitute members

The following substitutions were reported under Council procedure rule 23(c):

Councillor Howard Henshaw substituted for Councillor Karen Henshaw

Councillor Barbara Nash substituted for Councillor Ben Aitken

4. The Corporate Plan 2013-2016 (Actions Update)

Allan Oldfield (Chief Executive) presented the actions update from the short term priorities section of the Corporate Plan 2013-2016. Allan explained that the Corporate Plan medium term targets and long term outcomes had been approved at full Council in 2013, and were presented to Committee for information with only minor changes to percentage targets based on current performance and recommendations from scrutiny.

Allan explained that the short term actions changed annually and these high level priority actions, derived from the Service Planning procedure, would contribute to the delivery of the medium and long term targets.

In response to questions from the committee, Allan provided information regarding the collation of different data sets to enable target setting. He also explained how the Council had an important role in working with partners to influence outcomes. For example whilst the Council may not be directly responsible for an outcome but it was to the benefit of residents, inclusion of that outcome was therefore important for the Corporate Plan.

Tracy Morrison (Director of Resources), responding to questions from committee, provided a broad overview of the Committee Management Information System (CMIS), and explained that the Council would be working closely with the Food Standards Agency and other coastal authorities regarding the cockle beds.

Following a lengthy discussion the committee AGREED the updated key actions in the Corporate Plan and recommend the actions to Cabinet.

5. Year-End Performance Exception Report

Alex Scrivens (Corporate Performance Officer) presented the year-end performance exception report for 2013/2014. He explained that 28% of indicators were worse than target limits and 25% of indicators were better than target limits. Alex directed the committee to the narrative for each indicator, which provided an explanation as to why performance was better or worse than the target.

Alex drew the committee's attention to proposals to delete a number of indicators. He explained that some were to be replaced having been reworded for clarity or deleted as the action being measured was no longer applicable. Finally he drew the committee's attention to two new indicators for planning as required by central government.

The committee requested that PM97a be amended to state a measure of weeks, rather than "length of time" to be consistent with other indicators.

It was AGREED;

1. To delete performance measures PM30, PM63 and PM75;
2. To approve a change to performance indicator PM4 from "percentage of complaints responded to within 5 working days" to 'the number of complaints not responded to within five working days'; and
3. That the officers amend performance indicator PM97a to read 'The number of weeks applicants were on the waiting list for a Disabled Facility Grant'.

6. Medium Term Financial Strategy (MTFS) General Fund Revenue, Capital Programme and Treasury Management Financial Outturn Position for 2013/14

Paul O'Donoghue (Chief Financial Officer) presented the Medium Term Financial Strategy (MTFS) General Fund Revenue, Capital Programme and Treasury Management Financial Outturn Position for 2013/14.

Paul outlined the General Fund Revenue position advising that there had been a favourable variance in the net expenditure of £0.594 million and an additional £0.609 million in financing received for the year. This meant there was a surplus of £1.203 million and Paul provided information how this surplus would be distributed into reserves. He advised that the favourable variance in net expenditure was due to both prudent decisions by budget holders and one-off savings and items of additional income received during the year. A large proportion of the additional financing was from a

grant in relation to the Business Rate Retention Scheme which was to be set aside in a reserve to offset the deficit on the collection fund caused by the doubling of small business rate relief offered to businesses, and income from Non Domestic Ratepayers over and above the budgeted safety net level.

In regards to the Capital Outturn position, Paul referred the committee to Table 5 in the report, which detailed the net underspend for the year, less the slippage of a number of projects. He also referred committee to Tables 6 and 7 in the report which detailed the Usable Capital Receipts and Proposed Capital Financing respectively.

Finally Paul outlined the Treasury Management position. He advised there had been no additional borrowing in 2013/14, so the gross borrowing remained at £3.8 million.

Paul concluded his report advising that there was improvement in the General Fund Revenue Forecast balances position and this was helpful given future financial challenges.

The committee sought clarification on a number of points regarding the level of reserves, the gross borrowing and the investment periods for internally managed funds.

Paul advised that the current reserves were £5.0 million; that gross borrowing of £1.5 million was due to be repaid before the end of the current financial year; and whilst the return rate for longer investment periods would be higher, that had to be balanced against increased risk, together with security and liquidity of the investments. He advised that the Council's investment policy was risk averse.

In considering the report, the committee stated that their thanks be passed on to all staff involved in managing budgets and exercising sound financial management and prudence. With no further recommendations or comments to make, it was AGREED that the report be considered by Cabinet at its meeting on 25 June 2014.

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REPORT

REPORT OF	MEETING	DATE
MANAGEMENT TEAM	POLICY DEVELOPMENT SCRUTINY COMMITTEE	10 SEPTEMBER 2014

GENERAL FUND BUDGET MONITORING REPORT 2014/15 - POSITION AS AT QUARTER ENDED 30TH JUNE 2014

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The purpose of this report is to provide an update of the Council's General Fund (GF) Revenue Budget as at 30th June 2014. The report sets out significant variances from the profiled latest budget and details the actions taken to address these.

RECOMMENDATION

The Committee is asked to note the updated position and the comments outlined in the report.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Finance and Resources - Councillor Karen Buckley

SUMMARY OF PREVIOUS DECISIONS

1. Council approved the Revenue Budget for 2014.15 at its meeting of 3rd March 2014
2. Cabinet approved the 2013-14 financial outturn at its meeting of 25th June 2014

REPORT

1. Revenue Budget Monitoring

- 1.1 The Council operates a system of Revenue Budget Monitoring which revolves around the production of detailed monthly monitoring reports for budget holders. Significant issues arising from these monthly reports are summarised in quarterly reports to the Portfolio Holder for Finance and Resources, and subsequently to this Committee. This report therefore details the findings and issues emerging from budget monitoring carried out during the first quarter of 2014/15.

- 1.2 It should be noted that work continues on improving budget profiling across the Council in order that budget profiles more accurately reflect the spending pattern of individual budgets across the financial year. This serves to enhance budget monitoring and focus attention on true variances rather than budget profiling issues. This is a continuous process with budget holders so that the improved profiling continues to refine the budget monitoring system.
- 1.3 Council approved the 2014/15 budget at its meeting on 3rd March 2014. Subsequently on 25th June 2014 Cabinet approved the Council's outturn position for 2013/14. The impact of those approvals, including savings and growth options approved at Council and slippage from 2013/14 approved at Cabinet, are now reflected in the Council's financial ledger and therefore this report monitors expenditure and income against the updated approved budgets.
- 1.4 Appendix A shows details of significant variances highlighted by budget monitoring undertaken during the year to 30th June 2014.

2. Budget Rightsizing Exercise

- 2.1 In 2011/12 The Councils Management Team committed to carrying out an annual budget rightsizing exercise to analyse underspends which have occurred over the last 3 financial years and to adjust current and future year budgets to better reflect the level of resource requirement in the context of current financial constraints. This process commenced in autumn 2012 and that exercise, together with the second annual budget rightsizing exercise undertaken in 2013, resulted in a number of amendments to revenue budgets for both current and subsequent years. A similar exercise will be undertaken in the second quarter of 2014/15 and any resulting changes to budgets will be reflected in later reports.

3. Budget Areas for Further Attention/Concern

There are a number of budget areas to bring to the Committee's attention on this first quarter General Fund Budget Monitoring report:

- i. Employee Costs

The budget forecast which was approved by Budget Council in March 2014 assumed reduced payroll costs as a result of 'turnover savings' (delays in the recruitment to vacant posts) of £75,000 per annum from 2014/15 onwards. Actual savings achieved in relation to direct employee costs for quarter one are already in excess of this target. These savings may not recur to this extent for the remainder of the year. The employee costs budget will be reviewed as part of the right-sizing exercise on service budgets later in the year and a favourable MTFs adjustment may follow.

- ii. Fleet Costs

Expenditure on fleet costs for the year to date indicates a number of variances against various elements of the budget. Much of the favourable variance in material costs is due to the fleet replacement programme and efficiencies generated from revised working practices as part of the modernisation strategy. At present the fleet budgets are predicted to be on target at the end of the year. However, experience shows that expenditure on items such as fuel (which is subject to price volatility) and vehicle hire (which can increase due to vehicle breakdowns) can be difficult to predict and the current position could change. The fleet

budgets will be reviewed as part of the right-sizing exercise on service budgets later in the year.

iii. Planning Application Fee Income

Planning application fee income is dependent on the number and nature of applications received. A number of significant applications have been received towards the end of the last financial year and during the early part of this year which have created the current favourable variance. The budget will be reviewed as part of the right-sizing exercise on service budgets later in the year and may lead to a favourable MTFS adjustment.

iv. Planning Appeal Costs

During the first quarter of 2014.15 there have been no planning appeal costs which have been settled. This has created the budget variance currently shown. Costs are expected to be incurred later in the year in relation appeals already lodged.

v. Council Tax and Housing Benefits

There are currently a number of significant variances in respect of Council Tax and Housing Benefits, arising largely from corporate savings targets within Blackpool Council which have reduced the overall service costs which are met by both Blackpool and Fylde Councils. The position will be reviewed as part of the re-sizing exercise on service budgets later in the year and a favourable MTFS adjustment may follow.

4. Risk Assessment

This item is for information only and makes no recommendations. The budget areas of more significant concern and potential financial risk are addressed in the report.

5. Conclusions

External pressures outside the Council's control are impacting on all local authorities. Instructions remain in place that officers should not commit to any unnecessary expenditure and should seek to maximise efficiencies. This approach has a downward impact on costs incurred by the Council and may result in an under-spend against budget this year.

Quarterly monitoring reports are an integral part of the Council's financial monitoring framework, and the Committee will receive further updates on a quarterly basis to highlight budget areas requiring further attention.

Finance staff work continuously with budget holders across the Council, and are heavily reliant upon budget holders to be able to understand and quantify the potential impact of in-year hotspot variances within their areas of responsibility.

We are still at the early part of 2014/15 and it is therefore not possible to draw any firm conclusions on the in-year financial position. The financial risks facing the Council, as set out in the MTFS to Council in March 2014 still remain. Instructions issued by Management Team that budget holders are to remain prudent in order to build up additional balances are still in place.





IMPLICATIONS	
Finance	Financial implications are contained within the body of the report
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None








REPORT AUTHOR	TEL	DATE	DOC ID
Paul O'Donoghue (Chief Finance Officer)	01253 658566	7 August 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
MTFS Council Report	03/03/2014	Minutes of Council Meeting 03/03/2014
Cabinet	25/06/2014	Minutes of Cabinet Meeting 25/06/2014

Attached documents

Appendix A – 2014/15 year to date budget variances.

KEY:		Potentially ADVERSE variance impacting on General Fund resources - requires close monitoring and may be reported in the MTFS
		Potentially FAVOURABLE variance impacting on General Fund resources - requires close monitoring and may be reported in the MTFS
		Variance currently showing but expected to be on target at year end, requires action e.g. re-profiling of budget or virement required
		Variance currently showing but expected to be on target at year end

Service Area	Detail Description	Full Year Budget	Profiled Budget to end of Qtr 1	Actual at end of Qtr 1 (incl. Commitments)	Variance at end of Qtr 1	Favourable (FAV) / Adverse (ADV)	Budget Holder	Alert	Budget Holder Comments
CORPORATE									
All areas across the Council	Employee costs including basic pay, pension, NI, and overtime, plus agency costs	7,859,283	2,005,456	1,953,165	-52,291	FAV	Corporate		See paragraph 3i of the report for full details.
CHIEF EXECUTIVE									
Fylde Waste Schemes	Printing	27,250	6,813	761	-6,052	FAV	Kathy Winstanley		Expenditure to date on printing has been lower than the budget. It is anticipated that this trend may continue throughout the remainder of the year. The position will be kept under review and revisited as part of the right-sizing exercise of service budgets later in the year and a favourable MTFS adjustment may follow.
Fleet	FMS Materials	148,863	37,305	29,538	-7,767	FAV	Kathy Winstanley / Steve Fulton		Material and tyre replacement budgets are under spent across a range of vehicles as a result of the use of a number of new and hire vehicles, the removal of the need to go on landfill sites, and improved driving practices. The under-spend will reduce over the life of the vehicles. The budget will be reviewed as part of the right-sizing exercise of service budgets later in the year and a favourable MTFS adjustment may follow.
	Tyre Renewals	36,004	9,126	4,099	-5,027	FAV			
DEVELOPMENT SERVICES DIRECTORATE									
Lytham-Leisure (Strategic)	Games Site Fees	-59,000	-27,730	-20,210	7,520	ADV	Mark Wilde		Income from boat hire at Fairhaven lake is lower than the budgeted level as it has been necessary to close the lake following an outbreak of algal bloom. The lake has since re-opened and it is hoped that the income will recover throughout the remainder of the year. The income will be kept under review and an adjustment to the budget may be required as part of the right-sizing exercise of service budgets later in the year.
Development Management	Planning Application Fees	-475,000	-241,490	-331,604	-90,114	FAV	Mark Evans		Planning application fee income is dependent on the number and nature of applications received. A series of significant applications have been received during the early part of the year which have created the current variance. The budget will be reviewed as part of the right-sizing exercise on service budgets later in the year and a favourable MTFS adjustment may follow.
Planning Appeals	Planning Appeal Hearing Costs	170,000	38,756	0	-38,756	FAV	Mark Evans		During the first quarter of 2014.15 there have been no planning appeal costs which have been settled. This has created the budget variance currently shown. Costs are expected to be incurred later in the year in relation appeals already lodged.
Coast Protection	Other General Repairs & Mtce	54,900	13,725	-3,569	-17,294	FAV	Andrew Dickson		Capital schemes, and particularly works relating to the Town hall refurbishment, have taken priority over smaller revenue schemes during the first quarter of the year. The coastal defence repair scheme to be prepared and delivered later in the year and it is expected that the outturn position will be in line with the total budget amount.

Service Area	Detail Description	Full Year Budget	Profiled Budget to end of Qtr 1	Actual at end of Qtr 1 (incl. Commitments)	Variance at end of Qtr 1	Favourable (FAV) / Adverse (ADV)	Budget Holder	Alert	Budget Holder Comments
DEVELOPMENT SERVICES DIRECTORATE									
Lytham Station Car Park	Business Permits	-1,000	-252	-7,079	-6,827	FAV	Andrew Dickson / Andrew Loynd	★	There have been sales of an additional 50 parking permits at Lytham station car park which have generated this surplus at the end of the first quarter. The income will be kept under review and an adjustment to the budget may be required as part of the right-sizing exercise of service budgets later in the year, leading to a favourable MTFS adjustment.
Coast & Countryside	Sale of Sand (sandwinning)	-75,000	-18,750	-29,631	-10,881	FAV	Andrew Dickson / Gary Sams	★	The contractor responsible for the removal and sale of sand is currently taking around 14% more sand than has been the case in previous years, as is permissible under the contract terms. The income will be kept under review and an adjustment to the budget may be required as part of the right-sizing exercise of service budgets later in the year, leading to a favourable MTFS adjustment.
Other Miscellaneous Repairs	Other Miscellaneous Repairs	200,450	50,150	32,186	-17,964	FAV	Andrew Dickson	●	Capital schemes, and particularly works relating to the Town hall refurbishment, have taken priority over smaller revenue schemes during the first quarter of the year. Works on the refurbishment of Fairhaven boat store and the Lowther mess hut have been delayed as a consequence. These works are due to be tendered in July and it is anticipated that the outturn position will be in line with the total budget amount.
RESOURCES DIRECTORATE									
Community Safety Initiatives	Community Safety Initiatives	68,143	17,049	4,133	-12,916	FAV	Bryan Ward	●	Community Safety funding is now significantly diminished due to no external grants being received any longer, other than smaller amounts of funding, for example, from the Police and Crime Commissioner. As a result the Community Safety Partnership uses the legacy funding that was passed to it by the former Local Strategic Partnership, sparingly. A small amount of funding has recently been granted to support some partnership projects over the course of the forthcoming months. However, the intention is to utilise resources sparingly and when such usage is most effective, possibly retaining resources into 2015/16 and beyond.
Local Strategic Partnership	LSP Initiatives	80,782	20,196	2,335	-17,861	FAV	Jo Collins	●	The former LSP allocated funding to allow the Community Projects Fund, which gives community grants for amounts from £500 to £2,000, to carry on in future years. It also allocated further discretionary funding for smaller grants of up to £500. Bidding rounds for 2014/15 are now underway for the main fund and some discretionary funding has been allocated. It is anticipated that not all the funding will be utilised in 2014/15. This will be the subject of a separate report to scrutiny in due course which will give a summary of funding awarded thus far, and will address the question of future years bidding rounds. This budget also includes a sum of £20k LSP funding towards Hope Street pavilion refurbishment which is included in the 2014/15 capital programme.

REPORT



REPORT OF	MEETING	DATE
DIRECTOR OF RESOURCES	POLICY DEVELOPMENT SCRUTINY COMMITTEE	10 SEPTEMBER 2014

HOMELESSNESS STRATEGY ACTION PLAN 2013-18 UPDATE

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

As approved by Policy Development Scrutiny Committee and Cabinet a strategy action plan update will be presented to Members each September. The report provides an update on the action plan and the pilot policy to discharge the homeless duty into the private rented sector.

RECOMMENDATIONS

1. The Committee note the update to the action plan.(Appendix1)
2. The Committee agree to extend the pilot policy to discharge the homeless duty into the private rented sector for a further 12 months.
3. The views of the committee are sought in relation to the Face2Face YMCA 'Drop in 'service and the support which the Council could provide to its continuation.(Appendix 2)
4. The views of the committee are sought in relation to the continuation of the 'No second night out' (Appendix 3)

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

SUMMARY OF PREVIOUS DECISIONS

Policy Development Scrutiny Committee 5th September 2013 resolved to endorse the homelessness review and adopt the Homelessness Strategy and action plan 2013-18. The annual strategy action plan update will be presented to members each September. The pilot policy to discharge the homeless duty into the private rented sector was adopted. An update on the pilot will be presented to the committee in the annual strategy action plan update.

27th November 2013 Cabinet considered the details set out in the report before it and at the meeting and RESOLVED:

1. To endorse the homelessness review and adopt the draft Homelessness Strategy and Action Plan

2013-2018 included as an appendix to the report.

2. To present the strategy action plan update annually each September to Policy Development Scrutiny Committee through the life of the strategy.

3. To agree to the adoption of the pilot policy to discharge the homeless duty into the private rented sector (included as an appendix to the report) and present an updated report scrutiny annually.

REPORT

Monitoring the Homelessness Strategy Action Plan

1. The Fylde Homelessness Forum was launched on the 11th March 2014 and was attended by a wide number of agencies. At this meeting terms of reference for the group were agreed and the main aim of the forum is to implement strategy actions and monitor progress of the strategy action plan.
2. The forum will meet three times a year and each meeting will concentrate on a different priority for the strategy. Meeting one concentrated on priority one 'maximising existing partnerships to effectively use current resources (both internally and externally). The Forum meeting held on the 17th June concentrated on priority two 'preventing homelessness'. A third forum meeting has been scheduled for October 2014 and this will focus on priority three 'increasing the supply of settled accommodation including access into the private rented sector and implementing a pilot policy to discharge the homeless duty into the private rented sector.
3. A specific web page has been created for the homeless forum where all minutes from the meetings, action plan updates and other useful information is available to view. This can be viewed at the following address <http://www.fylde.gov.uk/resident/housing/homelessness-housing-advice/fylde-homelessness-forum/>
4. As yet the Council has not needed to use the power to discharge the homeless duty into the private sector. This is due to a number of homeless families successfully achieving access to social rented accommodation via the Councils allocation scheme through MyHomeChoice. Private sector accommodation was not suitable for a number of clients due to their vulnerability or clients aged under 35 years due to affordability reasons. It is suggested that the pilot runs for another 12 months and is reviewed after this time.
5. Attached at **Appendix one** is a review of the strategy action plan detailing good progress made in the delivery of the Plan. Two specific areas have been highlighted as vulnerable and have significant relevance to the prevention of Homelessness in Fylde:

a) Face2Face YMCA Drop in Service - funding for the Drop in Service, previously provided by a combination of the Council of Churches and the YMCA, ended in March 2014. For 2014/15 funding has been provided by the YMCA although it is not certain that this can be maintained. A review has been completed detailing the service and previous funding sources. It is estimated that £3,000 per annum is required to run the drop in. The review is detailed in **Appendix 2**.

Face2Face YMCA are looking for alternative funding streams to enable the service to continue. The Housing Team are investigating funding sources including a possible application to round 2 of the Council Community Projects Fund in October 2014.

b) Rough Sleeping No second night out - Local Authorities are required to operate no second night out and funding for this initiative was originally provided by central government in 2013/14 as part of the Lancashire Single Homelessness Project. Funding has been secured to

continue No second night out until September 2014 from a joint initiative with the Preston Foxton Centre and Lancaster City Council (who applied for homeless transition funding for rough sleepers). Currently there is no funding that has been identified to continue No second night out after September 2014. It is estimated that the annual cost of the project is around £5,500. Further detail is provided in **Appendix 3**.

In view of the importance of this service, particularly through the winter months, it is proposed to use existing resources within the Homelessness budget to fund the service from October 2014 to March 2015. Future funding for 2015/16 is uncertain at this stage.

Conclusion

6. The Homeless Strategy action plan has been successfully implemented in its first year. Funding pressures are causing some existing services delivered in the Borough to be in jeopardy.

IMPLICATIONS	
Finance	This report provides the Committee with an update to the Homelessness Strategy Action Plan. All activities relating to the Action Plan will be met from within existing approved budgets.
Legal	None
Community Safety	None
Human Rights and Equalities	This strategy provides direction for improving the quality of life and supporting some of the most vulnerable people in our community
Sustainability and Environmental Impact	Managing homelessness appropriately is important in maintaining mixed and sustainable communities
Health & Safety and Risk Management	The issues are highlighted in point 5 of the report.

REPORT AUTHOR	TEL	DATE	DOC ID
Lucy Wright	01253 658682	19 th August 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
PDSC Minutes	5 Sept 2013	http://www.fylde.gov.uk/meetings/details/1119
Cabinet Minutes	27 Nov 2013	http://www.fylde.gov.uk/meetings/details/1088
Homelessness Strategy 2013-18	Nov 2013	http://www.fylde.gov.uk/resident/housing/homelessness-housing-advice/homelessnessstrategy/

Attached documents

1. Homelessness Strategy Action Plan
2. Review of Drop in Service
3. Review of No Second Night Out

The 10 Local Authority Gold Standard challenges

1. Adopt a corporate commitment to prevent homelessness which has buy in across all local authority services
2. Actively work in partnership with voluntary sector and other local partners to address support, education, employment and training needs
3. Offer a Housing Options prevention service, including written advice, to all clients
4. Adopt a *No Second Night Out* model or an effective local alternative
5. Have housing pathways agreed or in development with each key partner and client group that includes appropriate accommodation and support
6. Develop a suitable private rented sector offer for all client groups, including advice and support to both clients and landlords
7. Actively engage in preventing mortgage repossessions including through the Mortgage Rescue Scheme
8. Have a homelessness strategy which sets out a proactive approach to preventing homelessness and is reviewed annually so that it is responsive to emerging needs
9. Not place any young person aged 16 or 17 in Bed and Breakfast accommodation
10. Not place any families in Bed and Breakfast accommodation unless in an emergency and then for no longer than 6 weeks

Priority one – maximise existing partnerships to effectively use current resources (both internally and externally)

Local authority challenge	What will we do?	Progress update and actions agreed at the Fylde Homeless Forum (FHF) 11 th March 2014 and 17 th June 2014.
1	Report a strategy action plan update annually to Policy Development Scrutiny Committee	<ul style="list-style-type: none"> • Strategy approved by Cabinet 27th November 2013. • Update report to be presented to Policy Development Scrutiny 4th Sept 2014. • 11/03/14 - Agreed report would be circulated to FHF for comments on work of the Fylde Homelessness Forum.
1 & 2	Work towards improving public health and reducing health inequalities	<p>This was discussed at the first Homeless Forum. It was agreed by the forum that this was a wide ranging subject. However it was decided to invite a NHS representative to the forum in June. It was also decided that the following people would complete a presentation at the June Forum</p> <ul style="list-style-type: none"> • Tom Birtwistle from the Council Private Sector Team would complete a presentation on housing standards in the Borough • Fylde CAB to provide an update on the affordable warmth project • Fylde CAB to provide an update on the tenancy support project.
1	Review Housing Advice and Homelessness Charter.	Draft Charter to be completed and presented at the September forum for comments.
1 and 2	Re-launch the HAG as the Fylde Homelessness Forum (FHF)	This was discussed at the Homelessness Strategy Workshop in July 2013. There was no objection and a new revised Homeless Forum was held on the 11 th March 2014. Terms of reference for the group, membership and frequency of meetings was confirmed.
1 and 2	Widen the membership of FHF	A number of organisations made contact for the first forum meeting which included Fylde CAB, F2FYMCA, LCC (Children’s Social Care), Homestart, Young people’s Service, Lancashire Probation, Working Together with Families, New Fylde Housing, Inspire, DISC, Richmond Fellowship. At the meeting it was decided to also invite LCC public health, St Annes Children’s Centre Manager, Community

		engagement manager for Fylde & Wyre Commissioning Group, Woodlands Community Mental Health, Age UK, Fylde Coast Women's Aid.
1 and 2	Develop a passport approach that considers clients holistic needs as they transfer from services.	This project was discussed at the first homeless forum. Colleagues discussed known schemes in West Lancashire, Accrington and Rossendale. To move this project forward Linda Chelton from Hyndburn Homes will be invited to a future forum meeting.
2	Explore the development of an Information sharing protocol	At the first forum it was agreed a more robust information sharing protocol should be developed which looks at different tiers of information that can be shared rather than a password encrypted for sensitive information. The protocol will need to be developed alongside the passport approach. It was decided to look at the WTWF approach.
8	Collect and monitor key statistical information from relevant stakeholders	The first forum meeting discussed what information would be made available at future meetings. Fylde BC can provide information from internal systems and information is available for the floating support service via Lancashire Supporting People. Information will also be collected from Fylde CAB and F2f YMCA. A standard monitoring report will be presented for comments at the September forum meeting
1	Review the Homelessness Service Partnership agreement between New Fylde Housing and Face to Face YMCA	New agreement completed. Awaiting signatures
2	Homelessness Forum to examine support, education and training needs to meet challenge two	It was discussed the first forum meeting. As a starting it was agreed to deal with this priority when the tender for pre-tenancy training is let and information provided to the group.
	Explore the issues and identify the gaps in relation to mental health services in Fylde	The first forum meeting identified a need to map lower level mental health services. This has now been completed. A discussion is needed to identify the issues faced by agencies in the Borough.

Priority Two Preventing Homelessness

3	Introduce written advice for all clients	Communities and Local Government have provided a standard letter for local authorities to use. This was introduced in Fylde during August 2013 and is used where practicable.
3	Review information available to customers	The Housing website has been updated. A review of information leaflets has been completed and new leaflets are in the process of being completed.
3	Implement a system to record meaningful customer feedback that captures experience as move between and through services	The Housing Team has identified that an on line customer feedback form would be the easiest way to collect customer feedback. A feedback form for homelessness and housing advice has been developed. This now needs to be implemented via the Councils survey software.
3	General promotion of My Home Choice	A joint marketing campaign began in March and continued into April and May. More tasks are due to be completed later in the year.
4	Review the offer available to rough sleepers	NSNO policy implemented Dec 2013 and the Council website has been updated to include details on how to report a rough sleeper and contact details for National Street Link. Funding is available for NSNO up to September 2014. From October 2014 resources will be required from the Council to operate NSNO. A review of the information collected from the Drop in Service at F2F is to be completed. It has been highlighted that from 31 st March 2014 there will be funding gap in the provision of the Drop in Service which will put the service at risk.
5	Complete and implement the Lancashire Probation Protocol	This is to be completed on a Lancashire wide basis via the Lancashire Reducing reoffending board. Work has been co-ordinated by the Head Of Lancashire Supporting People. The protocol should be completed and ready for implementation Autumn 2014.
5	Review and implement a hospital discharge protocol	A desktop review of the process is to be completed. This will need to be discussed and implemented with staff at North Lancashire PCT.
6	Continue to operate Invest to Save	Invest to save continues to operate. During 2013/14 invest to save was used to

		prevent homelessness for 29 households.
8	Support the Council's Corporate Plan to deal with welfare reform and implementation of universal credit	FBC arranged welfare reform training to key stakeholders Universal credit is due to be rolled out November 2014. The forum will be used to update agencies in the Borough regarding implementation.
8	Expand debt advice services in the borough	The forum will explore the options available to deliver additional debt advice services. CAB continue to bid for funding for debt advice services. Resources may be required to expand service provision.
8	Implement the projects identified via the Lancashire Single Homeless Initiative	Two projects in Fylde 1. Shared housing for single people 2. Tenancy training The tendering process is complete and projects will begin early Autumn 2014.
8	Review the information packs provided for applicants in temporary accommodation	A review and update of the information is to be completed jointly with New Fylde Housing.
8	Implement the actions identified by the CLG 16&17 year old Lancashire wide prevention project	Mediation training for professionals complete. Fylde BC is able to offer mediation to 16&17 year olds. A service level agreement has been signed with F2FYMCA to complete schools work in Fylde and Wyre during 13/14 and 14/15. Other projects to be explored by the forum.
9	Review 16/17 year old protocol with Social Services	Feedback to be obtained from the forum regarding the operation of the protocol. A review will be completed on a County wide basis and led by the County Council.
	Explore the development of a food bank within the Borough	This has been completed via the CAB and faith community in Rural Fylde. The foodbank should be operational during the summer of 2014.

Priority Three: Increasing the supply of settled accommodation including access into the private rented sector

Local authority challenge	What will we do?	Progress?
6	Continue to operate the rent bond guarantee scheme up to 2018 and beyond subject to available resources	The rent bond continues to operate.
6	Implement the private rented sector offer policy	Cabinet authority to pilot implementing the policy to discharge the homelessness duty into the private rented sector obtained 27 th November 2013. This has not been utilised and it is proposed the pilot is extended for a further 12 months.
	Explore the development of a service similar to Snug Bug	To be discussed at future forum meeting
	Explore the development of service similar to Keyring Network	To be discussed at a future forum meeting

F2FYMCA Drop in Service

The drop in service is available to anyone who is vulnerable or sleeping rough in the Borough of Fylde. The service runs on a Monday and Thursday 10am – 1pm providing a hot meal, shower if required and items of clothing, food hampers are also available. For those who attend it is an important life line providing immediate and or ongoing support and advice.

The ‘drop in’ was started in the early 1990s by the Council of Churches and it was held in the annex of the United Reform Church in St Annes. An agreement was made between all the Churches to contribute to the cost of the building and much of the food costs were covered by donations. The drop in was and still is run by volunteers.

From this Face to Face was started and the ‘drop in’ came under the work of Face to Face who ran it on behalf of the Churches and reported directly to the Council of Churches.

F2F merged with the YMCA and the Churches paid £1000 directly to F2FYMCA to run the drop in. This funding was used to pay for room hire at the United Reform Church. At this time donations were received from Greg’s and the Catholic Sisters who provided soup each week. When these ended the drop in was running at a loss. When F2FYMCA moved to the Patterson Centre on St Albans Rd the ‘drop in’ also moved to the Patterson Centre saving on room hire costs. The £1000 provided by the Churches was used to cover food costs.

F2FYMCA have now moved to the YMCA on St Albans Rd and CRI now occupy the Patterson Centre providing drug and alcohol services in Fylde. Funding from the Churches has now ended and CRI have agreed that the Patterson Centre can continue to be used for the ‘drop in’ service at no charge. However it is not known how long this arrangement will continue. Current costs are being absorbed by F2FYMCA but this is unable to continue due to funding cuts.

F2FYMCA have estimated that £3000 per annum is required to run the drop in service. This money will be used to purchase food each week and cover administrative and insurance costs. The ‘drop in’ is run solely by volunteers. The drop in runs on a Monday and Thursday and service users receive coffee, tea and biscuits followed by lunch which consists of soup, sandwich and cake. Clothes are available and service users can get a shower at the YMCA centre. Food hampers are provided at the moment but these will end once the Fylde food bank is up and running as service users will be able to access the food bank. Volunteers provide much needed support and will signpost service users to the relevant agencies.

Statistics show that there are a constant number of service users accessing the ‘drop in’ each month, these are shown in the table below. For many service users the ‘drop in’ has become a lifeline and safety net. Statistics are collected on a monthly basis from F2FYMCA as part of monitoring arrangements for the Homelessness Partnership Agreement. Within these returns are monitoring figures for the ‘drop in’.

	2012/2013	2013/2014	2014/2015
April	108	127	80
May	95	86	52
June	87	109	112
July	92	104	
August	122	108	
September	91	91	

October	112	102	
November	111	106	
December	111	68	
January	111	106	
February	126	124	
March	124	123	

The drop in has been running successfully for 22 years and some volunteers have been there since the very beginning. Without the funding the service will close. Service users are referred by F2F, the local clergy, Fylde Borough Council and other key stakeholders. The Housing team view this as a key service providing a hot meal to those who are sleeping rough. It forms a key service in the menu of limited services we are able to offer people who are sleeping rough.

No Second Night Out

Fylde Borough Council have to conduct rough sleeper counts/estimates each year on a specified date. The council has opted to complete rough sleeper estimates. Communities for Local Government require counts or estimates to be completed between 1st October and 30th November. Estimates in Fylde have generally taken place the third week of November.

Estimate date	Number of rough sleepers
17 th November 2010	6
15 th July 2011 (extra estimate requested by CLG)	3
24 th November 2011	0
20 th November 2012	2
20 th November 2013	4

Fylde Borough Council have to operate SWEP (severe weather emergency protocol) this is when the temperature is below 0 degrees for 3 consecutive nights then all rough sleepers should be provided with accommodation until the temperature increases. CLG have required this since 2010.

Year	Client details
2010/2011	5 men accommodated between November 2010 and February 2011
2011/2012	4 men accommodated during January 2012
2012/2013	4 men accommodated during January 2013 3 men accommodated during March 2013 1 couple accommodated during March 2013
2013/2014	No one accommodated as the temperature did not drop below 0 degrees.

No Second Night Out

This is a Government initiative to ensure that no person spends more than one night sleeping rough. All Local Authorities in England are expected to run some form of no second night out and this had to be operational from December 2013. A policy has been drawn up based on good practice in Lancashire and the North West of England. If a person meets the set criteria then 5 nights' accommodation at a cost of £100 is available.

Funding was received across Lancashire authorities from CLG for the Lancashire Single Homelessness Project at a total budget of £504,000. A total of £13,000 (£1,000 for each authority) was made

available for no second night out by way of a personalised solution budget. The remaining funding will be used for single homeless projects across Lancashire.

Fylde used the £1000 budget to operate No second night out between December 2013 and March 2014. During this time 9 singles and 1 couple were accommodated.

Funding has been obtained to run No second night out from April 2014 until September 2014. This has come from a joint initiative with the Preston Foxton Centre and Lancaster City Council who applied for homeless transition funding for rough sleepers. Fylde have been able to utilise a small amount of this funding with a maximum of 5 NSNO clients per month. Between April 2014 and July 2014 4 single people have been assisted via NSNO.

Using all the data from rough sleeper estimates, SWEP and NSNO it is estimated that the summer months are slightly quieter and that more funding will be required in the winter months. Fylde have decided not to run NSO while SWEP is in operation so there is no duplication in service. It is estimated that £5,500 per annum will be required to run NSNO, based on expenditure of £1000 per quarter with extra capacity between October and March.

REPORT



REPORT OF	MEETING	DATE
RESOURCES DIRECTORATE	POLICY DEVELOPMENT SCRUTINY COMMITTEE	10 SEPTEMBER 2014

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Royal Assent for the Anti-Social Behaviour, Crime and Policing Act, 2014 was given in May, 2014. This is a large and important piece of legislation which makes fundamental changes to a wide range of areas of local authority and police activity including, Antisocial behaviour powers, Litter notices, DPPOs, Dog control orders, Licensed premises closures, and Dangerous dog powers.

This report specifically relates to the anti-social behaviour provisions of the Act which relate to the clear responsibilities on local authorities with regard to how new measures give victims a greater say in the way their reports of anti-social behaviour (ASB) are dealt with and the new powers available in dealing with ASB.

Non-statutory guidance has been issued by the Home Secretary and it is acknowledged that a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

The Act is to be fully implemented on 20th October, 2014.

The report summarises new powers available to the council in regard to Anti-Social Behaviour contained in the Act, recommends the delegation of powers to act under it and recommends a threshold for the community trigger.

RECOMMENDATIONS

Members of the Scrutiny Committee are asked to consider and approve the following recommendations to Cabinet

1. Delegate power to take any action under the Anti-Social Behaviour, Crime and Policing Act 2014 to the Chief Executive and the Director of resources following consultation (in either case) with the portfolio holder for Social Wellbeing.
2. Agree to the relevant bodies for Fylde adopting the draft threshold as the number of qualifying complaints for the purposes of their review procedures under section 104 of the act (the threshold for the community trigger)
3. The operation of the provisions of the Act in relation to ASB are monitored for a six month period and reported back to members.

4. Officers implement the actions outlined in paragraph 29 of the report and undertake the development of an Anti-Social Behaviour Policy, which follows the guidance provided by the Home Secretary, and is submitted to members for approval and publication.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Social Wellbeing - Councillor Cheryl Little

SUMMARY OF PREVIOUS DECISIONS

No previous decisions on this matter.

REPORT

Background

1. Anti-social behaviour can be defined as 'Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household'
2. The Anti-social Behaviour Crime and Policing Act, 2014, is intended to introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. The new Community Trigger and Community Remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of anti-social behaviour and in out-of-court sanctions for offenders.
3. The commencement date for the complete anti-social behaviour provisions, is 20th October, 2014.
4. The overarching aim of the Act is to provide more effective powers to tackle anti-social behaviour (ASB): protect victims and communities and treat the underlying behaviour of perpetrators.
5. The practical effect of this is to give victims and communities more power to define and respond to ASB and impose positive requirements on perpetrators to address the causes of their behaviour. The Act replaces 19 existing powers dealing with anti-social behaviour with 6 broader powers, streamlining procedures to allow a quicker response to ASB. The government envisages that these powers will make it easier for victims and communities to take action against ASB and reduce repeat violations.
6. The range of measures include powers to compel local agencies to investigate anti-social behaviour if it has been reported by several people or by the same person three times. This '**community trigger**' is intended to tackle persistent ASB which has not been addressed by Community Safety Partnerships - it will place a duty on the CSP to take action and it is intended that the Police and Crime Commissioner will hold the CSP to account.
7. The new plans will replace 18 of the formal powers currently available with just five
8. In effect it is the government intention to 'force' local authorities, police and other local agencies to support victims of persistent anti-social behaviour (ASB); as part of plans to give them better tools and powers outlined by the new Act.

Present Position in Fylde

9. Prior to the implementation of the Anti-Social Behaviour Crime and Policing Act, 2014, anti-social behaviour was governed by the Anti-Social Behaviour Act, 2003, which basically provides powers broken down into three main categories. Personal; Nuisance and Environmental ASB.
10. Members of the public can report ASB to any relevant authority including the local authority.
11. The public report ASB to the Council by the on-line complaint form; telephone call or personal attendance at the public offices. In all cases, it will be recorded and dealt with by the appropriate department within the Council.
12. For example, complaints of dog barking or loud music complaints will be dealt with by Environmental Protection. It is a statutory requirement for the Council to record and respond to all reports of ASB providing it is determined to be ASB under the definition. A record of all such ASB is recorded on Civica along with the action taken.
13. Where there are persistent complaints of ASB where a 'victim' may be regarded as being vulnerable and 'at risk', any of the relevant authorities to which the ASB has been reported, will carry out a 'risk assessment' and if the matrix score places the victim in the high risk category they will be referred to the Anti-social behaviour risk assessment conference (ASBRAC) which is held monthly and chaired by the Director of Resources at Fylde Council. This meeting is a multi-agency meeting comprising Fylde Council Officers, Police, Fire Service; Housing; Voluntary Sector; Working together with Families; Social Care and the Voluntary sector. This process has been adopted throughout Lancashire and has been in existence for four years. It is this process which has provided many of the recommendations in the new Government guidance.
14. The ASBRAC is a very comprehensive way of involving several agencies who can collectively find a solution to assist the victim(s).
15. Fylde have had almost 70 cases referred to ASBRAC in this period and there are currently 4 live cases being discussed.
16. Fylde Council do not have a dedicated ASB department or ASB Coordinator and the current arrangements are a shared departmental responsibility according to which category of ASB is reported.
17. Fylde Council, clearly comply with all current legislation and procedures, however the introduction of the new Anti-Social Behaviour, Crime and Policing Act provides an opportunity for the creation of a formal policy which will encompass the new legislation and follow a standardisation of the whole process throughout Lancashire.

New ASB Powers under the Act

18. Attached at **Appendix 1** is a summary of the powers under the Act
19. The attached document presents a summary of the powers that will be available to the council under the new act. The summary of the powers and the flowcharts illustrating the processes are taken from draft guidance on the act issued by the Home Office. Members are encouraged to refer to the full commentary in the guidance for more detailed explanations of the way in which the various powers are intended to work. A copy of the full guidance is available to be viewed www.gov.uk/government/uploads/system/uploads/attachment_data/file/248747/01_ASB_Guidance_FINAL.pdf

Community Trigger

20. As outlined above the Act introduces the “community trigger”. Under the community trigger, agencies, including the council, the police, local health teams and registered providers of social housing will be required to undertake a review of any case of anti-social behaviour when someone requests one and the case meets a locally defined threshold.
21. Victims of Anti-Social Behaviour (ASB) will now be able to use the community trigger to request a review of their case. Relevant Authorities, including District Councils, Police, local Clinical Commissioning Groups and registered providers of social housing, will have a duty to undertake a review of how they have dealt with a case when the complainant is dissatisfied with the outcome and the case meets the locally defined threshold.
22. An agreed local threshold with relevant authorities has identified the behavioural threshold as “Harassment, alarm and distress” rather than nuisance and annoyance.
23. The threshold may also take into account the persistence of the anti-social behaviour; the harm or potential harm caused by the anti-social behaviour and the adequacy of the response for agencies.
24. The Community Trigger can be used by any person on behalf of a victim, for example a family member, friend, carer, councillor, MP or other professional person. There is not a lower age limit on who can complain. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim’s consent should be sought by the person using the Community Trigger on their behalf.
25. The Community Trigger should not be used to complain about a single organisation. If the complaint is about an individual organisation the complainant is advised to follow their complaints procedure.
26. To meet the requirements of the community trigger threshold, one of the following criteria must be met.
3 or more complaints in the last 6 months from one individual about the same problem **or**
5 individuals complaining about the same or similar incidents in the last 6 months **or**
1 incident motivated by **hate** in the last 6 months from one individual.
27. The threshold is to be set in each area by the “relevant bodies” who are the district council, the police, the NHS clinical commissioning group and any registered provider of social housing who has been co-opted by the other relevant bodies. In Fylde, New Fylde Housing has been co-opted. However, the threshold must not be higher than three complaints in the previous six-month period.
28. Lancashire Constabulary has facilitated a meeting of relevant bodies from across the county, which reached the conclusion that the community trigger threshold should be consistent throughout the area of the force. It is therefore recommended that the council agree to the relevant bodies in Fylde adopting the draft threshold. An update on progressing this agreement will be provided at the meeting.

Proposals for Fylde

29. To address the requirements of the Act in relation to ASB a number of practical measures require action, these are identified in the following table for information.

Measure
Consult with Stakeholders on the proposed community trigger threshold
Identify single points of contact
Co-option of Social Landlords
Select a suitable Forum to serve as a review Panel
Identify means for the public to activate the Trigger
Set up Fylde BC Community trigger webpage and Hyperlink to Safer Lancashire, Constabulary and Housing provider websites
Agree an Appeals/escalation process
Produce and publish guidance for members of the public and consider how the trigger can be advertised effectively.
Obtain appropriate approvals and authorisations
Agree and produce a reporting/monitoring mechanism

Conclusion

30. The Act has far reaching implications for the Council in terms of addressing antisocial behaviour. The Council has hitherto addressed these issues through existing structures and in partnership with relevant agencies, the provision of the Act will require a review of those structures and partnerships

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	Improved Community Safety
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

REPORT AUTHOR	TEL	DATE	DOC ID
David Gillett	01253 658689	19 August 2014	

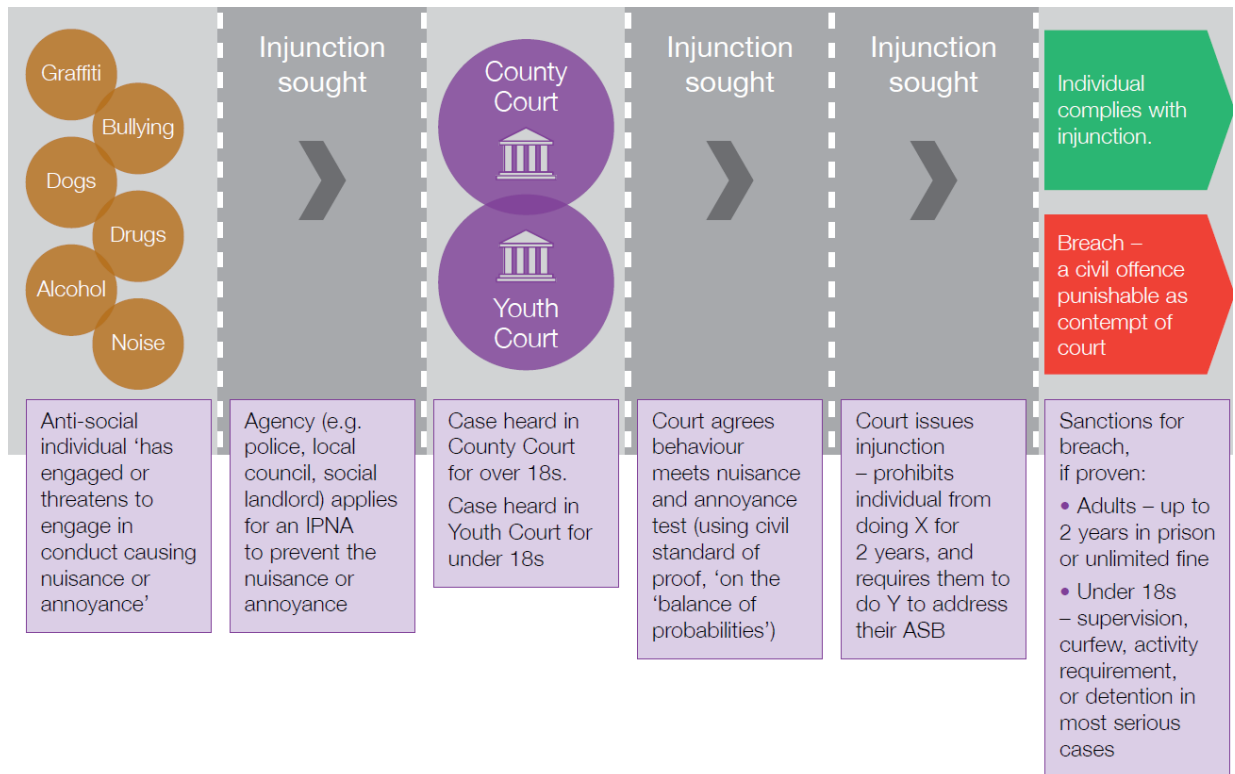
LIST OF BACKGROUND PAPERS	
Name of document	Date
Reform of Anti-Social Behaviour Powers: Guidance for Frontline Professionals	July 2014

Attached documents

1. Summary of new powers

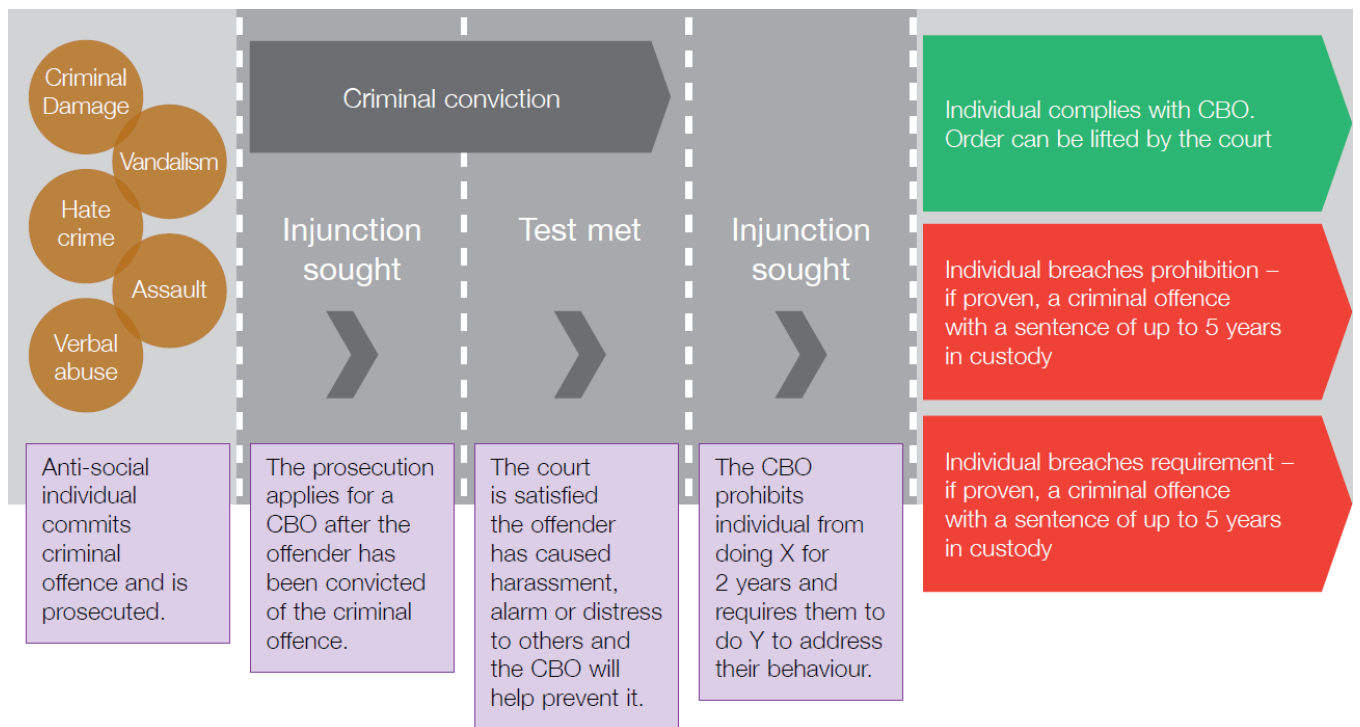
Injunction to Prevent Nuisance and Annoyance

Purpose	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.
Applicants	<ul style="list-style-type: none"> • Local councils; • Social landlords; • Police (including British Transport Police; • Transport for London; • Environment Agency and Natural Resources Body for Wales; and • NHS Protect and NHS Protect (Wales)
Test	<ul style="list-style-type: none"> • On the balance of probabilities, the respondent has engaged or is threatening to engage in conduct capable of causing nuisance or annoyance to any person; and • The court considers it is just and convenient to grant the injunction to stop the anti-social behaviour.
Details	<ul style="list-style-type: none"> • Issued by the county court for over 18s and the youth court for under 18s. • Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their behaviour. • Agencies must consult youth offending teams for applications for under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the injunction is not a criminal offence but breach must be proved to the criminal standard, that is, beyond reasonable doubt. • Over 18s: civil contempt of court with unlimited fine or up to two years in prison. • Under 18s: supervision order or, as a very last resort, a detention order of up to three months for 14-17 year olds.
Appeals	<ul style="list-style-type: none"> • Over 18s to the High Court; and • Under 18s to the Crown Court.
Important changes/ differences	<ul style="list-style-type: none"> • Available to a wider range of agencies than Anti-Social Behaviour Injunctions. • Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs). • Lower anti-social behaviour test than ASBOs. • No need to prove “necessity” unlike ASBOs. • Breach is not a criminal offence. • Scope for positive requirements to focus on long-term solutions.



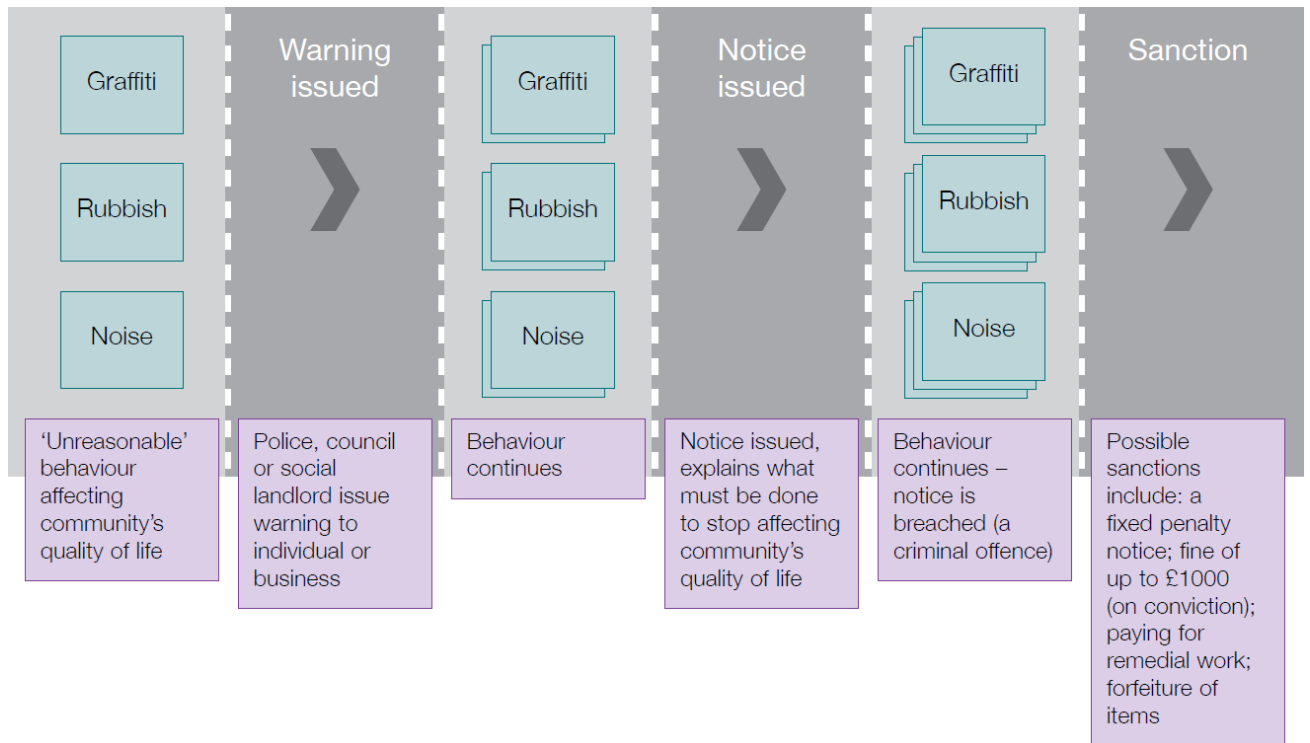
Criminal Behaviour Order

Purpose	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
Applicants	The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.
Test	<ul style="list-style-type: none"> • If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and • The court considers that making the order will help prevent the offender from engaging in such behaviour.
Details	<ul style="list-style-type: none"> • Issued by any criminal court for any criminal offence. • The anti-social behaviour does not need to be part of the criminal offence. • Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of their behaviour. • Agencies must consult the youth offending teams (YOT) for applications for under 18s.
Penalty on breach	<ul style="list-style-type: none"> • Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt. • For over 18s on summary conviction: up to six months imprisonment or a fine or both; • For over 18s on conviction on indictment: up to five years imprisonment or a fine or both; • For under 18s: the sentencing powers in the youth court apply.
Appeals	<ul style="list-style-type: none"> • Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court. • Appeals against orders made in the Crown Court lie to the Court of Appeal.
Important changes/ differences	<ul style="list-style-type: none"> • Consultation requirement with YOTs for under 18s. • No need to prove "necessity" unlike Anti-Social Behaviour Orders. • Scope for positive requirements to focus on long-term solutions.



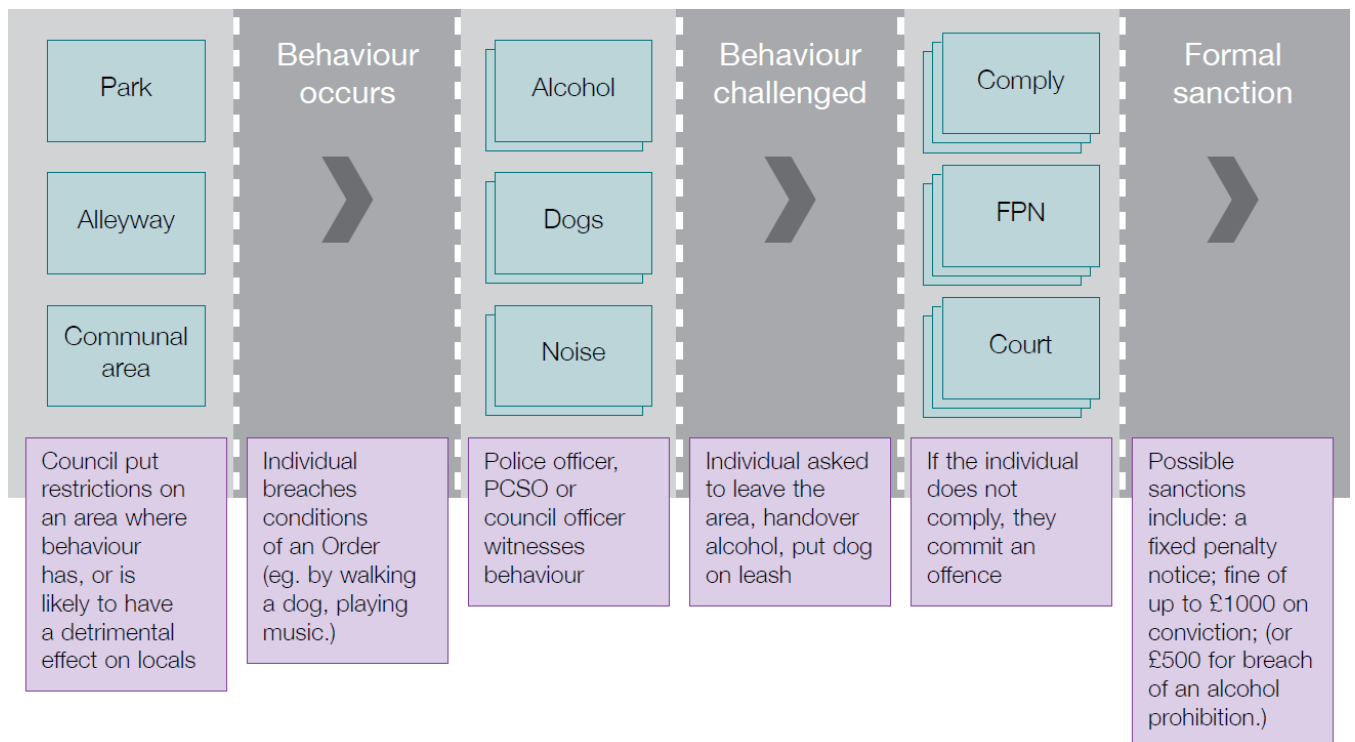
Community Protection Notice

Purpose	To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.
Who can issue a CPN	<ul style="list-style-type: none"> • Council officers; • Police officers; • Police community support officers (PCSOs); and • Social landlords (if designated by the council).
Test	<p>Behaviour has to:</p> <ul style="list-style-type: none"> • have a detrimental effect on the quality of life of those in the locality; • be of a persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. • Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. • Can allow council to carry out works in default on behalf of a perpetrator.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • A fixed penalty notice can be issued of up to £100 if appropriate. • A fine of up to £2,500, or £20,000 for businesses.
Appeals	<ul style="list-style-type: none"> • Terms of a CPN can be appealed by the perpetrator within 21 days of issue. • The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.
Important changes/ differences	<ul style="list-style-type: none"> • The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance. • The CPN can be used against a wider range of perpetrators. • The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.



Public Spaces Protection Order

Purpose	Designed to stop individuals or groups committing anti-social behaviour in a public space
Who can make a PSPO	<ul style="list-style-type: none"> • Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.
Test	<p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> • be having, or be likely to have, a detrimental effect on the quality of life of those in the locality; • be persistent or continuing nature; and • be unreasonable.
Details	<ul style="list-style-type: none"> • Restrictions and requirements set by the council. • These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times. • Can restrict access to public rights of way where that route is being used to commit anti-social behaviour. • Can be enforced by a police officer, Police community support officers and council officers.
Penalty on breach	<ul style="list-style-type: none"> • Breach is a criminal offence. • Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate. • A fine of up to £1,000 on prosecution.
Appeals	<ul style="list-style-type: none"> • Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue. • Further appeal is available each time the PSPO is varied by the council.
Important changes/ differences	<ul style="list-style-type: none"> • More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.



Closure of Premises

Purpose	To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.
Applicants	<ul style="list-style-type: none"> Local council; Police.
Test	<p>Following has occurred, or will occur, if the closure power is not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> Nuisance to the public; or Disorder near those premises. <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> Disorderly, offensive or criminal behaviour; Serious nuisance to the public; or Disorder near the premises.
Details	<ul style="list-style-type: none"> A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts. Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who live there accessing the premises. Order: can close premises up to 6 months and can restrict all access. Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.
Penalty on breach	<p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> Notice: Up to three months in prison; Order: Up to six months in prison; Both: Up to an unlimited fine for residential and non-residential premises.
Who can appeal	<ul style="list-style-type: none"> Any person who the closure notice was served on; Any person who had not been served the closure notice but has an interest in the property; The council (where closure order was not made and they issued the notice); The police (where closure order was not made and they issued the notice).
Important changes/ differences	<ul style="list-style-type: none"> A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.

