

ALL AREA COMMITTEES – AREA 2 COMMITTEE JULY 2009

Title of paper:	Using the Sustainable Communities Act	
Director(s)/ Corporate Director(s):	Barry Horne, Corporate Director Environment & Regeneration Michael Williams, Corporate Director Community & Culture	Wards affected: All
Contact Officer(s) and contact details:	Lorraine Raynor, Head of Environmental Health 0115 915 6790	
Other officers who have provided input:	Andrew Hall, Head of External Affairs Christine Oliver, Senior Implementation Manager Richard Antcliff, Chief Anti-social Behaviour Officer and Head of Discipline	
Relevant Council Plan theme(s):		
Choose Nottingham	Yes	
Respect for Nottingham	Yes	
Transforming Nottingham's Neighbourhoods	Yes	
Supporting Nottingham People	Yes	
Serving Nottingham Better	Yes	
Summary of issues (including benefits to customers/service users):		
<p>This report sets out a series of ideas for proposals to Government under the Sustainable Communities Act (SCA) for consultation with Area Committees. Under the SCA the City Council can request amendments to national legislation, guidance and policy to allow the Council (and partners) to address issues of concern to local communities more effectively. The proposals outlined below will help the Council tackle neighbourhood nuisance issues by extending the Council's powers, or by making the use of existing powers quicker and easier. The changes are designed to address issues that have been highlighted as problems in Nottingham, and reduce the impact on the neighbourhood.</p>		
Recommendation(s):		
1	That the Area Committee notes the report.	
2	<p>That the Area Committee notes the ideas for making proposals to Government for changes in legislation and the opportunity to express views on them, as follows:</p> <ul style="list-style-type: none"> • littering from cars • fly posting • the improvement of properties where they are detrimental to the amenity of the neighbourhood • licensing of Houses in Multiple Occupation • Anti-Social Behaviour Orders for repeat offenders • off licensing to address alcohol related anti-social behaviour • tackling noise nuisance • domestic violence • bins on streets • injunctions to respond to nuisance from houses • public safety zones 	
3	That the Area Committee puts forward any other suggestions for future rounds of proposals under the SCA.	

1 BACKGROUND

- 1.1 The SCA became law in October 2007. It enables councils in England, working with local people and community groups, to put forward proposals on sustainable improvements to economic, environmental and social wellbeing.
- 1.2 The SCA enables communities and councils to submit proposals to government advocating changes to the law. Local authorities are not under a legal duty to participate but it is expected that most councils will choose to participate in the first round or subsequently. On 8th June the City Council resolved to formally adopt the SCA and to consult with local people before submitting proposals to government.
- 1.3 The SCA starts from the principle that local people know best what needs to be done to improve their area, but that sometimes they need central government to act to enable them to tackle issues. It provides a channel for local people and the councils to ask central government to take such action. Proposals are invited on issues which local authorities cannot currently address due to legal (or financial or policy) obstacles that central government can remove. Councils must ensure that local communities are consulted and support the proposals. Area Committees have an important role as a consultation forum for proposals under the SCA. The Youth Council, the Elders' Forum, representatives of Black & Minority Ethnic Communities and the voluntary sector will also be consulted.
- 1.4 Proposals in this round must be submitted to central government, via the Local Government Association (LGA), by 31st July 2009. The LGA will work with the government to decide on a short-list of proposals. The Government will then decide which of the proposals to implement, and publish details of its decisions, including how it plans to implement any proposals.
- 1.5 The above process is expected to recur on an annual basis, but this is subject to a decision from Government depending on the success of the first round.

2 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The Sustainable Communities Act gives the City Council an opportunity to ask the government to change policies or laws to allow the Council to address issues that concern local communities more effectively. Currently, in many cases, lengthy timescales cause frustration and can lead to further deterioration in a neighbourhood while a problem is resolved.
- 2.2 The proposals outlined below are designed to help the City Council tackle neighbourhood nuisance issues by extending its powers, or by making the use of existing powers quicker and easier. The changes are designed to address issues that local people have previously highlighted as problems in the city.
- 2.3 **Littering from Vehicles**
When people drop litter from vehicles, it is often difficult to prove who the culprit is and therefore it is not possible to take action against them.
Proposal: that the vehicle owner should be required to tell the City Council who the driver was and who was responsible for the offence. If the owner does not provide this information, they would become liable for the offence and subsequent fine.

2.4 Fly Posting

There is a problem with illegal fly posters sometimes advertising events outside of Nottingham, and it is difficult to catch the person in the act.

Proposal: that businesses benefiting from the illegal advertising should be required to tell the City Council who was responsible for the fly posting. If a business does not provide this information, they would become liable for the offence. The City Council should also be given the ability to recover costs.

2.5 'Grotty' Houses

The City Council can take action against owners/occupiers to remove rubbish in gardens, sort out derelict properties, etc – but currently we must allow owners/occupiers at least 28 days to carry out the work.

Proposal: reduce the 28 days to a shorter period for rubbish in gardens or properties that could become a danger.

2.6 Where the owner/occupier fails to sort out their grotty property, the City Council can carry out the work and recover costs from the owner/occupier. However, this can take months.

Proposal: speed up this process by providing a power of entry to allow the Council to carry out the work. Preventing these works (obstruction) should also be made an offence.

2.7 Licensing of Private Landlords

The law currently allows the City Council to license a limited range of privately rented 'shared' houses, and this helps us secure improvements to properties and ensure good management. Licensing currently applies to properties of three storeys or more, with five people or more, comprising two or more households.

Proposal: extend licensing to all privately rented 'shared' houses.

2.8 Some areas of the City have a very high numbers of shared houses, often occupied by students. This can lead to problems with rubbish, noise, parking, etc, and the original families moving out of the area. Currently the City Council cannot prevent 'family homes' being rented out as shared houses for students.

Proposal: amend the legislation so that planning permission is required for new shared houses.

2.9 Repeat offenders

The City Council wants to protect communities by restricting the movement of offenders in the areas where the crimes were committed.

Proposal: where a person commits more than one offence, allow the courts to make an order to control the movements of offenders.

2.10 Off Licensing

When alcohol is sold to people who cause anti-social behaviour, are drunk or underage the City Council needs to be know who sold the alcohol and have more powers to stop it happening again.

Proposal: mark all alcohol containers (cans, bottles, etc) so that the Council and police can tell which off licence made the sale and take action.

2.11 Certain drinks (e.g. super-strength lagers and ciders) are typically associated with street drinking and alcohol-related anti-social behaviour.

Proposal: allow the City Council to ban the sale of these drinks from specific shops where this is likely to prevent anti-social behaviour.

2.12 Noise Nuisance

When a noise problem occurs, immediate action can't be taken as it takes some time to issue a Court warrant to seize equipment.

Proposals: allow the City Council or police to seize equipment, with the Courts' approval requested within 3 days of the seizure.

2.13 The City Council (or the police) can currently close noisy premises for 24 hours.

Proposal: allow the City Council (or police) to close noisy premises for up to 7 days.

2.14 **Domestic Abuse**

When domestic abuse happens in social rented houses the landlord can take action to stop it.

Proposal: extend these powers so that the City Council (or police) can take similar action in private housing.

2.15 **Bins left on streets**

The City Council can fines people for this offence, but it takes a long time to do so.

Proposal: allow 'on-the-spot' fines for bins left on the street 24 hours after collection.

2.16 **Property Management**

Landlords have powers to ensure that tenants in social housing keep their properties (and gardens) in good order and not cause a nuisance in the neighbourhood.

Proposal: extend these powers so that the City Council has similar powers with private housing.

2.17 **Public Safety Zones**

Public open spaces (such as Old Market Square) are sometimes affected by issues such as alcohol consumption, protests, leafleting, cycling, skateboards, busking, pedlars, etc. The City Council wants public areas of the city to be kept safe for all to enjoy.

Proposal: give the City Council the power to designate areas as "community safety designated zones" to ensure public safety and reduce anti-social behaviour, crime and disorder.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The Council has considered the option of 'doing nothing', i.e. not asking central government for the changes to legislation. There is no requirement for local authorities to make proposals under the SCA but if we decide not to we could miss an opportunity to try to bring about changes that would help address issues of concern to local people.

3.2 The Council has considered whether it is possible to use the Power of Wellbeing to address the issues described above. Since 2000, local authorities have had the power to do anything they consider likely to promote the economic, social and environmental wellbeing of their area, unless explicitly prohibited elsewhere in legislation. Local authorities can also apply to the Secretary of State for changes to legislation to remove constraints that would prevent the use of the Power of Wellbeing.

3.3 However, whilst the Government has failed to use the Local Government Act 2000 to approve legislative changes, the SCA process has political support for the time being, and ministers are unlikely to want to be seen to ignore it, especially as the SCA selection process includes public consultation.

4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 4.1 The financial implications for the Council are generally positive as the changes that are proposed would improve efficiency and achieve more in less time. There are resource implications in implementing the changes because of the staff that maybe required to police the new powers. However, most of the proposals are activities that the Council (and partners) are involved in already and it is believed that the initial investment will achieve some savings, as the early use of stronger legal powers is known to achieve earlier results, and reduce the need for prosecution and injunction. The Council is already involved in the proposed planning changes around landlords' licensing. Additional resource may be required but this could assist with neighbourhood improvement and, potentially, rebalancing the mix of tenure types in some parts of Nottingham.
- 4.2 There are financial implications for businesses, particularly the retail traders involved in alcohol sale and private sector housing landlords. We intend to consult with business representatives on the implications. The planning changes could potentially result in claims for compensation depending on how the legislation was framed.

5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

5.1 Risk management issues

The Director of Legal and Democratic Services has advised that our Area Committees can be used as our primary means of consultation. The SCA Regulations state that Councils need to ensure that the consultation involves adequate representation from 'under-represented groups', and consultation will also take place through the Youth Council, the Elders' Forum, representatives of Black & Minority Ethnic Communities and the voluntary sector. In order to encourage participation in the process, we will publicise the Area Committee meetings through the media and we have set up a simple form on the Council website on which local people can give their views on the Act – this is at <http://www.nottinghamcity.gov.uk/index.aspx?articleid=5850>. The City Council will also consult with the Crime & Drug Partnership's Independent Advisory Group as an appropriate partnership forum.

There is the risk that the introduction of some of the proposed measures will be seen as draconian and that the Council will also be supporting extra costs and burdens on businesses at this time of hardship for the business. We plan to discuss the proposals with representatives of business.

5.2 Crime & Disorder Act implications

Any additions or amendments to national legislation to prevent or reduce crime and anti-social behaviour are welcomed by the Crime & Drugs Partnership as this will directly impact on our ability to fulfil our statutory duties in line with the Crime and Disorder Act 1998

5.3 Equality & Diversity implications

A number of the changes proposed will assist the Council in being able to support residents of Nottingham across the whole population. Currently because of the controls and management arrangements that are in place in relation to properties owned and managed by the Council and Registered Social Landlords there is inequality as there are stronger management tools in place than in private sector housing. A number of the proposals will address this inequality. Specific business groups may feel aggrieved and that they are being targeted for action by the proposed changes. There will be the need for equality impact assessments in relation to any amended policies and procedures should these changes take place.

6 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

6.1 None.

7 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

7.1 Sustainable Communities Act 2007 Statutory Guidance – see Appendix 1 of the Creating Strong, Safe and Prosperous Communities document.

<http://www.communities.gov.uk/documents/localgovernment/pdf/885397.pdf>

7.2 Sustainable Communities Regulations 2008

http://www.opsi.gov.uk/si/si2008/uksi_20082694_en_1

7.3 Sustainable Communities Act: A Guide

<http://www.communities.gov.uk/documents/localgovernment/pdf/681480.pdf>