

Overview and Scrutiny Committee

MONDAY, 12TH JANUARY, 2009 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Bull (Chair), Adamou (Vice-Chair), Aitken, Alexander, Dodds, Egan and Winskill

Co-Optees: Ms. F. Kally plus 2 Vacancies (parent governors), L. Haward plus 1 Vacancy (church representatives)

AGENDA

1. WEBCASTING

Please note: This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.

Generally the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the Committee Clerk at the meeting.

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item below. New items of exempt business will be dealt with at item 16 below).

4. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

6. LINKS

To receive a presentation on the development of Haringey LINK from a representative of the Shaw Trust, in their role as host organisation for the LINK.

7. MENTAL HEALTH RECONFIGURATION (PAGES 1 - 20)

(Report of the Chair of Overview and Scrutiny) To agree to a shortened period of public consultation, in the light of previous and ongoing engagement with patient and user groups by the Mental Health Trust on the proposals, and, in response to the suggestion by the NCAT review that the scope of the consultation be broadened, to approve amendments to the scope, terms of reference and work plan for the review set up to respond to the proposals by the Mental Health Trust to close an acute ward at St Ann's Hospital.

8. CABINET MEMBER QUESTIONS: CABINET MEMBER FOR ENFORCEMENT AND SAFER COMMUNITIES (PAGES 21 - 26)

Briefing and answers to questions from Councillor Nilgun Canver, Cabinet Member for Enforcement and Safer Communities.

9. ANTI-SOCIAL BEHAVIOUR STRATEGY 2009-2011 (PAGES 27 - 64)

(Report of the Assistant Chief Executive – Policy, Performance, Partnerships and Communication) To obtain feedback from the Committee on the current ASB Strategy (2009-2011), which is an update on the previous (2003) and details the approach and areas of focus. Actions to achieve delivery will be detailed in the 2009/10 action plan.

10. HATE CRIME AND HARASSMENT - PROGRESS UPDATE (PAGES 65 - 92)

(Report of Community Safety Manager) To inform Overview and Scrutiny about the progress made against agreed actions in the Hate Crime and Harassment Strategy 07-08.

11. FLY-TIPPING UPDATE REPORT (PAGES 93 - 138)

To provide an update of the actions taken in response to the recommendations from the Overview and Scrutiny Committee on the Scrutiny Review of Fly Tipping of June 2007.

12. CABINET MEMBER QUESTIONS: CABINET MEMBER FOR ENTERPRISE AND REGENERATION (PAGES 139 - 146)

Briefing and answers to questions from Councillor Kaushika Amin, Cabinet Member for Enterprise and Regeneration.

13. GAMBLING ESTABLISHMENTS IN HARINGEY (PAGES 147 - 166)

(Report of the Chair of Overview and Scrutiny) To consider the feasibility of the Overview and Scrutiny Committee commissioning a scrutiny review on the licensing of Gambling Establishments in Haringey.

14. HOUSES IN MULTIPLE OCCUPATION (PAGES 167 - 174)

(Report of the Chair of Overview and Scrutiny) To consider the feasibility of the Overview and Scrutiny Committee commissioning a scrutiny review on the licensing of Houses in Multiple Occupation.

15. MINUTES (PAGES 175 - 184)

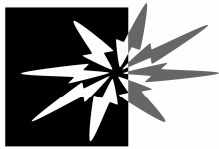
To confirm and sign the minutes of the meetings held on 1 December and 10 December 2008.

16. NEW ITEMS OF URGENT BUSINESS

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Haringey Council

Agenda item:

[No.]**Overview and Scrutiny Committee****On 12 January 2008**

Report Title: Scrutiny Review of Proposals by Barnet, Enfield and Haringey Mental Health Trust to Restructure Haringey Mental Health Acute Care Services – Updated and Amended Scope and Terms of Reference

Report of: Chair of Overview and Scrutiny Committee

Contact Officer : Robert Mack, Principal Scrutiny Support Officer Tel: 0208 489 2921

Wards(s) affected: All

Report for: **N/A**

1. Purpose of the report (That is, the decision required)

1.1. To approve amendments to the scope, terms of reference and work plan for the review set up to respond to proposals by Barnet, Enfield and Haringey Mental Health Trust to close an adult acute ward at St. Ann's Hospital.

1.2. In the light of previous and ongoing engagement with patient and user groups by the Mental Health Trust on the proposals, to agree to a shortened period of public consultation of 8 weeks.

2. Introduction by Cabinet Member (if necessary)

2.1. N/A

3. State link(s) with Council Plan Priorities and actions and/or other Strategies:

3.1. The proposals in the report are linked to the Haringey Mental Health Strategy 2005-8.

4. Recommendations

4.1. That, in the light of previous and ongoing engagement with patient and user

groups by the Mental Health Trust on the proposals, a shortened period of public consultation of 8 weeks be agreed.

4.2. That the updated scope, terms of reference and workplan for the review, as outlined in the report, be approved.

5. Reason for recommendation(s)

5.1. The recommendations take into account the suggestion made by the National Clinical Advisory Team (NCAT) that the scope of the consultation be widened and the wishes of user groups for the period of consultation to be varied.

6. Other options considered

6.1. The other option would be to keep the scope within its previous boundaries and to insist on the full period of consultation of 12 weeks. For the reasons specified within the report, this option is not recommended.

7. Summary

7.1 As previously reported to the Committee, Barnet, Enfield and Haringey Mental Health Trust (BEH MHT) have made proposals to make changes to their adult acute services within the Borough. These were designated to be a "substantial variation" to local services by the Committee at its meeting on 2 June 2008.

7.2 The Committee has set up a small panel of Members to look at the proposals in detail and approved the scope and terms of reference for the review of them at its meeting on 6 October. This report updates the Committee on developments since then and recommends changes to the scope and terms of reference for the review and the timetable for formal consultation.

8. Chief Financial Officer Comments

8.1. To follow

9. Head of Legal Services Comments

9.1. The Overview and Scrutiny Committee (OSC) has already determined that the proposals of Barnet, Enfield and Haringey Mental Health Trust amount to substantial variations. NHS bodies have a duty to consult the OSC about substantial developments or variations of the health service in the area under regulation 4 of the Local Authority (Overview and Scrutiny Committees Health and Scrutiny Functions) Regulations 2002. The regulations further empower the OSC to make comments on the proposal consulted on and to report to the Secretary of State in writing if it is not satisfied that the consultation has been adequate or where it considers that the proposals would not be in the interests of the health services in the area. The Secretary of State may then make a final decision on

the proposal and require the NHS to take or desist from certain actions.

9.2. The 'long term indirect effects' stated above have to be considered in light of the after care duties placed on the Primary Care Trust and the local social services authority under Section 117 of the Mental Health Act 1983 . These duties apply to those persons who having been compulsorily detained under the Mental Health Act 1983, are assessed as requiring after care services following their discharge from hospital. Case law has established that it is unlawful for local authorities to charge for such aftercare services.

9.3. Whilst Cabinet Office guidelines indicate that consultations should last at least twelve weeks to comply with best practice, it is possible for OSCs and NHS bodies to agree a different timescale for consultation. The most important issue is that the consultation is effective. Government guidelines further state that effective consultations will have clarity of scope and impact, be accessible and impose the minimum burden on consultees. It is also important for there to be clear analysis and feedback.

10. Head of Procurement Comments – [Required for Procurement Committee]

10.1. N/A

11. Equalities & Community Cohesion Comments

11.1. Disproportionate numbers of people from black and minority ethnic communities are admitted into acute mental health accommodation. In addition, although people with mental illness are often stigmatised, the level of stigma can be higher amongst some communities. Home treatment may play a role in helping to reduce this.

12. Consultation

12.1. The Panel appointed to consider the proposals on behalf of the Committee received evidence from stakeholders and user and care organisations at its meeting on 17 December and their views are reflected in the recommendations.

13. Service Financial Comments

13.1. [click here to type]

14. Use of appendices/tables and photographs

14.1. The report undertaken by the National Clinical Advisory Team (NCAT) on the proposals by the Mental Health Trust is attached.

15. Local Government (Access to Information) Act 1985

15.1. Background papers are as follows:

None.

16. Report

- 16.1 Proposals have been made by Barnet, Enfield and Haringey Mental Health Trust (MHT) to close an acute adult inpatient ward at St. Ann's Hospital. This is intended to allow re-investment of resources into (i). their Community Home Treatment Team to enable more people to benefit from Home Treatment and (ii). the remaining in-patient wards in order to improve establishments and reduce reliance on temporary staffing.
- 16.2 The Trust are of the view that their Home Treatment Teams, as currently established, are meeting their national targets and could treat more people at home, prevent more admissions and support people to return home earlier if there were more staff available to enable this. The proposed change was identified as a requirement of the Haringey Joint Health and Social Care Mental Health Strategy 2005-2008, which cited the Haringey model as being over-reliant on institutionalised, hospital based care and requiring a shift of resource from hospital to community. This has been confirmed by benchmarking undertaken by the Trust. They also feel that the current inpatient staffing establishments are insufficient to meet modern requirements.
- 16.3 The Trust feels that the changes will improve the quality of care to service users within the Borough. National audits identify that people prefer the opportunity to receive their care at home rather than having to be admitted to hospital. They feel that avoiding admission also improves opportunities for recovery. Research has shown that some communities, particularly black and minority ethnic communities, also prefer home treatment where this is appropriate and available. The Trust is of the view that the changes will contribute to the delivery of local targets, increase, choice for patients and provide better value for money.
- 16.4 The change will mean that there will be a fewer number of male acute admission beds. There are currently 92 adult acute beds and closing 16 male beds would reduce this to 76. The resources freed up will be transferred to enable more home treatment episodes and an improved level of staffing on the remaining wards to improve the therapeutic environment. Increasing the number of staff on the remaining wards will reduce the need for additional temporary staffing to cover periods of sickness absence, training etc, resulting in some efficiencies and improving continuity and quality on the wards.
- 16.5 There is a general requirement for NHS bodies to consult with patients and the public, including a duty to consult with the Overview and Scrutiny Committee (OSC) under Section 242 of the NHS Act 2006. In addition, there

is also a specific duty to consult on what are termed as “substantial variations” to local NHS services under regulation 4 of the Local Authority (Overview and Scrutiny Committees Health and Scrutiny Functions) Regulations 2002.

16.6 Legislation and relevant guidance does not define exactly what is a “substantial development” in service. Instead, NHS bodies and overview and scrutiny committees are advised to aim for a local understanding of the definition, taking into account;

- Changes in accessibility e.g. reductions or increases of services on a particular site or changes in opening times for a clinic
- The impact of the proposal on the wider community e.g. economic, transport, regeneration
- Patients affected e.g. changes affecting the whole population or specific groups of patients accessing a specialist service
- Methods of service delivery e.g. moving a particular service into a community setting rather than being hospital based.

16.7 The purpose of formal consultation with the Overview and Scrutiny Committee is to consider:

(i) whether, as a statutory body, the OSC has been properly consulted within the consultation process;

(ii) whether, in developing the proposals for service changes, the health body concerned has taken into account the public interest through appropriate patient and public involvement and consultation; and

(iii) whether a proposal for change is in the interests of the local health service.

16.8 The Overview and Scrutiny first considered the MHT’s proposals at its meeting on 2 June 2008 and determined that the proposals constituted a “substantial variation” to services due to:

- The number of patients potentially affected
- The nature of the changes in the method of service delivery, which involves moving a significant proportion of services from a hospital setting into the community,

16.9 The Committee set up a small panel to look at the proposals in detail and recommend an appropriate response to them on its behalf. The Panel first met on 2 September to receive MHT’s draft proposals and obtain preliminary feedback from user groups. Following this meeting, the proposals were referred to NHS London for a pre-consultation review, which is required in all cases where an overview and scrutiny committee designates a proposed change to be a “substantial variation”. This process included an independent review undertaken by the National Clinical Advisory Team (NCAT). However, before the review was completed flooding took place in another male acute mental health ward – Northumberland ward - leading to its emergency

closure. Staff affected were moved to the home treatment team and the other wards and, in effect, these changes put in place the plan which was to be the subject of the consultation by the MHT.

16.10 The review of the clinical implications of the proposed changes by NCAT was broadly favourable to them. However, it recommended that the scope of the consultation be broadened to consider the overall future direction of travel including:

- The further reduction of acute admissions in Haringey
- The development and investment in community services necessary to support such change
- The pace and timing of change

16.11 The NCAT report has been submitted to NHS London, who need to give final sign off to the proposed consultation process. This is expected shortly. Consultation documents are currently being revised by the MHT in line with NCAT review recommendations to broaden the scope. The appropriate documentation will be subject to agreement with the Scrutiny Panel.

16.12 The consultation will now be undertaken jointly by the MHT and the TPCT and managed by MHT. It will address:

- The permanent closure of one acute ward at St Ann's
- Further changes to acute services, such as the development of Home Treatment Teams and other services, leading to a need for less in-patient beds in the longer term

16.13 It is proposed that the consultation will run from mid/late January for 8 weeks. The scrutiny process will run in parallel to this.

16.14 The Scrutiny Panel met on 17 December to receive an update on the current situation. Whilst it feels that a broadening of the scope of the consultation would be beneficial, it is mindful of the need to avoid overlap with the consultations on the joint mental health strategy for Barnet, Enfield and Haringey, which the PCTs from the three Boroughs will be consulting on in the spring, and on the future of the St Ann's Hospital site.

16.15 Cabinet Office guidelines recommend that full consultations should last a minimum of twelve weeks and that they should ensure that groups that are traditionally hard to engage are involved, in addition to the wider community and OSCs. The guidelines set out the basic minimum principles for conducting effective consultation and aim to set a benchmark for best practice. However, the guidance states that it may be possible for OSCs and NHS bodies to reach agreement about a different timescale for consultation, if appropriate.

16.16 User groups have requested that this flexibility be exercised in the length of the consultation. Their view is that the proposals have been in the public domain for some time and will be familiar to most user and carer organisations. Whilst they welcome a full consideration of the implications of

the proposed changes, they wish a timely conclusion be reached to the current uncertainty. The Panel is therefore agreeable to a period of 8 public weeks consultation on the proviso that the MHT exercise a degree of flexibility in the receipt of the final response by Overview and Scrutiny Committee. The proposed workplan (Appendix A) has been amended to take into account the shorter consultation period

7. Legal and Financial Implications

- 6.1 Whilst there are no direct financial implications for the Council, there are likely to be long term indirect affects as the move to provide more care away from hospitals and closer to the community has the clear potential to place additional demands on social care services provided by the Council, for which no additional provision has yet been made.

Appendix A

Scrutiny Review of Proposals by Barnet, Enfield and Haringey Mental Health Trust to Restructure Haringey Mental Health Acute Care Services

Updated Workplan

1. Terms of Reference:

“To recommend to the Overview and Scrutiny Committee an appropriate response to the proposals by Barnet, Enfield and Haringey Mental Health Trust to reconfigure adult acute mental health services within Haringey and, in particular;

(i) whether, as a statutory body, the OSC has been properly consulted within the consultation process;

(ii) whether, in developing the proposals for service changes, the health body concerned has taken into account the public interest through appropriate patient and public involvement and consultation; and

(iii) whether the proposals for change are in the interests of the local health service.”

2. Scope:

To consider the following:

- The potential impact on the existing community mental health teams and other support required for the increased numbers of patients that will be treated in the community
- Whether the necessary community infrastructure is in place to support the proposed changes and, in particular, whether factors relating to clinical risk and performance and investment have been addressed sufficiently by the Trust.
- Arrangements by the Trust for ensuring that the training needs of all key professionals currently working in inpatient care are addressed.
- The relationship between this development and plans to enhance and define community rehabilitation services
- Whether the changes will ensure that the remaining number of beds is sufficient to meet demand nor compromise the requirement for single sex accommodation for patients
- The potential for unplanned demand against purchasing budgets
- The implications for carers/relatives.
- The availability of suitable housing provision for patients leaving hospital and the adequacy of systems to reduce delayed discharges.

- Clarity on plans for reinvestment in the community therapeutic, treatment and assessment teams and, in particular, how funds will be transferred from their inpatient funding to community based care.
- The potential cost implications for other stakeholders, such as the Council, and any other clinical and financial risk implications
- Whether the overall direction of change is in the interests of service users and carers beneficial and, if so, how and when further change might be progressed

3. Sources of Evidence:

In undertaking this exercise, the Panel will consider the following:

- Research documentation and national guidance and targets
- Local strategy documents and statistical information, such as current and projected occupancy levels
- Comparison with other areas such as neighbouring boroughs
- Interviews with a range of stakeholders including the MHT, the Council's Adults, Culture and Community Services and Haringey TPCT
- Views of patient, user and carer representatives

It is proposed that the following organisations and individuals will be approached for their views on the proposals:

Barnet, Enfield and Haringey Mental Health Trust

Maria Kane, Chief Executive, BEH MHT
Lee Bojtor, Borough Director - Haringey
Andrew Wright – Director of Strategic Development
Penelope Kimber – Engagement Manager
Dr. Peter Sudbury – Clinical Director

Council Services

Lisa Redfern – Assistant Director, Adult, Culture and Community Services
Douglas Maitland-Jones –Mental Health Service Manager, Adult, Culture and Community Services
Matthew Pelling – Housing Commissioning Manager, Adult, Culture and Community Services
Siobhan Harper - Head of Mental Health Commissioning Haringey TPCT/LBH Adult, Culture and Community Services
Phil Harris – Assistant Director Strategic and Community Housing, Urban Environment
Manager – Alexandra Road Crisis Centre

The Cabinet

Cllr Bob Harris – Cabinet Member for Health and Social Services

Partners

Tracey Baldwin - Chief Executive, Haringey TPCT
Liz Rahim - Commissioner for Mental Health Services, Haringey TPCT
Lead mental health GPs within commissioning clusters

Voluntary Sector

MIND in Haringey
Rethink
HAVCO
Haringey Racial Equality Council
Ethnic minority/refugee and asylum seeker organisations
Tulip
Open Door
The Polar Bear Community

User/Carer Groups

Haringey LINK
Haringey Mental Health Carers Support Association
Day Hospital Campaign Group
Haringey User Network
The Patients Council at St Ann's Hospital

Staff/Professional Organisations

UNISON
Royal College of Nursing
Royal College of Psychiatrists

Others

Mental Health Act Commissioners

4. Membership of Panel:

Councillors Ron Aitken (Chair), Gina Adamou, David Beacham and Toni Mallett

5. Provisional Evidence Sessions:

Meeting 1:

Purpose:

- To consider further the MHT's proposals for the reconfiguration of acute services and, the consultation proposals thereon
- To obtain the views of key stakeholders and other mental health partners on the MHT's proposals

Possible Witnesses:

Maria Kane, Andrew Wright, Lee Bojtor and Penelope Kimber - BEH MHT
Liz Rahim - Commissioner for Mental Health Services, Haringey TPCT

Lisa Redfern – Assistant Director, Adult, Culture and Community Services
Douglas Maitland-Jones –Mental Health Service Manager, Adult, Culture and Community Services
Matthew Pelling – Housing Commissioning Manager, Adult, Culture and Community Services
Siobhan Harper - Head of Mental Health Commissioning Haringey TPCT/LBH Adult, Culture and Community Services
Cllr Bob Harris – Cabinet Member for Health and Social Services
Phil Harris – Assistant Director Strategic and Community Housing, Urban Environment
MIND in Haringey

Meeting 2 – Date TBA:

Purpose: To obtain feedback on the proposals from relevant voluntary sector, user/patient, staff and other organisations

Possible witnesses:

Rethink
Ethnic minority/refugee and asylum seeker organisations
Haringey LINKs
Haringey Mental Health Carers Support Association
Day Hospital Campaign Group
Haringey User Network
UNISON
Royal College of Nursing
Royal College of Psychiatrists
Mental Health Act Commissioners

Meeting 3 – Date TBA:

Aim:

- To receive preliminary feedback from the MHT on the results of its consultation exercise.
- To question further the Trust on its plans in the light of feedback from stakeholders, service users and carers.
- To agree a response to the proposals by the MHT to recommend to the Overview and Scrutiny Committee.

Background Information:

- Interim feedback on consultation results from BEH MHT
- Paper highlighting key issues and evidence from the review

Visits

Members of the Panel have indicated that they wish to meet members of the Home Treatment Team, if possible, to hear from the about their work. In addition, the Chair has already undertaken a visit to St. Ann's Hospital, together with other Members of the Overview and Scrutiny Committee. However, Members of the Panel are planning to visit the hospital again and, in particular, meet with the Patients Council at the hospital to obtain their views.



National Clinical Advisory Team Report on the Reconfiguration of Adult Mental Health Services in Haringey provided by Barnet, Enfield and Haringey Mental Health NHS Trust

1. INTRODUCTION

I was asked through the National Clinical Advisory Team (NCAT) to provide an external clinical expert opinion on a proposed service change in Haringey. The proposal had been reviewed by the Overview and Scrutiny committee and identified as needing formal Public Consultation. In line with the guidance as set out in Leading Local Change this necessitated an external clinical expert review of the clinical case for change.

In preparing this report I had briefing documents from Barnet, Enfield and Haringey Mental Health Trust (BEH), communications with Trust staff, discussion with NHS London (the relevant Strategic Health Authority SHA) and Haringey TPCT (the local NHS commissioners), reviewed a number of papers and databases and on the day of my visit, spoke to a range of people and visited units on the site in Haringey.

As a result of a number of queries and points raised during my visit, I asked for further information from the BEH and incorporated answers to this into my opinion as set out in this document.

This report is prepared for NHS London in line with NCAT procedures. The expectation is that NHS London will share this document with relevant stakeholders to assist in the consultation and review process.

NCAT request that an SHA or PCT representative accompany the clinical expert on the visit to help record issues on the day and support the process. NHS London had understood that the PCT would do this but this did not happen. I understand from the wider news that very significant events were underway in Haringey at this time and these may have led to this situation.

I would like to thank all of those who contributed to this review (names listed on visit schedule Appendix 1.) Everyone that I met came across as sincere, motivated by a desire to improve mental health services to the people of Haringey, being open and caring in their discussions. In this report I will briefly set out the background as I understand it from the written and verbal communications from BEH, then cover findings on the day, then set out my opinion before reaching my conclusion.

2. BACKGROUND BRIEFINGS FROM BEH

This is based on discussions as well as the written submissions. The key written submission evidence is set out in the paper which went to BEH Board on 10th November 2008 – Reconfiguration of Mental Health Services in Haringey – this is included as Appendix 2 so I will not reiterate all aspects contained within it. Essentially, the proposal is to close a 16 bedded male acute admission ward (adults of age 18-65) and use freed up resources to

enhance HTT and staffing on remaining acute wards. Issues for me to consider were the clinical case for change and the 5 principles set out in leading local change

1. Change will always be to the benefit of patients
2. Change will be clinically driven
3. All change will be locally led
4. You will be involved
5. You will see the difference first.

The Trust case can be summarised briefly, as too great a proportion of the money being invested by Haringey commissioners was being spent on inpatient services, meaning that too little was being spent on community services. The Trust plan is therefore to not change the total expenditure on mental health services (the total cake) but to increase the portion given to community services by reducing the proportion spent on inpatient services (making the community slice bigger and inpatient slice smaller).

The Trust case is that a number of benefits to the people of Haringey will arise from this including:

1. More people with significant mental health problems being successfully treated in the community by community services including the home treatment team.
2. Shorter length of stay for those requiring inpatient mental health care by ensuring that the home treatment team can support people ready for discharge through transition back into the community when they are ready to do so – reducing delays to discharge
3. Better response in the community by the home treatment team when people with mental health problems and/or their carers feel they are deteriorating to a point where hospital admission in crisis used to be the only option – increased choice
4. The impact of the above being further reduction in the pressure on beds such that the problems with high bed occupancy which were a feature earlier this year are less likely to occur
5. Focussing revenue and capital resources on a smaller number of inpatient wards will allow better skill mix on the wards thus reducing need for agency staff and associated issues of discontinuity of approach, and allow the Trust to deliver refurbishment of the physical environment of remaining wards.
6. Stop overspend on inpatient wards (which are overspending compared to budget) eliminating need to take money out of other clinical services to cover the ward overspend.

The risks to not doing it are essentially the opposite of the 6 benefits above. The Trust identified no benefits to not doing it. The Trust identified that the following would be evidence that the risks of the action outweighed the benefits:

1. If people from Haringey could not get admission, when clinically required, to an appropriate Haringey acute adult bed
2. If bed occupancy on Haringey acute adult wards became excessive

3. If people were being discharged inappropriately from an acute adult ward due to bed occupancy pressures
4. If the resources identified to transfer to home treatment team and remaining acute wards did not transfer
5. If service user and carer feedback indicated that people were being poorly supported by home treatment team or receiving care and treatment not at least as appropriate as existing inpatient care.

The Trust had done benchmarking which identified that there was considerable evidence that the Trust was definitely spending a much higher proportion of income on inpatient care in Haringey and thus a much lower proportion of income on community treatment in Haringey than multiple comparator services in London and around England. A reduction of bed complement by 16 male acute adult admission beds would reduce this disparity but still leave Haringey as an outlier. Most people with mental health problems never need inpatient care and even those who require inpatient acute care typically need it for a few weeks whilst typically community care is required for months or years.

Thus, the Trust has made the case that the service delivery and spending model in Haringey does not benefit the majority of people with mental health problems requiring them to get a service from the Trust. The greater good is not in itself a necessary or sufficient reason to change service delivery. If the greater good was the only criteria then those with the greatest problem and most severe need could lose out.

The next test is therefore whether the model addresses the needs of those with such severe problems that they have previously required admission. The plan recognises that not all people will benefit from a home treatment approach and so will retain acute adult inpatient beds. The plan envisages that the increased staffing to the home treatment team will enable that team to appropriately meet the needs of more than 16 people at any given time i.e. the increased capacity will ensure more appropriate treatment for more than the 16 people who would currently have access to the inpatient ward. The plan further envisages increased staffing to the remaining inpatient wards i.e. improved care to those who will need admission as well as to those successfully treated at home by home treatment team. The plan also involves closing the ward which is in poorest physical state to provide modern mental health care, meaning that all people admitted to adult acute wards get access to better quality ward environments and by having fewer wards more money can be spent on improving the remaining wards over time (by using the same budget but spending it on fewer wards). Thus, the Trust case is that the benefits outweigh the risks and are deliverable and necessary. In effect only one option is proposed i.e. close a ward to free up resources to enhance community and inpatient care.

Between the original request to NCAT and the visit, two significant events occurred to the Trust. One was a fire in a forensic unit at another site requiring a change of use of the Psychiatric Intensive Care Unit in Haringey to provide a temporary unit for people displaced by the fire. The second was a flooding on an acute mental health ward in Haringey leading to its emergency closure. By the time of my visit (31st October 2008) BEH had therefore closed a male acute admission ward, moved staff to the home treatment team and the other wards and in effect put in place the plan which was to be the subject of the consultation.

3. FINDINGS ON THE VISIT – 31st OCTOBER 2008

As noted above, the day was well organised, people were open and helpful and a wide range of views were expressed. There was no one who felt that improving community mental health services in Haringey was a wrong option. The issues seemed to be:

1. Was this an attempt to cut costs rather than improve community services?
2. Could the current community services cope with reduced access to beds?
3. Would the change create greater bed pressures with people being placed out of area?
4. Would people be discharged before clinically appropriate or to inappropriate community care?
5. Wider issues of the future of mental health services in Haringey including rehabilitation and longer term recovery services and carer support.
6. Wider issues about the general health and well being approaches in Haringey e.g. adequate availability of social housing, meaningful activities, effective working with the local authority
7. Whether people with physical health care problems got appropriate access to mental health care and vice versa in a timely and proactive manner
8. The overall future of the St Ann's site

Items 5 to 8 were clearly wider than the remit of the review or proposed consultation, but I list them, as they were clearly important to local stakeholders and so can't be ignored in planning and consultation at least as background issues.

I therefore sought to clarify the above issues and the 5 principles in my discussions and visited some wards on the day and then asked BEH for supplementary information on certain points.

4. OPINION

1. BEH have made a powerful argument that Haringey spends a considerably greater proportion of commissioner spend than most other areas in England on inpatient services. The Trust in its report (attached as Appendix 2) states that CSIP argues for 16-20 adult acute mental health beds per 100,000 population, whilst Haringey (pre ward closure) had 42 per 100,000. The BEH paper goes on to say that figures as low as 11 acute adult beds per 100,000 population are in use in parts of England. To guard against the risk that BEH might selectively present figures, I used the CSIP database for 2008 LIT (Local Implementation Team) comparisons to compare inpatient bed numbers per weighted 100,000 population i.e. nationally and objectively weighted to take account of factors known to impact on the range and type of mental health needs in local communities. On this measure Haringey came out at 42.93 beds per 100,000 population. The lowest rates in England were 12.37

in Norfolk. Only one other LIT was below 16 per 100,000. The English average is 27.13 and the London average 34.19. Haringey was virtually the highest area in England. My finding on this is that in using national benchmarked data, Haringey is investing well over 3 times the lowest level in England and well over 20% more than the London average in inpatient services. This is money that is therefore not available for community services. Closing 16 beds therefore leaves Haringey well above current London average which in turn is well above national average for those with greatest percentage of community service investment.

Finding - my finding on this is that closing a ward and transferring resources to the community is a step towards best national practice. My finding is that BEH have appropriately used available national data.

2. Will the resource transfer to the community or is it just a way of bringing in cost cutting?

I raised this issue with BEH and the commissioner from Haringey TPCT. I am told that the commissioning strategic intention is to increase mental health service provision in Haringey, that investment is already underway e.g. into improving access to psychological services in the community in 2009-10 and that the PCT would expect the Trust to reinvest any savings from the ward closure into services in mental health for Haringey. BEH confirmed that the monies paying salaries would be protected and reinvested in the home treatment team and in improving staffing on the other wards. They also confirmed that with fewer wards the refurbishment and maintenance programmes would be maintained to improve overall physical quality of the wards. As per the Trust paper some money which is currently supporting an overspend on inpatient services can't be released but if the ward didn't close this money would have to come out of other clinical services by year end to balance the budget i.e. this corrects the overspend and protects other services.

Finding – on the evidence given to me I am of the opinion that the ward closure is to release monies to improve clinical services and not for cost cutting purposes.

3. Can services cope with fewer beds?

There is no doubt that there are bed pressures in Haringey. This has been noted and commented upon by the Mental Health Act Commission (Appendix 3). The Trust supplied me with a year's data on this as part of the supplementary information that I requested. This shows bed occupancy at over 100% on a regular basis (based on patients allocated to a ward not numbers sleeping on it) and regular numbers sleeping out on other wards. I am told that Haringey patients do not get sent out of Borough for acute admissions. The data shows a service that is operating at below best practice (which would be 85% bed occupancy and no one sleeping out). The October data shows that this had not got worse due to the ward closure and there appears to be an overall trend towards improvement across the 12 months. The increased staffing to the home treatment team should allow up to 30 extra people to be treated i.e. once staff are established an extra 14 capacity over that offered by the ward. I was also told by clinical and managerial staff that the trial of the "Acute Care Model" (where consultant psychiatrists specialise

in either inpatient or community work) had been so successful in half the borough that it was going to extend to the whole borough in the next few weeks. National evidence suggests that this, plus the increased staffing, should further reduce inpatient bed usage by improving the care pathway through the inpatient stay.

Finding - in my opinion the moves undertaken will not make the situation worse and should, over coming months, significantly improve bed pressures.

4. Are people being discharged prematurely or to inappropriate accommodation?

Again, I asked the Trust for supplemental information on this. With the changes having been only recently introduced, it is not easy to determine definitively, but the evidence supplied to me by the Trust does not give me any reason for believing that there have been inappropriate discharges. I did not seek to access individual people's records for confidentiality reasons, so my opinion is based on anonymised data.

Finding - on the basis of reasonably available information I do not believe that the Trust is inappropriately discharging people to reduce bed pressures. If the changes in 3 above work then any rationale for inappropriate discharge would be further reduced.

5. Will closing the ward improve inpatient care?

Ward names had changed during the refurbishment and emergency closure. The ward that I was shown, where the leak had happened, was poorly designed for modern mental health care e.g. had a 6 bed dormitory with only 1 wash basin and circulation routes that cut through patient recreation and lounge area. This ward might be suitable for emergency use or with some refurbishment for short term use as a decanting ward but would not be suitable for continued inpatient use without considerable redesign and refurbishment. I was shown 2 other wards; one refurbished and one awaiting refurbishment. These were better, especially the refurbished ward. Long term the building lay out will make it very difficult to use these wards and meet best national practice, but in the short to medium term, the refurbishment is a considerable improvement.

Finding – in my opinion the Trust is investing money to make best use of the existing building and the remaining wards.

5. CONCLUSION

In my opinion on the 5 principles:

1. Change will always be to the benefit of patients - this changes move clinical services in Haringey towards best practice and are to the benefit of patients
2. Change will be clinically driven - I was satisfied that the change was clinically driven and clinically evidenced

3. All change will be locally led - I was satisfied that the change was being locally led to address the identified needs of Haringey and in line with the commissioning strategy
4. You will be involved - I think that there has been involvement effort and that the consultation process, if properly done, will enhance this. There is a degree of distrust arising from previous changes undertaken by BEH although all were clear that this preceded the current senior management team and that they were willing to work with the new senior management team to deliver meaningful local involvement
5. You will see the difference first – this did not happen due to the emergency ward closure. I am satisfied that in the circumstances the Trust deployed the resources as per the plan as quickly as they could reasonably have done so.

In my opinion, proceeding to a full public consultation, which asks the public to say whether or not the changes put in place should remain, is at risk of appearing tokenistic as the clinical case for change is overwhelming and to reverse the process would be unjustifiable from a clinical perspective. Given some of the history, I think that this would be damaging as well as a poor use of public resources. It was clear that there was genuine interest, concern and hope about wider issues related to mental health service delivery in Haringey. It is also going to be clear to any interested observer that there is an opportunity to further reduce acute admission ward numbers in Haringey and thus further improve investment in community services. There are understandable anxieties about the pace, rather than direction of these changes, and particularly, the need to demonstrate the benefits do outweigh the risks including for carers. I recognise that it is not my place to determine what the consultation should cover or how it should best be done and this is a decision for the commissioners, the OSC and BEH. Acknowledging that, I wonder if the consultation could be on whether the direction of change is right, with this as the first step, and what might the public want to see in terms of benefits before proceeding further. I think that this could be given in the form of options to promote a real choice in the consultation.

Finally it is my opinion that the trust in collaboration with the commissioners could undertake to produce a report at agreed time intervals demonstrating that the benefits intended had been realised including data on bed occupancy, numbers sleeping out, numbers of acute admissions having to be admitted to a bed outside Haringey, length of stay (average and range), delayed discharges (delayed transfers of care) and discharge destinations (in particular how many people were able to return to address from which admitted or if not then that address to which discharged is in some way better than address from which admitted given the person's circumstances), numbers receiving treatment from the home treatment team.

Dr Ian A. Davidson
Medical Director/Deputy Chief Executive
Cheshire & Wirral Partnership NHS Foundation Trust
Consultant in Adult Mental Health, MB. BCh. BAO. FRCPsych. MA Medical
Ethics and Law, Approved under section 12(2) MHA 1983.
Member of National Clinical Advisory Team
November 2008

National Clinical Advisory Team Report on the Reconfiguration of Adult Mental Health Services in Haringey provided by Barnet, Enfield and Haringey Mental Health NHS Trust

APPENDICES

Appendix 1.



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Appendix 2.



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Appendix 3.



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Member of National Clinical Advisory Team
November 2008

CABINET MEMBER FOR ENFORCEMENT & SAFER COMMUNITIES

KEY ISSUES – SAFER COMMUNITIES SERVICE

Key elements of the Service

Overall Business Plan objective: With partner agencies, to deliver all statutory duties relating to Safer Communities and to provide co-ordinated policy, project and developmental support in the areas of community safety, crime prevention and reduction, anti-social behaviour, drug/alcohol misuse, emergency planning and business continuity. There is also a duty to deliver operational services in relation to anti-social behaviour and youth crime.

Strategic objectives (Partnership Plan 2008-2011):

1. Providing prevention and support to young people at risk of offending
2. Addressing serious crime – violence, acquisitive crime and domestic and gender-based violence
3. Preventing and reducing anti-social behaviour with a focus on families and young people, housing and the public realm
4. Reducing the harm caused by drug and alcohol misuse through prevention, effective treatment and re-integration
5. Reducing re-offending – adults and young people
6. Increasing confidence across the Criminal Justice System
7. Managing a programme of emergency planning and business continuity, developing community resilience and preparation

Agreed partnership approach/principles:

- Early intervention and prevention
- Robust monitoring and evaluation of programmes and projects
- Problem-solving, evidence and outcome-driven activity across the partnership
- Strategic and cross-cutting planning and resource allocation
- Communication, reassurance and community engagement placed at the heart of our business

Recent key developments and events

- Haringey has been selected as one of 60 Pioneer Areas nationally with funding from the Home Office for a Neighbourhood Crime and Justice Co-ordinator to increase community engagement and confidence in criminal justice work locally
- Haringey YOS is one of only two boroughs selected for the Intensive Intervention Project. In addition, youth, parenting and family support for young people at risk of ASB and/or crime will be significantly strengthened in Haringey by way of new grants coming to the council. These include the Youth Capital Fund, Challenge and Support, and Youth Crime Action Plan.

- As part of the Youth Crime Action Plan, YOS prevention workers will be placed in police custody suites for the first time to assess, refer, support and divert young people
- Haringey is at the top (number two) in its YOT family group for reducing custodial sentences for young people
- A new power was introduced in the Criminal Justice and Immigration Act 2008 for the courts to temporarily close premises associated with persistent and significant disorder. Government hopes are high for Haringey to put this power to good use, following the borough's active use of Crack House Closures (ca. 100 over the past couple of years)
- Crime has fallen steadily over the past 3 years and is down 8% in the year ending August 08 compared with the previous year
- Violence, wounding, theft (exc. vehicles), robbery and theft of motor vehicles (TOMV) have all decreased over the past year. However, domestic burglary, theft from motor vehicles (TFMV) and more serious violence are a challenge and are higher than in other London boroughs
- Haringey achieved over a 5% increase in the number of people using crack and/or opiates in effective treatment in the first four months of this year
- An updated Haringey Alcohol Related Harm Reduction Strategy 2008-11: "Dying for a Drink?" has been passed by Cabinet following considerable local consultation and consensus
- A new Domestic Violence and Gender-based Violence Strategy was been agreed and published recently
- A recent 6th Month Review by the National Treatment Agency (NTA) was positive and productive with special mention of the improvement in performance in the borough. This may have assisted in helping reduce the budget reduction for 2009/10
- A successful and widely attended Flu Pandemic Day was held in Tottenham Green, which tested and reviewed the emergency planning and business continuity plans of both the Council and PCT

Key issues and challenges for 2009/2010

- Managing the likely adverse impact of the national recession on acquisitive crime
- Addressing the community safety needs of new communities
- Maintaining levels of positive perception of crime and anti-social behaviour in the community
- Continuing the high service standards and public satisfaction levels with the Anti Social-behaviour Action Team given an increase in the seriousness and complexity of their cases and the need to find resources to match
- Reducing re-offending by adults and addressing their successful resettlement in the community
- Managing the reduction in the pooled treatment budget (indicatively down by £285K to 87% of the 2007/08 budget) and corresponding reduction in services. In 2010/11, the indicative budget is for a further £475K reduction.

- Continue to build on the good work to address and reduce knife crime in the borough.
- Implementing the Youth Crime Action Plan.
- Responding to the national agenda around flooding and climate change with regard to emergency planning
- Developing a framework and action plans to improve community resilience and agreeing how to mitigate business continuity risks arising from corporate strategies
- Effective implementation of MARAC in the borough.

KEY ISSUES - ENFORCEMENT SERVICE

Key elements of the Service

The Enforcement service covers the three operational areas of Environmental Crime, Commercial Enforcement and Enforcement Response. The functions covered are as follows:

- A patrolling street enforcement service dealing with environmental crimes such as dumped waste, fly-posting, graffiti, littering, and abuse of highway. The service also deals with eyesore locations and neglected sites including front gardens.
- The collection of stray dogs and issues relating to irresponsible dog ownership.
- The provision of a public mortuary and the operation of a coroners jurisdiction on behalf of 7 north London local authorities.
- Licensing and control relating to sales of alcohol, entertainment, late night refreshment, pet shops, massage and special treatments, street trading and gambling.
- An Enforcement Response service that is available 24/7 throughout the year and providing a rapid response to unauthorised development, noise and other nuisance. The service undertakes a programme of enforcement with the police for the inspection and control of licensed premises and events.
- Planning enforcement to reverse or regularise unauthorised development, protection of conservation areas, listed buildings, and tree protection.
- Commercial premises inspection programmes focussing on improving business compliance health and safety at work, food safety, smoking control in enclosed public spaces and trading standards legislation. Activity includes a range of support services including training advice as well as targeted enforcement action.

- A programme of partnership enforcement operations targeting environmental crimes and rogue trading in the borough. This includes control of social clubs, problem garages, the test purchasing for age restricted products, and organised crime such as counterfeiting.

Recent Key events:

- In the last quarter the Enforcement Response team, working out of hours, dealt with over 2,200 noise related complaints. Of these 88% of complainants received a response within 30 minutes and 75% of those complainants who required it were visited within 1 hour. In the same period 181 written warnings and 59 abatement notices were issued.
- The Enforcement service undertook a combined programme of action over the autumn festival period and specifically over bonfire night and Halloween. This included extra weekend and night patrols to tackle nuisance parties, compliance inspections to around 150 premises for the sale of fireworks, and test purchase operations for underage sales.
- Operation Tailgate 27 took place over 3 days in late October. This was a multi agency approach targeted at enforcement issues across the Borough including those arising in problem social clubs. The operation was very successful throughout the three days and a number of significant outcomes were achieved -
 - Immigration carried out just over 80 immigration status checks, with fingerprint scans on 66 individuals of whom 23 were known. One female was arrested and detained by Immigration pending deportation.
 - Enough intelligence was gained to visit four residential addresses and three other business addresses as well as a probable bogus college, which was being used to provide false documentation for illegal immigrants.
 - One individual was arrested and cautioned by Police regarding Class A drugs and one was cautioned by Police regarding Cannabis.
 - Two trading premises had knives kept for self protection seized
 - Four businesses will have their details referred by H. M. Customs regarding self assessment and VAT issues. Eleven individuals will be investigated by H. M. Customs regarding tax issues.
 - Five smoking offence matters were dealt with by way of fixed penalty notice and 3 prosecutions are now pending and 5 locations will have unauthorised smoking structure removed.
 - 37 duty of care inspections with regards to waste issues were carried out and 28 resulted offence investigations being opened.
 - Twenty six batches of counterfeit goods were seized including condoms, alcohol batteries razor blades and tobacco.
 - Two unlicensed payout gaming machines were disabled and the contents seized and three premises will now be prosecuted for unlicensed gambling and gaming machines.
 - One premises had unlicensed alcohol confiscated

- The Enforcement Service has been short listed for an award in the 'Safer Communities' category in the LGC and HSJ Sustainable Communities Awards 2009. The award recognises single projects that have had a direct impact on creating safer, quieter and more pleasant places to live. The Enforcement Service submitted an application based on our work in the Green Lanes area to tackle 'problem social clubs.
- As of the end of November 77% of fixed penalty notices issued for waste and littering offences paid or prosecuted. Levels of service are on profile to be up by more than 20% on last year. Specific activity here includes a significant number of planned late night operations targeting trade refuse offences as part of a new fly tipping action plan.
- At Rangemoor Industrial Estate we undertook a major operation with the police to catch those fly tipping the concluded. The operation which included both night time covert surveillance and use of CCTV resulted two vehicles being seized, and 5 offenders arrested and interviewed. Eight offences will now be prosecuted. Permanent CCTV has now been installed and further target hardening measures are planned.
- In December Haringey presented its work on alcohol counterfeit investigations to a national conference organised by the Food Standards Agency (FSA). We were invited to present our work following a number of successful and complex operations carried out together with police and customs officers. These operations which have been praised by the FSA resulted in large scale seizures and disruption to supply chains operating within Haringey.
- Planning enforcement achieved their target of reducing open cases to below 480 over November. New cases and a number of conservation projects have caused this number to rise again, but the service remains on track for ensuring cases are visited quickly, early decisions on enforcement are made and cases closed within six months. The service is hitting all performance targets established following the review of service in 2007. Following consultation our new guide to planning enforcement will be published in January.
- Trading Standards have passed their annual Quality Assurance audit, which was carried out by an independent firm on November 18th. This annual audit is a key feature of their registration as an organisation which complies with the principles laid down in BS EN 9001:2000.

KEY ISSUES & CHALLENGES FOR 2009-2010:

- Reshaping of Environmental Crime is planned for 2009. Plans here will look to join up services across Frontline services and ensure that local area action plans are available at a ward level.

- The introduction of affordable pest control for those on means tested benefits has resulted in a projected 20-25% increase in treatment requests. The service is investigating how it can respond to this increase.
- We will shortly complete the construction of a new mortuary. Transfer of the existing service to its new location will be a significant event.
- The “credit crunch” may cause an increase in rogue trading and non compliance. Businesses may reduce costs on training, maintenance and staffing. As a result many could face problems maintaining levels of compliance and some may be tempted to cut corners that could place consumers at risk.
- Planning enforcement continues to experience very high levels of demand. This and a number of pilot projects to tackle conservation and HMO/conversion issues is placing a strain on the service.
- In 2009 a number of significant actions are planned to take forward a new fly tipping action plan. As well as targeted enforcement, many of these actions will require consultation and engagement so that the causes of casual domestic fly tipping can be tackled.



Haringey Council

Agenda item:

[No.]**Overview & Scrutiny Committee****12 January 2009**

Report Title. ASB Strategy 2009-2011

Report of. Sharon Kemp - Policy, Performance, Partnerships & Communication

Signed :

Contact Officer : Otis Williams – Community Safety Team

Wards(s) affected: All

Report for: Key Decision (approval)

1. Purpose of the report

1.1 Following its work to help launch the ASBAT and raise the profile of ASB during 2003, feedback is now sought from the Overview and Scrutiny Committee of the current ASB Strategy (2009-2011), which is an update on the previous (2003) and details our approach and areas of focus. Actions to achieve delivery will be detailed in the 2009/10 action plan.

2. Introduction by Cabinet Member (taken from the draft ASB Strategy document)

2.1 We are pleased to introduce Haringey's second Anti-social Behaviour Strategy which covers 2008 – 2011.

In revising this strategy, we have held discussions with all key partners and colleagues, and have opened our findings up for public comment. We have established that our original priorities are still current and much of this strategy is a continuation of the good work already underway across the Borough.

We have re-defined our overall approach as a balance between prevention and enforcement. We have recognised the need to improve the co-ordination of targeted

support to young people and to develop our approach within the context of area-based working, problem-solving and addressing the causes of anti-social behaviour at an early stage.

Our vision - which supports that of our general Safer for All Strategy - is to have 'a safer Haringey where residents, visitors and workers can have an improved quality of life without the fear of being subjected to anti-social behaviour'.

The ASB Partnership Board – referred to as the Partnership in this document - will work together to ensure that the community in Haringey feels secure and protected from the negative effects of anti-social behaviour. This strategy set outs a programme of delivery which includes the following areas of work:

- Improving the exchange of information about reported anti-social behaviour
- Accessing partnership resources to increase service provision and improve responses to complaints of anti-social behaviour
- Seeking the realignment of mainstream resources to improve multi-agency service delivery and responses to antisocial behaviour
- Improving multi-agency working by developing common protocols, assessment pathways and joint service delivery
- Building the skills, capacity and confidence of all key staff

As always, we will seek to work constructively with residents and to support and reward those who are willing to be courageous and take a stand.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

Relevant Council Plan Priorities:

Creating a Better Haringey - Cleaner, Safer, Greener:

The council has considerable statutory responsibilities for preventing and reducing crime, the fear of crime, the harm caused by drugs and alcohol, and anti-social behaviour. Collectively, these remain top priorities for our residents.

Delivering Excellent, Cost Effective Customer Services:

Delivering excellent, customer focused value for money services, is essential both in itself and to promote trust in the council and the borough. The engagement of the community promotes community cohesion and integration.

NB: There is also a direct link to the Safer For All Strategy 2008/11 (ASB – re priority - a

focus on children and families, housing and public spaces) and Alcohol Strategy 2008/11.

4. Recommendations

4.1 To approve the current ASB strategy (2009-2011) which is an update on the previous (2003) and details our approach and areas for focus. Actions to achieve delivery will be detailed in the 2009/10 action plan.

5. Reason for recommendation(s)

5.1 The Strategy is in line with national guidance and best practice.

6. Other options considered

Not applicable.

7. Summary

7.1 The Partnership has to deal with a wide spectrum of anti-social behaviour (ASB), including activities that call for different legal remedies and informal solutions.

Key changes since the previous 2003 Strategy:

- Roll out of Safer Neighbourhood Teams
- Roll out of the ASBAT Service borough wide
- Development of national agenda to primary focus on young people (Youth Task Force) under DCSF
- Joint enforcement activity
- Three year partnership plan cycle and national strategies 2008-2011
- Move towards area-based working and problem-solving
- Prevention emphasis e.g. parenting support / Good Neighbour Agreements
- Introduction of the Community Justice Courts
- Greenest Borough strategy
- Emphasis on perception targets in the national indicator set, e.g. NI21
- Improved data capture

An updated Strategy is required to capture the developments above and best practice. In addition to the current approach/resources in place to deliver. The report and Strategy is to go to Cabinet on 26th January 2009.

8. Chief Financial Officer Comments

8.1 Annex F of the ASB Strategy document sets out the detailed action plan for the period of the strategy and performance will be monitored via the ASB Partnership Board and the Safer Communities Executive Board against agreed National Indicators. The majority of resources available to fund this activity derive from specific and area based grant, which increases the risk in sustained ability to deliver the strategy. However, the on-going emphasis on increased partnership working around information sharing, resource sharing and further joining up protocols should go some way to addressing this.

9. Head of Legal Services Comments

9.1 The Head of Legal Services has been consulted in the preparation of this report, and makes the following comments.

There is a statutory duty on the Council to have in place, and publish, its policy and procedures for dealing with anti-social behaviour. There is also a continuing duty to keep those documents under review, and to publish revisions.

The Head of Legal Services advises that the strategy attached to this report is compatible with the requirements under relevant legislation, to include the Anti-social Behaviour Act 2003. The strategy is also compatible with guidance issued by the Home Office with reference to the Respect and Youth Task Force agendas.

10. Head of Procurement Comments – [Required for Procurement Committee]

Not Applicable.

11. Equalities & Community Cohesion Comments

11.1 The priorities and proposals contained in the draft ASB Strategy have been framed to address the fundamental issues around crime and ASB the effects of the same in Haringey, including the disproportionate incidence and effects of crime and ASB across community and groups in Haringey. Anti-social behaviour will continue to be addressed through a focus on children and families and partnership work to tackle some of the underlying deprivation such as poor housing and improvement in public space. Where there are significant disproportionate effects between communities /groups, initiatives will be put in place to find out why and what actions could be taken to address them.

12. Consultation

12.1 We have consulted people at the Area Assemblies and on-line via the Council website.

12.2 The Police have consulted through Ward Panels and KIN networks. We have also consulted members. There has been very positive feedback to date with people agreeing the approach we are taking.

13. Service Financial Comments

Not Applicable.

14. Use of appendices /Tables and photographs

Not applicable - see ASB Strategy Document.

15. Local Government (Access to Information) Act 1985

See ASB Strategy Appendices (attached).

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haringey strategic partnership

Haringey's Anti-Social Behaviour Strategy 2009-11

Foreword

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Foreword

We are pleased to introduce Haringey's second Anti-social Behaviour Strategy which covers 2008 – 2011.

In revising this strategy, we have held discussions with all key partners and colleagues, and have opened our findings up for public comment. We have established that our original priorities are still current and much of this strategy is a continuation of the good work already underway across the Borough.

We have re-defined our overall approach as a balance between prevention and enforcement. We have recognised the need to improve the co-ordination of targeted support to young people and to develop our approach within the context of area-based working, problem-solving and addressing the causes of anti-social behaviour at an early stage.

Our vision - which supports that of our general Safer for All Strategy - is to have 'a safer Haringey where residents, visitors and workers can have an improved quality of life without the fear of being subjected to anti-social behaviour'.

The ASB Partnership Board – referred to as the Partnership in this document - will work together to ensure that the community in Haringey feels secure and protected from the negative effects of anti-social behaviour. This strategy set out a programme of delivery which includes the following areas of work:

- Improving the exchange of information about reported anti-social behaviour
- Accessing partnership resources to increase service provision and improve responses to complaints of anti-social behaviour
- Seeking the realignment of mainstream resources to improve multi-agency service delivery and responses to antisocial behaviour
- Improving multi-agency working by developing common protocols, assessment pathways and joint service delivery
- Building the skills, capacity and confidence of all key staff

As always, we will seek to work constructively with residents and to support and reward those who are willing to be courageous and take a stand.

Councillor Nilgun Canver
Cabinet Member
Enforcement & Community Safety
Haringey Council

David Grant
Acting Borough Commander
Haringey Metropolitan Police Service

Tracey Baldwin
Chief Executive
Haringey Teaching Primary Care Trust

John Brown
Borough Fire Commander
London Fire Service

1. DEFINITIONS OF ASB

1.1 What is Anti-Social Behaviour?

The Partnership has to deal with a wide spectrum of anti-social behaviour (ASB), including activities that call for different legal remedies and informal solutions. The Partnership definition is:

“Anti-social behaviour covers the range of behaviours from low level nuisance to serious harassment, which can damage the quality of life and interfere with the ability of people to use and enjoy their home or community”

How each case is handled will vary on the specific circumstances of the victim and the perpetrator. We have, therefore, adopted a broad definition of ASB. The different types of ASB vary considerably in their seriousness and their potential impact upon victims. (See Annex A for the types of behaviour now classified as ASB).

The Crime and Disorder Act defines ASB in terms of its impact, or likely impact, on victims, as well as the actions of the perpetrators. A person is deemed to have committed Anti-Social Behaviour if he or she:

has ...acted in an anti-social manner, that is to say, in a manner that caused, or was likely to cause harassment, alarm or distress to one or more persons not in the same household”.

2. STRATEGIC OBJECTIVES

2.1 The outcome of our evaluation, data, public consultation and partnership discussions have led to principal objectives for the coming three years. These are to:

- Co-ordinate prevention and early intervention, especially in support of young people
- Co-ordinate responses to ASB and problem-solving using the area based working model and joint intelligence
- Deliver co-ordinated communication, publicity and reassurance activity in support of perception targets (see final page for a full list)
- Continue the strategic use of partnership enforcement tools

Progress will be reviewed regularly by the ASB Partnership Board, reporting to the Safer Communities Executive Board.

3. BACKGROUND

3.1 National context (since the last ASB Strategy of 2003)

Anti-social behaviour can blight the lives of residents and has been recognised as a serious issue for some time. For example, ASBOs were introduced by the 1998 Crime & Disorder Act (and developed further through the Police Reform Act 2002). In November 2003, the Anti-Social Behaviour Act came into effect and included new

powers to close problem premises, and extended the use of fixed penalty notices and dispersal orders.

The emphasis was on enforcement: Local Authorities and their local partners including the police and courts were encouraged to use all the powers available to them to discourage and punish perpetrators of anti-social behaviour. In particular, there was a focus on ASB in the public realm and the problem of nuisance neighbours. More recently, the focus (through the Respect Agenda) has shifted towards young people (through the Youth Taskforce Action Plan) and our own strategy reflects this shift.

3.2 Local Context (actions completed since the last ASB Strategy of 2003)

The priorities outlined in the previous ASB Strategy were:

- Safeguarding the environment, focusing on enforcement
- Tackling anti-social behaviour across the range of tenures
- Reducing the opportunity for anti-social behaviour, focusing on youth
- Supporting communities and local neighbourhoods

In response to these, *Better Haringey* was launched in 2003 with the aim of giving Haringey a cleaner and safer environment through the management of the public realm including parking, planning and cleaning services e.g. Graffiti Team and Environmental Enforcement Team. CCTV became an important tool in capturing evidence of ASB.

We recognised that ASB often demanded a multi-agency approach. We, therefore, developed common approaches and co-ordinated activity; ways of sharing information; joint protocols; and assessment pathways. Our most important innovation was the establishment of a specialist Anti-Social Behaviour Action Team (ASBAT) which continues to deal with persistent and serious ASB. The ASBAT has a case closure satisfaction survey result of 60% (against a target of 70%).

The MET Police have also introduced Safer Neighbourhoods Teams in all wards of the borough with the Safer Transport Team operating around priority transport hubs. In 2005, the Haringey Information Sharing Protocol was finalised and signed by key services dealing with ASB, including some Registered Social Landlords. The protocol allows data to be passed easily from one agency to another, facilitating joint working and helping eliminate duplication.

During 2007, the Closure Order Protocol was also signed off by key partners thus continuing effective work surrounding the closure of premises linked with the production, use and/or supply of class A drugs and ASB. More recently, Section 118 and Schedule 20 of the Criminal Justice and Immigration Act 2008, introduced new powers for the courts to temporarily close premises associated with significant and persistent disorder or persistent serious nuisance. These new powers will commence on the 1st December 2008. Based on the existing crack house closure powers and the Scottish closure power, the order is designed to tackle serious and persistent forms of anti-social behaviour. This includes excessive noise and rowdy behaviour related to frequent drunken parties or high numbers of people entering and leaving a property at all times of the day or night. It can also be used where anti-social residents are intimidating and threatening their neighbours and criminal families are running illegal business from their properties. It is an order of last resort to be used only when all other options have been tried and failed to work. Significantly, it is tenure neutral so it can be used to close homes that are privately

owned.

Underpinning all work is strong corporate leadership through the ASB Partnership Board and Cabinet Member involvement in setting the strategic and policy agenda for ASB which increasingly crosses departmental boundaries and business units. Implementing the new ASB communications strategy will help residents keep in touch with services and will help service delivery to respond more effectively to their concerns.

3.3. Enforcement of ASB

Haringey has developed a balanced and proportionate approach to dealing with ASB. The key services for enforcement are Safer Neighbourhood Policing Teams, Environmental Enforcement and the Anti Social Behaviour Action team (ASBAT). The ASBAT pilot was established in N17 to focus on serious and persistent cross-tenure ASB. The service was rolled out across the borough in 2004. Very well established and valued both internally and externally, the ASBAT primarily but not exclusively deals with enforcement using all available ASB powers, remaining focused on serious, complex and persistent ASB.

In 2007, the ASBAT extended its preventive role by employing a parenting worker with two support workers funded from Supporting People. This parenting support is focused on those families who have been identified as the most prolific ASB offenders. In addition, the team has recently acquired its own mobile CCTV vehicle. The DCSF (Youth Task Force) has praised the ASBAT in meeting all of the objectives of the programme and delivering best practice. The ASBAT Parenting Service is funded by the DCSF until 2011.

At the Social Landlords Crime & Nuisance Group (SLCNG) annual conference on the 7th and 8th October 2007, the ASBAT and a Haringey resident received a total of three awards for making a major contribution to tackling ASB. Membership of the SLCNG is made up of a mixture of Local Authorities and Housing Associations who are involved in dealing with ASB issues at a national level and there are over 350 members nationwide.

A key part of maintaining pressure on ASB remains undertaking joint operations – drawing on Council services, the police and other agencies where appropriate. Joint-working successes recently have been in dealing with abandoned vehicles, dumped waste and controlling drinking in public through controlled drinking zones. The aforementioned Crack House Closure protocol was also agreed between all relevant enforcement agencies. Since 2004, there have been a number of on-going joint enforcement initiatives including Operation Stop; Early Bird; Humbug; Christmas Cracker; Tailgate; Clean Sweep.

Enforcement intervention/ figures (December 2008)

Injunctions	128
ASBO	19
ABC	134
Closures	149
Evictions	33
Closures of brothels	12
Parents in parenting classes	31

Home office statistics show that the ASBAT are well above the London and National average for taking action legal action to protect residents.

3.4 Young people, children and families

Haringey's Youth Offending Service which includes the Youth Offending Team (YOT) and the Youth Inclusion and Support Panel (YISP), has well developed and stable specialist support services for young people who have been in contact with the criminal justice system: In addition to generic youth service provision through the three youth centres and detached youth work, our youth service includes the Youth Inclusion Project, summer play schemes, after hours sports and football, counselling and the Positive Futures programme.

Guidance from the Department for Children, Schools and Families emphasises the need to target youth support towards those most at risk. We will therefore be ensuring that all our services for young people address identified needs, no matter where the young people are first identified.

There is a considerable amount of work to be done in this area, especially as schools now control a large part of their own budget. The Youth Summit provides a forum to start developing a more co-ordinated approach. We already have a nationally recognised and well-developed programme for primary schools around restorative approaches and an anti-bullying policy. This comprises a template for schools which they may adopt and amend, or to have their own policy. The underlying requirement is for every school to have a policy in place

3.5 Haringey's Sustainable Community Strategy

We have a new strategy for the whole of Haringey. The aim is to make lasting improvements to all by tackling the issues that present barriers to success for many local people. The main focus is on improving the life chances for young people by addressing deprivation and social exclusion. Substantial resources will be directed at worklessness, which is a major contributor to ASB. The following priorities will guide how all services are delivered:

- People at the heart of change**
- Economic vitality and prosperity shared by all**
- Healthier people with a better quality of life**
- An environmentally sustainable future**
- Safer for all**
- People and customer focused services**
- Hate Crime & Harassment**
- Acts of, or threats of violence**

The work in this strategy and in the new three-year Community Safety will support the *Safer for All* strand.

3.6 Community Justice Courts

The Community Justice Court is a partnership initiative between the Police, the Crown Prosecution Service and the Council along with a number of services including Probation and the Witness Service. In Haringey, this also involves Sexual Health on Call (SHOC), the Drug Intervention Programme and Helpdesk Charity which is a one-stop shop referral agency. The four wards covered as pilots were chosen based on demographic and crime statistics and community engagement: These were Tottenham Hale, Tottenham Green, Seven Sisters and Northumberland Park. The Court deals with issues of an anti-social nature, affecting quality of life for the local community, as well as breaches of ASBOs and certain crime types that occur within the four wards. The Court will also deal with prostitution and kerb crawling across the whole borough. As a general guide, the Court will deal with cases which would usually have a maximum of a six-month sentence.

Community justice is about improving local quality of life with all the criminal justice agencies joining with the community to combat the anti social behaviour and quality of life crime that makes lives miserable. It is an integral element of the Government's 'Respect' agenda, which has been described by the previous Prime Minister as parents, local communities and local people joining law makers and law enforcers to make a difference - Statement to Parliament 17/05/05.

Community Justice is not prescriptive in how it should be implemented at a local level, but has a clear set of principles;

- **Courts and Judiciary connecting to the community through regular engagement**, finding out their views on crimes that are of most concern, the impacts of those crimes and the way offending is tackled
- **Justice seen to be done.** Compliance with the court's orders or other penalties should be seen and recognised by the community
- **Cases handled robustly and speedily**, harnessing the combined potential of a range of agencies working together
- **Strong independent judiciary**, leading the problem solving approach, and maintaining oversight over offenders' progress post-sentence

3.7 Links to other local Strategies

The following Haringey strategies have links to the *Anti-Social Behaviour Strategy*:

Haringey Strategic Partnership Sustainable Community Strategy

Safer for All Community Safety Strategy 2008-2011

Youth Justice Plan

Children and Young Peoples Plan: stepping on towards excellence

Children and Young People: Anti Bullying policy

Housing Strategy 2003/08

Drug and Alcohol Action Plan

Alcohol Harm Reduction Strategy
Haringey Councils ASB Policies and Procedures
Local Area Agreement 2007/10
Employment and Skills Strategy
Regeneration Strategy
Youth Justice Plan
Sports and Physical Activities Strategy

4. ASB IN HARINGEY

4.1 Disorder (National Indicator 21)

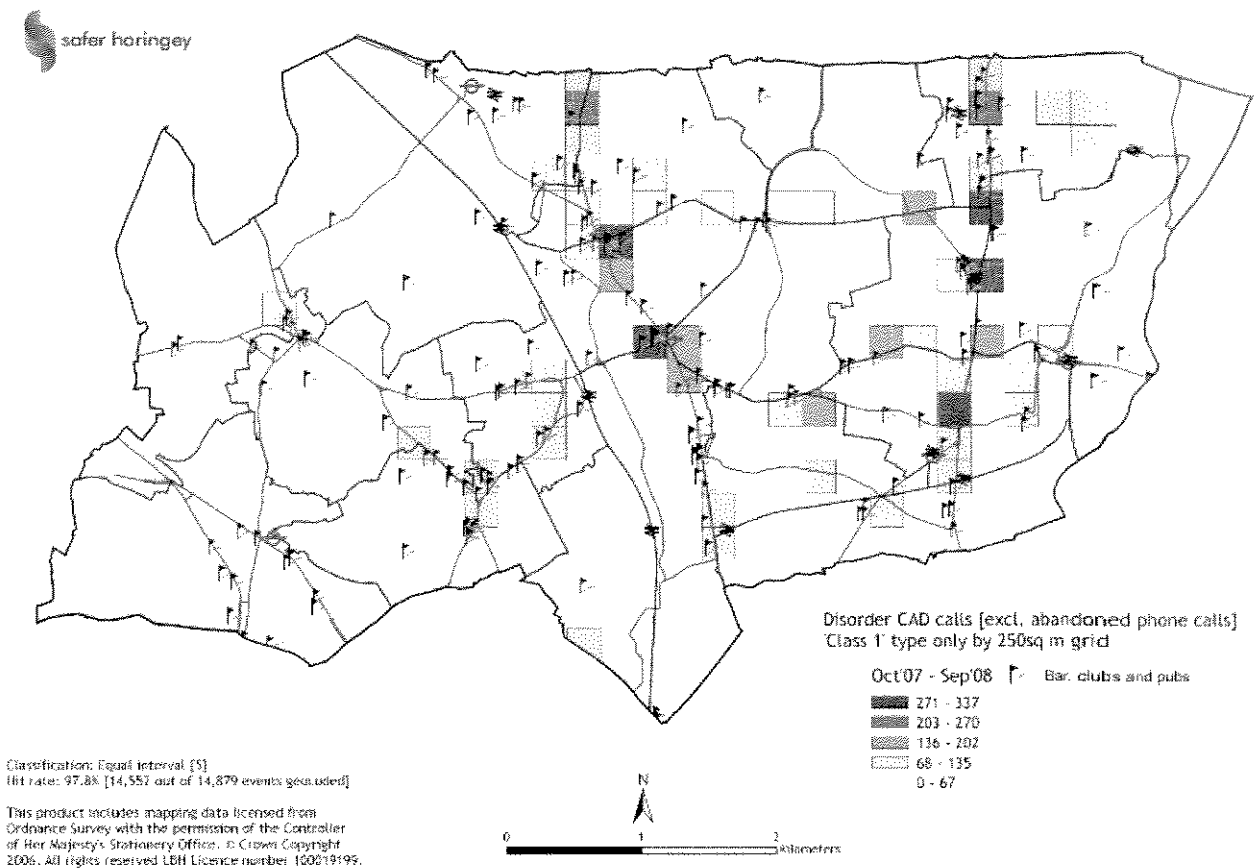
The MPS collects disorder data by recording the number of 999 calls which fall under one or more of a range of pre-determined categories. These are:

- Rowdy / inconsiderate behaviour
- Licensing
- Rowdy / nuisance neighbours
- Domestic incident
- Civil dispute
- Hate incident
- Trespass
- Industrial dispute
- Street drinking
- Abandoned phone calls
- Noise
- Prostitution related activity
- Begging / vagrancy
- Fireworks

For this section we have excluded 'abandoned phone calls' to help provide greater clarity to the mapped incidents and to help focus our problem solving on the remaining disorder issues. In the initial dataset, 'abandoned phone calls' accounted for 5% of the total number of disorder incidents recorded.

4.2 Disorder data from 1st October 2007 – 31st September 2008

There were 14,879 disorder calls made to the MPS throughout the period. The top 3 initial classification types were 'rowdy / inconsiderate behaviour' (48%), 'domestic incident' (21%) and 'civic dispute' (12%). The top 3 wards were Noel Park (9%), Tottenham Hale (8%) and Tottenham Green (7%), although from the dataset there were 353 incidents which couldn't be matched to a ward. This accounts for only 2% of all incidents recorded. The greatest number of calls to the police were made during May (10%), June (9%) and July (9%) 2008. Peak days were Saturday (17%), Sunday (15%) and Friday (15%), and looking at the same weekend window peak hours ran between 21:00-00:59 (24%) and 17:00-20:59 (22%).



Map showing hotspot grid squares from the disorder dataset. 5 areas have been identified as having between 271 and 337 incidents within them. These are Turnpike Lane (22%), Wood Green (21%), Lansdowne Road (20%), Bruce Grove (19%) and Seven Sisters (18%).

Throughout every identified hotspot area 'rowdy / inconsiderate behaviour' accounted for more than 50% of all incident types. This is to be expected because of many sub-categories within this group.

Wood Green was the only hotspot area to hold 'street drinking' in second place after 'rowdy / inconsiderate behaviour' ('domestic incident' was prevalent in the remaining areas). Looking at these incidents in more detail they all pertain geographically to the area in front of Hollywood Green, at weekends and within the time range 21:00-00:59. More specifically Broadway, Buller Road, Gladstone Road, and Redvers Road. The bus stand outside Hollywood Green features frequently, as do bus routes 29 and 67. The MPS Safer Transport team have confirmed that neither of these routes, nor any other across the borough, currently suffers from issues with alcohol. It is highly probable that calls to the police have been linked with these bus routes via association; both routes occupy the stand outside Hollywood Green.

SNT officers are keen to encourage local retailers to agree to stop selling high-strength alcohol to street drinkers. Barking and Dagenham police tried a similar strategy in the past and enjoyed a short-lived success before retailers returned to old habits. Research shows that an intervention such as this would target the daytime street drinkers who are, statistically, less frequently the reason behind calls to the police.

See Annex A-C for the current data categories and picture as captured by housing.

5. RESOURCES

The Safer Communities theme board allocates a significant amount of funding to preventing and dealing with Anti-social behaviour. Among other things, this work contributes to one of Haringey's 35 improvement targets: NI 21 Perceptions of how well the police and local authority deal with crime and ASB in their area. Proposals for 2009/10 have yet to be finalised but include the following:

- Responding to serious and persistent ASB via the ASBAT Service (£324,500*)
- A contribution towards policy co-ordination for ASB and Hate Crime (£ 20,000)
- Capital improvement fund (£121,000)
- The Home Office will be funding a post up to 2010 to raise confidence and co-ordinate all programmes with a public interface that impact on perceptions of crime and justice locally (£ 50,000)

* This is a proposed increase on 08/09 to address the higher case load. Homes for Haringey currently funds the work of the ASBAT to the amount of approximately £300,000 annually.

A problem-solving pot (£100,000) will be reserved for multi-agency use on an area-based model which is likely to deal largely with ASB. In the interests of value for money, Safer Communities is looking to use budgets from Neighbourhood Management to match fund investment in agreed solutions.

Like other areas of the country, all wards in Haringey have a dedicated Safer Neighbourhood Team policing team. The annual budget for 08/09 this service was just over £6 million.

The Youth Summit recently agreed to fund a Youth At Risk Co-ordinator for 09/10 for £50,000 and this will directly support one of the main recommendations in the ASB Strategy that there be co-ordinated youth support.

Enforcement services and, in particular, the Tactical Enforcement Team contributes to the ASB agenda significantly in delivering high quality and targeted services dealing with waste, trading standards, litter/dumping/graffiti and the Eyesores programme.

During 08/09, several new funding streams have come on line from central Government departments in support of families, parenting support and youths at risk including those committing or at risk of committing ASB and lower level crime. Haringey's Youth Offending Service will be the beneficiary of a considerable portion of these funds (e.g. under the Youth Taskforce Action Plan).

6. CONSULTATION

6.1 How we are doing?

We asked residents and our partners what they thought had made the most difference to preventing and reducing anti-social behaviour over the past few years and they responded as follows:

- The increase in partnership working
- Police Safer Neighbourhood Teams in all wards, consulting and working closely with residents
- The cleanliness of the borough
- The careful use of ASB legislation and the work of the ASBAT to resolve serious cases
- Joint enforcement operations

6.2 Priorities/Actions

We also asked partners to identify the key challenges/priorities. These aligned with intelligence gathered from the partnership strategic assessment and public consultation feedback have been included in our annual Action Plan 2008/09 (see Annex F) and detailed below:

- Strengthening parenting support by supporting families whose members are at significant risk of committing ASB
- Finding solutions to problems at the local level in a more structured and efficient manner
- Safeguarding the environment through enforcement
- Improving communications and public perceptions of ASB and young people
- Dealing with the issues facing new communities in the borough
- Problems relating to alcohol misuse and excess
- Improved working with the voluntary sector
- Improving outcomes for victims and perpetrators with mental health problems
- Promoting self and third party reporting for hate crime and harassment
- Reducing the opportunity for ASB, focusing on young people
- Tackling ASB across housing tenures and working with RSLs where appropriate concerning their properties
- Continued improvement in our methods of data capture
- Mapping and joining up young peoples services for targeted youth support, looking at assessments, referral pathways, gaps and overlaps

We have already identified residents' priorities in two local areas: Bruce grove and West Green through consultation (see Annex D). The priorities above fit with the priorities residents have told us are important for them. We also know from local survey data that effectively dealing with violence and anti-social behaviour is young peoples' number one concern. Positive feedback from the public following consultation on this strategy affirms the priorities detailed above (see also Annex E – Challenges - for further detail regarding the approach to be taken).

7. DELIVERY / MONITORING / EVALUATION OF THE STRATEGY

7.1 The range of services available to deal with ASB in Haringey is given in the table (pages 17 & 18). In it, the priority each service addresses is listed along with the national indicator that we are being measured against. Many services address more than one priority, especially those concerned with children and families.

The following national performance indicators relate to the whole service delivery table:

NI 1: Percentage of people who believe people from different backgrounds get on well together in their local area

NI 2: Percentage of people who feel that they belong to their neighbourhood

NI 3: Civic participation in the local area

NI 4: Percentage of people who feel they can influence decisions in their locality

NI 5: Overall/general satisfaction with local area

NI 17: Perceptions of anti-social behaviour

NI 21: Dealing with local concerns about anti-social behaviour and crime by the local council and police

NI 22: Perceptions of parents taking responsibility for the behaviour of their children in the area

NI 25: Satisfaction of different groups with the way the police and local council dealt with anti-social behaviour

NI 27: Understanding of local concerns about anti-social behaviour and crime by the local council and police

N195: Improved Street and environmental cleanliness (levels of graffiti, litter, detritus and fly posting)

N196: Improved street and environmental cleanliness fly tipping

7.2 Delivery activities

(NB: National indicators are only provided where they are different from those listed above)

Universal	Priority	NI	Group	Priority	NI	Individual	Priority	NI
Youth spaces/shelters	1	57	Community mediation	ALL		Acceptable behaviour contracts	1	86
Youth clubs and other provision for young people	1	57 11 0	Cross-generational work	1		Parental control agreements	3	86
Warden schemes	2					Mentoring	1	
Situational prevention/designing out crime	2		Summer play schemes	1	57	Restorative justice	ALL	86
Improving street lighting	2		Truancy projects	1	87	Mediation service	ALL	
Education, training and employment schemes for those over 17	1	91 11 7	Youth inclusions programmes	1	11 0	Behaviour Agreements in schools	1	86
Research and develop responses to local alcohol use		41	Sports projects	1	57	Diversions activities	1	11 0
Fire education		33 49	Diversions activities	1	57	Parenting support projects	4	50
			Detached youth work	1				
Citizenship lessons	1	11 3	Work with excluded children	1	87	Work with excluded children	1	87
Anti-bullying strategy roll out	1	69	Informal educational activities	1		Informal educational activities	1	
Drug and alcohol education	1	41 11 5	Peer education	1	11 0			
			Literature	1				

Enforcement	Litter removal	2			Introductory tenancies & Starter	3	160	Anti-social behaviour orders	ALL	
	Graffiti and fly posting removal	2			Good neighbour agreements	3	160	Parenting orders	4	
	Removal of abandoned vehicles	2			Dispersal orders	ALL		Reparation orders	ALL	
	Test purchasing	2			Regulating houses of multiple occupation (HMOs)	3	12	Fixed penalty notices	ALL	
	Safer neighbourhood policing	ALL						Injunctions	ALL	
	Controlled drinking zones	ALL								

See also BVPI 199 and targets in Every Child Matters

7.3 Evaluation

As with the previous strategy, a detailed action plan has been developed and will be progressed and monitored (and reviewed every six months) through the Anti-Social Behaviour Partnership Board. The Action Plan for 08/09 is detailed in Annex H. Priorities for 2009-2011 will be agreed by the board early in the New Year according to the priorities in this strategy and results from the Place Survey.

The Place Survey will also be used as a measure for performance against the perception indicators detailed above and in the table (pages 17 - 18). The Survey is focused on the local area and looks at satisfaction with and the quality of local public services, in addition to the following:

- Satisfaction with the area and with accommodation
- Social cohesion and belonging to a neighbourhood
- Voluntary activities and participation
- Feeling safe, being treated with respect and perceptions of local policing

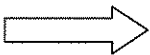
Annex A: Anti-Social Behaviour – Agreed OHMS checklist details

Table 1: Agreed main ASB 'Types' and related 'Sub-types'

	ASB TYPE	ASB SUB-TYPE
A	Noise	Noisy neighbours [Domestic] Noisy cars/motorbikes [Vehicles] Loud music Alarms (persistent ringing/malfunction) Noise from pubs/clubs [Licensing & Commercial/Leisure] Noise from business and industry [Construction/Demolition & Equipment in Street] [Animal – Miscellaneous] (Bold text denotes Noise Team definitions, see table 4 below)
B	Verbal abuse / harassment / intimidation / threatening behaviour	Groups or individuals making threats Verbal abuse Bullying Following people Pestering people Voyeurism Sending nasty or offensive letters Obscene / nuisance phone calls Menacing gestures Rowdy Behaviour (see H & J below) Shouting & swearing Hooliganism / loutish behaviour Nuisance behaviour Abuse based on sexuality Throwing missiles Misuse of air guns
C	Vandalism and damage to property	Graffiti Damage to bus shelters Damage to phone kiosks Damage to street furniture Damage to buildings Damage to trees, plants, hedges Nuisance behaviour Letting down tyres
D	Pets and animal nuisance	Uncontrolled animals Breeding & management of pets Dangerous dogs Animal related smells Dog fouling
E	Nuisance from vehicles	Abandoned vehicles Inconvenient / illegal parking Car repairs on street /in gardens Setting vehicles alight Joyriding Racing cars Off-road motorcycling Cycling / skateboarding in pedestrian areas /footpaths

F	Litter/rubbish/fly-tipping	Dropping litter Dumping rubbish Fly-tipping Fly-posting
G	Garden nuisance	Untidy / unkempt garden Garden fence/hedge disputes
H	Misuse of communal areas or public space / loitering	Urinating in public Setting fires (not directed at specific persons or property) Inappropriate use of fireworks Climbing on buildings Impeding access to communal areas Games in restricted/inappropriate areas Begging Gangs of youths 'hanging out' Smoking in public / communal areas
I	Prostitution / Sexual acts / kerb crawling	Soliciting Cards in phone boxes Discarded condoms Kerb crawling Sexual acts Inappropriate sexual conduct Indecent exposure

Table A: Agreed cross-cutting YES/NO questions applicable across all proposed ASB 'Type1' categories

	YES / NO QUESTIONS (cross-cutting themes)	If YES additional 'check box' descriptions
1	Is mental health a factor? <u>YES/NO</u>	
2	Is the issue/complaint Youth related? <u>YES/NO</u>	
3	Alcohol related? <u>YES/NO</u>	
4	Are drugs involved? <u>YES/NO</u>	Taking drugs Sniffing volatile substances Discarded needles /drug paraphernalia Crack houses Presence of dealers or users
5	Hate related <u>YES/NO</u> If YES 	Race Gender Disability Age Faith/Religious Homophobic

Annex B: Local Data

Haringey Safer Communities Executive Board now receives data every six months to help plan and understand trends in ASB. We can compare some sets of data over a relatively long period (although the way data is collected has changed for some categories, so we may not be measuring the same phenomenon). It is clear that, for some categories of ASB, Haringey has made significant improvements especially for arson, abandoned vehicles and complaints about refuse, all of which have decreased, and the amount of fly posting and graffiti removed which has increased (see table below).

There are 11 categories reported for ASB at present, but this will change with the new agreed reporting system. Examining the degree to which these different types of ASB are persistent (reported levels relatively constant over time), consistent (degree of geographical change) and age related (although this has not been generally recorded) is useful.

Annex C: Types of Anti-Social Behaviour and key observations

	Persistent	Consistent	Age	Observations
ASBAT calls	Persistent	primarily east	mainly 25-44yrs	primarily victim or suspect home, with reducing numbers from street and housing estates
Arson	Decreasing	north east	ND	
Environmental crime	persistent	ND	ND	
Graffiti and fly posting removal	Increasing	Not geographical	Graffiti: most under 18 Fly posting: mainly older	The services has changed its focus, from 33% reactive to 80% reactive
Social clubs	Not clear if persistent	main roads in east	Over 18	
Nuisance garages	not clear if persistent	mainly Seven Sisters and Northumberland Park	Over 18	
Noise complaints	reducing	primarily east and south	ND	Remains predominantly domestic.
Refuse complaints	Reducing	Hard to tell but remains mainly east	Over 18	
Abandoned vehicles	Decreasing	Northumberland Park	ND	related to open space in both east and west

Disorder	Persistent	main roads and transport interchanges	Primarily east	DARIUS categories appear to be related to adults with exceptions of rowdy behaviour, and fireworks.
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ASB incidence data July 2003-June 2007

	Jul-Dec03	Jan-Jun04	Jul-Dec04	Jan-Jun05	Jul-Dec05	Jan-Jun06	Jul-Dec06	Jan-Jun07
ASBAT calls					404	334	377	325
Arson	234	153	153	125	114	128	111	74
Malicious calls	241	176	211	131	105	58	52	48
Hate crime						295	383	317
Disturb public			2994	2991	3140	3151	3760	3979
Disturb licensed			147	150	121	169	146	154
Disturb private			852	859	920	980	617	324
Domestic disturbance			726	892	1189	1111	1271	1280
Civil disturbance			382	506	606	495	629	590
Racial disturbance			37	28	47	36	64	40
Community disturbance			247	371	372	358	204	64
Drunk			216	355	421	357	362	338
Abandoned phone				1165	2011	2004	1834	1799
Noise							146	147
Begging							43	103
other						88	226	10
London Ambulance Services calls to pubs			128	148	147	134	167	155
Code red bus calls						1285	904	1674
Environmental calls total						3479	2769	nd
Abandoned vehicles					1985	1453	1505	1402
Graffiti removed(sq metres)					6807	9342	7727	15514
Fly posting removed (sq metres)					59	97	274	236
Noise complaints					4100	2821	2250	2250
Fly tipping							9731	8693
Refuse complaints					744	658	408	484

Annex F: Residents priorities (perceived needs)

The priorities set in Bruce Grove in November 2007 were:

Youth crime/disorder

Fly tipping

Personal safety/violence

The priorities set in West Green in December 2007 were:

Youth crime/youth disorder

Personal safety/violence

Vehicle crime

The overall priorities, condensed from the consultation in each ward, are:

Youth related violence

Youth related ASB

Youth related alcohol and drugs

Annex G: CHALLENGES

We believe that keeping a balanced and proportionate enforcement response especially in relation to younger people is a key challenge.

Patterns of ASB

Levels of ASB in most categories have remained relatively stable with the exception of arson, abandoned vehicles and complaints about refuse which have all decreased significantly. Most types of ASB move location, although most hotspots remain in the east of the borough. We can assume that the ASB we have historically collected data about is a result of adult behaviour, except for graffiti (although even here there is anecdotal evidence that a significant proportion is created by those aged over 18 years).

A potentially worrying trend is the increase in alcohol related ASB, i.e. ASB is likely to be affected by alcohol use. We will be researching the links and developing a more nuanced local approach to alcohol use and all crime especially ASB remains a key issue from the last strategy. (See annex G for figures on ASB over time).

Maintaining and improving area based problem solving

There are some ASB problems that can be dealt with at a Borough or even London level, but most will be solved at a sub-borough neighbourhood assembly level. The range of services and interventions provided in the borough will keep a lid on ASB at its current levels, and where it is decreasing will continue to push these levels down. Further, the whole range of services provided needs to continue the work they currently undertake especially in the east of the borough, but there needs to be a way of problem solving when there is a 'crisis'. Providing enforcement and

maintenance services which have enough flexibility to ensure a rapid response is an important quality for reassuring residents. While we want to see a re-emphasis on helping young people and their carers, we do not want to lose the focus of work already underway. There is work to be done here on ensuring residents do not take improvements in tenure related ASB and environmental enforcement for granted.

These points imply keeping those 'universal' services that are in place now, as long as there is sufficient willingness and capacity to allow for area based work. We need to use local research and data to generate more detailed and evidence based approaches especially at an area level.

Understanding residents concerns

Resident opinion and research, both in the UK and internationally points to ASB being primarily a youth related issue. However, given the categories used in the data collection and the services available to deal with ASB in Haringey it is not surprising that young people are not seen as the major focus for intervention, as the focus has been on ASB caused by adults. There appears to be a disjunction between what residents perceive to be priorities around ASB and the way services respond and data is collected.

Providing appropriate services for young people

'Hanging around' does not necessarily imply ASB or crime. There may continue to be a gap between resident's perceptions and the reality of young people lives. This needs addressing against a backdrop of national and media coverage which continues to demonise all young people.

There is evidence that there are at least 2 types of young people who commit ASB: 'life course persistent' offenders and 'adolescent limited' offenders. There is some evidence that early family focused interventions will protect children 'at risk' of 'life course persistent' ASB as they grow up using targeted interventions. Family focused interventions and services for those young people at some risk might need strengthening. Haringey has a strong record in dealing with those most at risk through YOS, and with adult perpetrators in the public realm through enforcement and ASBAT.

It is harder to identify those young people who engage in 'adolescent limited' ASB and research suggest that universal services which support young people in their transition to adulthood are important. Out of school hours youth services play a key role here, in the context of targeted youth support. Rolling out the anti-bullying strategy and improving school based mediation and reparation schemes are crucial. Linking universal support services including schools and colleges with specialist services might also need attention

There is a real problem with definitions here, as it is not at all clear what residents mean by 'young people' when they identify 'young people hanging around' as an issue. Do they mean males? Do they mean anyone aged less than them; anyone aged less than 30 (i.e. anyone who wears trainers, jeans and hoodies); those aged more than 10? Without more detailed work on whom residents are identifying, the solutions will remain elusive. Further, statutory services provided by the Local Authority have age related entry criteria, and those that are focused on 'young people' usually stop at 18 years old. There are many services for those aged between 5 and 18 but there is a gap for the 18+ age group being engaged in structured activities.

Involving residents

Effectively involving residents including our new European immigrant communities is a key challenge. Research suggests that ASB is at its most problematic when there is a high turnover of residents and incomes are low. While there is high satisfaction with our specialist case work, including that provided by the ASBAT and YOS, Homes for Haringey and Better Haringey services, the final priority in the last strategy needs reinvigorating especially when the first priority in our Sustainable Community Strategy is 'people at the heart of change'.

Key Individual Networks were developed during 2005 when the first eight Police Safer Neighbourhoods Teams became established. Since then the membership has risen with many more people, partners and organisations to ensure that the KIN list is as representative as possible of both ward geographically and in terms of ethnicity and gender. They include partners and businesses as well as local people. Members receive regular updates regarding police activity and the Police also try to encourage them to provide information regarding what is happening on the ward.

Annex H: ASB Action Plan 2008/9

NB: National Indicator 21: Dealing with local concerns about anti-social behaviour and crime by the local council and police (PSA 23)
 - to be delivered through all actions

Issue/Objective	Activity/Output	Timeframe	Lead	National Indicator (21 and)
Priority 1: Co-ordinate prevention and early intervention, especially in support of young people				
1. Deliver Youth Taskforce Action Plan locally - (i.e. through work surrounding early intervention and positive activities for young people)	See Youth Taskforce Action Plan (available upon request) Co-ordinate cross-cutting bids and matched resources according to need and opportunity Co-ordinate and secure additional resources for parenting support programmes Strengthen the commissioning role of the Youth Inclusion and Support Panel (YISP) Refer those at high risk of involvement in ASB to proven diversionary schemes e.g. LIFE project	-	CST / Children & Young peoples Service/ ASBAT	<u>Action Plan NIs</u> NI 17 - PSA23 NI 24 - PSA23 NI 25 - PSA 23 NI 111 - PSA 14 NI 110 - PSA 14 NI 114 - DCSF - DSO NI 3 - PSA 15
2. Address the correlation between alcohol & ASB	Monitor Alcohol Strategy Action Plan, working closely with the Drug and Alcohol Action Team Monitor trends and responses to street drinking	Tbc Quarterly	DAAT Enforcement	NI 41 - PSA 25 NI 115- PSA 14

<p>3. Establish a business case for greater use of mediation services in low level ASB cases in the borough</p>	<p>Scope current use and research best practice (e.g. in-house; Southwark Mediation Service) Report findings and options to the ASB partnership board for a decision to be made on the way forward</p>	<p>October 2008 November 2008</p>	<p>CST CK/OW</p>	<p>NI 24 – PSA 23</p>
<p>4. Establish a system of Introductory Tenancies as a prevention measure (subject to consultation outcome)</p>	<p>Formally agree change in policy Complete consultation exercise</p>	<p>October 2008 December 2008 March 2009</p>	<p>CST Urban Env/HfH</p>	
<p>5. Improve front-line information exchange and response in relation to mental health issues affecting perpetrators and victims of persistent ASB</p>	<p>Introduce new policy Mental Health Trust to sign Information Sharing Protocol Session held to promote understanding of mental health assessment system and possible responses Ensure that relevant protocols are in place and used Monitor use of mental health flag in data capture and analysis</p>	<p>October 2008 October 2008 Dec 2008 quarterly</p>	<p>MHT MHT/ CST MHT/ ASBAT et al CST</p>	
<p>Priority 2: Co-ordinate responses to ASB and problem-solving using the area based working model and joint intelligence</p>				
<p>6. Embed the problem solving approach to tackle hard to resolve ASB issues (e.g. where more than one agency is required to resolve on-going problems)</p>	<p>6 area based working groups to be trained on problem solving process Inclusion of all relevant partners, including</p>	<p>October 2008</p>	<p>CST/ Police</p>	<p>NI 27 – HO DSO</p>

Community Justice Courts		Monthly	ASBAT
<p>7. Improve links between the evidence base and resource allocation for preventing and tackling ASB</p>	Co-ordinate intelligence between SNTs, ASBAT, Neighbourhood Management and Enforcement (e.g. around new communities) with clear roles and responsibilities	Monthly	ASBAT
	Data needs to be captured in annual strategic assessment with key findings. Survey data to be analysed	Sept. 2008	CST
	Recommendations for action and investment reported to the board	Nov 2008	"
	Commissioning plan to be agreed by SCEB	Dec 2008	"
<p>Priority 3: Deliver co-ordinated communication, publicity and reassurance activity in support of perception targets (see final page for a full list)</p>			
<p>8. Challenge perceptions of ASB through targeted work, increasing the level of publicity surrounding multi-agency ASB successes (to assist reducing the fear of crime & ASB/provide re-assurance)</p>	Challenge unfair perceptions, e.g. concerning young people and ASB in all planned community engagement	Promotion of Say Yes Challenge – September 2008	CST/ Comms/ Police
	Promote inter-generational activity to build trust and understanding	Peace week activities – September	CST/ Comms

	<p>Plan an Awards Scheme to recognise and celebrate people who make a significant contribution towards building safer communities (particularly young people and good neighbours)</p> <p>Agree themed quarterly communications forward plan and monitor at board</p>	<p>2008</p> <p>For delivery in 09/10</p> <p>September 2008</p>	<p>Comms / CST with key partners</p>	
<p>9. Monitor and respond to surveys and emerging concerns in support of NI 21 improvement target (How well the public believes the Local Authority and Police deal with ASB and crime in their area)</p>	<p>Establish quarterly monitoring of relevant surveys (inc. satisfaction surveys) and prompt responses to emerging concerns</p> <p>Respond promptly to local priorities around ASB voiced through ward consultation and feedback results, and publicise successes</p>	<p>Place Survey - In place by September 2008</p> <p>Tracker Survey from December 2008)</p>	<p>ASB P'ship Board</p>	<p>To be agreed at September ASB Board P'ship meeting</p>
<p>10. Implement the fear of crime/ASB actions in the Greenest Borough Strategy</p>	<p>Deliver high quality environmental improvements around transport hubs</p> <p>Focus enforcement action on ASB and enviro-crime</p> <p>Respond to local communities concerns</p>	<p>Urban Env. CST lead to update board</p>		

	through e.g. Eyesore programme, wardens and Clean Sweep				
Priority 4: Continue the strategic use of partnership enforcement tools					
11. Tackle nuisance associated with Houses in Multiple Occupation (HMOs) in the private rented sector	See HMO strategy. <i>There are two action plans being formulated for Myddleton Road and Ladder Roads. These will bring forward actions to reduce ASB associated with this type of housing. Specifically these will introduce additional licensing to restrict and regulate properties.</i>	Tbc	UE - Strategic and Community Housing		NI 1 - PSA 21 NI 23 - HO DSO NI 35 - PSA26
12. Reduce dumped and fly tipped rubbish	See Dumping Action Plan. Board to monitor progress	2 year plan from August 2008-2010	UE Front Line Services		
13. Continue to take action to tackle hate crime in the borough	See Hate Crime Action Plan 2008 – report to board Key aspects include – third party reporting and awareness raising in schools	Actions to be monitored quarterly by the Hate Crime Steering Group	Hate Crime Steering Group		
14. Maximise results from the use of CCTV in the borough	CCTV strategy to include key recommendations for ASB Flexible and targeted use of cameras Co-ordinate assets, investment, training and	Oct. 2008 Ongoing March 09	CST ASBAT/ CCTV		

	marketing of results	steering group CCTV steering group	
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Glossary:

National Indicators (re ASB)

- NI 1: Percentage of people who believe people from different backgrounds get on well together in their local area PSA21
- NI 3: Civic participation in the local area PSA 15
- NI 17 Perceptions of anti-social behaviour PSA 23
- NI 21 Dealing with local concerns about anti-social behaviour and crime by the local council and police PSA 23
- NI 22 Perceptions of parents taking responsibility for the behaviour of their children in the area HO DSO
- NI 23 Perceptions that people in the area treat one another with respect and dignity HO DSO
- NI 24 Satisfaction with the way the police and local council dealt with anti-social behaviour HO DSO
- NI 25 Satisfaction of different groups with the way the police and local council dealt with anti-social behaviour HO DSO
- NI 27 Understanding of local concerns about anti-social behaviour and crime by the local council and police HO DSO
- NI 33 Arson incidents HO DSO
- NI 35 Building resilience to violent extremism PSA 26
- NI 38 Drug-related (Class A) offending rate PSA 25
- NI 41 Perceptions of drunk or rowdy behaviour as a problem PSA 25
- NI 42 Perceptions of drug use or drug dealing as a problem PSA 25

Children & Young People:

- NI 110 Young people's participation in positive activities PSA 14

- NI 111 First time entrants to the Youth Justice System aged 10 – 17 PSA 14
- NI 114 Rate of permanent exclusions from school DCSF DSO
- NI 115 Substance misuse by young people PSA 14
- NI 195 Improved Street and environmental cleanliness (levels of graffiti, litter, detritus and fly posting) Defra DSO
- NI 196 Improved street and environmental cleanliness fly tipping Defra DSO

Annex I: Glossary of Terms

ASBAT: Refers to the corporate ASB Action Team based in Housing

Anti Social Behaviour Partnership Board: Based on the local authority area, the ASB Partnership Steering Board is a multi agency forum. Led by the Council it has the responsibility for overseeing and promoting inter-agency co-operation and for monitoring and implementation of the Anti Social Behaviour Strategy and Action Plans

CCTV: The term CCTV refers to closed circuit television cameras and covers all the public cameras managed by Environmental Services that are placed in the streets, town centres and bus lanes of the borough. It also refers to work undertaken by the Police using CCTV on crime surveillance activities.

YOT (or YOS): Youth Offending Service – a multi agency team located in Social Services which co-ordinates all the work relating to youth offending.

YISP: Youth Inclusion Support Panel is managed by the Police and located within the Youth Offending Service and is responsible for co-ordinating the youth diversionary and preventative activities for individual young people at risk of anti social behaviour or offending activities.

ASBO: Anti-Social Behaviour Orders

ABC: Acceptable Behaviour Contract

ALMO: Arms Length Management Organisation

Assessment: The process for identifying the needs of a person referred to the ASBAT who determines the appropriate service

HMOs: Houses of Multiple Occupancy

RSL: Residential Social Landlords (mainly housing associations)

Neighbourhood Services: Is located in Environmental Services and has the responsibility for co-ordinating services operated at a local level as well as supporting local area assemblies and forums

Better Haringey: Is a term used to describe the borough-wide campaign to improve the environment



Haringey Council

Agenda item: TBA

Overview and Scrutiny Committee

On 12th January 2009

Report Title: **Hate Crime and Harassment – Progress update**

Forward Plan reference number (if applicable): N/A

Report of: Claire Kowalska, Community Safety Manager

Authorised by: Sharon Kemp (Assistant Chief Executive PP&C)

Signature *Jean Croot*
pp SHARON KEMP.

Date *2nd Jan. 2009*

Wards(s) affected: All

Report for: Information only

1. Purpose

1.1 To inform Overview and Scrutiny about the progress made against agreed actions in the Hate Crime and Harassment Strategy 07-08

2. Recommendations

2.1 For Members to note the content of this report and the work underway in the borough

Report Authorised by: Jean Croot, Head of Safer Communities Service

Contact Officer: Claire Kowalska, Community Safety Manager

3. Background

3.1 Haringey published a Hate Crime and Harassment Strategy during 07/08 following extensive professional and public consultation and research undertaken by Middlesex University in the borough.

3.2 The key recommendations concerned reporting and the research found the following:

- A lack of knowledge among the general public about where and how to report hate crime
- A low level of belief that an acceptable response would result from reporting hate crime or harassment to the council or police
- Lack of publicity to combat tolerance and raise awareness

3.3 As a result, a multi-agency working group was formed to take the recommended actions forward and oversee progress against an annual action plan.

4. Strategic priorities

4.1 The strategy highlighted 5 principal priorities under the following headings:

- : Improving community cohesion
- : Under-taking long-term prevention
- : Improving intelligence and data
- : Encouraging reporting
- : Responding to hate crime and harassment

5. Progress against priorities

5.1 The specific actions and comments are attached in the current action plan. However, key developments are reported below:

Improving community cohesion

5.2 The Head of Policy has been active on the working group and has ensured good information flow between the group and the Haringey Community Cohesion Forum. A community cohesion pledge was agreed by all stakeholders at the last Forum meeting. The Policy Team is currently developing a community engagement framework for the Strategic Partnership and this will help underpin cohesion work.

Long-term prevention

5.3 Making in-roads into secondary schools was highlighted as a key action. A hate crime awareness play has been running in 8 such schools in the borough and has been very enthusiastically received by pupils and teachers. The impact of this play will be evaluated with follow-up recommendations.

- 5.4 The Safer Schools Partnership and Police Community Engagement Teams are continuing their work to identify and raise awareness of hate-related bullying among young people.
- 5.5 A new Haringey Domestic and Gender-based violence strategy has been published this year with a balance of prevention, enforcement and support.

Improving intelligence and data

- 5.6 Significant improvements have been made in this area. The Council's database has been updated to capture the many complexities of anti-social behaviour, harassment and hate-related incidents. This now forms a more substantive part of the annual strategic assessment than in previous years
- 5.7 The Police have introduced a new flagging system which records exactly what the drivers were for a particular hate crime. This adds meaning to the data capture and will enable partners to monitor trends and changes and respond accordingly.

Encouraging reporting

- 5.8 A self and third party reporting system has been agreed to encourage reporting via volunteers and professionals who often receive information directly from victims. This is due to be officially launched on 22nd January 2009. It will be accompanied by the re-launch of a high-level publicity campaign and details of exactly how to report hate crime. Data from October – June 07/08 suggests shows a 29% increase in reporting over the same period in the previous year.
- 5.9 A drop-in surgery for specific community groups eg LGBT is being piloted with support from the police Community Engagement Team and is due to be reviewed before the end of the financial year.

Responding to hate crime and harassment

- 5.10 Haringey has a positive arrest policy and regularly runs Operation Athena days where known suspects are pursued for arrest.
- 5.11 We have worked with CONEL to structure a training course for front-line staff, coordinating elements of diffusion tactics and self defence training. An update was not available at the time of writing but will be sought.
- 5.12 A directory of local organisations that offer support to victims and witnesses of hate crime has been published and is available online
- 5.13 A new Borough Manager has joined Haringey to work with Victim Support and she is in the process of agreeing information sharing with key teams such as housing and ASBAT

- 5.14 It has been established that disability-related incidents are significantly under-reported and this will be reviewed as part of a new action plan

Appendices:

Hate crime and harassment strategy 07/08

Hate crime action plan 08/09

“ WE ARE WORKING TOGETHER TO PREVENT AND REDUCE HATE CRIME AND HARASSMENT ”



The people used on this cover are models and used for illustrative purposes only

Haringey's Hate Crime and Harassment Strategy 2007/08

FOREWORD

We are pleased to present the first Haringey Hate Crime and Harassment Strategy, which has been developed under the leadership of our Anti-Social Behaviour Partnership Board.

In developing this strategy, we have been reassured by the evident high level of community cohesion felt by residents in the borough. This was reinforced in a survey following the July 2005 bombings in which local people confirmed their belief that tolerance and cohesion between different communities is particularly strong in Haringey compared with neighbouring boroughs.

We believe that tackling hate crime and harassment is essential to improving the quality of life of our residents. There is already a great deal of good work happening in Haringey, which we can build upon. We have a committed and active Police Community Safety Unit and Beacon Status for the Council's Community Engagement work. The partnership has also been running two pilot projects over the past year. One of these is a screening project in Accident & Emergency departments, which assesses and records where hate crime has been a factor in patients, who present with wounds. The other pilot is the provision of an immediate call to victims of race hate crime in the borough with a swift follow-up visit by local Safer Neighbourhood Teams.

We have consulted communities and partners extensively and agreed that there are further improvements to be made in preventing and reducing hate crime and harassment. We have also recognised the important role which the voluntary sector can play in delivering this strategy. For the coming year, our work will focus on encouraging reporting, improving responses, prioritising cohesion, developing prevention work especially among children and young people, and improving the capture and analysis of data and intelligence on hate crime.

We have set ourselves ambitious new targets which we will monitor and evaluate over the next year. A Steering Group has been established to take the work forward and progress will be reported to the Anti-Social Behaviour Board at regular intervals.

We would like to take this opportunity to thank those of you who helped us to formulate this strategy and to remind you that we need your co-operation and willingness to report on an ongoing basis. You will find all the necessary contact details and support available in the documents we have prepared.

For more information about anything contained in this strategy, or for any further queries relating to these crimes, please contact the Community Safety Team on: 020 8489 6957



Councillor Nilgun Canver
Executive Member for Crime and Community Safety



Simon O'Brien
Borough Commander

Safer Haringey Partnership

Statutory Authorities:

- Haringey Council
- Metropolitan Police Service
- Metropolitan Police Authority
- London Fire and Emergency Planning Authority
- Haringey Teaching Primary Care Trust
- National Probation Service
- British Transport Police

Co-operating Bodies:

- Victim Support Haringey
- Youth Offending Service
- Haringey Peace Alliance
- Haringey Magistrates Court

The Partnership also works with other agencies and community groups that are involved in working with victims and those affected by crime. Senior managers from all the different agencies manage the work of the Partnership. Together they form the Safer Communities Executive Board (SCEB) which is chaired by the Chief Executive of the Council.

**“ MY NEIGHBOUR
ALWAYS
SHOUTS ABUSE
AS I LEAVE
HOME ”**

Hate and prejudice take many forms, from spitting and name calling to vandalism and harassment.

Any degree of hate crime or harassment is unacceptable.

Are you targeted for no other reason than your race, religion, disability, sexual preference, age or gender?

**DON'T SUFFER IN SILENCE.
LET'S STOP HATE.**

Haringey Council will take action against perpetrators of hate crime and harassment. We can also offer you support and advice and help you to feel safer. Call the anti-social behaviour line Mon-Fri between 9am - 6pm 0845 671 1177. In an emergency call 999.

TOGETHER
www.haringey.gov.uk **HARINGEY COUNCIL** safer haringey

An example of one of the four posters used in the 2006 Hate Crime and Harassment awareness campaign

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“...Strong, cohesive communities are important for children, young people and adults. They are the essential foundation within which individual potential is realised, quality of life maximised and our social and economic wellbeing secured.”

Respect Action Plan

1. Background

Hate crime and harassment* is of concern to many members of our local community. Not only does hate crime and harassment impact on individual victims and their families, often heightening the victims' distress by undermining their sense of identity and community;¹ it can also undermine communities by raising fear amongst people with similar identities. Hate crime and harassment can also lead to, or exacerbate, increased racial and other inter-community tension². If this happens, the wider community suffers with potential increases in civil disturbance, mistrust and fragmentation of communities. Historically, Haringey is a diverse borough and the majority of residents value this diversity. Although this strategy recognises the seriousness of hate crime and harassment, whenever it occurs, the starting point in Haringey is to promote tolerance and respect.

This strategy is not a new piece of work. It builds on the work already underway in terms of community cohesion, equalities and diversity, ensuring the wellbeing of Haringey residents and improving their quality of life. Services already exist in Haringey that address hate crime and harassment. The Anti-Social Behaviour Action Team (ASBAT) manages all cases of hate harassment, either referred from other agencies such as Homes for Haringey (Haringey's ALMO³) or self referred by victims themselves. ASBAT is able to work with the victims to gather evidence and it has the potential to protect victims with civil injunctions and other remedies. The Police Community Safety Unit is designed to respond specifically to incidents of hate crime or harassment. A victims' pack is available for all victims, offering advice and information about where to seek help. Victim Support Haringey can offer emotional support as well as practical advice. This strategy will support and build up good practice and will encourage partners, including the Teaching Primary Care Trust, Haringey Children and Young People's Service, Police, ASBAT, Homes for Haringey and the voluntary and community sector to work closely together to protect and reassure victims and take action against perpetrators.

During the period 2003-2004, hate crime and harassment reported to the Police in Haringey dropped by 46%. This was a significant drop and seemed unrelated to any initiatives⁴. In the period 2003-2004, homophobic and race hate incidents reported to the Police in Haringey dropped by 19.6%, whereas

*Hate Crime and Harassment refers to any hate crime or hate related harassment. Hate related harassment is further defined on page 8 under the Haringey Definition.

¹ Matassa and Newburn, Public Policy Research Unit Goldsmith's College, 2001

² *ibid*, 2001

³ Arms Length Management Organisation

⁴ A. Goodman et al, 'Hate Crime in Haringey' Middlesex University, 2005

incidents in all but one of the neighbouring boroughs actually increased⁵. These decreases prompted the Safer Haringey Partnership to commission the Centre for Criminology at Middlesex University to investigate the extent and nature of hate crime and harassment in the borough and the possible causes of under-reporting. The research pointed out the need to co-ordinate more effectively work in Haringey that combats hate crime and harassment and to focus partners on common goals. This strategy responds to that need.

The Hate Crime and Harassment Strategy assists the Council and its partners to meet core obligations. An important example is the development locally of the Respect Action Plan, the Government's national plan to tackle anti-social behaviour. The Action Plan stresses the importance of building respect in communities. The Hate Crime and Harassment Strategy dovetails with that aim and will strengthen the local implementation of the Respect Agenda. New mandatory indicators have been introduced to monitor Local Area Agreements⁶ and these also cover issues on the anti-social behaviour agenda, particularly building respect. This includes researching changes over a period of time in the proportion of people who feel that others in their area treat them with respect and consideration, or with disrespect and lack of consideration. This strategy will be an important vehicle for achieving these priorities.

How was the strategy developed?

In February 2005, a community consultation event was jointly hosted at Alexandra Palace by Haringey Police and Haringey Council. The purpose of the event was to generate ideas and build consensus about what needs to be done to tackle hate crime and harassment and to support victims. The event was attended by over 100 people from the community, including many voluntary and community sector representatives and statutory organisations. The feedback from discussion groups and workshops has been reflected in this strategy.

In addition, this strategy draws upon additional consultation with voluntary, statutory and community partners, Police (Safer Neighbourhoods Teams, Community Engagement and Community Safety), Victim Support, Health, Social Services, Homes for Haringey, Anti-Social Behaviour Action Team, Youth Offending Service, Haringey Council Voluntary Sector Team, Equalities and Diversity Haringey Council, Community Safety Team (Haringey Council), Community Police Consultative Group, Haringey Children and Young People's Service, Neighbourhood Management and Environment.

A good practice literature review of other boroughs' practices was also undertaken and a service gap analysis completed. Actions, targets and priorities were developed from the consultations.

⁵ *ibid*

⁶ Local Area Agreements, introduced since 2004, are new contracts between central and local government which determine how monies will be spent locally.

The Hate Crime and Harassment Strategy will be jointly implemented by Haringey Council and Haringey Police and by our partners within the Safer Haringey Partnership, including voluntary and community sectors and other statutory services such as Health and Haringey Children and Young People's Service.

2.0 What is Hate Crime and Harassment?

The Middlesex University research strongly recommended that the Safer Haringey Partnership develop a shared definition of hate crime and harassment. Clear direction on the definition of hate crime and harassment comes from legislation such as the Crime and Disorder Act 1998, the Crime and Security Act 2001 and the Criminal Justice Act 2003. Together, the acts require that the motivation of racial hatred, hatred of religion or hostility towards sexual orientation or disability be considered when courts sentence an offender. Supporting this, the Macpherson Inquiry, which followed the racist murder of Stephen Lawrence in 1993, developed the definition of a racially motivated crime as 'any incident which is perceived to be racist by the victim or any other person'. The Association of Chief Police Officers adopts the same formula for crime or behaviour motivated by religious, homophobic, disability, age or 'any person targeted because of their status, group characteristics or affiliation'. In line with the guiding documents and legislation, the definition of hate crime that Haringey is adopting is as follows:

Definition

"Hate crime or harassment is any behaviour (verbal or physical) that is perceived by the victim or any other person to be motivated by hatred because of a particular characteristic of that person".

The hatred can be motivated against:

- Race
- Sexuality
- Disability
- Age
- Religion
- Travellers
- Gender⁷

This strategy covers both crime, alleged crime, incidents reported to the Police as well as harassment. Haringey Council defines harassment in line with the Protection from Harassment Act 1997, as a 'deliberate action designed to cause alarm or distress'. As with hate crime, if the action is perceived by the victims to be motivated by hatred or prejudice, it is considered to be hate-driven harassment. There is no set definition of what constitutes harassment, but examples can include:

⁷ Although this strategy does not address domestic violence, as violence between people who had been or are in an intimate relationship. This issue is treated in the Haringey Domestic Violence Strategy.

- *Physical assaults*
- *Spitting*
- *Threats*
- *Verbal abuse*
- *Offensive graffiti*
- *Rubbish dumped on doorsteps*
- *Property damage*
- *Arson*
- *Wearing racist badges*
- *Malicious complaints*
- *Mimicking*
- *Name calling*

3.0 Scope

The priority for this strategy is to address hate crime and harassment experienced by the residents and people who work in the London Borough of Haringey. This includes hate motivated crime and harassment against employees of the Teaching Primary Care Trust and Haringey Council by any member of the public. Discrimination and harassment perpetrated by employees of Haringey Council and the other partner agencies against their colleagues during the course of their work duties is outside the scope of this strategy. Internal disciplinary procedures will be followed in response to work based incidents of harassment or discrimination.

The approach taken by the Safer Communities Partnership is that domestic violence requires a separate strategy to address its specific issues. This has been done through the Safety Communities Partnership Domestic Violence Strategy 2004-2007.

Other forms of crime and harassment which are not motivated by hatred or prejudice are not covered by this strategy.

4.0 Strategic Priorities

This strategy will be addressing all types of hate crime and harassment, ranging from an isolated incident of verbal abuse through to serious violent assault or prolonged harassment. The strategy recognises that certain communities are more vulnerable to victimisation and may be less likely to seek help, and for these people it seeks to target action. The strategy also recognises that the key to achieving a sustainable reduction in hate crime and harassment and to preventing escalation in the future is to act early when tensions arise.

Whilst the Safer Communities Partnership is committed to the specific actions and priorities detailed within this strategy, we recognise the pivotal role that the Community Cohesion Agenda will play in its success. Community Cohesion is concerned with breaking down barriers between different ethnic and religious groups and working to ensure that each group has, and is seen to have, equal access to the services and opportunities in Haringey.

The strategic priorities outlined in this document are set out in five areas. However, they do overlap and, in some cases, are dependent on each other. For example, 'Improving Community Cohesion' emerges from a historical perspective and good practice on breaking down barriers between communities through housing, planning and employment policies is already available. Community Cohesion is inextricably linked to another priority in this strategy, 'Long Term Prevention Work'. This priority is about educating young people and communities to build tolerance and challenge prejudicial attitudes. A cohesive community will be more amenable to this aim and vice versa. Similarly, a cohesive community will be more likely to share information with authorities about hate crime and harassment and will understand that it is not acceptable within society. All of these outcomes amount to a community in which hate crime and harassment will be identified early and discouraged, leading in the longer term to a community which will be free from prejudicial attitudes.

For the purposes of setting out a coherent direction for the partnership, the Hate Crime and Harassment Strategy defines five strategic priority objectives. These are:

1. Improving Community Cohesion
2. Long Term Prevention Work
3. Improving Intelligence
4. Encouraging Reporting of Hate Crime and Harassment
5. Responding to Hate Crime and Harassment

4.1 Improving Community Cohesion

Community Cohesion was defined by Ted Cattle in response to racially aggravated riots in Oldham, Burnley and Bradford in 2001. The report of the investigation into the riots highlights the central concepts of Community Cohesion, which include, common values, tolerance, respect for differences, willingness to assist others, and harmonious economic and social development.⁸

A community such as this will be less likely to experience hate crime and harassment as well as having lower crime rates in general.⁹ In light of the increased terrorism threat of recent months, building a cohesive community will be an important plank in defusing potential increases in tension and suspicion and will help provide an antidote to extremism and hatred.

Haringey has made some positive steps towards more cohesive communities. The Council has been awarded beacon status for its community cohesion work in bringing diverse communities together on issues such as the Green Lanes Strategy Group, the Bruce Grove Strategic Group, Joining up Northumberland Park Initiative and Northumberland Park and Tottenham Hale to set up a Community Development Forum.

The Respect Action Plan also stresses how community cohesion and anti-social behaviour are interlinked. The Action Plan points out that without a shared framework of respect and rules, 'people can be susceptible to the argument that differences in culture and lifestyle are undermining community cohesion'.

New actions

In partnership with Haringey Council's Voluntary Sector Team, the wider Voluntary and Community Sector, the Community Safety Team and other relevant partners, we will encourage work to bring down barriers between communities and encourage partnership between different ethnic and religious groups. This will be done, for example, by including Community Cohesion as a priority in the Voluntary Sector Team grant funding guidance.

The Safer Haringey Partnership will co-operate and support any work to implement a forthcoming Community Cohesion policy. The network of key partners, which will be set up to ensure the delivery of this strategy, will routinely liaise with other relevant departments to keep abreast of community cohesion work and complement its development where possible.

⁸ Ted Cattle et al, 'Community Cohesion: the report of the independent review team,' Home Office, 2001

⁹ Elaine Wedlock, Home Office Research Study 19/06

Supporting Community Cohesion will also involve the crucial work of agencies that deal with communities every day. These include the Police, Homes for Haringey front line housing staff, health workers such as health visitors, GPs and midwives, ASBAT and the community and voluntary sector. These 'front line' agencies will work together to develop a joint community outreach plan which will identify ways of maximising their existing connections with communities and of potentially developing new ones.

4.2 Long Term Prevention Work

Good practice teaches us that tackling prejudicial attitudes has to begin at an early age. The Middlesex University research demonstrated that large numbers of young people have been victims of hate crime and harassment. National research also highlights the need for raising more awareness amongst young people that hate crime and harassment is illegal and that support for victims is available¹⁰. The Middlesex University research demonstrated a particular need to challenge homophobic attitudes amongst schoolchildren in the Borough.

There is currently some good work in Haringey schools to address these issues. The Safer Schools Partnership, Victim Support and staff within Haringey Children and Young People's Service have delivered projects on preventing bullying, and specifically homophobic and racial bullying. Victim Support has also piloted a 'victim surgery' in one Haringey secondary school. Most Haringey schools regularly submit monitoring data on 'discriminatory incidents' that occur in schools, allowing partners to monitor the frequency and intensity of such incidents. All schools have an anti-bullying policy and many adopt an anti-discriminatory policy. This strategy acknowledges the good work that has been done and seeks to encourage further action where necessary.

Good communications and raising awareness in the wider community will also play an important role in preventing hate crime and harassment in the longer term. Haringey has already run a borough wide publicity campaign which emphasised that hate crime and harassment is taken seriously and which encouraged victims and witnesses to report incidents to appropriate agencies. This was a good start and the Hate Crime and Harassment Strategy seeks to build on the successes of the borough wide publicity campaign. Addressing the wider community's perception of hate crime and harassment, raising awareness of its seriousness and where and how to seek help if faced with it, will strengthen community disapproval of hate crime and harassment to be a powerful preventative weapon in the longer term¹¹.

¹⁰ Victims Support, 'Crime and Prejudice', 2006

¹¹ Social Control Theory recognises the important role that wider social influences such as commitments, values and norms encourage people not to act anti-socially or to break the law.

New actions

The Community Safety Team, Police and other partners will work with Haringey Children and Young People's Service, the Local Safeguarding Children's Board, schools and the Safer Schools Partnership to ensure that hate crime and harassment is addressed in anti-bullying and anti-discriminatory policies within schools. By improving information about all available services, partners will seek to ensure that young victims are referred appropriately to support services and that they have an opportunity to report incidents. This will be done by raising awareness and by building on the experience of the pilot Victim Support surgery.

In order to promote the message amongst the wider community that hate crime and harassment is not tolerated, the Community Safety Team will lead the development of a communications' plan to accompany this strategy. The plan will tailor messages to specific communities and will ensure that information is written in all community languages. A central aim of this plan is to reduce the social acceptance of hate crime and harassment. The communications' plan will be closely supported by the Corporate Communications Team.

By undermining social acceptance of hate crime and harassment, we anticipate that more people will be willing to report incidents and more information will become available about the nature and frequency of the problem, thus providing essential data and intelligence, which is the theme of another Strategic Priority.

4.3 Improving Intelligence and Data

Interventions, practice and partnership need to be supported by good information and intelligence.

In line with national standards, the Safer Haringey Partnership provides six-monthly strategic assessments on crime which now include statistics on hate crime and harassment. This combines information from the Police, ASBAT and Victim Support. Regular performance monitoring reports now include a section on hate crime. The reports allow partners to obtain a better picture of the level and nature of hate crime and to begin pinpointing where there are problem areas and vulnerable groups. The Safer Haringey Partnership Information Sharing Protocol underpins the sharing of intelligence and data and sets out the circumstances and processes for partners.

In addition to ensuring that existing information is co-ordinated, this strategy recognises the importance of *proactively obtaining* intelligence from the community. Such intelligence can be picked up by many different front-line agencies, including Police, ASBAT, Neighbourhood Managers, Homes for Haringey, front line health staff as well as community and voluntary sector agencies. Currently, front line agencies have good relationships with the

communities that they serve and are in a good position to hear about community tensions and hate crime and harassment incidents as they occur. However, consultation with key partners within the Safer Haringey Partnership revealed a gap in how this information is exploited. The Middlesex University research also underlined the difficulties in obtaining an accurate picture of hate crime and harassment based on Police statistics alone. For example, hate incidents which are later found not to be crimes are only recorded on Police CAD systems and no further record is made, meaning that vital information about the level of hate motivated incidents may be lost.

There are many more agencies receiving reports of hate crime, and information from them could help to complete the picture of the nature and frequency of the problem in the Borough. It is important that data collected by any agency which receives reports of hate crime or harassment is collated, analysed and disseminated to improve our understanding of the problem and to shape our response.

New actions

We will ensure that intelligence and information is flowing well between all relevant local teams and partners and is available on a borough-wide basis.

This strategy encourages the work already started with the Safer Neighbourhood Teams, Neighbourhood Management Teams and other local partners to engage with local communities and to hear their concerns. This 'community intelligence' on hate crime and harassment will be picked up through regular ward panel meetings. In addition, neighbourhood level 'signal crime surveys', which provide an analysis of key indicator crimes, deemed by local people, Police and other front line staff to be significant, will provide additional important information on hate crime and harassment. This local information will be co-ordinated by a central Data and Intelligence Analyst, based at the Borough Intelligence Unit. The Community Safety Team Data Analyst will also ensure that local intelligence is gathered by pulling together different data sources, analysed and disseminated on a regular basis to partners with a role to play in tackling hate crime and harassment. Work is underway to strengthen the role of information from the Teaching Primary Care Trust (TPCT), and, where possible, resources will be found to establish the capacity to process and disseminate key information between health and other agencies within the Safer Haringey Partnership. General Practitioners (GPs) in Haringey will be encouraged to share important information on hate motivated incidents through the Quality Outcomes Framework which sets out the responsibilities of GPs to provide data to the Teaching Primary Care Trust.

We will also encourage representatives of Lesbian Gay Bisexual and Transgender (LGBT), Black and Minority Ethnic, Faith, disability and elderly communities to engage with neighbourhood structures, to ensure that views of vulnerable groups are heard, for example through Key Individual Networks and by participating in ward panel meetings.

This strategy highlights the importance of 'outreach' work in the community. Front line agencies must be responsive and accessible to the communities that they serve. ASBAT, Homes for Haringey, Health care staff, voluntary and community sector agencies as well as the Police will plan a multi-agency outreach approach, already mentioned, which will ensure that all opportunities for listening to the community are exploited. By building trust between communities and the agencies which serve them, it is hoped that more information about hate crime and harassment will come to light, and more victims will be encouraged to report hate crime and harassment, as explored below.

4.4 Encouraging Reporting of Hate Crime and Harassment

The Middlesex University research showed that hate crime and harassment is under-reported in Haringey. It is well documented in national research that hate crime and harassment is subject to under-reporting.¹²

The Middlesex University research revealed that factors behind under-reporting included:

- *A Lack of a common definition of hate crime, understood across all agencies*
- *Confusion amongst the community about where and how to report a hate crime*
- *Police stations are sometimes considered inappropriate places to report hate crime*

Recent national research by Victim Support UK revealed that victims experience hate crime and harassment many times before they report it and that they are reluctant to report it because they do not believe they will get an adequate response. Many victims did not know where or how to report the crime and harassment they faced.¹³

Since the introduction of the Crime and Disorder Act 1998, Haringey has routinely collected statistics on racial and homophobic crime. This information comes mainly from the Police, but other partners such as Victim Support Haringey and ASBAT are now sharing their data on hate crime and harassment. Victims are able to report hate crime and harassment to the Police, which has a specialist Community Safety Unit, and to ASBAT which is also specially trained to deal with hate crime and harassment. Other front line agencies, such as Homes for Haringey, are able to receive reports and refer victims to the correct agency. However, more needs to be done to increase the proportion of incidents that are reported either to the Police or to other agencies that can offer support, even if a Police response is not desired by the victim¹⁴.

¹² Matassa and Newburn, 2000.; Peter Herbert, MPA, 2004

¹³ Victim Support UK, 'Crime and Prejudice,' 2006

¹⁴ Middlesex University, 2005

The use of alternative reporting sites, where victims can report incidents to agencies other than the Police and either have their case passed to the Police or remain anonymous, has been trialled in many parts of the country. Alternative reporting systems have taken on a number of different forms and the evidence of their success is not robust. However, where success has not been apparent, this may be due to failure in implementation, rather than failure of the idea. The Middlesex University research did reveal that many members of minority communities felt uncertain about reporting to the Police. This highlights the need to improve trust in the Police. However, all relevant agencies have the potential to encourage reporting and even to take reports themselves¹⁵.

A key objective of this strategy is to increase by 10% by 2008 overall reporting of hate crime and harassment to the Police or to ASBAT, either by direct reporting or through an alternative agency. The baseline will be the numbers of incidents currently reported to the Police or to ASBAT. This will be achieved through a combination of targeted communications to raise awareness about how and where to report, and of work to increase confidence amongst the community in the services that are available to victims.

New actions

A Communications' Plan developed by the Community Safety Team, mentioned above, will raise awareness amongst the community of what constitutes a hate crime or harassment, how to report it and what will happen as a result. Care will be taken not to raise expectations where they cannot be met within the community. Communications will be done in the main community languages.

This strategy also recognises the need for the staff, who interact with the public, to raise their own awareness and expertise about where to refer victims and how to report hate crime. Staff need to be aware of this strategy and its priorities. A multi-agency training programme for health workers, Police, council and community and voluntary sector agencies will be initiated to fulfil this aim. The important role that health care workers such as GPs, nurses, health visitors, midwives have to play to ensure that victims are signposted to services and to ensure that data on incidents is recorded is recognised. As with housing officers, Police, Council front line staff, voluntary and community sector staff, health care staff will be encouraged to participate in multi-agency training to learn how and when to share information, where to refer a victim and how to respond to a report of hate crime or harassment.

In addition, the Council's Community Safety Team will lead an exercise in partnership with the Police, Community Police Consultative Group (CPCG) and other voluntary sector organisations, to identify the most effective mechanisms for the community to report hate crime and harassment, with a view to establishing a pilot for alternative reporting mechanism(s). The aim of

¹⁵ Victim Support UK, 'Crime and Prejudice,' 2006

this will be to ensure that relevant, participating front line staff are trained in how to take reports and to make suitable referrals for victims to receive support. This exercise will include primary health care settings where possible, as these have a role to play in identifying victims and encouraging them to report. Within this theme, we will also support the pilot of a hate crime and harassment screening project in settings such as GP surgeries. The purpose of the screening pilot will be to find out more about the nature and frequency of hate crime and harassment and to learn about the victims' needs and their experiences of the agencies to which they had reported. This will identify improvements to be made in service delivery and will ensure that all relevant agencies are responding adequately and efficiently to hate crime and harassment.

4.5 Responding to Hate Crime and Harassment

The Respect Action Plan sets out the need for a speedy, visible and restorative justice system which is connected to the communities it serves. The Police and ASBAT already work to achieve this goal and they place a high priority on taking action against perpetrators of hate crime and harassment. Police will pursue an arrest on conviction where possible, and the courts are able to consider racial, religious, sexual orientation and disability hostility as aggravating factors when deciding on the sentence for any offence. ASBAT is able to pursue civil action against perpetrators of hate crime and harassment and currently has a policy of dealing with such cases through its dedicated case management team.

In addition, ASBAT is able to work with victims to improve their safety and to reassure them, for example, through lock fitting schemes. The Community Safety Unit (Police) ensures that a member of the Police Community Engagement Team visits victims who have reported hate crime or harassment to them.

Victims are supported through a range of agencies, some of which do not come to the attention of partner organisations. Victim Support Haringey plays an important role in providing knowledge, emotional support and access to legal advice and counselling for victims. Other front line agencies such as ASBAT, which also receive reports from victims, are developing their referral processes with Victim Support. Victims reporting to the Police or ASBAT, as well as to voluntary and community sector agencies, receive a victim support pack which includes information about where to obtain help. The LGBT community is able to obtain emotional support and practical advice through agencies such as Wisethoughts.

Supporting People has some limited accommodation available for vulnerable people which may include victims of racial or homophobic crime. They also offer floating and residential support to other vulnerable people, who may be victims of hate crime and harassment such as people with a disability or people with mental health problems. The Supporting People Strategy recognises the role it has to play in reducing crime by supporting such vulnerable individuals and groups.

There are a number of agencies working in Haringey that provide legal and other advice for victims of hate crime and harassment. These agencies will have an important part to play in delivering this strategy.

There is potential for agencies working on the ground to work closer together, particularly ASBAT and the Police Community Safety Unit and to co-ordinate more with Victim Support. This was a recommendation of the Middlesex University research as well as an outcome of consultation with key partners. Providing a joined-up response, in which all relevant agencies are informed of the issues and developments in cases of hate crime and harassment, and in which victims are treated sensitively by agencies they trust, is an important goal.¹⁶

New actions

The Police Community Safety Unit and ASBAT will develop methods for working more closely together. The Heads of each section will meet to discuss the work of their teams and identify any possible cases that they could work on jointly. Similarly, the Police, ASBAT and Victim Support Haringey will tighten processes for making referrals between them.

Information flow on individual cases will be facilitated between the Police, ASBAT and other key agencies with an interest such as Homes for Haringey, through a Data Co-ordinator located at the Police Borough Intelligence Unit. This will assist agencies to be more aware of developments to offer appropriate and timely responses.

A directory of organisations that can provide advice and support to victims of hate crime and harassment will be developed and distributed, with steps taken to ensure that it is kept up to date. The organisations to be included will cover community and voluntary sector agencies as well as statutory services such as the Police and ASBAT.

The multi agency training programme already referred to will augment this work and ensure that front-line staff are well equipped to deal with hate crime and harassment, and will know where and how to refer and how to respond appropriately in the first instance.

¹⁶ Victim Support UK, 2006, also NACRO 2001, ACPO, 2005

5.0 Implementation

The Hate Crime and Harassment Strategy will be delivered through an action plan based on the priorities contained in this strategy. Different agencies will be responsible for delivering their parts within the agreed timetable and for contributing to all work areas, where necessary.

A Lead Policy Officer in the Community Safety Team will co-ordinate the work with a network of key partners to ensure that delivery is on track. The monitoring of progress will be done by the Anti-social Behaviour Partnership Board.

6.0 Resource Implications

This strategy represents limited resource implications as most of the actions will be subsumed into existing work plans and staff resources. However, there are some potential development costs associated with training staff across agencies and with developing alternative reporting mechanisms. The latter may require only limited costs connected with 'priming' existing services.

The strategy and associated initiatives will be monitored and continuously evaluated for good practice and weaknesses. Its 'roll out' will be incremental and based on 'what works'. This approach should assist the work to become mainstreamed, mitigating the risk of failing to find necessary resources.

This is very much a partnership strategy, developed in close consultation. There is, therefore, a low risk of non-delivery due to lack of commitment from partners. Each service has a role to play in its delivery. There is a co-ordinating responsibility for the Community Safety Team and a monitoring role for the members of the Anti-social Behaviour Partnership Board.

Measurable actions have been proposed in a first action plan. These will need to be closely monitored and, where successful, cost implications considered in order to sustain the development of this strategy and the areas of good practice.

For a copy of Haringey's Hate Crime and Harassment Strategy 2007/8 in your own language, please tick the box, complete the form and return to the freepost address below

Albanian

Për një kopje në gjuhën tuaj të Strategjisë së Krimet të Urrejtit dhe Ngacmimit të Haringejit 2007/8, ju lutem shënjoni ✓ kutinë, plotësoni formularin dhe kthejeni atë tek adresa e mëposhtme me postim falas.

Kurdish

Heke hun kopîyeke Stratejîya Haringey a 2007/8an a Sûc û Çewisandina Nefretê bi zimanê xwe dixwazin, ji kerema xwe qutîkê îşaret bikin, formê tije bikin û ji navnîşana posta bêpere ya jêrîn re bişînin.

Bengali

হ্যারিংয়ের হেট ক্রাইম এ্যান্ড হ্যারাসমেন্ট স্ট্র্যাটজি 2007/8 (ঘৃণাজনিত অপরাধ ও হয়রানি মোকাবেলার কৌশল) সম্পর্কিত নীফলেটের কপি আপনার নিজের ভাষায় পেতে চাইলে, দয়া করে এই বক্সে দাগ দিন, এই ফর্মটা পূরণ করুন আর নিচের ফ্রীপোস্ট ঠিকানায় ফেরত পাঠান।

Somali

Hadaad rabto in luuqadaada lagu tarjumo qoraalka la dhaho Haringey's Hate Crime and Harassment Strategy 2007/8, fadlan sax mari sanduukha, soo buuxi foomka kuna soo dir ciwaanka hoose ee boosta diristu bilaash tahay.

French

Pour obtenir un exemplaire dans votre langue de la Stratégie 2007/8 de la municipalité de Haringey sur la Criminalité d'Incitation à la Haine et sur le Harcèlement, veuillez cocher la case, remplir le coupon et le renvoyer à l'adresse ci-dessous (inutile de timbrer l'enveloppe).

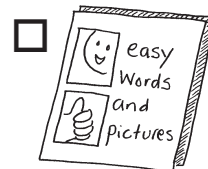
Turkish

Haringey'in 2007/8 Nefret Suçları ve Taciz Stratejisi'ni kendi dilinizde edinmek için, lütfen kutuyu işaretleyin ve formu doldurup ücretsiz olarak aşağıdaki 'freepost' adresine gönderin.

Please tell us if you would like a copy of this Strategy in another language that is not listed above or in any of the following formats, and send the form to the freepost address below.

In large print On CD-ROM On audio tape In Braille

In another language Which language? _____



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Hate Crime Action Plan 2008/9

Issue/Objective	Activity/Output	Timeframe	Lead	National Indicator	Progress to date – Qtr 3
<p>1. Develop a directory of local organisations that provide support to victims and witnesses of hate crime and harassment including enforcement action against perpetrators</p>	<p>Update community safety web page with key services for each aspect of hate crime.</p>	<p>July 2008</p>	<p>CST</p>	<p>NI 21 PSA 23</p>	<p>Complete</p>
<p>2. Partnership to agree a plan for raising awareness around hate crime, harassment & ASB amongst school children</p>	<p>Scope all current partnership activity surrounding awareness raising in schools highlighting any gaps Ensure coordinated approach</p>	<p>October 2008 December 2008</p>	<p>CST/ CYP CST/ CYP/ Safer Schools P'ship</p>	<p>NI 1 PSA 21</p>	<p>Hate Play planned – week of Nov 3rd 08</p>
<p>3. Publication of a reporting (inc. third party) process / monitoring and feedback concerning number of cases reported and resolved</p>	<p>Agreed process to be publicised Quarterly monitoring of process</p>	<p>October 2008 December 2008</p>	<p>CST</p>	<p>NI 21 PSA 23</p>	<p>Publicity materials finalised – final print in process and orgs to be briefed Otis to get</p>

Hate Crime Action Plan 2008/9

<p>4. Pilot of drop-in surgery to cover issues such as personal safety, reporting of hate crime and awareness raising.</p>	<p>Pilot to cover LGBT community groups (following commissioned research report surrounding focus groups and under reporting of LGBT related hate crime)</p>	<p>Review during November 2008</p>	<p>CST/ MPS Eng' Team</p>	<p>NI 21 PSA 23</p>	<p>update from Shaun G</p>
<p>5. Improve quality and method of hate crime data capture</p>	<p>Analysis of findings under new housing data capture method (July 2007 – June 2008) Monitoring of reporting process and targeted work in response to findings</p>	<p>September 2008 October 2008</p>	<p>CST/ HfH./ ASBAT</p>	<p>NI 24 HO DSO</p>	<p>Part of PDR – Oct 08</p>
<p>6. Preventing Violent Extremism</p>	<p>See <i>separate Partnership Plan</i></p>	<p>Projects in place during 2008/9</p>	<p>MPS</p>	<p>NI 35 PSA 26</p>	<p>See plan (Sean Sweeney)</p>
<p>7. Victim Support to liaise more closely with partner agencies</p>	<p>Victim Support to work with Housing (Prevention and Options Team) with a clear process for information share in place</p>	<p>October 2008</p>	<p>VS Hsg /</p>	<p>NI 1 PSA 21 NI 3 PSA 15</p>	<p>Otis to check if this is being progressed</p>
<p>8. Scope level of issues concerning disability and age related hate crime in the borough and respond accordingly</p>	<p>Working with appropriate support agencies and Police - track number of cases recorded through reporting process linked to this aspect</p>	<p>December 2008</p>	<p>CST</p>	<p>NI 21 PSA 23</p>	<p>Otis liaising with BIU re recording of disability</p>

Hate Crime Action Plan 2008/9

NI 1: Percentage of people who believe people from different backgrounds get on well together in their local area PSA21

NI 3: Civic participation in the local area PSA 15

NI 17 Perceptions of anti-social behaviour PSA 23

NI 21 Dealing with local concerns about anti-social behaviour and crime by the local council and police PSA 23

NI 22 Perceptions of parents taking responsibility for the behaviour of their children in the area HO DSO

NI 23 Perceptions that people in the area treat one another with respect and dignity HO DSO

NI 24 Satisfaction with the way the police and local council dealt with anti-social behaviour HO DSO

NI 25 Satisfaction of different groups with the way the police and local council dealt with anti-social behaviour HO DSO

NI 27 Understanding of local concerns about anti-social behaviour and crime by the local council and police HO DSO

NI 35 Building resilience to violent extremism PSA 26

NI 195 Improved Street and environmental cleanliness (levels of graffiti, litter, detritus and fly posting) Defra DSO

NI 196 Improved street and environmental cleanliness fly tipping Defra DSO



Haringey Council

Overview and Scrutiny Committee

On 12 January 2009

Report Title: **Fly Tipping Update Report for Overview and Scrutiny Committee**

Report of: Beverley Taylor, Assistant Director Frontline Services

Wards(s) affected: All

1. Purpose

1.1 This report provides an update of the actions taken in response to the recommendations from the Overview and Scrutiny Committee on the Scrutiny Review of Fly Tipping of June 2007.

2. Recommendations

2.1 That members note the update of the action plan created in response to the recommendations in the Scrutiny Review of Fly Tipping.

Report Authorised by: **Niall Bolger Director of Urban Environment**

Contact Officer: Stephen McDonnell, Head of Waste Management

Telephone: 020 8489 2485

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Response to flytip scrutiny report, Appendix A.

Table of responses to recommendations and action plan

Recommendation	Action Plan					Update
	i. Response Responsible Service	Action	Responsible Officer	Date for completion	Measure of completed action	
<p>1. That the Council acknowledges that the fight against fly tipping is a continuing one and its success depends on collective action supporting the objective of preventing this antisocial behaviour, and making a long term commitment to properly resourced preventative and enforcement activities.</p>	<p>i. Agreed in principle</p> <p>Haringey's Environmental Crime performance for 2006/7 as recorded on DEFRA's Flycapture database, shows that Haringey is among the most active enforcement services in London and the country on environmental crime. This level of activity will provide a strong contribution to our overall BV199 score and impact on how clean and safe Haringey's public places are perceived.</p> <p>Agreed savings for 2010/11 include £110k of reductions in Environmental Crime through the loss of 3 posts. Current budgets for Environmental Crime are supported by £250k NRF funding for Street Enforcement and £150k for street wardens that will end in 2007/8.</p> <p>ii. Enforcement and Waste Management</p>	<p>Flytip Action Plan shared by Enforcement and Waste Management Service to be formalised and reviewed on a six-monthly basis each November and May in line with half year and annual assessment of BVPI 199d performance.</p>	<p>Head of Waste Management jointly with Service Manager for Environmental Crime</p>	<p>May and November each year</p>	<p>Review of Flytip Action Plan and BVPI 199d performance presented to Cabinet Members at six-monthly intervals in May and November each year</p>	<p>Waste Management Services and Enforcement have produced a draft fly tip action plan (attached) which covers the following six themes:</p> <ul style="list-style-type: none"> The reduction of trade waste which is fly tipped and collected as part of the Council's clear all policy on main roads. The reduction of fly tipping which is being transported by vehicles either into or within the borough. The reduction of waste resulting from dumps from private rented housing. The reduction of fly tipped construction waste. The reduction of residential bulky and bagged dumped waste. To identify a pilot area and to carry an intense exercise incorporating all the themes above to

<p>2. a) The appropriate introduction of timed trade waste collections on primary and secondary roads as part of the specification for the new integrated waste management and transport contract in 2009.</p>	<p>i. Agreed. ii. Waste Management</p>	<p>Timed waste collections for all primary and secondary retail roads will be specified in the new waste management contract.</p>	<p>Head of Waste Management</p>	<p>At commencement of new integrated waste management contract in December 2009</p>	<p>Included in specification of new contract which will be developed in the next 18 months</p>	<p>measure the reduction in fly tipping within the area and the resources needed to produce these results. A key component of this task will be how the Council engages with the community to deliver the reduction in the levels of fly tipping.</p> <p>Timed collections will be included in the new waste contract specification. The new contract is due to commence in April 2011.</p>
<p>b) Reducing or removing the charge for bulky waste collection for those on low incomes, benefits and the elderly (if the cost of administering such a scheme proves too expensive, then consideration be given to abolishing charges completely).</p>	<p>i. Not agreed. The Council already makes some provision for free collection/disposal of bulky items through; <ul style="list-style-type: none"> • white goods etc collections; • community clear ups for qualifying households; • green waste collection as part of the recycling service; and • bulky items can be taken to two Reuse and </p>	<p>The Council must encourage and facilitate reuse and to this end a Waste Minimisation Plan is being developed as part of the <i>Recycling Strategy for Haringey, 2006 to 2020</i>. This plan will be aimed at helping residents reduce waste and</p>	<p>Head of Waste Management</p>	<p>October 2007</p>	<p>Waste Minimisation Plan to be presented to Cabinet Members for Environment & Conservation and Community Safety in November 2007</p>	<p>The Waste Prevention Plan has been produced by the North London Waste Authority on behalf of the seven constituent boroughs, and was approved by Cllr Haley. The plan is attached.</p> <p>The Environmental Resources Team is delivering a range of projects in line with the plan, including:</p> <ul style="list-style-type: none"> • Participation in Waste Prevention Week Oct 08 including holding a reuse

<p>c) Further advertising the fact that there is a single borough wide telephone number to:-</p> <ul style="list-style-type: none"> • allow residents and traders to report missed collections, and fly tipped rubbish, • request bulky rubbish collection, replacement bins and recycling boxes, • answer recycling enquiries. 	<p>Recycling Centres for free disposal.</p> <p>Waste minimisation is one of the key themes of the new Waste Strategy for England 2007. The rationing of free bulky item collection services may act as a control measure to reduce waste and encourage residents to seek reuse rather than disposal options.</p> <p>ii. Waste Management</p>	<p>locate reuse options.</p>	<p>Head of Waste Management</p>	<p>Continuous through leaflets, newspaper adverts, posters, on service vehicles, on the Council's web-site and in Haringey People.</p>	<p>The first available tracker survey will be this summer. Therefore, progress against this recommendation cannot begin to be understood until the results of the summer 2008 tracker survey are known.</p>	<p>event (Give or Take Day) in St. Ann's; zero waste challenges with 50 residents; and other promotional events.</p> <ul style="list-style-type: none"> • Promotion of home composting and real nappies to help residents reduce their waste. • Further reuse events planned for Jan 09.
<p>c) Further advertising the fact that there is a single borough wide telephone number to:-</p> <ul style="list-style-type: none"> • allow residents and traders to report missed collections, and fly tipped rubbish, • request bulky rubbish collection, replacement bins and recycling boxes, • answer recycling enquiries. 	<p>Agreed.</p> <p>There is already one single number in use for all waste, recycling and street cleansing issues. This has been advertised widely in leaflets, newspaper adverts, posters, on service vehicles, on the Council's web-site and in Haringey People. The number is: 020 8885 7700. Awareness of this number will continue to be promoted through these media.</p> <p>ii. Waste Management</p>	<p>Level of awareness to be assessed annually through question in the Council's own tracker survey.</p>	<p>Head of Waste Management</p>	<p>Continuous through leaflets, newspaper adverts, posters, on service vehicles, on the Council's web-site and in Haringey People.</p>	<p>The first available tracker survey will be this summer. Therefore, progress against this recommendation cannot begin to be understood until the results of the summer 2008 tracker survey are known.</p>	<p>The Council withdrew the tracker surveys with the focus now being on the new CAA place shaping surveys. The Waste Management Service will review the new place surveys to determine if residents are aware of the free community clear up and free white goods collection services. Both of these services have been advertised as part of a street cleansing consultation to 70,000 households.</p>

<p>d) Increasing residents' awareness of services by improving publicity of the Council's waste management services and the action taken to reduce fly tipping.</p>	<p>i. Agreed. A Communication Plan is being developed as part of the <i>Recycling Strategy for Haringey, 2006 to 2020</i>. This will have themes which are in common with the Waste Minimisation Plan mentioned in 2 (b) above. Whilst these plans will relate to the recycling strategy they will be scoped to publicise the range of waste management services available to residents.</p> <p>ii. Waste Management and Enforcement</p>	<p>The Communications Plan will be scoped to include pro-active distribution of information about actions taken by the Council to reduce flytipping, to discourage residents from flytipping and inform residents of the consequences of flytipping for offenders and for the environment.</p> <p>Our draft enforcement policy states that we will publicise all our successful prosecutions.</p>	<p>Head of Waste Management Service Manager for Environmental Crime</p>	<p>Communications Plan completed October 2007</p>	<p>Communication Plan to be presented to Cabinet Members for Environment & Conservation and Community Safety in November 2007</p>	<p>The Communications Plan for Waste Management (now Environmental Resources) is produced annually to ensure effective communications throughout the year and aid planning of resources.</p> <p>The plan for 2008/9 is attached.</p>
<p>e) Providing local traders with leaflets for distribution to customers on means of disposing of unwanted items at the point of purchase of bulky new goods, such as beds, white goods, televisions etc.</p>	<p>i. Agreed. ii. Waste Management and Enforcement</p>	<p>New leaflets have been printed and these will be distributed to those local traders who are prepared to take them for distribution to customers.</p>	<p>Head of Waste Management (to produce leaflets) jointly with Assistant Director for Enforcement to ensure inspection and compliance programmes distribute</p>	<p>October 2007</p>	<p>Confirmation of completion of task at November 2007 review of Flytip Action Plan</p>	<p>This task was not completed as planned as it was necessary to carry out a review of the service to determine value for money.</p> <p>This task will be included as part of the fly tipping action plan to reduce the amount of trade waste dumped the main high roads. This aspect of the plan will commence in mid-January 2009.</p>

f) Providing special attention to discouraging fly tipping in industrial areas including	<p>“Haringey People” with regular information of successful prosecutions against fly tippers as well as news on new initiatives in waste collection generally.</p> <p>i. Agreed</p> <p>We will continue to raise the profile of enforcement activity in Haringey. This activity includes prosecutions but also includes cautions, fixed penalty notices, use of statutory notices, and stop and search operations. All successful prosecutions result in a press release but we will also ensure that the other enforcement activity is given a higher profile. Haringey People has run some coverage of enforcement activity and in 2006 we released a DVD at a launch event to publicise the work of the Environmental Crime Group. More than 200 of these DVDs were sent out to residents, elected members, government, key service managers and neighbouring boroughs.</p> <p>ii. Enforcement and Waste Management</p>	<p>This action will be carried out in association with actions referred to in 2(b) and 2 (d)</p>	leaflets produced	See 2 (b) & (d)	See 2 (b) & (d)	<p>All successful prosecutions are reported to local press. Most cases reflect low level dumping.</p> <p>Articles have been published to reflect the work of the service in Haringey People.</p> <p>The service has undertaken some recent successful activity on large scale fly tipping at an industrial estate. Evidence includes CCTV images will be used for a press release and Haringey People Article.</p>
g) Giving special attention to discouraging fly tipping in industrial areas including	<p>i. Agreed</p> <p>The Better Haringey Public Eyesore programme has an active case load of locations</p>	<p>Activities as described in the left column to the left to be carried out.</p>	Service Manager for Environmental Crime	On-going	<p>Updates to be provided as part of the Flytip Action Plan</p> <p>Reviews each</p>	<p>A new action plan to tackle fly tipping has been agreed. This includes specific action on vehicle moved by</p>

<p>making full use of CCTV and prosecuting where possible.</p>	<p>across the borough where there is environmental crime activity including fly tipping. This Better Haringey initiative is a 3 year programme focussing on railway land, waterways and Industrial Land. 2007/8 will have a specific focus on industrial land and our strategies will include use of CCTV where appropriate.</p> <p>ii. Enforcement Service</p>	<p>Action is already taken by Enforcement against the owners of private land used for fly tipping requiring clear up and/or securing the site. We will use powers where appropriate to target land that attracts fly tipping.</p> <p>The Waste Management Service liaises with the relevant services responsible for Council-owned land to ensure adequate maintenance</p>	<p>Head of Waste Management jointly with Service Manager for Environmental Crime</p>	<p>On-going</p>	<p>November and May</p>	<p>As a result the service has recently completed a successful operation at an industrial Estate resulting in two vehicle seizures and eight forthcoming prosecutions.</p> <p>This year 38 stop it operations have been run targeted at waste carriers.</p>
<p>h) Liaising with the Parks Department and other appropriate departments to identify and seek funding to bring small marginal areas of waste land that currently attract fly tippers back into mainstream use – possibly as allotments, pocket parks etc.</p>	<p>i. Agreed in principle. The issues around small areas of land used for flytipping can potentially be complex. There are likely to be substantial capital costs associated with any plan to mainstream such land and no capital sums have been identified to facilitate this. Until capital funding is available this recommendation can only be agreed in principle.</p> <p>Existing actions already being taken are outlined in the Action column to the right.</p> <p>ii. Waste Management and Enforcement</p>	<p>Action is already taken by Enforcement against the owners of private land used for fly tipping requiring clear up and/or securing the site. We will use powers where appropriate to target land that attracts fly tipping.</p> <p>The Waste Management Service liaises with the relevant services responsible for Council-owned land to ensure adequate maintenance</p>	<p>Head of Waste Management jointly with Service Manager for Environmental Crime</p>	<p>On-going</p>	<p>Review of activity around land used for flytipping as part of Flytip Action Plan Reviews referred to in 1 above</p>	<p>Close liaison has been established with both parks and property services as part of the action plan to improve the Council's cleanliness in order to improve performance - EN195 (BVPI 199). This has included actions to reduce the levels of fly tipping within their respective areas.</p>

<p>i) The feasibility of introducing a scheme whereby Accord search dumped bags to gain evidence as to the identity of fly tippers with targets being set for the number of searchers per month.</p>	<p>i. Agreed in principle. If it is possible for Accord to carry out search operations in order to gain evidence as to the identity of flytippers, there is likely to be a charge associated with this and funding would have to be identified to allow this to happen. A trial would be the most appropriate method to determine whether this would be practical and useful. Until funding is available for a trial this recommendation can only be agreed in principle.</p>	<p>arrangements are in place. The Waste Management Service uses NRF funding to clear litter and waste from unregistered land where there is no responsible owner to look after it and opportunities for securing the land to prevent further abuse are taken where possible.</p>	<p>Head of Waste Management Service Manager for Environmental Crime will train, assess and authorise nominated staff.</p>	<p>July 2007</p>	<p>Report back progress as part of Flytip Action Plan Review November 2007</p>	<p>Concerns were raised at evidence being presented to the Council by a contractor whom could directly financially benefit from an enforcement action carried out by the Council. Therefore it was deemed more appropriate that Haringey Enterprise Limited provide the enforcement section with details of any contracts with traders that have been cancelled or reduced in size. This information could then be used as intelligence for Council Officers to direct their investigations as they feel appropriate.</p>
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<p>j) Allowing residents' to use the Reuse and Recycling Centres to dispose of safely transportable hazardous waste.</p>	<p>Enforcement have already developed the use of external employees, in Homes for Haringey, as authorised officers.</p> <p>ii. Waste Management and Enforcement</p>	<p>carried out under and must bind Accord into providing witness evidence and court appearance where necessary.</p>	<p>Head of Waste Management</p>	<p>December 2009</p>	<p>Linked to specifications for new integrated waste management contract.</p>	<p>The Reuse and Recycling Centres do take some forms of hazardous waste, which includes batteries, fluorescent tubes, oil, fridges etc. The Council is working with the Environment Agency to change the Waste Management Licence for the sites to include paints and solvents.</p>
<p>i. Agreed in principle. Reuse and Recycling Centres already take a wide range of hazardous wastes. Those that it cannot take can be collected directly from residents - through contractual arrangements set up by the Waste Management Service – by the Corporation of London.</p> <p>ii. Waste Management</p>	<p>Opportunities to expand the range of hazardous waste items that can be taken to Reuse and Recycling Centres will be investigated and, where site licence, site space, funding and collection arrangements allow, consideration will be given to introducing these. The potential for these will also be considered as part of the procurement</p>	<p>Head of Waste Management</p>	<p>December 2009</p>	<p>Linked to specifications for new integrated waste management contract.</p>	<p>The Reuse and Recycling Centres do take some forms of hazardous waste, which includes batteries, fluorescent tubes, oil, fridges etc. The Council is working with the Environment Agency to change the Waste Management Licence for the sites to include paints and solvents.</p>	

<p>sites.</p>		<ul style="list-style-type: none"> • of these actions; the locations targeted; • progress against BVPI 199d; and • future plans of action. 				<p>Following the original scrutiny report more than 70 locations identified as having high levels of fly tipped waste have been investigated by Enforcement.</p>
<p>6. That Overview and Scrutiny Committee be recommended to consider commissioning a future Scrutiny Review to examine a breakdown of the cost of clearing fly tipping etc so that this can be compared with other Borough's to ensure that the Council is providing a cost effective service.</p>	<p>i. Agreed. ii. Overview and Scrutiny Team</p>	<p>To be built into Overview and Scrutiny Plan (already arranged)</p>	<p>Overview & Scrutiny Officer</p>	<p>Scrutiny to be completed by December 2007</p>	<p>Report to Overview and Scrutiny Committee February 2008</p>	<p>Overview and Scrutiny to respond.</p>
<p>7. That Police Safer Neighbourhood Teams' Inspectors and appropriate Haringey officers regularly meet to review fly tipping, reporting levels, training needs, lines of communication and to decide on</p>	<p>i. Agreed. The Enforcement service has an active programme of joint activity with Police Safer Neighbourhood Teams (SNT). In 2006/7 we coordinated operations to 560 targets, most of which would have involved local SNT police to target</p>	<p>Twice annual meetings with Police</p>	<p>Service Manager for Environmental Crime Jointly with Head of Waste Management</p>	<p>April and October each year</p>	<p>Outcomes to be reported as part of the Review of the Flytip Action Plan in May and November each year</p>	<p>The local joint strategic assessment has been recently published and contains mapped information of fly tipping hotspots. This year 38 stop it operations have been run targeted at waste carriers. This work reflects joint working between</p>

<p>possible joint operations.</p>	<p>environmental crimes. Training has been provided to Police SNTs on the work and powers available to our Environmental Crime service.</p> <p>Amongst these was operation stop it which a local authority initiative to target trade waste carriers. In 2006/7 Operation Stop It targeted waste carriers and made Haringey the most active enforcement service in the country for stop and search operations involving the Police.</p> <p>Under the recently endorsed Enforcement Strategy we have made a strong commitment to partnership working and have developed a Tactical Enforcement model to ensure this is resourced and led by available intelligence.</p> <p>ii. Enforcement Service and Waste Management Service</p>	<p>A Proposal to present seminar/workshop to Clerks and/or Magistrates in the Haringey Council</p>	<p>Head of Legal Services (Housing and Litigation Team/Criminal Litigation)</p>	<p>October 2007</p>	<p>Update this action as part of the November 2007 Flytip Action Plan Review</p>	<p>Enforcement and the Police</p>	<p>Legal services has provided a document in response to the requested update. This document is attached for information.</p>
<p>8. That the Head of Legal Services urge the Magistrates Association and local magistrates to be robust with offenders and to consider the use of</p>	<p>i. Agreed in part. ii. Corporate Legal Services (Criminal Litigation Team) Legal Services has suggested to the Bench</p>						

<p>the Community Payback Scheme as a penalty for fly tippers.</p>	<p>Manager, Mr Robert Allan, that a presentation be undertaken to the bench and/or clerks in the Haringey Council area on “environmental crime” offences with a focus on flytipping in the borough. This would include the provision of information including the detrimental effect on the borough, the preventative measures being used within the borough, recent changes to the law (including an increase in penalties) and use of fixed penalty notices. This would also include a mention of the Community Payback Scheme in action within the borough although this is set up through Probation Services and the Court would usually fine and order costs against those convicted of fly tipping but this could be a forum for this restorative justice type scheme to be considered more. It is important to note however that this cannot be a forum to lobby the magistrates to increase penalties in any direct manner and indeed that approach would be frowned upon by the Bench Manager.</p>	<p>area to be provided to the Bench Manager for his consideration and discussion with the Clerk to the Magistrates.</p>				
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<p>9. That the Director of Urban Environment ensure that the prevention of Fly Tipping is a priority output and that proposals arising from the two internal projects dealing with Houses in Multiple Occupation be reported back to the Overview and Scrutiny Committee within three months of them being completed.</p>	<p>i) Agreed in Principle. The Overview and Scrutiny Committee has reviewed private Sector Housing and recommended that Officers use new powers under the Housing Act 2004 to develop discretionary licensing of Houses in Multiple Occupation (HMO). A proposal for agreement by the Secretary of State will be submitted in November 2007 and will include if possible pilot arrangements to control poor management practices. A current value for money review of planning enforcement will consider best practice options and recommend improvements in the enforcement of planning controls including those affecting HMOs.</p> <p>ii) Enforcement Service</p>	<p>Report to Overview and Scrutiny on proposals for Discretionary Licensing and planning enforcement review recommendations for controlling HMOs</p>	<p>Assistant Director for Enforcement</p>	<p>November 2007</p>	<p>Relevant implementation plans presented to Overview and Scrutiny.</p>	<p>A corporate HMO strategy is under construction. It will be influenced by two areas of pilot working which will include the management of HMOs and the potential for discretionary licensing. This work is now being led by Strategic and Community Housing. The Ladder HMO Group includes a pilot area which will be used to develop more detailed work with both landlords and tenants.</p>
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North London Waste Prevention Plan

April 2008 – March 2010



Foreword

“The North London Waste Authority is a progressive waste disposal authority that has shown real leadership in public and private partnerships for waste prevention, for improved recycling and composting rates and minimising waste to landfill.

I want to improve the environment of North London and therefore intend the Authority will be at the forefront of ensuring North Londoners’ waste is managed efficiently and with minimal environmental impact for the benefit of everyone.”

**Cllr Brian Coleman AM FRSA
Chairman**

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Background

Waste Management in North London

The North London Waste Authority (NLWA) is the waste disposal authority for seven North London boroughs:

- London Borough of Barnet
- London Borough of Camden
- London Borough of Enfield
- London Borough of Hackney
- London Borough of Haringey
- London Borough of Islington
- London Borough of Waltham Forest

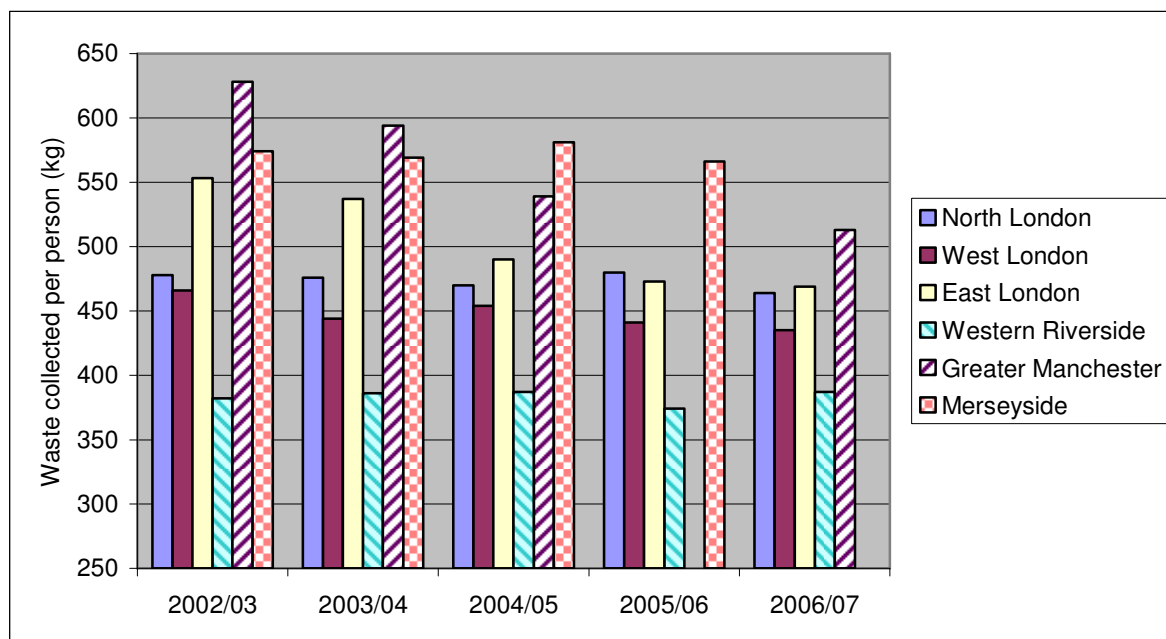
Household waste collected by each of the seven North London boroughs is delivered to the NLWA for disposal either at the Edmonton energy from waste incineration plant, the Edmonton bulky waste facility or for loading onto rail containers at the Hendon Rail Transfer Station for transport to landfills outside of London.

The NLWA also receives household kitchen and green waste which is composted at the in-vessel composting facility at Edmonton. Finally, the NLWA receives household dry recyclates from a number of the North London boroughs at Edmonton and the Hornsey Street Transfer Station. These materials are then sent for sorting into their separate types (e.g. paper, steel cans, glass, aluminium cans etc) at a materials recycling facility and then onto factories where they are made into new products. LondonWaste Limited is the company that manages waste and recycling at the Edmonton, Hendon and Hornsey Street sites on behalf of NLWA.

What's in our bins?

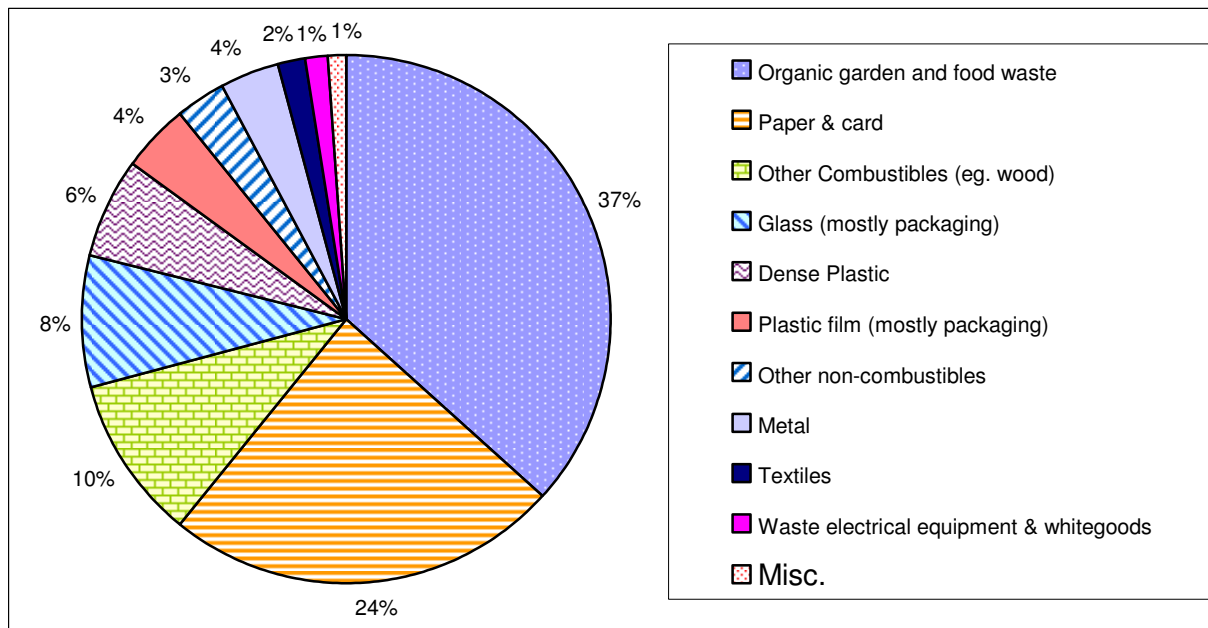
In 2006/07 on average, every single resident in North London generated 464kg of waste. This was our lowest level in five years, demonstrating that residents in North London are becoming more aware of waste prevention and recycling issues. However, as Figure 1 shows, compared with some other areas of the UK we still have room for improvement.

Figure 1- Kg of waste generated per person- a comparison of North London with other areas of the UK



The typical composition of the household waste collected in North London at the kerbside is shown in Figure 2 below.

Figure 2- The typical composition of household waste (by mass) in North London



As Figure 2 demonstrates, organic garden and food waste is the largest component of North London's household waste followed by paper and card. Of course, the exact composition of waste in our bins varies from area to area, but it is estimated that approximately 74% of this household waste can be targeted by waste prevention programmes. In order for us to better understand the exact situation in North London, NLWA is working with each of its constituent boroughs to update this composition information that will be used to model future waste trends.

Development

The North London Waste Prevention Plan (NLWPP) has been prepared in consultation with borough officers and Authority Members, building upon the original *North London Joint Waste Strategy Waste Prevention Implementation Plan- December 2006*.

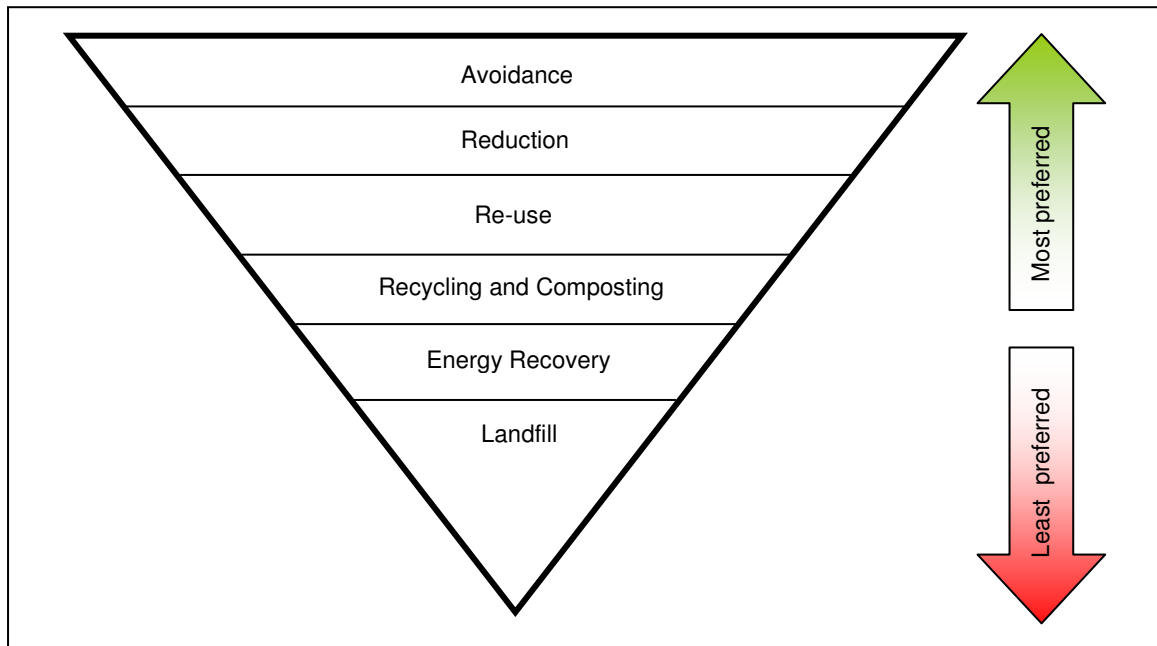
The plan sets out a series of specific actions to deliver the strategic objectives for waste prevention which are contained within the North London Joint Waste Strategy (NLJWS).

Timescales

This plan replaces the *North London Joint Waste Strategy Waste Prevention Implementation Plan- December 2006* and will run from 1st April 2008 until 31st March 2010. Towards the end of this period, the NLWPP will be reviewed and a new plan developed for implementation from April 2010.

Waste Prevention and the Waste Hierarchy

The waste hierarchy (see Figure 3) lists the environmentally preferential order of actions to manage waste. Prevention of waste being generated in the first place is the most desirable option and landfilling of waste being the least desirable option.

Figure 3- The waste hierarchy

For the purposes of this plan, waste prevention means “*minimising the quantity (weight and volume) and hazardousness of household-derived waste within North London*” so as to avoid the environmental impacts and costs of recycling services and processes. This encompasses:

- avoidance: not producing the waste in the first place e.g. buying only the food you need, buying unpackaged products.
- reduction: reducing the amount of waste produced, e.g. lighter/thinner retail packaging, composting left-over food scraps.
- re-use: reusing a product without undertaking a reprocessing step which would occur in recycling e.g. refilling a bottle.

Strategic Context

A number of drivers and strategic processes at a European, national, regional and local level have been considered during the development of this plan.

European

The Framework Directive on Waste (2006/12/EC)

This directive established the fundamental principles for waste management in Europe, which must be reflected in National, Regional and Local Strategies.

The key principles are:

1. The Waste Hierarchy - as discussed above, this principle suggests that preventing waste will normally be the best environmental option for waste management and so therefore should be considered before reducing, re-use, recycling and composting, energy recovery and finally disposal to landfill.
2. Regional Self-Sufficiency - this principle requires that waste be dealt with in the region where it arises. Currently all waste that is sent for landfill by the NLWA is treated outside of London, but plans are underway to address this in the future by reducing the amount we landfill.
3. The Proximity Principle - this principle requires that waste be treated as close to the point of generation as possible, to minimise the environmental effects of transporting waste. (The interpretation of this principle has now changed slightly within England).
4. The Polluter Pays Principle- this principle requires that the cost of disposing of waste must be borne by the party generating that waste.

The Framework Directive led to the development of the Waste Strategy 2000 (for England and Wales) and its 2007 update, Waste Strategy for England, 2007.

The Landfill Directive (1999/31/EC)

The Landfill Directive requires improvements to landfill management, bans specified hazardous, corrosive and clinical materials from being landfilled together with other waste and requires the pre-treatment of all waste before landfill.

The Landfill Directive also requires that the amount of biodegradable municipal waste sent to landfill is reduced. These reductions have been implemented through the Landfill Allowance Trading Scheme (LATS) discussed below.

National

The Waste Minimisation Act 1998

The Waste Minimisation Act 1998 is a key driver for waste prevention at the National level. It allows a local authority to "*do, or arrange for the doing of, ... anything which in its opinion is necessary or expedient for the purpose of minimising the quantities of controlled waste, or controlled waste of any description, generated in its area*"¹.

The intention behind the Act was to clear up any legislative uncertainty about whether councils could actually carry out initiatives to reduce the amount of waste (as opposed to recycling it).

¹ <http://www.defra.gov.uk/environment/waste/management/guidance/mwms/12.htm>

Waste Strategy for England 2007

The Waste Strategy for England 2007 sets out the framework for waste management in England, including recycling targets, incentives and actions to stimulate infrastructure investment. While the Waste Strategy for England 2007 sets 'reduction' targets, these are based on reducing the amount of residual waste and do not consider wastes that are recycled or composted. As such, these targets do not focus on the total amount of waste arising and may effectively provide further incentive to increase recycling and centralised composting without necessarily promoting actions to reduce the generation of waste in the first place.

Landfill Tax

Landfill Tax is a tax payable for each tonne of waste sent to landfill and was introduced by the Government in 1996 to encourage diversion of waste away from landfill towards more sustainable management options such as prevention, recycling and composting. There are two rates of tax; a lower rate for solid inert waste and a higher rate all other wastes.

The landfill tax is currently set at £32 per tonne for biodegradable waste and will increase by £8 each year until at least 2010/11 when it will be £48 per tonne.

Landfill Allowance Trading Scheme (LATS)

The Landfill Allowance Trading Scheme (LATS) came into effect in 2005 and is designed to meet the requirements of the Landfill Directive (mentioned above) by allocating a limited number of landfill allowances to each Waste Disposal Authority (such as the NLWA). The total number of allowances reduces in coming years to limit the amount of biodegradable waste sent to landfill to 75% of 1995 levels by 2009/10, 50% of 1995 levels by 2012/13 and 35% of 1995 levels by 2019/20.

If NLWA successfully reduces the amount of waste sent to landfill beyond our allocation of allowances, we can sell the allowances we don't need to other authorities across the country. Similarly, if we send more to landfill than our allocation permits, we will have to buy surplus allowances from other waste disposal authorities. The actual price of the allowance is determined by supply and demand. There are automatic fines of £150/tonne if we send more waste to landfill than permitted by the allowances we hold (including both our original allocation and any additional allowances we have purchased).

Regional

The London Mayor's Municipal Waste Management Strategy

The Municipal Waste Management Strategy was published in September 2003. The Strategy contains policies to manage London's waste through to 2020, however the proposals to implement the policies are generally focused on the period up to 2005/06. The strategy is currently being reviewed.

The Strategy discusses the importance of the waste hierarchy and contains policies and proposals for the sustainable reduction, recovery, treatment and disposal of waste. The draft North London Joint Waste Strategy is required to have regard to the requirements of the London Mayor's Strategy.

The London Plan

The 'London Plan- Spatial Development Strategy for Greater London' was developed in 2004 and sets out policies to accommodate the expected growth of the city in a sustainable

way through a framework which considers social, economic and environmental impacts. Policy section 4 of the London Plan relates specifically to waste management including issues surrounding spatial planning and site selection. Policy 4 also discusses the development of partnerships between the London Mayor, government, boroughs, statutory waste disposal authorities and operators to minimise waste generation.

Local

North London Waste Authority Procurement Process

In tonnage terms, the NLWA is the largest waste disposal authority in London and the second largest in the UK, handling almost 1 million tonnes of municipal solid waste that arises in our area per annum. The existing waste disposal contract between the NLWA and LondonWaste Limited ceases in 2014, so the NLWA has embarked on the process to secure new waste disposal and recycling arrangements from that time.

The cost of new waste management, recycling and disposal facilities for the length of any new contract post-2014 is likely to be very high, with these costs being primarily passed onto the constituent boroughs. As such, there is a strong commitment amongst NLWA and the constituent boroughs to focus on waste prevention going forward in order to minimise the amount of waste that must be handled and therefore paid for.

North London Waste Plan

The North London Waste Plan is currently being prepared by the seven constituent boroughs in their separate capacity as local planning authorities, and will identify the planning considerations for future waste disposal, composting and recycling sites in North London until 2020. A first round of public consultation occurred in summer 2007, with further consultation in January and February 2008 and a second round planned for 2009.

Draft North London Joint Waste Strategy

The draft North London Joint Waste Strategy (NLJWS) was developed between the NLWA and the seven constituent boroughs and sets out how waste and recycling will be managed in North London up to 2020. The draft NLJWS includes aims and objectives to promote and implement sustainable waste management policies, minimise the overall environmental impact of waste management, minimise the amount of municipal waste arising and maximise recycling and composting.

The draft NLJWS lists 12 actions that are related to waste avoidance, waste reduction, waste re-use and home composting which form the top half of the waste hierarchy. These actions (as detailed in the NLJWS) are:

Waste minimisation

- 4.A1. The Partner Authorities are gravely concerned about the year-on-year growth in waste and would urge greater action from Government to minimise waste and will lobby Government to achieve this.
- 4.A2. The North London Partner Authorities will actively support Business Networks encouraging demonstrably effective waste prevention and minimisation amongst local businesses.
- 4.A3. The North London Partner Authorities will seek external funding or regional support to develop a retail packaging waste prevention campaign with local manufacturing companies.

Waste reduction

- 4.B1 The Partner Authorities will seek external funding to run waste reduction public awareness campaigns across North London throughout the period of this Strategy.
- 4.B2 The Partner Authorities will share good practice on waste reducing activities and will have regard to the effects on waste arising when introducing new waste services.
- 4.B3 The Partner Authorities support a move to a tonnage based levy system provided the transitional financial impact on Partner Authorities is minimised.
- 4.B4 The Partner Authorities will consider the opportunities presented by offering incentives and rebates to residents for reducing waste and will review the need for direct and differential charging for waste during the implementation of this Strategy.

Waste re-use

- 4.C1 The Partner Authorities will continue to actively support the development of best practice in waste re-use and will encourage the development of community sector and other partnerships to deliver effective re-use services.
- 4.C2 The Partner Authorities will continue to support bids for external funding of re-use services and will seek to develop a means of rewarding effective re-use services directly, possibly through introduction of a re-use credit equivalent to the avoided or deferred cost of disposal.

Home composting

- 4.D1 The Partner Authorities will provide a concerted and on-going promotional campaign to encourage home composting throughout the period of this strategy, offering residents purpose built bins at subsidised rates and providing support to residents wishing to compost at home.
- 4.D2 The Partner Authorities will aim to ensure that 25% of all residents with gardens compost at home by 2014 to divert approximately 40,000 tonnes from the waste stream.

Community composting

- 4.E The Partner Authorities will actively support appropriate community compost projects in North London, particularly where these contribute to statutory compost targets, through patronage of bids for external funding, direct support and through payment of third party recycling credits.

Constituent Borough Waste Prevention Plans

All seven North London boroughs run waste prevention programmes, with many publishing detailed waste prevention strategies and plans. These programmes and plans are, by necessity, focussed on each individual borough. While this focus allows the delivery of practical actions that achieve direct benefits for each borough, it also limits the amount of attention given to the opportunities for cross-regional programmes and actions. The development of the NLWPP is intended to identify opportunities for cross-regional actions where the NLWA and constituent boroughs can cooperate for the benefit of North London residents.

Roles and Responsibilities

NLWA and the seven constituent boroughs all share responsibility for working towards waste prevention goals in North London, but have slightly different roles. The NLWA is a single purpose authority with a relatively narrow responsibility to dispose of waste collected by its seven constituent borough councils. The boroughs on the other hand have responsibility to collect waste and recyclable material from the community as well as a wide variety of social, environmental, health, economic, infrastructure and regeneration responsibilities.

The 12 implementation actions (4A1 to 4E) listed in the draft NLJWS and outlined above were considered by Members of the North London Joint Waste Strategy - Strategy Implementation Board along with borough officers. Of these actions, four were identified as being primarily the responsibility of NLWA:

- 4.A1: The Partner Authorities are gravely concerned about the year-on-year growth in waste and would urge greater action from Government to minimise waste and will lobby Government to achieve this.
- 4.A3: The North London Partner Authorities will seek external funding or regional support to develop a retail packaging waste prevention campaign with local manufacturing companies.
- 4.B1: The Partner Authorities will seek external funding to run waste reduction public awareness campaigns across North London throughout the period of this Strategy.
- 4.C1: The Partner Authorities will continue to actively support the development of best practice in waste re-use and will encourage the development of community sector and other partnerships to deliver effective re-use services.

The remaining actions were identified as being either the responsibility of the constituent borough councils alone, or a joint responsibility between the boroughs and the NLWA.

Objectives

The draft NLJWS lists a number of objectives for waste prevention and re-use activities including:

- to ensure that 25% of all residents with gardens compost at home by 2014 to divert approximately 40,000 tonnes from the waste stream.
- aim to achieve 60% recycling and composting diversion rates at all North London Re-use and Recycling Centres by 2015.

In addition to these overall draft NLJWS objectives, key performance indicators (KPIs) and/or targets have been developed for all short term actions listed in the Waste Prevention Action Plan section below.

Previously Implemented

A number of initiatives identified in the original *North London Joint Waste Strategy Waste Prevention Implementation Plan - December 2006* have already been implemented and completed. These include:

Summary of Original Action	Specific Activity	Anticipated/achieved impacts	Original Allocated Priority
Consider undertaking research to identify and assess all the re-use groups in North London, their willingness and ability to expand and required support.	NLWA developed a research project on re-use gaps, group capacity and willingness to expand in North London. In conjunction with the Government Office for London (GOL) this was reviewed and it was recommended that the work be expanded to cover all of London. Funding was secured from DEFRA and project leadership was handed to the Greater London Authority (GLA). NLWA officers sit on the project steering group.	London Community Recycling Network (LCRN) was successful in winning the consultancy work for the "Re-use capacity in London" project. Between September '07 and March '08, re-use organisations across London were interviewed and a report on capacity prepared. This information was used to update the "Recycle for London" website, allowing the public to identify the closest re-use options for them. An event linking re-use organisations and end users such as local authorities and housing associations is planned for May 2008. A second phase 'capacity building' project has been tentatively proposed.	1
Seek funding to run waste reduction campaigns across North London for 15 years.	In conjunction with GOL, NLWA officers prepared a funding bid to DEFRA to undertake the research project described above.	£18,000 of funding secured from DEFRA to support the "Re-use capacity in London" project.	1
Support best practice in waste re-use and encourage the community sector and other partnerships to deliver effective re-use services.	NLWA engaged LCRN to work with ReStore Community Solutions, North London's largest community sector re-use organisation, to help them increase capacity. This work also included negotiating potential service agreements between ReStore and the North London boroughs.	The project involved an operational review and discussions between ReStore, LCRN and a number of North London Boroughs. It is hoped that these discussions will lead to better re-use service provision and new or updated service agreements shortly. The project also involved discussions with potential end-users such as housing associations, which will help develop markets for the furniture and products collected under the service agreements.	2
Identify re-use gaps.	The "Re-use capacity in London" project included work to identify geographical and material re-use gaps.	The information from the "Re-use capacity in London" project will help NLWA and constituent boroughs understand the gaps in re-use services in North London. A second phase 'capacity building' project has been tentatively proposed to cover London, and NLWA is likely to be closely involved.	2

<p>NLWA to clarify how household waste is calculated going forward.</p>	<p>A new system for measuring household/non-household waste was considered and approved by the Authority at its September 2007 meeting.</p> <p>The transition to a full tonnage based levy will be completed for the 2008/09 financial year.</p>	<p>The old system where the amount of household waste was calculated based on a historic survey has been replaced with an up-to-date system which annually calculates household waste based on the actual collection figures.</p> <p>The full transition to a tonnage based levy for the 2008/09 financial year means that boroughs are now levied based on the total amount of waste they send for disposal, rather than the number of council tax “band d” properties. This provides a financial incentive to undertake waste prevention work.</p>	<p>2</p>
<p>Continue with the nappy subsidy taking account of, and actively being involved in, the development of proposals for a pan-London scheme.</p>	<p>NLWA paid £54.15 per child using real nappies in 2007/08 and supported the development of the Real Nappies for London scheme.</p>	<p>NLWA provided their nappy database to the Real Nappies for London (RNFL) scheme free of charge. In addition, NLWA paid the administration charge on behalf of 5 North London boroughs who signed up to the RNFL scheme in 2007/08 along with paying the £54.15 for any child in North London that signed up to use real nappies.</p>	<p>2</p>
<p>Lobby government to do more to minimise waste growth.</p>	<p>NLWA submitted a number of responses to government consultations relating to waste minimisation.</p>	<p>NLWA submitted responses to the following consultations:</p> <ul style="list-style-type: none"> – House of Lords Science and Technology Select Committee, sub-committee on sustainable approaches to waste reduction. – DEFRA’s consultation on financial incentives for recycling/waste reduction. – “Towards a National Waste Prevention Network”. 	<p>3</p>
<p>Produce a monthly web/email based summary or matrix of activity in NLWA boroughs – with level of activity graded 1-5.</p>	<p>A monthly email update sent to appropriate borough officers in North London.</p> <p>A matrix of activities across the NLWA and constituent boroughs was prepared and is updated every 6-9 months.</p>	<p>Regular monthly updates are sent to appropriate officers in the North London boroughs. These updates highlight news stories, current consultations, funding opportunities and conferences on waste prevention that the borough officers may be interested in.</p> <p>The activity matrix is updated every 6-9 months and provides a measure of waste prevention activities currently underway in North London. It is a useful reference for staff starting in the waste prevention area, allowing them to understand what activities are underway, as well as providing a list of useful contacts.</p>	<p>3</p>

Work with re-use organisations that have sound business cases can develop best practice, support improvements in groups to raise standards and offer matrix for success to newcomers.	NLWA engaged LCRN work with ReStore Community Solutions, North London's largest community sector re-use organisation, to help them increase capacity. This work also included negotiating potential service agreements between ReStore and the North London boroughs.	The project involved an operational review, discussions between ReStore, LCRN and a number of North London Boroughs. It is hoped that these discussions will lead to better re-use service provision and new or updated service agreements shortly. The project also involved discussions with potential end-users such as housing associations, which will help develop markets for the furniture and products collected under the service agreements.	4
Investigate the potential to introduce differential tonnage charges for different categories of waste (Levy biowaste to give an incentive for boroughs to reduce this).	Introduced the Biodegradable municipal waste Incentive Payments System (BIPS)	NLWA is paying an incentive to boroughs to encourage them to reduce the amount of biodegradable waste being sent to landfill.	4
Assess potential impact of a reduction in collection frequency and the impact of offering smaller bins.	Undertook research into alternate weekly collections across the UK.	A discussion document on the potential impact of alternate weekly collections has been prepared for consideration by constituent boroughs.	4
Establish a promotional scheme for trade waste customers – e.g. with posters saying they support waste prevention.	Researched options, developed criteria and prepared promotional posters and leaflets.	London Recycling Officers Group (LROG) members were approached to identify what local authorities across London are doing. A proposal for promotion was presented to the technical Officers Group to ensure borough buy-in. Following that meeting, a design was prepared that will be made available to constituent boroughs to use and adapt for with their trade waste customers and also may be used as the basis for potential waste prevention week promotional material.	4
Pay re-use credits for furniture and other items collected by third parties.	Developed re-use credit scheme, advertised scheme, assessed applications, audited premises and paid credits.	The NLWA agreed to pay credits for recycling and re-use activities undertaken by third parties in North London in 2007/08 and 2008/09. It is anticipated this programme will continue in the future. To be eligible to receive these payments, interested organisations must pre-register and submit their premises/systems to an audit by NLWA. Credits are paid on a quarterly basis and are anticipated to be approximately £55 per tonne for 2008/09.	6
Arrange quarterly waste prevention officer meetings to share good practice.	Quarterly meetings arranged.	A North London Waste Prevention Officers Group was set up to discuss waste prevention activities in North London and share experience and information with other local authority areas. The group holds meetings on a quarterly basis and has had guest speakers from outside North London sharing best practice information.	6

<p>Facilitate trade waste officers providing waste prevention advice.</p>	<p>Researched options, consulted with appropriate interest groups, prepared reference material for trade waste officers.</p>	<p>London Recycling Officers Group (LROG) members were approached to identify what local authorities across London are doing.</p> <p>The North London Waste Prevention Officers Group were asked what training or information they felt would be useful. The consensus was that written reference material for trade-waste offices would be more useful than a training session.</p> <p>NLWA officers subsequently collected information from constituent boroughs, Envirowise and similar organisations to develop reference material for the trade waste officers to use when in the field.</p>	<p>6</p>
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Waste Prevention Action Plan

The waste prevention initiatives listed on the following pages have been divided into three categories - short, medium and long term. Short term initiatives are anticipated to be implemented and completed within the 2-year life of this NLWPP. Medium term initiatives may be initiated within the life of this NLWPP, but will not be expected to be completed within 2 years. Long-term initiatives are not anticipated to be initiated within the life of this NLWPP but will be considered in future plans.

Short Term Initiatives

Initiative	Specific Actions	Audience	Lead Responsibility	KPI/Target	Applicable NLJWS Action
Public awareness and education campaigns (ongoing)	<p>Waste Prevention Week in 2008 and 2009 including</p> <ul style="list-style-type: none"> – Pan-North London Shop Smart campaign – Used clothes fashion show and art fair event – Family zero-waste challenge – Schools design competition for reusable bags – Give and take days across the boroughs – Free compost advice and give-away <p>Support a food waste reduction campaign (building on WRAP's national "Love Food, Hate Waste" campaign.</p> <p>Run a schools programme including trips to NLWA composting facilities.</p> <p>Support "no junk mail" schemes.</p> <p>Promote swap/re-use schemes such as Freecycle and SwapXchange.</p> <p>Support for ACR+ 100kg waste reduction campaign</p>	All residents in North London	Boroughs to lead with support from NLWA	<p>Target - 20 shops per borough to hand out reusable bags designed by a school</p> <p>Target- Each family in zero-waste challenge to reduce their total waste by 20% over the week.</p> <p>KPI- Number of schools participating to design the reusable bags</p> <p>KPI -Tonnages from each Give and Take event</p> <p>KPI - Monitor compost advice calls to LCRN's 'Master Composter' line, amount of compost given away and monitor composter sales figures.</p> <p>KPI - Number of Junk mail packs requested and number of people signed up to MPS.</p> <p>KPI- SwapXchange & Freecycle membership numbers before and after WPW.</p>	4.A2 4.B1 4.B2 4.C2 4.D1
Seek funding or regional support for a retail packaging waste prevention campaign with local businesses.	<p>Monitor available research relating to packaging waste, identifying where possible the fastest growing types of retail packaging that could be targeted by a waste prevention campaign.</p> <p>Approach organisations such as WRAP and</p>	Government, Local manufacturers and retailers	NLWA	<p>Target- Meet with WRAP and 2 different retail chains to discuss a potential retail packaging prevention campaign.</p> <p>KPI- Number of organisations approached.</p>	4.A3

(ongoing)	commercial companies to seek external funding for regional retail packaging prevention campaign/research. Consider both wide-scale campaigns and campaigns aimed at specific packaging sectors (e.g. single use shopping bags).taking account of the research findings			KPI- Amount of external funding secured.	
Seek funding to run waste reduction campaigns across North London for 15 years. (ongoing)	Approach organisations such as WRAP and commercial companies to seek external funding for waste reduction campaigns.	Government agencies, companies and funding bodies.	NLWA	Target- Meet with WRAP and 2 different retail chains to discuss potential waste prevention campaigns. KPI- Number of organisations approached. KPI- Amount of external funding secured.	4.B1
Lobby government to do more to minimise waste growth (ongoing)	Continue to submit responses to government consultation processes, promoting the waste hierarchy and waste prevention considerations wherever possible. Lobby for a legislative backing for “no junk mail” stickers, so they are legally binding on advertisers, distributors and delivery services.	National, regional and local government.	NLWA	Target- Submit NLWA responses to all appropriate consultation processes, including lobbying for legislative backing for “no junk mail” stickers where appropriate.	4.A1
Enforcement	NLWA Legal Officers to undertake research into the current use of the <i>Packaging (Essential Requirements) Regulations</i> 2003 to prosecute excess packaging and develop recommendations for Trading Standards Officers on the best way to enforce the Regulations.	Trading Standards Officers, businesses in North London	NLWA	Target- Report and recommendations prepared by March 31 st 2009.	4.A3 4.B2
Facilitate trade waste officers providing waste prevention advice.	Update the written reference material prepared in 2007/08 to ensure it reflects current programmes, infrastructure and services available to businesses. Investigate opportunities for waste awareness training of borough staff.	Trade waste officers and customers in North London	NLWA to lead with support from Boroughs	KPI- Total number of trade waste customers visited/informed about the waste prevention advice	4.A2 4.A3
Expand promotional scheme	Expand the trade waste promotion scheme to more areas across North London.	Businesses and customers	Boroughs to lead with support from	KPI- Total number of businesses joining the scheme.	4.A2 4.A3

for trade waste customers.		across North London	NLWA	KPI- % of businesses approached who join the scheme.	4.B1
Support best practice in waste re-use and encourage the community sector and other partnerships to deliver effective re-use services.	<p>Lobby for, and support the development of, a project to expand the capacity of re-use organisations in North London, building upon the results of the “Re-use capacity in London” project lead by GLA with NLWA’s support.</p> <p>Investigate opportunities to further engage with the 3rd sector on re-use and waste minimisation programmes through organisations such as LCRN and funding via Futurebuilders.</p> <p>Investigate opportunities for donation/ collection points at re-use and recycling centres in North London.</p>	DEFRA, GLA, GOL, NLWA, boroughs and the re-use sector	NLWA	<p>Target- Meet with LCRN and Futurebuilders to identify opportunities to involve 3rd sector in North London re-use and waste minimisation programmes.</p> <p>Target- Contact all constituent boroughs regarding donation/collection points at re-use and recycling centres.</p> <p>KPI- Number of donation/collection points installed at re-use and recycling centres.</p>	4.C1 4.C2
Real nappy subsidies	Provide and promote a financial incentive to parents opting to use reusable ‘real nappies’ on their babies.	Parents with children in nappies in North London.	NLWA with Borough support	KPI- Number of subsidies claimed for children using real-nappies in North London.	4.B4
Home composting	Support and lobby for the inclusion of home composting tonnages in boroughs’ recycling figures. Consider joint purchasing of capital equipment (e.g. wormeries, bokashi, Johannas, green cones, rockets etc) where support is forthcoming from a majority of constituent boroughs.	Residents across North London with access to a garden or space for a wormery or bokashi bin	Boroughs to lead with support from NLWA	Target- By 2020, ensure that 25% of all residents with gardens compost at home by 2014 to divert approximately 40,000 tonnes from the waste stream.	4.B1 4.B2 4.D1 4.D2

Medium Term Initiatives

Initiative	Specific Actions	Audience	Lead Responsibility	Applicable NLJWS Action
Food waste disposal units	Investigate the issues, problems and opportunities surrounding the promotion and subsidisation of under-sink waste disposal units for high-rise apartments and units with no access to a garden or balcony.	NLWA and constituent boroughs	NLWA	4.B2 4.B4
Enforcement	Boroughs to ensure that all small to medium businesses have trade waste and/or recycling agreements, ensuring this waste does not end up in the household stream. NLWA and boroughs to lobby for improvements to the <i>Packaging (Essential Requirements) Regulations 2003</i> to allow easier prosecution for excess packaging.	Businesses in North London	Boroughs to lead with support from NLWA	4.A3 4.B2
Lobby government to do more to minimise waste growth	Lobby for a requirement on businesses to accept and recycle retail packaging waste deposited by customers prior to leaving the shop.	National, regional and local government.	NLWA	4.A1
Public awareness and education campaigns (ongoing)	Assist boroughs to engage with regional and national schools waste minimisation programmes. Investigate options to provide educational material to support waste prevention awareness programmes in schools across North London. Promote the sharing of educational materials and resources across North London boroughs. Develop a pan-North London waste prevention directory, providing information to the public on goods and services that support waste prevention.	All residents in North London	Boroughs to lead with support from NLWA	4.A2 4.B1 4.B2 4.C2 4.D1
Community Composting	Engage with the Community Composting Network on the best way to ensure current legislative arrangements do not place overly onerous requirements on small scale community composting	DEFRA, Environment Agency	NLWA to lead with support from Boroughs	4.C1 4.E

	schemes.			
Towards a service culture	Promote a switch towards a service culture, reducing focus on products and items e.g. promoting and encourage tool libraries, car clubs, refillable containers and other examples of service hire.	All residents in North London, Government, local businesses	Boroughs to lead with support from NLWA	4.B2 4.C1
Support best practice in waste re-use and encourage the community sector and other partnerships to deliver effective re-use services.	Investigate support for a single service level agreement for furniture re-use services in North London, ensuring value for money for boroughs and NLWA and access to re-use services for the community. Investigate opportunities for a North London Community RePaint scheme.	NLWA and constituent boroughs, Re-use sector	NLWA to lead with support from Boroughs	4.C1 4.C2
Work with appropriate organisations to strengthen reuse markets	Work with government, retail and re-use organisations to identify and develop end-markets for re-used materials.	Re-use sector, housing associations, constituent boroughs	NLWA to lead with support from Boroughs	4.C1 4.C2
Options to move towards zero waste	Consider any of the North London boroughs' zero waste strategies, with a view to sharing ideas for reducing waste generation across North London.	NLWA and constituent boroughs	NLWA to lead with support from Boroughs	4.B2

Long Term Initiatives

Initiative	Specific Actions	Audience	Lead Responsibility	Applicable NLJWS Action
Reduce Business Waste	<p>Work with the National Industrial Symbiosis Programme (NISP) to bring businesses together to minimise waste.</p> <p>Promotion of waste minimisation clubs.</p> <p>Target building waste using promotional schemes and education and awareness programmes such as CaféVan.</p> <p>Promote the development of a zero waste industrial park, building on examples from around the world.</p>	Planning officers and Businesses in North London	Boroughs to lead with support from NLWA	4.A2 4.A3 4.C1
Direct charging for waste	<p>Review the available evidence on the impact of direct and variable rate (DVR) charging on household waste arisings.</p> <p>Consider piloting DVR charging schemes in North London boroughs, if legislative changes allow.</p>	All residents in North London	Boroughs to lead with support from NLWA	4.B4
Alternate weekly collections	<p>Update the research into alternate weekly collections across the UK, undertaken in 2007/08.</p> <p>Support borough pilots for alternate weekly collections, including voluntary approaches such as Hackney's "Green Champions".</p>	All residents in North London	Boroughs to lead with support from NLWA	4.B2 4.B4

Anticipated Impacts

The potential impact of selected actions in the plan have been estimated below. The impact is expressed as both a percentage of the total waste stream and as a tonnage reduced, using the 2006/07 figure for household waste arising in North London of 776,728 tonnes as a baseline. Not all actions have been listed, as information on the likely impact on the total waste stream is not always readily available.

Shop Smart Campaign

Scenario	Assumptions	Impact on Total Waste Stream
Based on <i>Household Waste Prevention Toolkit</i> , NRWF, 2006	<ul style="list-style-type: none"> – Campaign influences 10% to 20% of the public to make smarter shopping choices such as reusable bags, less packaging on products, reusable products such as nappies, bags etc. – Those people who changed their shopping behaviour reduce their waste by 10%. 	0.5% - 1% or 3,884 - 7,767 tonnes

No Junk Mail Campaign

Scenario	Assumptions	Impact on Total Waste Stream
Based on <i>Household Waste Prevention Toolkit</i> , NRWF, 2006	<ul style="list-style-type: none"> – 10% to 20% of households signing up to the mail preference service, using "no junk mail" stickers and requesting banks to cease sending letters. 	0.2% - 0.4% or 1,553 – 3,107 tonnes

Home and Community Composting

Scenario	Assumptions	Impact on Total Waste Stream
Based on Draft NLJWS target	<ul style="list-style-type: none"> – 25% of households with gardens compost and divert 150 kg of waste each. – All detached, semi detached and terraced houses have gardens. – Number based on 2001 census figures, projected to 2006 using <i>GLA 2006 Round Demographic Projections</i> information for total households in each borough. – No-one currently composts 	1.5% or 11,856 tonnes
Based on <i>Household Waste Prevention Toolkit</i> , NRWF, 2006	<ul style="list-style-type: none"> – 50% of households already compost. – Promotion can achieve an addition 25% of all households recycling, including flats and apartments (using wormeries etc), each diverting 150kg per year. – Increased impact of community composting projects. 	1% - 3% or 7,767 – 23,302 tonnes

Encouraging Re-use

Scenario	Assumptions	Impact on Total Waste Stream
Based on <i>Household Waste Prevention Toolkit</i> , NRWF, 2006	<ul style="list-style-type: none"> – Around 5% of the waste stream can be sensibly reused or refurbished. – A co-ordinated programme of community exchanges, re-use support and refurbishment may allow 20% - 40% of this reuseable/refurbishable stream to be captured. 	1% - 2% or 7,767 – 15,534 tonnes

Encouraging a Service Culture

<i>Scenario</i>	<i>Assumptions</i>	<i>Impact on Total Waste Stream</i>
Based on <i>Household Waste Prevention Toolkit</i> , NRW, 2006	– Disposable goods are believed to make up 60% of the waste stream. Encouraging the development and expansion of leasing and borrowing system (e.g. tool library, hire services, car sharing) along with encouraging the use of refillable containers can help reduce this waste stream.	0.5% - 1% or 3,884 - 7,767 tonnes

Direct Charging for Waste

<i>Scenario</i>	<i>Assumptions</i>	<i>Impact on Total Waste Stream</i>
Dutch "Diftar" system, cited in the <i>Household Waste Prevention Policy Side Research Programme: Final Report for Defra</i> , Eunomia et al, 2007	– 3 options for charging either based on number of times bin is set-out, bin weight or payment for special bags which are collected.	12 – 30% or 93,207 - 233,018 tonnes

Report Ends

Environmental/health and safety offences

1. The main environmental protection offences are:

Summary of offence	Legislation	Maximum penalty
Depositing, recovering or disposing of waste without a site licence/permit or in breach of its conditions (covers fly-tipping)	Environmental Protection Act 1990, s.33	On summary conviction: £50,000 fine and/or 6 months imprisonment On indictment: unlimited fine and/or 5 years imprisonment
Polluting or solid waste matter entering controlled waters	Water Resources Act 1991, s.85	On summary conviction: £20,000 fine and/or 3 months imprisonment On indictment: unlimited fine and/or 2 years imprisonment
Failure to comply with the waste 'duty of care' (often associated with fly-tipping)	Environmental Protection Act 1990, s.34	On summary conviction: £5,000 fine On indictment: unlimited fine
Fishing with a rod and line without a licence	Salmon and Freshwater Fisheries Act 1975, s.27(a)	On summary conviction: level 4 fine
Failure to hold a permit for an activity (e.g. a landfill site) or failure to comply with condition of a permit	Pollution Prevention and Control Regulations 2000, regs 9(1), 32(1)(a) and (b) Environmental Permitting (England and Wales) Regulations 2007, regs. 12, 38(1)(a) and 38(1)(b)	On summary conviction: £20,000 fine On indictment: unlimited fine
Failure to comply with requirements associated with producing, transporting and managing hazardous wastes	Hazardous Waste Regulations (England and Wales) 2005, regs. 65 and 68	Offences under reg. 65 in connection with regs. 21-22, 24-26, 34, 35-44, 46 and schedule 7, 53, 54 and 55: On summary conviction: level 5 fine Other offences under regs. 65 or 68: On summary conviction: fine not exceeding statutory maximum On indictment: unlimited fine and/or 2 years imprisonment

2. The main health and safety offences are:

Offence	Legislation	Maximum penalty
Failing to comply with an improvement or prohibition notice, or a court remedy order	Health and Safety at Work etc Act 1974, ss.33(1)(g) and 33(1)(o)	On summary conviction: £20,000 fine and/or 6 months imprisonment On indictment: unlimited fine and/or 2 years imprisonment
Breaching general duties in Health and Safety at Work Act ss.2 to 6	Health and Safety at Work etc Act 1974, s.33(1)(a)	On summary conviction: £20,000 fine On indictment: unlimited fine
Breaching health and safety regulations or licensing conditions	Health and Safety at Work etc Act 1974, s.33(1)(c)	On summary conviction: £5,000 fine On indictment: unlimited fine Where the offence involves contravention of a licence, maximum penalty on indictment: 2 years imprisonment

3. It is important to consult your legal adviser in these cases. The Court of Appeal gave guidance on health and safety sentencing in *R v Howe*¹ and *R v Balfour Beatty Infrastructure Services Ltd.*² These principles are relevant also to sentencing for environmental offences. In addition, refer to the environmental offences training materials on the Magistrates' Association website www.magistrates-association.org.uk

4. Offences under these Acts are serious, especially where the maximum penalty in a magistrates' court is £20,000 or above. Imprisonment is available for some offences. Particular care needs to be taken when considering whether to accept jurisdiction or to commit a case to the Crown Court, especially when the defendant is a large company (see paragraph 11 below).

Offence seriousness

5. Sentencers should assess offence seriousness following the approach set out in the Sentencing Guidelines Council's definitive guideline *Overarching Principles: Seriousness*, published 16 December 2004.

6. In some cases, much more or much less harm may result than could have been reasonably anticipated. In these circumstances, the Council guideline states that the offender's culpability should be the initial factor in assessing the seriousness of the offence.

7. The following factors may be particularly relevant to all environmental/health and safety offences, **but these lists are not exhaustive:**

Factors which may indicate higher than usual culpability:

- Offence deliberate or reckless breach of law rather than result of carelessness
- Action or lack of action prompted by financial motives (profit or cost-saving), for example by neglecting to take preventative measures or avoiding payment for relevant licence
- Regular or continuing breach, not isolated lapse
- Failure to respond to advice, cautions or warning from regulatory authority

¹ [1999] 2 Cr App R (S) 37 (CA)

² [2006] EWCA Crim 1586 (CA)

- Ignoring concerns raised by employees or others
- Offender has committed previous offences of a similar nature
- Offender exhibited obstructive or dismissive attitude to authorities
- Offender carrying out operations without an appropriate licence

Factors which may indicate greater than usual degree of harm:

- Death or serious injury or ill-health resulted from or risked by offence
- High degree of damage resulting from offence (but lack of actual damage does not render the offence merely technical; it is still serious if there is risk)
- Considerable potential for harm to workers or public
- Animal health or flora affected
- Extensive clean-up operation or other remedial steps required
- Other lawful activities interfered with
- In respect of offences of fly-tipping, tipping dangerous or offensive waste; tipping near housing, children's play areas, schools, livestock or environmentally sensitive sites; any escape of waste to streams or atmosphere

Factors which may indicate lower than usual culpability:

- Offender played a relatively minor role or had little personal responsibility
- Genuine and reasonable lack of awareness or understanding of specific regulations
- Isolated lapse

Matters of offender mitigation may include

- Offender's prompt reporting of offence and ready co-operation with regulatory authority
- Offender took steps to remedy the problem as soon as possible
- Good previous record

8. In the case of *Friskies Petcare (UK) Limited*³ it was recommended that the HSE should set out in writing the facts of the case and the aggravating features, and the defence should do likewise with the mitigating features, so as to assist the court in coming to the proper basis for sentence after a guilty plea. Where the plea is entered on an agreed basis, that should be set out in writing for the court.

The level of fine

9. A fine should be the starting point for sentencing both companies and individuals for these offences. Sentencers should determine the appropriate level of fine in accordance with the Criminal Justice Act 2003, which requires offence seriousness and the financial circumstances of the offender to be taken into account.

10. For both individual and corporate offenders, the level of fine should reflect the extent to which the offender fell below the required standard. The sentence should also take account of any economic gain from the offence; it should not be cheaper to offend than to take the appropriate precautions.

³ [2000] EWCA Crim 95

11. The following factors will be relevant when sentencing corporate offenders:

- the fine must be substantial enough to have a real economic impact which, together with the bad publicity arising from prosecution, will bring home to both management and shareholders the need to improve regulatory compliance;
- appropriate fines for large companies might be beyond the summary fines limit. In such circumstances the case should be dealt with in the Crown Court. Where larger companies are dealt with in a magistrates' court, the court should look to a starting point near the maximum fine level and then consider aggravating and mitigating factors;
- care should be taken to ensure that fines imposed on smaller companies are not beyond their capability to pay. The court might not wish the fine to result in the company not being able to pay for improved procedures or to cause the company to go out of business. Where necessary, the payment of fines could be spread over a longer period than the usual 12 months;
- there is no single measure of ability to pay in respect of corporate offenders; turnover, profitability and liquidity should all be considered. It is not usual for an expert accountant to be available in summary cases;
- if a company does not produce its accounts, the court can assume that the company can pay whatever fine the court imposes.

12. When sentencing public authorities, the court may have regard to the fact that a very substantial financial penalty may inhibit the performance of the public function that the body was set up to fulfil. This is not to suggest that public bodies are subject to a lesser standard of duty or care in safety and environmental matters, but it is proper for the court to take into account all the facts of the case, including how any financial penalty will be paid.⁴

Other sentencing options

13. A discharge will rarely be appropriate in these cases.

14. Compensation must be considered if there is a specific victim who has suffered injury, loss or damage. Under s.33B of the Environmental Protection Act 1990, a magistrates' court's power to impose compensation for clean-up costs is not limited to £5,000. Refer to pages 165-167 for further guidance on the approach to compensation.

15. Under section 42(1) of the Health and Safety at Work etc. Act 1974, the court may impose a remedial order in addition to or instead of imposing any punishment on the offender. Where the offence involves the acquisition or possession of an explosive article or substance, section 42(4) enables the court to order forfeiture of the explosive.

16. Where the offender is a director or senior manager of a company, the court may be able to exercise its power of disqualification under the Company Directors Disqualification Act 1986 (see page 171).

Consult your legal adviser for further guidance regarding the exercise of these powers.

Costs

17. The prosecution will normally claim the costs of investigation and presentation. These may be substantial and can incorporate time and activity expended on containing and making the area safe. The relevant principles are set out on page 175 above.

⁴ *R v Southampton University Hospital NHS Trust* [2006] EWCA Crim 2971 (CA)

PLANNING & REGENERATION

Marc Dorfman @ 15-12-08

Key elements of the service

Regeneration provides Haringey employment, enterprise development and area regeneration projects and advice:

- **Economic development policy** research for the production of the Borough Regeneration strategy
- **External funding bids** to London, national and European bodies;
- **Employment and skills** programmes for worklessness;
- **Enterprise schemes** and advice for local businesses and
- **Area and Physical regeneration projects** – particularly in town centres, (Tottenham High Road and Wood Green) and key challenged neighbourhoods including Northumberland Park and the Seven Sisters New Deal for Communities (NDC).

Planning provides three statutory Borough functions – the production of an up to date Borough land use plan, a development control service for processing planning applications and a building control service for dealing with building notices, applications and building health and safety issues:

- **Town Planning policy** research for the production of the Borough Unitary Development Plan/Local Development Framework – the Haringey Land Use Plan. This is a statutory local authority function.
- **External funding bids** to London, national and European bodies
- **Site and Local Area Planning**, (Haringey Heartlands; Tottenham Hale and Central Leaside) and an **Urban Design advice service**
- **Development Control Service** – assessing planning applications and making recommendations for councillor decisions at Planning Committee. This focuses on the proper location of development projects and their design and operation. This is a statutory function. It compliments a planning enforcement service that is in Frontline services.
- **Building Control Service** – assessing building applications for construction once planning permission has been granted. This regulates safe building construction; accessibility; emergency access and building energy efficiency. This is a statutory function.

Recent Key Events/Achievements

Regeneration

- The Borough's Regeneration Strategy was approved by Cabinet in February 2008, with the delivery plan approved in July 2008. The August and October Corporate Haringey Performance Management assessments of regeneration projects showed they were performing well. The success of these programmes has resulted in the Borough's Enterprise Partnership, (public, private and voluntary sector) being allocated £1.2m in 2008/09; £1.6m in 2009/10 and £1.4m in 2010/11.

Employment

- The Haringey Guarantee is the Borough's Job Brokerage Programme for local unemployed. It was formally evaluated in June 2008 and was given a good recommendation. It is a multi agency programme. In 2008 it reached 60% of its "stretch target" to support 120 JSA claimants (Job Seekers Allowance) into work. This has resulted in an extra £282k reward grant being made available to the Council and its partners. Over the whole year the aim is to deliver 334 job entries and 256 sustained/permanent jobs outcomes.
- The North London Pledge was launched in 2008 extending the Haringey Guarantee scheme to Enfield and Waltham Forest. The North London Pledge is an £1.5m programme (£600k in 08-09 and £900k 09-10) led by Haringey and funded by the London Development Agency. The programme is scheduled to deliver an extra 100 employment outcomes and a further 200 skills and training outcomes over two years.
- The Families into Work Programme to support long term and persistent unemployment was launched in October 2008 in Northumberland Park. The programme will support 100 families into employment to help reduce child poverty and give children the support for their educational and skills development. It is a multi agency programme.

Enterprise/Business

- Business Support: The 3rd Haringey City Growth Business Awards took place in May 2008 with more than 400 people from Haringey's business community attending. Overall targets for the year have been set and comprise over 200 local businesses getting support or starting up; 150 young people getting enterprise training and a support programme for local traders associations. This work is deliver by Haringey staff and the North London Business Partnership.

- The Film Business Office has facilitated a major motion picture being filmed in the borough as well as several high profile TV dramas regularly filming at Hornsey Town Hall. The 7th Annual Short Film Festival will take place at Wood Green in March 2009.

Area Regeneration

- Shop front and building heritage projects were completed at Windsor Parade on Tottenham High Road and were highly commended in the 2008 Regeneration and Renewal awards for Heritage Led Regeneration. Haringey projects are funded by the Council, the Heritage Lottery Fund and English Heritage's PSICA (Partnership Schemes in Conservation Areas) fund. Eligible buildings are being targeted on Tottenham High Road and on Myddleton Road near Bounds Green.
- The Wood Green Town Centre Planning Guide was developed and published following a substantial public consultation exercise. The Supplementary Planning Document was adopted by Cabinet on the 14th October 2008. The SPD provides long term guidance for the planning and development of Wood Green Metropolitan Centre to 2016.
- The Seven Sisters New Deal for Communities (NDC) has submitted its proposals to the Council for the future physical planning of the area . The NDC is on target to deliver its stated targets for social; health and economic improvement in the area.

Planning

- Town Planning Services are not all managed by Planning and Regeneration. Planning Enforcement is managed by Frontline Services. An improvement action plan has been put in place by the AD Frontline Services and the Team itself. Service coordination systems are now in place to develop an integrated service with Town Planning. New staff have been taken on to deal with major planning applications and to coordinate major development sites. Development Control and Planning Committee continues to be run well and is now developing a programme of member and officer joint training and a improvement action plan for 2009-10. The Local Development Framework timetable has been delayed a little but the policy framework in place, (Unitary Development Plan 2006) is still robust. Design advice and heritage protection projects are in place across both Planning and regeneration services. Formal area planning continues with significant master planning work being done in Tottenham and the Heartlands; a new Central Leaside Plan at a draft stage; a new Planning and Improvement Guidance Plan produced for Wood Green Metropolitan Centre – and a new sub regional Waste Plan making its start. Building Control is increasingly becoming a critical service to integrate into town

planning because of its energy efficiency and enforcement support functions.

Town Planning Policy

- The Local Development Framework; Haringey is able to rely on its recent 2006 Unitary Development Plan for its planning policy framework. Most of these have now been saved by the Council and the GLA until 2009/10 – when a new Borough Local Development Framework will be put in place. This year consultation on the new “core strategy” has begun and employment and retail studies have been carried out. Work has also begun on a joint Sub Regional Waste Plan.
- The Annual Monitoring Report – Planning Policy Progress: is going to Cabinet in December and shows good progress on Housing and Affordable Housing; on negotiating community benefit planning obligations; on retail in the main 6 town centres and the 38 local retail centres; on business growth; on local park quality and on waste management. There has not been such good progress on developing travel plans and traffic management. Our appeal loss rate at 40% is still too high and should be around 30-33%.

Site and Local Area Planning, and Urban Design

- Master Planning and Site Development: Projects aim to bring forward new homes in a way that support mixed use and tenure neighbourhoods with good public open spaces; access to work and community facilities and to public transport. These include Tottenham Hale Village and Station; Tottenham Gyratory and Urban/Town Centre; Lawrence Road; Ashley Road; Marsh Lane; Lee Valley Access projects; Haringey Heartlands new neighbourhood schemes and the redevelopment of Tottenham Football Club. All of this work involves considerable external funding management. At the time of writing the Borough had won an extra £6.9m for Tottenham Hale/Leaside development projects for 2009-12.
- Strong Urban Design advice is being given to all these projects and the town centre building heritage schemes run by the Regeneration Service. Staff provide training for the service and members and run an external Design Panel to provide creative challenge to developing schemes.
- The Central Leaside Area Action Plan has begun its planning journey and this is a joint Haringey and Enfield project.

Development Control/Management and Planning Enforcement

- The Development Management service is meeting all its “speed” targets set by central government. It has introduced pre application

advice and is now piloting the new “Planning Performance Agreements” which allow Local Planning Authorities to replace speed with quality service targets. Appeal loss rates have improved in 2008-09, but still need to improve more and an action plan is being put in place for 2009-010.

- The Enforcement Service is now addressing the enforcement complaint backlog and is one of the best performing London Boroughs for issuing planning enforcement notices either to request formally information or to threaten or take enforcement action.

Building Control

- The Building Control Service has carried out a “value for money” review and has been found sound. It is meeting its locally set benchmark performance indicators, (across London services) for customer service and in 09-10 will begin the process of external accreditation. It continues to be unique in its health and safety service to Spurs Football Ground.

Priorities for the coming year

Regeneration

- Economic Development Targets: In the light of the economic down turn, the Council must now re negotiate appropriate adjustments to the Haringey Local Area Agreement targets on Incapacity Benefit claimants and new business registration rate (VAT).
- Olympic Opportunity: Members have agreed to provide funding to support Olympic based activity in the borough. £60,000 will be available for three years from April 2009 and projects will be set up to ensure that Haringey residents, young people and businesses have access to the Olympics opportunity and the Olympic legacy. An Olympics Action Plan is being developed with other council services and North London Strategic Alliance.
- Credit Crunch: Understanding the impact of the Credit Crunch on regeneration activities and employment. This will be an ongoing process, beginning with the identification and regular tracking of a set of economic indicators and regular communication with all service providers for employment and business support. In 2009 a business information pack will be produced on how Council services work and how they can be used.
- Apprenticeships: Develop local labour outcomes for the borough and promote opportunities for apprenticeships.
- Town Centre Improvement Plans and Management: In 2009-10 the service will start linking area management (safe and clean regimes); strategic planning (site and transport development) and business development and events (business promotion and town centre cultural and community offers) for the Boroughs town centres. A 3 year development programme for town centres will be put in place.
- Groundwork Haringey and Sub Regional Working: In 2009-10 a simpler and more focused approach will be established for partner and cross Borough working with regular reporting on fewer critical projects including jobs and businesses; better public open spaces; better use of public transport and increased local energy provision and energy management.
- The London Development Agency and the London Skills Board: By the beginning of 2009-10 the Mayor's economic development agency will be ready to show how it will spend £450m a year over three years across London. In 2010 a new London Skills Board will be put in place to deliver the 18year old + skills and training programme. Haringey will be involved in the development of these programmes.

Planning

- Planning and Building Control Performance Targets: In 2009-10 a more rigorous and integrated approach to target management will be established to link to as the first full year of the Local Area Agreement.
- Local Development Framework: 2009-10 will see the creation of a final draft plan for Haringey. More member and community consultation will take place. And key elements of the new plan will need to be addressed – an urban capacity study; a strategic flood risk assessment and a community infrastructure plan.
- Credit Crunch: Understanding the impact of the Credit Crunch on planning and building control service will be important. Though it is still to feed through into the Development Management and Building Control fees – these are expected to reduce from January 2009 onwards. It will be critical to still provide a strong customer service – particularly pre application work and not to drop design and energy standards. In 2009 a business information pack will be produced on how Council services work and how they can be used.
- The 2008 Planning Act; the Mayors new Powers and the Homes and Communities Agency: A new Planning Act came into force in November 2008; the Mayor was given new “planning approval powers” in May 2008 and in December 2008 a new national Planning Agency – the Homes and Community Agency - was created joining the Housing Corporation; English Partnerships and the Academy for Sustainable Communities. In 2009-10 Haringey will need to adjust its procedures to engage with all these planning changes. Training for staff and members will be put in place in the new year.
- Site and Area Planning: Major site development work will be progressed including a possible planning applications for the redevelopment of Spurs and key site in Haringey Heartlands; improvement proposals for Hornsey Town Hall and consultation on proposals for Tottenham Hale and Leaside improvements.



[No.]

Overview and Scrutiny Committee**12th January 2009**

Report Title:	
Gambling Establishments in Haringey – Feasibility Report for a Possible Full Scrutiny Review	
Report authorised by:	
Cllr Gideon Bull, Chair of the Overview and Scrutiny Committee	
Contact Officer: Martin Bradford Scrutiny Research Officer	
<u>Martin.bradford@haringey.gov.uk</u> 0208 489 6950	
Wards(s) affected: ALL	Report for: Non Key
1. Purpose of the report (That is, the decision required)	
1.1 In June 2008 the Overview and Scrutiny Committee asked for a one off feasibility report on the practicality of undertaking an in-depth review on the issues surrounding the licensing of gambling establishments in Haringey.	
1.2 The aim of this report is to consider the feasibility of the Overview and Scrutiny Committee commissioning a scrutiny review on the licensing of Gambling Establishments in Haringey.	
2. Introduction by Cabinet Member (if necessary) N/A	
3. State link(s) with Council Plan Priorities and actions and /or other Strategies:	
3.1 <i>Priorities:</i> To create a <i>Better Haringey</i> : cleaner, greener and safer	
3.2 Sustainable Community Strategy 2007 – 2016 with:	
<ul style="list-style-type: none"> ▪ People at the heart of change Where Haringey will: <ul style="list-style-type: none"> ▪ have an environmentally sustainable future ▪ have economic vitality and prosperity shared by all ▪ be safer for all 	

4. Recommendations

- 4.1 That the Committee do not commission a full scrutiny review of the licensing of gambling establishments in Haringey at this current time.
- 4.2 That the Directorate report back to the Committee on or before September 2009 to provide further analysis of the impact of the Gambling Act (2005) in Haringey.
- 4.3 That a Member Development session be undertaken, jointly facilitated by Licensing and Planning, to allow Members to discuss issues pertaining to the future licensing and planning applications of gambling establishments in Haringey.

5. Reason for recommendation(s)

- 5.1 There is little benefit of undertaking a scrutiny review of the licensing of gambling establishments in Haringey as this process is very tightly prescribed by national legislation (Gambling Act 2005).
- 5.2 The Gambling Act (2005) only came into effect in September 2007. The parameters through which the Licensing Authorities (the Local Authority) consider gambling licenses and set conditions are still being tested.
- 5.3 The Department of Culture and Media & Sport is aware of the proliferation of betting shops and has launched an investigation in to the scope and extent of this problem. It intends to investigate what additional powers the Licensing Authorities will need to address this issue.
- 5.4 Depending on the nature and scope of the planned DCMS investigation (5.3) Haringey Council will consider whether to commission research to investigate the local impact of the Gambling Act (2005).
- 5.5 It would appear that the Licensing Authority (the Local Authority) has little local discretion in the consideration of premises licenses for gambling operators. It is noted that Haringey Council lost 3 appeals in respect of licensing gambling establishments.
- 5.6 Whilst the Gambling Act (2005) seeks to encourage greater local participation in gambling license decisions, the actual scope for potential Member and public representations is limited. This inability to influence the licensing decision process has precipitated local frustration.

6. Other options considered

- 6.1 An alternative option of undertaking a full scrutiny review would not be appropriate at this time for those reasons set out above.

7.1 Summary - background

7.1.1 The Gambling Act (2005) created a new role for Local Authorities where, as the Licensing Authority, they are required to consider applications for premises licenses from gambling operators. Since this legislation was introduced in September 2007, the Licensing Authority has considered 10 new applications for betting shops in Haringey, three of which were initially rejected. Upon appeal to the Magistrates Court, gambling operators successfully overturned all three refusals for a premises license.

7.1.2 In this context, there are concerns among both elected Members and the wider public that the new regulatory framework provides little local discretion in the consideration of such license applications, which may in time lead to a proliferation of gambling establishments throughout the locality. Without stronger local regulation, there is some anxiety that the expansion of betting shop outlets may be focussed in more deprived neighbourhoods in the borough, where rents may be lower.

7.1.3 Evidently, these concerns are not confined to Haringey, as the Local Government Association is currently lobbying government to reintroduce the power of the Licensing Authority to restrict licenses in geographical areas.¹ The following provides an overview of the main issues in considering a possible full scrutiny review of this issue. A number of conclusions and recommendations have been drawn from the evidence presented and summarised in section 7.9.

7.2 Gambling in the UK

What is gambling?

7.2.1 Gambling can be defined as '*the wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods*'. Gambling can take many forms and operate through a variety of mediums. The following table outlines the main forms of gambling and the nature of the activities involved.

	Definition	Example	Medium
Gaming	Stakes on a game of chance	Casino games	Casinos, internet.
Betting	Stakes on a race, outcome or event	Sports results	On course, bookmakers, internet, telephone,
Lottery	Allocation of prizes on basis of chance	National Lottery Local Lotteries	Retail outlets, internet, telephone and other venues.

Prevalence of gambling

7.2.2 The most recent prevalence data (2007) indicated that in excess of 2/3 (68%) of the adult population undertook some form of gambling activity in the previous 12 months.² If those who solely gamble on the National Lottery are excluded however, then just under

¹ <http://www.lga.gov.uk/lga/core/page.do?pagelid=1083651>

² Gambling Prevalence Survey 2007

½ (48%) of the adult population participated in some form of gambling in the past 12 months.² Current trend data would appear to indicate a decline in gambling activity in the UK in the period 1999-2007.²

7.2.3 The most popular form of gambling in the UK is the National Lottery in which over ½ (57%) of the adult population participate.² Scratchcards (20%) and horseracing (17%) are the next most popular form of gambling activity.² The data also shows the emergence of new forms of gambling such as spread betting (where potential winnings are linked to accuracy of wager) and Betting Exchanges (betting intermediary). A table depicting the prevalence of different gambling activities in the UK is given below.

National Lottery	57%	Private betting	10%
Scratchcards	20%	Bingo	7%
Horseracing	17%	Dog racing	5%
Slot machine	14%	On line	3%
Other lotteries	1%	Spread Betting	1%
		Betting Exchanges	1%

Key gambling data

7.2.4 Whilst the prevalence of gambling in the adult population may have gone down since 1999, the amount of money that has been staked has grown significantly in the past 5 years. Total UK gambling stakes rose from £53 billion in 2001-2 to £91 billion in 2005-6.⁵ The gambling industry is a significant contributor to the UK economy employing over 120,000 people and contributing £1.4 billion to the exchequer each year³; equivalent to 1% of all government revenues.⁴

³ Preventing UK Gambling Harm, Responsibility in Gambling Trust, 2007

⁴ Department of Culture Media & Sport, Gambling Data 2008

⁵ HMRC bulletins, Gaming Board, Gambling Commission Annual Reports, DCMS estimates.

⁶ Betting shop gaming machines cause concern Daily Telegraph 4th March 2005

⁷ Cost of UK's Gambling Habit The Guardian 29th September 2007

⁸ Ladbrokes Biggest Earner the Guardian 17th August 2008

⁹ Scoping Study for a UK Gambling Act (2005) Impact Assessment Framework DCMS 2007

¹⁰ Research on Social Impacts of Gambling, Scottish Office, 2006

¹¹ Research on the Social Impact of Gambling 2006

¹² Preventing UK Gambling Harm, Responsibility in Gambling Trust, 2007

¹³ Gamcare Services Report 2007

¹⁴ Gamcare Services Report 2007

¹⁵ National Problem Gambling Clinic (Soho), North West London NHS Foundation Trust.

¹⁶ Adult gaming centres are arcades with machines with high value pay outs.

¹⁷ Based on data provided by Licences, Urban Environment as of 05/11/08

¹⁸ Fair Rules for Strong Communities, DCMS 2008

UK Gambling Stake 2001-02-2005-06 (£ million)⁵	
Financial Year	Total Stake
2001-02	52,561
2002-03	63,394
2003-04	77,916
2004-05	92,496
2005-06	91,516

7.2.5 Betting shops were first legalised in the UK in 1961. Historically, there were many more betting shops in the UK than there are at present; in the early 1980's there were approximately 15,000 betting shops. With consolidation among gambling providers, there are estimated to be approximately 8,800 betting shops currently in the UK.

7.2.6 There has been widespread speculation that the advent of highly profitable Fixed Odds Betting Terminals (FOBT) in betting shops has arrested the decline of betting shops: in 2001, when the first FOBTs were installed in shops, there were 39 new planning applications for licensed bookmaker premises, in 2002 the figure rose to 98, in 2003 it was 196 and 2004 there were 340 applications were made.^{6, 7, 8}

7.3 The Gambling Act 2005

7.3.1 The Gambling Act (2005) was introduced to reflect the widespread changes that have occurred throughout the gambling industry and recognition of the need to modernise and update a regulatory framework which had been in force for nearly 40 years. The centrepiece of this legislation was the creation of the Gambling Commission, a new independent regulator for all gambling activities in the UK.

7.3.2 The Gambling Commission is required to regulate gambling in the interests of the public and is responsible for the regulation of bookmakers, casinos, bingo clubs, lottery operators, arcade operators and remote gambling operators. In regulating these gambling operators, the Commission is been required to adhere to three key principles:

- to keep crime out of gambling,
- ensure that gambling is conducted fairly and openly,
- to protect children and vulnerable people from being harmed or exploited by gambling.

7.3.3 The Gambling Act (2005) established a tripartite system of regulation involving the government, the Gambling Commission and the Licensing Authority (the Local Authority). The regulatory framework for the gambling industry is underpinned by the issuing of three types of license; these are administered by the Gambling Commission and the Licensing Authority. The type of license and the issuing authority are summarised below:

License Type	Issuer	Purpose
---------------------	---------------	----------------

Operating License	Gambling Commission	That operators comply with principle gambling objectives
Personal License	Gambling Commission	Certain senior individuals to require a license within some operators
Premises License	Licensing Authority	Applications considered where gambling premises are located

7.4 The role of the Gambling Commission

7.4.1 The Gambling Commission issues operating licenses to prospective gambling providers. A gambling operator wishing to open a gambling establishment in any locality will first need to obtain an operating license. The Gambling Commission will assess prospective operators to ensure that it has appropriate governance procedures and is compliant with the overriding aims of the legislation (as in 7.2.2). Successful applicants may apply for premises license from the Licensing Authority where it wishes to conduct its gambling activities.

7.4.2 Through providing information, guidance and support to Licensing Authorities the Gambling Commission aims to ensure that there is a consistent national standard of licensing. The Gambling Commission has extensive powers and may impose a range of restrictions on individual licensees. The Commission can enter premises, impose unlimited fines and ultimately withdraw licenses. The Commission also has powers to investigate and prosecute illegal gambling.

7.5 The role of the Licensing Authority (Local Authority)

Statement of Gambling Policy

7.5.1 The Gambling Act (2005) requires each Licensing Authority to produce a statement of gambling policy for their locality. This policy is intended to show how the Licensing Authority will exercise its functions and the principles it intends to apply. The Licensing Authority must demonstrate that it has consulted local stakeholders in the development of the local gambling policy.

7.5.2 Whilst all Licensing Authorities are required to produce a local gambling policy, there is in effect little local variation, as the content of such policies are tightly prescribed by the Gambling Commission.

Premises License

7.5.3 The main role of the Licensing Authority is to consider applications for premises licenses from gambling operators intending to conduct gambling activities in the locality. The Licensing Authority is required to approve premises licences for all gambling activities in the locality for gambling activities including:

- bingo
- betting shops
- adult gaming centres (high stakes electronic gaming)
- family gaming centres (lower stakes electronic gaming)
- casinos

- racecourses and dog tracks.

7.5.4 In considering the application for a premises license the Licensing Authority there are three conditions of the license; mandatory, default and discretionary. Mandatory and default conditions are prescribed by the Gambling Act; mandatory conditions cannot be varied by the Licensing Authority but default conditions can be added or removed by the Licensing Authority and are the for premises license.

7.5.5 The Licensing Authority does have limited powers to vary the conditions of the premises license under the discretionary guidance. Such variations may include the opening hours or security arrangements for the proposed gambling establishment. Once again, the conditions that the Licensing Authority are able to set within individual licenses are tightly prescribed by the Gambling Commission and cannot contravene guidance issued from the regulator. In summary, the Licensing Authority can only set conditions where:

- they are relevant to make the building safe
- directly related to the premises
- fairly and reasonably relate to the scale of the premises
- reasonable in all other aspects.

7.5.6 It is of critical importance to note that the Gambling Act clearly specifies that the Licensing Authority *must aim to permit* applications for a premises license so long as this conforms to Guidance and Codes of Practice from the Gambling Commission and conforms to the Gambling Policy of the Licensing Authority. In this context, so long as the applicant can demonstrate that the license does not contravene the 3 gambling objectives (crime and disorder, fair and open gambling & protection of children and vulnerable adults) there is limited scope for the Licensing Authority to reject the application.

7.5.7 Prior to the Gambling Act (2005), the approval of local gambling licences was exercised by the Local Magistrates Court. Within this previous system there would appear to have been more local discretion in considering license applications, in particular Magistrates could apply a 'demand test', where licenses could be withheld if it was considered that there were too many gambling premises to meet anticipated demand in a particular area. There is no such provision in the new legislation.

Enforcement

7.5.8 Enforcement of the Gambling Act and associated regulations and licenses is shared between the Gambling Commission, the Licensing Authority and the police. The Licensing Authority is specifically expected to monitor and enforce the conditions of premises licences. To this end, an annual inspection of gambling operators in the area is undertaken to ensure that they are compliant with the terms of their premises licences.

The inspection may assess a range of factors including:

- Ensuring that there is no change on the specified floor plan
- Is compliant in terms of number and location of gaming machines
- Ensuring that self exclusion forms barring problem gamblers are prominently displayed
- Contact information from agencies providing support for problem gamblers is

prominently displayed

Greater local participation in licensing decisions

7.5.9 By making the Local Authority the Licensing Authority instead of the Magistrates Court, the Gambling Act (2005) intended to give local people more say in local licensing decisions. As the business of the Licensing Authority is managed through the existing Licensing structures of the Local Authority there is the potential for greater local participation and greater local scrutiny of gambling license applications through:

- licensing and Planning Committee meetings being held in public
- elected representatives being able to sit on licensing committees
- elected representatives being able to make representations about a license without being asked by a resident to do so.

7.5.10 When the Licensing Authority is considering a premises license from a gambling operator, the Gambling Act specifies that representations may be made from a variety of local stakeholders including responsible authorities (e.g. Local Authority, police, planning, fire), a person resident close to the prospective gambling premises, local business interests or representatives of any of the preceding groups (e.g. lawyers, Councillors). However, potential representations from the above parties can only be made if they are relevant to the three governing gambling principles; that it is fair and open, does not generate crime & disorder and ensures the protection of vulnerable adults and children.

7.5.11 In this context, it is unlikely that local groups or individuals will be able to generate sufficient weight of evidence to be able to influence gambling license decisions. Given the limited scope from which local interested parties may make representations to the Licensing Authority and its limited potential impact, it is inevitable that this may generate considerable local frustration.

7.5.12 All appeals against decisions made by the Licensing Authorities in England and Wales are made to the Magistrates Court. It is noted that Haringey Council has been unsuccessful in defending 3 appeals from gambling operators seeking premises licenses.

Planning

7.5.13 Where the proposed gambling establishment incorporates a change in the nature of the use of the particular premises, planning permission may also be required. The Unitary Development Plan (UDP) sets out in the context of national planning policy the local planning policies of the borough. The UDP is therefore instrumental in informing local planning decisions. (It should be noted that a licensing application can be decided without there being the correct planning permission in place; the Gambling Act (2005) forbids the Licensing Authority from taking into account the planning status of the premises in question.)

7.5.14 Whilst it may be possible to reject planning permission for a gambling establishment on the basis that this contravenes the intention of the UDP, it should be noted that guidance within UDP may not be definitive and may be open to individual interpretation and subsequent legal challenge. It should also be noted that planning approval may not be necessary when the use of the premises does not change; thus a pub, restaurant

conversion to a betting office may not require explicit planning approval.

7.5.15 Appeals against planning decisions may be made on the basis that this may affect residential amenity; that is the planned change in building use may precipitate (for example) additional noise, congestion or crime related activities in the area which may be detrimental to residents. Residents must be able to demonstrate that the planned change will have a material or direct effect.

7.5.16 Appeals from Planning Committee decisions are determined by the Planning Inspectorate and can incorporate a range of different methods: written representation (document exchange), informal hearing (planning inspector with public) and public enquiry (quasi-judicial process). Appeals can be costly processes.

7.6 The impact of gambling

7.6.1 It is widely agreed that there is a dearth of research evidence to indicate what impact gambling has upon wider society.⁹ UK national studies have concluded that there is very little evidence to indicate what impact legalised gambling has had because:

- too few studies been undertaken,
- studies that have been undertaken are not robust,
- there is little longitudinal data to assess impact of gambling over time.⁹

7.6.2 Of particular interest for this study is the relationship between gambling and crime. Whilst there have been a number of studies investigating the impact of gambling upon crime, researchers have come to the conclusion that the evidence is too inconsistent to make any definitive association.⁹

7.6.3 The paucity of evidence at the national level is of critical importance in the context of the Licensing Authority's consideration of premises licenses and subsequent appeals of these decisions. In the absence of robust national evidence, the onus is upon local Licensing Authorities to produce localised data to substantiate their decisions. It is unlikely, that individual Licensing Authorities have the capacity or resources to undertake such research or data collection to provide such substantive evidence.

7.6.4 In the absence of robust national data, it is therefore important that the Licensing Authority works cooperatively with other local enforcement agencies (e.g. LA, police, fire), to ensure that there are appropriate systems in place to capture and record appropriate evidence. Such data will be essential to inform local gambling policy or decisions on individual gambling premises.

7.7 Problem Gambling (ludomania)

7.7.1 Most adults who gamble do so responsibly, but for a small minority, gambling can become an obsessive or compulsive behaviour which can have far reaching consequences for gamblers themselves and the people around them. Whilst there is no generally agreed definition, there would appear to be some consensus that gambling is problematic where this disrupts personal, family, financial or employment relations of

those involved'.²

7.7.2 In the UK, the prevalence of problem gambling is estimated to be between 0.5% and 0.6% of the adult population.² On current population estimates this would suggest that there are between 300,000 and 360,000 problem gamblers in the UK. Although the prevalence of problem gambling in the UK has not varied, findings from the next UK gambling prevalence survey (2011) should provide an indication as to whether the liberalisation of gambling laws in the UK (as set out in the Gambling Act, 2005) has impacted on the rate of problem gambling.

7.7.3 Internationally, the level of problem gambling would appear to be associated with the availability and convenience of gambling premises, those countries that have more liberal gambling laws (such as the USA, Australia and South Africa) have higher rates of problem gambling (2.0% and above).⁹

7.7.4 In the UK, the demographic distribution of problem gamblers is not even; the most recent Gambling Prevalence Study (2007) indicated that problem gamblers were more likely to be male, single, in poor health and with a parent with a gambling problem.² Problem gambling was also significantly associated with being black or Asian, separated or divorced, having fewer educational qualifications and being under 35.

7.7.5 Disadvantaged groups, such as the unemployed, those on welfare benefits or those in poverty are most likely to suffer the adverse effects of problem gambling. Indeed, there is evidence to suggest that there is a strong association between problem gambling and disadvantaged groups; those on the lowest incomes are three times more likely to be problem gamblers than other income groups.¹⁰ Problem gambling is also associated with other addictive behaviours such as drug misuse, alcohol abuse and smoking, which can obviously compound social deprivation and disadvantage.

7.7.6 Different gambling activities are more closely associated with problem gambling than others; research evidence shows that Electronic Gaming Machines which allow gamblers to engage in highly repetitive gambling actions, are most closely associated with problem gambling.¹¹ The highest prevalence of problem betting would appear to occur in relatively new forms of betting activities: the top four problem gambling activities are listed below:¹²

Spread Betting	14.7%
Fixed Odds Betting Terminals	11.2%
Betting exchanges	9.8%
Online	7.4%

7.7.7 Although there is no data to indicate the level of problem gambling in Haringey, there is evidence to suggest that the problem gambling may be more prevalent in inner city areas given the accessibility of gambling establishments and the social demography of residents. The fact that almost 1 in 8 callers to a national gambling helpline were from London would appear to support this assertion.¹³

7.7.8 Problem gambling can precipitate a wide range of physical, social and economic

problems for the gambler and for the people around them. Problem gamblers can incur high levels of personal debt, experience relationship breakdown and also suffer from higher levels of mental and physical ill-health. Of those seeking help from a gambling charity in 2007; the average debt was £17,581 though 10% had debts in excess of £50,000, 21% had symptoms of physical ill health and 6% had severe mental health problems.¹⁴

7.7.9 In the UK there are a number of national and local agencies that provide a range of support services for problem gamblers including Gamcare (national helpline and counselling service), Gamblers Anonymous (peer group support) and Gordon House (residential treatment centre). More recently, the first NHS clinic to support problem gamblers was opened in London; this service provides a range of psychological therapies alongside debt advice.¹⁵

7.8 Gambling establishments in Haringey

7.8.1 Local data indicates that there are 81 licensed gambling premises (betting shops and adult gaming centres¹⁶) in Haringey. The overwhelming majority (n=70) of these are betting shops. Approximately 3 out of 5 of these betting shops are operated by two major gambling operators.

7.8.2 There is some evidence to suggest that there has been an increase in the number of betting shops since the Gambling Act (2005) has become effective; since the act came in to force there have been 10 new applications for a premises license from betting shops. It should also be noted that during this same time frame, 4 premises licenses for betting shops were surrendered; perhaps indicating that some market adjustment is taking place.

The distribution of gambling establishments across Haringey.

7.8.3 A series of maps based on the geo-coded locations of 81 Adult Gaming Centres and Betting Shops in Haringey have been produced.¹⁷ Appendix A demonstrates the clusters or hotspot locations for Adult Gaming Centres and Betting Shops across Haringey where the number of sites exceeds 9 per ward. There are two principle gambling hotspots: Shopping City on Wood Green High Road and on Green Lanes at the junction with St. Ann's Road (Appendix A). There are two other smaller hotspots: White Hart Lane and Bruce Grove Railway stations. Two further clusters of gambling sites are seen on Crouch End and Muswell Hill Broadways in the west of the borough (Appendix A).

7.8.4 Analysis of the location of adult gaming centres and betting shops by local deprivation has been undertaken (Appendix B). This demonstrates that 10 of the 81 adult gaming centres and betting shops are located in or near two of the most deprived areas in Haringey (Northumberland Park and Bruce Grove) which are among 3% of the most deprived areas in England. (Appendix B).

7.8.5 More detailed analysis of the resident population in those areas with a high concentration of betting shops / adult gaming centres is provided in Appendices 3 and 4. Appendix 3 shows all eighty-one adult gaming centres and betting shops in the borough aggregated by Super Output Areas (SOA). The dark shaded areas represent the five SOAs with

between 3-5 adult gaming centres and betting shops. Appendix 4 provides a summary of the resident populations of these five areas: 43% of the population across these SOAs can be characterised as 'people living in social housing in deprived areas with uncertain employment'.

Gambling in other licensed premise – 'exempt gaming'

7.8.6 Provisions within the Gambling Act (2005) allow certain licensed premises to provide 'equal chance gaming' (e.g. poker and other card games) without a gambling license or permit; this is known as 'exempt gaming'. This liberalisation of the gambling laws legally permits alcohol licensed premises (pubs, clubs and cafes) to provide limited onsite gambling activities. There are however a number of provisions within the legislation which aim to ensure that such activities remain small scale in such premises, these being:

- Gambling is to remain ancillary to the main purpose of the premises
- Venues cannot charge for admission
- Gaming should be low stakes with a £5 limit per person per game
- All gaming must be supervised by a nominated person

7.8.7 Given the large number of social clubs/cafés in Haringey which have an alcohol and bar license there is some concern that the liberalisation of the gambling laws may precipitate a rise in lower level gambling across the borough. In addition, given the dispersed and varied nature of the venues in which 'exempt gaming' may now take place, there are also concerns as to how such premises will be policed and gambling requirements enforced. This matter is being investigated further by the department.

Commissioning local research

7.8.8 Haringey Council has undertaken preliminary work to commission research to assess the impact of the Gambling Act (2005) in Haringey, particularly in relation to crime and the impact on young and vulnerable people. Whilst it is likely that this data will not represent sufficient evidence to support prospective case by case appeals the research may be useful to inform future licensing and planning decisions.

7.8.9 Any final decisions on the commissioning of local research will note and consider the scope of investigation in to betting offices announced by Department of Culture and Media and Sport.¹⁸

7.9 Conclusions

7.9.1 It would appear that there has been a significant growth in the number of betting shops throughout the UK. It would appear that the growth in new applications for betting shops seen in Haringey is being repeated across the country. It is unclear whether this expansion in the number of betting shops in the community is as a result of the Gambling Act (2005) itself, or the need for operators to increase outlets for highly profitable Fixed Odds Betting Terminals.

7.9.2 It would appear that the Licensing Authority has limited discretion in considering premises licenses from gambling operators or indeed setting conditions to those that are approved.

There is also no 'demand' test in the new legislation, which means Licensing Authorities cannot limit the number of bookmakers in a particular area. Critically, the Gambling Act (2005) specifies that the Licensing Authority must *aim to permit* premises licenses as long as they conform to three key gambling objectives (fair, crime free and protects vulnerable adults and children).

7.9.3 Whilst the Gambling Act (2005) seeks to encourage greater local participation in gambling license decisions, in effect, actual opportunities for local people and their representatives to influence these decisions are minimal. The parameters of allowed representations is restricted to the key gambling objectives (crime free, fair and open and protection of children and vulnerable adults) and the likelihood of local representatives providing sufficient weight of evidence to suggest that these objectives are compromised is low. How can local representatives demonstrate that one additional betting shop (or other gambling establishment) will cause crime or disorder, will affect fair play or impact on children or vulnerable adults?

7.9.4 National studies have concluded that there is very little evidence to indicate what impact legalised gambling has within society; there are too few studies, completed studies are not robust and there is little longitudinal data to assess impact over time. This would seem to compound Licensing Authorities inability to reject or vary applications for premises licenses; if there is not sufficient evidence nationally, it is unlikely that a single Licensing Authority will have the resources to conduct such research.

7.9.5 As there is little local evidence to assess what impact the Gambling Act (2005) has had within Haringey, it is apparent that the Licensing Authority will need to develop local intelligence, data and monitoring information to guide and inform licensing decisions taken by the authority and to support any appeals that may be taken. To this end, it is clear that there needs to be ongoing liaison between the Licensing Authority and other relevant enforcement agencies to develop appropriate systems to collect such necessary data.

7.9.6 Prior to the introduction of the Gambling Act in 2007, it would appear that the level of problem gambling has continued to remain at relatively low levels in the UK (approximately 0.5% of adult population). Whether the prevalence of problem gambling will continue to remain at such a low level with the liberalisation of the gambling laws (i.e. relaxation of advertising rules), the advent of FOBTs and of course the increase in the number of betting shops in the community is debateable. Both national and local agencies need to be alert to these impending changes and liaise with support agencies (e.g. Gamcare, GamAnon) to ensure that problem gamblers are provided with timely and appropriate support.

7.9.7 The limited powers in which Licensing Authorities have to manage the distribution of betting shops in their community has come to the attention of the Local Government Association and indeed, the Department of Communities and Local Government. The latter's recent publication of Fair Rules for Strong Communities (December 2008) contains a formal acknowledgment of the problem, with a commitment to examine the issue further and bring appropriate action as necessary.

8. Chief Financial Officer Comments

- 8.1 The report is recommending that a full scrutiny review of the licensing of gambling establishments is not undertaken at the current time but the Service reports back by September 2009 on the results of research to be commissioned on the local impact of the Gambling Act in Haringey.
- 8.2 The costs of commissioning the research will be met from the currently approved Enforcement budget. Any financial implications arising from the conclusions of the research project will be considered when the Service reports back to Committee by September 2009.

9. Head of Legal Services Comments

- 9.1 The Head of Legal Services agrees with the recommendations and comments that not only is the legislation very new, but the Government Department responsible for the legislation is investigating the problem and the Council should be assisting that process at this juncture rather than attempting a full separate scrutiny exercise.
- 9.2 Paragraph 9 of Chapter 7 of A Fair Say in Fair Rules published on the eve of the Queen's Speech for the current Parliamentary Session states: *"There has also been public concern about the clustering of betting shops in certain areas-with all the risks this can pose for vulnerable people. The Department of Culture, Media and Sport will be looking into the scope and extent of this problem, and will investigate how we can ensure that the licensing framework and planning system gives local communities and their authorities sufficient power to address this issue"*
In the light of this Government statement, the Head of Legal Services does not consider that it is appropriate for this authority to be embarking on an attempted separate Scrutiny exercise.

10. Head of Procurement Comments N/A

11. Consultation

- 11.1 Representatives from Licensing and Planning services were consulted in the development of this report and have approved its conclusions and recommendations.

12. Service Financial Comments

- 12.1 The recommendations of this report will not give rise to any significant financial implications. Any residual costs arising will be contained within the Enforcement Service budget.

13. Use of appendices /Tables and photographs

13.1 Appendix A – Betting Shop and Adult Gaming hotspots across Haringey.

13.2 Appendix B – Location of Betting Shops and Adult Gaming Centres by indices of deprivation.

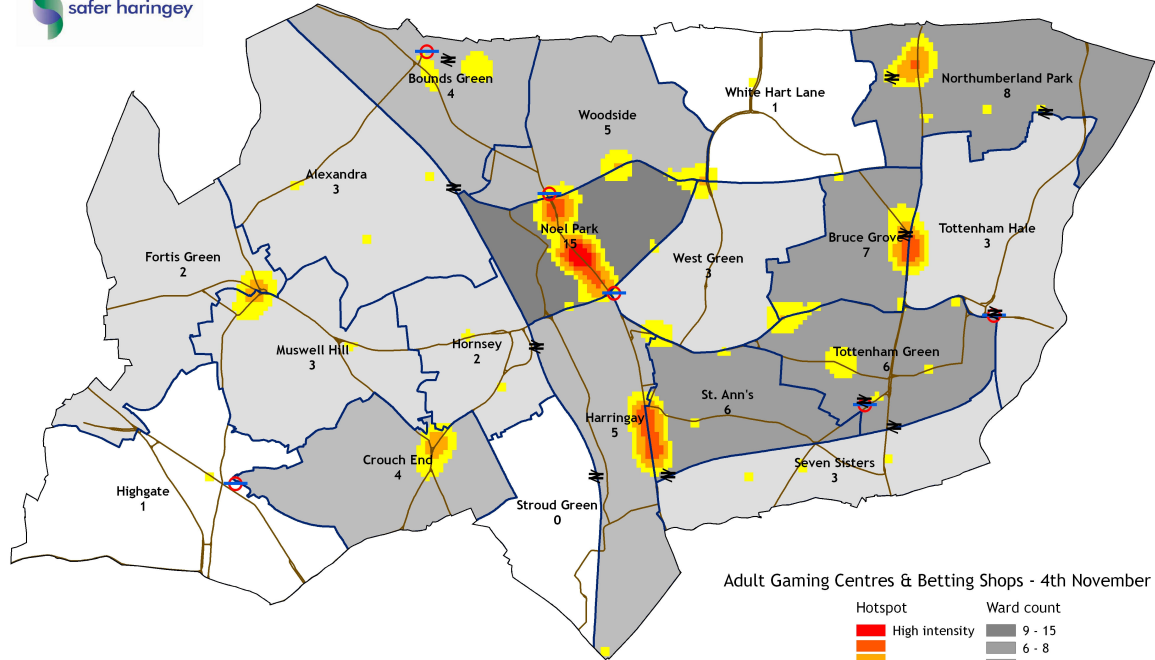
13.3 Appendix C – Location of Adult Gaming Machines and Betting Shops by Super Output Areas

13.4 Appendix D – Population profile of Super Output Areas with more than 3 Ault Gaming Machines or Betting Shops.

14. Local Government (Access to Information) Act 1985

- Gambling Act (2005)
- Statement of Gambling Policy (Haringey Council, 2007)
- Fair Rules for Strong Communities, Department of Communities & Local Government 2008

Appendix A – Betting Shop and Adult Gaming hotspots across Haringey.



Adult Gaming Centres & Betting Shops - 4th November 2008

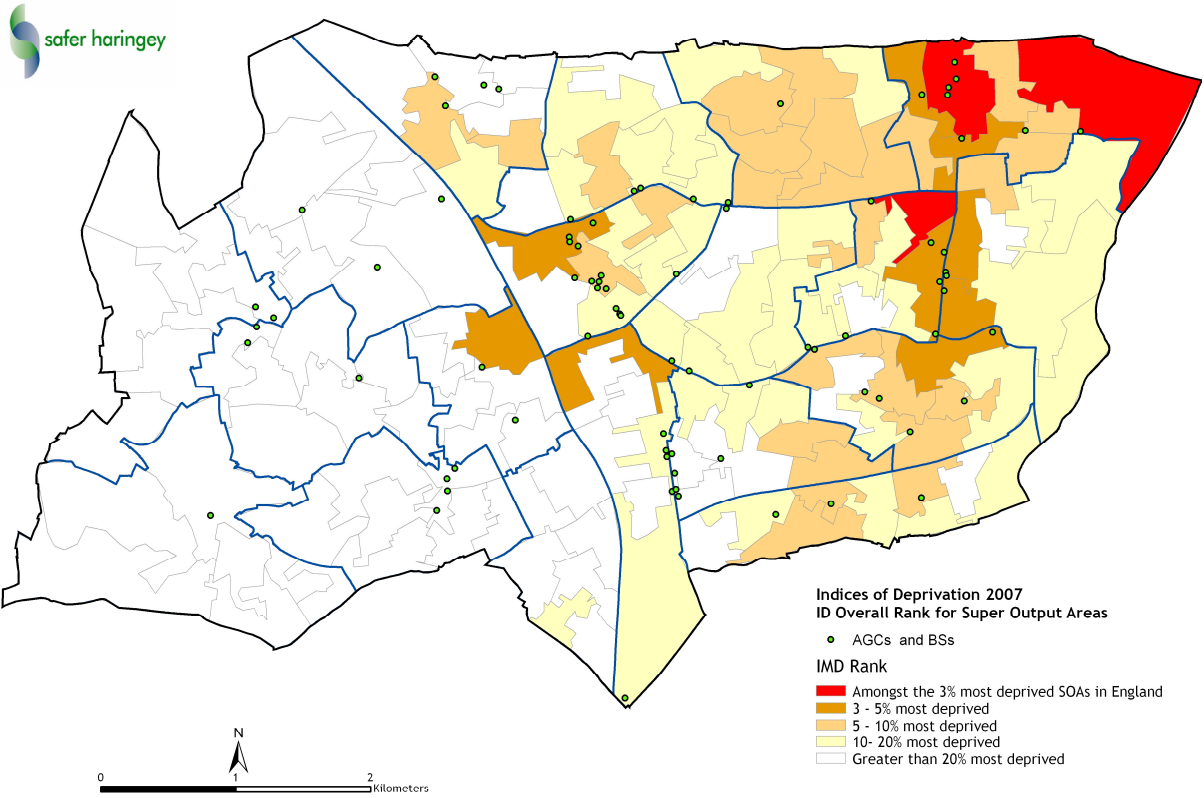
Hotspot		Ward count	
Red	High intensity	Dark Grey	9 - 15
Orange	Medium intensity	Medium Grey	6 - 8
Yellow	Low intensity	Light Grey	4 - 5
		Very Light Grey	2 - 3
		White	0 - 1

Bandwidth: 235 meters [K-order 1] & cell size 35 meters
 Classification: Equal interval [6]
 Hit rate: 100% [81 out of 81 events geocoded]

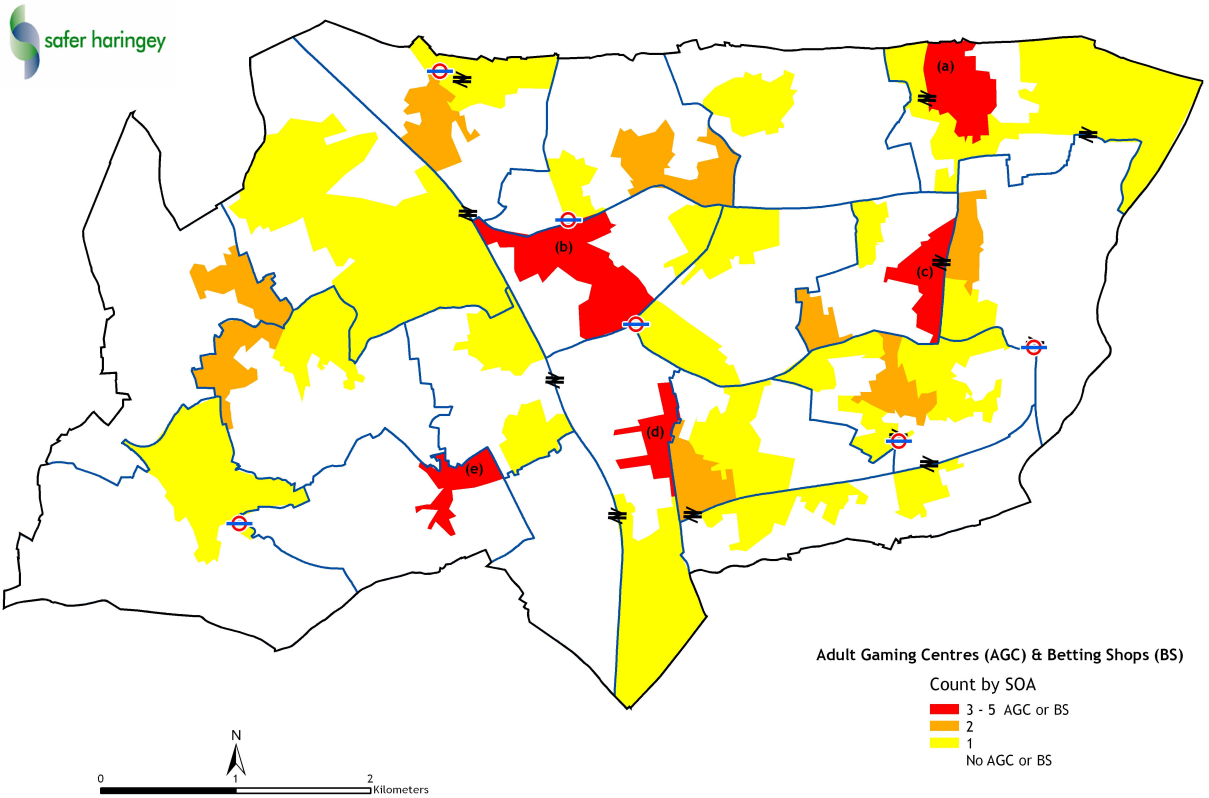
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Appendix B – Location of Betting Shops and Adult Gaming Centres by indices of deprivation.



Appendix C – Location of Adult Gaming Machines and Betting Shops by Super Output Areas



Appendix D – Population profile of Super Output Areas with more than 3 Adult Gaming Machines or Betting Shops.

The table below examines the profile of the communities that live within the SOAs seen in Appendix 3. i.e. SOAs [a], [b], [c],[d] and [e] according to their MOSAIC classification.¹⁹

Group description	Type description	Type description					Total
		Northumberland Park [a]	Wood Green [b]	Bruce Grove [c]	Harringay [d]	Stroud Green [e]	
People living in social housing with uncertain employment in deprived areas	High density social housing, mostly in inner London, with high levels of diversity	359	726	281	2		1,368
	Singles, childless couples and older people living in high rise social housing	222	63				285
	Young families living in upper floors of social housing, mostly in Scotland	33	137	22	1		193
	Older people living in crowded apartments in high density social housing	40	48				88
	Young people renting hard to let social housing often in disadvantaged inner city locations	3	21	9	1		34
	Older tenements of small private flats often occupied by highly disadvantaged individuals	1	6				7
	Total	658	1,001	312	4		1,975
Educated, young, single people living in areas of transient populations	Neighbourhoods with transient singles living in multiply occupied large old houses	12	180	85	98	143	518
	Economically successful singles, many living in small inner London flats		23		8	354	385
	Young professionals and their families who have 'gentrified' older terraces in inner London		3		181	48	232
	Well educated singles and childless couples colonising inner areas of provincial cities		18	1	102		121
	Total	12	244	86	390	545	1,277
Close-knit, inner city and manufacturing town communities	Inner city terraces attracting second generation Londoners from diverse communities	111	474	324	142	17	1,068
	Low income families living in cramped Victorian terraced housing in inner city locations		4	7	1	1	13
	Communities of lowly paid factory workers, many of them of South Asian descent		2				2
	Centres of small market towns and resorts containing many hostels and refuges				1		1
	Total	111	480	331	144	18	1,084
Career professionals living in sought after locations	Financially successful people living in smart flats in cosmopolitan inner city locations		3	1	2	67	73
	Highly educated senior professionals, many working in the media, politics and law		1		1	5	7
	Senior professionals and managers living in the suburbs of major regional centres		4		1		5
	Total		8	1	4	72	85
Older families living in suburbia	Suburbs sought after by the more successful members of the Asian community		45		7		52
	Singles and childless couples increasingly taking over attractive older suburbs		2		28		30
	Total		47		35		82
Low income families living in estate based social housing	Families, many single parent, in deprived social housing on the edge of regional centres	18	6	2			26
	Older people, many in poor health from work in heavy industry, in low rise social housing	1	10				11
	Older people living in very large social housing estates on the outskirts of provincial cities	1	5				6
	Total	20	21	2			43
Upwardly mobile families living in homes bought from social landlords	Residents in 1930s and 1950s London council estates, now mostly owner occupiers	2	3	10			15
	Total	2	3	10			15
Older people living in social housing with high	Older people living in small council and housing association flats	12					12
	Low income older couples renting low rise social housing in industrial regions		1				1
	Total	12	1				13
Independent older people with relatively	Better off older people, singles and childless couples in developments of private flats				8		8
	Very elderly people, many financially secure, living in privately owned retirement flats				4		4
	Total				12		12
Younger families living in newer homes	Families and singles living in developments built since 2001		7				7
	Total		7				7
Grand Total		815	1,812	742	589	635	4,593

¹⁹ Mosaic UK is Experian's Mosaic classification that covers the whole of the United Kingdom. It classifies all consumers in the United Kingdom into 61 types aggregated into 11 groups. The result is a classification that paints a rich picture of UK consumers in terms of their socio-demographics, lifestyles, culture and behaviour to providing an accurate and comprehensive view of UK consumers.

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Agenda item:

[No.]**Overview and Scrutiny Committee****On 1st December 2008**

Report Title:

Houses in Multiple Occupation – Feasibility Report on proposed Scrutiny Review

Report authorised by:

CLlr Gideon Bull, Chair of the Overview and Scrutiny Committee

Contact Officer:

Melanie Ponomarenko Scrutiny Research OfficerMelanie.Ponomarenko@haringey.gov.uk 0208 489 2933Wards(s) affected: **N/A**Report for: **[Key / Non-Key Decision]****1. Purpose of the report (That is, the decision required)**

1.1 In June 2008 the Overview and Scrutiny Committee asked for a one off feasibility report on the practicality of undertaking an in-depth review on the issues surrounding the licensing of Houses in Multiple Occupation.

1.2 The aim of this report is to consider the feasibility of the Overview and Scrutiny Committee commissioning a scrutiny review on the licensing of Houses in Multiple Occupation.

2. Introduction by Cabinet Member (if necessary)

2.1 N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1 The content of this report links with the following Council strategies and plans:

- Sustainable Community Strategy

People at the Heart of Change - "We will continue to increase the availability of affordable housing through the optimum use of existing dwellings and by building more affordable homes."

Healthier people with a better quality of life – "We will invest in the housing stock in Haringey to increase the supply of affordable housing, to reduce overcrowding and to improve our housing stock".

- Local Area Agreement target and Well-Being Strategic Framework

Economic Wellbeing Priority - "Maximise the supply of good quality affordable housing available...."

- Housing Strategy 2009-2019 which is currently being drafted.
- Unitary Development Plan, July 2006

4. Recommendations

4.1 That the Overview and Scrutiny Committee does not commission a review into HMO licensing at this time.

4.2 That the Overview and Scrutiny Committee asks the Strategic Housing Service to report back on the conclusions of the working group on discretionary and selective licensing.

5. Reason for recommendation(s)

5.1 As mentioned below the Service is currently working through the remaining submitted license applications before moving on to the task of identifying landlords who may not wish to be known to the local authority, a Housing Strategy (which will incorporate the wider issues associated with HMO's is currently being drafted), and a working group has been set up to investigate the feasibility of selective and discretionary licensing (further details in section 7 below) in two particular areas of the borough.

5.2 Due to this work being carried it is felt that an in-depth review into the area would not add any value and may duplicate work which is currently taking place.

6. Other options considered

6.1 The purpose of this report is to assess the feasibility of the Overview and Scrutiny

Committee commissioning an in-depth review on the licensing of Houses in Multiple Occupation in Haringey. Therefore the only options considered are whether or not the commissioning of an in-depth review into this area would add value to the service and therefore be feasible.

7 Summary

7.1 Legislation

7.1.1 The Housing Act 2004, which came into force from April 2006 made a number of changes in provisions for the assessment of housing conditions and brought in regulations for Houses in Multiple Occupation (HMO). The act looked to clarify exactly what a HMO is and to make it compulsory for all Local Authorities to license 'larger, high risk HMOs'. The Act further empowered Local Authorities to license other HMOs which do not fall into the compulsory category¹.

7.2 Housing Act 2004

7.2.1 Under the Housing Act 2004, if you let a property which falls within the categories below, it is classed as a House in Multiple Occupation (HMO):

- “an entire house or flat which is let to **three or more** tenants who form **two or more** households and who share a kitchen, bathroom or toilet
- a house which has been converted entirely into bed sits or other non-self-contained accommodation and which is let to **three or more** tenants who form **two or more** households and who share kitchen, bathroom or toilet facilities
- a converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by **three or more** tenants who form **two or more** households
- a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies in order to be an HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants.”²

7.2.2 It is important to note that not all HMOs are licensable. A licensable HMO is “any three storey property, or two story over shops, which has five or more occupants within two or more households” with shared facilities³.

7.2.3 Haringey Unitary Development Plan acknowledges the importance of HMOs as a source of low cost accommodation in the borough⁴ and therefore understands

¹ Licensing of houses in multiple occupation (hmos), A guide for landlords

² Licensing of Houses in Multiple Occupation, Department for Communities and Local Government, 2007

³ Houses of Multiple Occupation Issues Paper, Haringey Council, Housing Dept.

⁴ Haringey Unitary Development Plan 2006, Part 4: Housing.

⁵ Houses of Multiple Occupation Issues Paper, Haringey Council, Housing Dept.

HMOs to be an important element of the borough's housing stock. It is also noted that they contribute towards meeting the borough's housing target. However, the Council's policy is to restrict the conversion of single dwellings into flats and HMOs for the following reasons:

- "To retain an adequate stock of small family housing, for which there is a strong demand
- To provide flats of an acceptable standard and mix of sizes to contribute towards meeting housing needs
- To prevent the creation of unsatisfactory levels of on-street parking / congestion within a particular area
- To prevent an over-concentration of conversions/HMOs which would harm the character or amenity of an area."⁵

7.3 Haringey Housing Strategy 2009-2019

7.3.1 The Housing Strategy, is currently being drafted with the Council's key partners. This strategy will cover all aspects of housing, including that of HMOs and discretionary licensing.

7.4 Haringey Context

7.4.1 Since the Housing Act 2004 came into force in 2006, the Housing Team have processed over three hundred applications, with approximately sixty applications pending⁶. These are anticipated to have been processed by the end of the financial year.

The licensing process

7.4.2 Once a mandatory license application is received and processed, the property in question is inspected by a member of the team to ensure that all relevant housing standards are met, this includes a consultation with the Fire Services. Should there be any areas in which the Officer is not happy, a plan is drawn up to rectify this and another inspection is undertaken within a specified time frame. During this time the landlord will be issued a license with conditions attached, e.g. ensuring works on the property are undertaken. A further inspection is then undertaken at a later date to ensure that the appropriate conditions are now met. Should these conditions have not been met then enforcement action is taken.

7.4.3 It is important to note that the responsibility to obtain a license lies with the Landlord and not with the Local Authority. Therefore it is the landlords who are obliged by law to contact the Local Authority and not vice versa. Failure to do so is an offence, and there are powers in place to enable the local authority to remove properties from any landlord should they be prosecuted and found to be 'not fit and proper for the purpose' of managing properties.

⁶ Private Sector Housing Team, figures as of August 2008.

⁷ Discretionary licensing briefing document, Haringey Council, Housing Dept.

7.4.4 The next phase for Haringey is tackling the landlords who have not approached the local authority for a license and do not necessarily want to be found. This is done by researching documents which Haringey has access to for example, council tax records. The team also relies on information to be fed through from other teams which they can then follow up. At this stage it is important to note that due to the resource intensity of this stage, there are likely to be less outputs in terms of licenses issued.

Selective and Additional Licenses

7.4.5 As well as the Mandatory licenses as laid out above, the Housing Act 2004 made further provisions which allow Local Authorities to license other HMOs in their area. These are known as Selective and Additional discretionary powers.

- Additional – licensing designation for a particular type of HMO, or for a particular local area.
- Selective – licensing designation for a particular area where there is particular low housing demand or their area is experiencing 'significant and persistent problems caused by Anti-social behaviour'.⁷

7.4.6 In order for these powers to be enforced in an area the Local Authority must make their case to the Secretary of State for approval. The licensing of a type of HMO or area must support the overall aims of the local authorities strategies, for example be having a negative impact on the ability to achieve their Community Strategy priorities and other local targets. The HMO or area must also be a proven problem to the local authority.

7.4.7 Types of questions that the Secretary of State would expect to be thoroughly answered before allowing the HMO or area to be licensed are:

- Exactly what is the problem in the area/Ward?
- Can it be proven to be associated with a particular type of HMO?
- Will the licensing of the HMO stop this problem?

7.4.8 Haringey has set up a working group, Chaired by the Cabinet Member for Safer Communities and Enforcement, Cllr Canver, which is currently investigating the possibility of two areas for selective discretionary licensing: Myddleton Road and Green Lanes. In order to get the desired impact a specific area within the above locations would need to be identified for the licensing. The work of the group is to understand what is happening within the two target areas, examine the existing powers available and their effectiveness and to agree a strategy which has a chance of making a difference. Discretionary licensing is one of those issues to be assessed.

7.4.9 Before coming to a decision the working group will be considering a number of factors for example:

- Whether the prospective use of this power is in line with the overall community strategy.

- Whether there are any alternative courses of action.
- Whether the making of this designation will significantly assist in achieving the Council's objectives.

7.4.10 Should the working group decide that the use of selective discretionary licenses in the best way forward they would also need to submit a detailed portfolio to the Secretary of State including, for example:

- Maps of the types of properties being considered for the licensing
- Consultation reports from residents, landlords and other agencies to gain their perspectives.
- Detailed inspection programmes to substantiate the claims.
- A resource plan, detailing how the licensing would be supported.

7.4.11 The working group is due to report it's finding in approximately May 2009.

7.5 Key Issues with HMO Licensing

7.5.1 *The key issue related to HMO's is the understanding of the term HMO.* There is a lack of understanding as to the definition of a HMO. For example, newly converted flats may be perceived as a HMO whilst not being defined as a HMO in legislation. Subsequently the local authority does not have the same powers to address issues. HMO's are branded as a problem, when the main issue is the proliferation of converted units in to self contained flats or studio's.

7.5.2 Haringey undertook an awareness raising campaign to make landlords aware of their responsibility in obtaining a license. However, these campaigns may only touch the 'good landlords' and not the ones that wish to evade the process. Tackling the landlords that may not wish to be found is the next phase of work for local authorities across the board.

8. Chief Financial Officer Comments

8.1 The licence fee generates income for the council which is used to off-set the costs of this function. The working group on licensing may also want to consider and review the fee system and structure with the aim of maximising the income available for the council to off-set costs and to achieve any budget target.

9. Head of Legal Services Comments

9.1 There do not appear to be any legal implications that need to be considered if the recommendation is that the Overview and Scrutiny committee does not commission a review into HMO licensing at this time, as is suggested at paragraph 4.1; but rather asks our internal Strategic Housing Service to report back on the working groups conclusions on discretionary and selective licensing. The working group is due to feed back their findings in May 2009.

10. Head of Procurement Comments –[Required for Procurement Committee]

10.1 N/A

11. Consultation

12.1 This report has been written in consultation with the Strategic Housing Service, specifically the Service Manager for Health and Housing who is responsible for the Licensing of Houses in Multiple Occupation.

13. Service Financial Comments

13.1 There are no financial implications for the Overview and Scrutiny service arising from this report.

14. Use of appendices /Tables and photographs

14.1 N/A

15. Local Government (Access to Information) Act 1985

- a. Licensing of houses in multiple occupation (hmos), A guide for landlords
- b. Licensing of Houses in Multiple Occupation, Department for Communities and Local Government, 2007
- c. Houses of Multiple Occupation Issues Paper, Haringey Council, Housing Dept.
- d. Haringey Unitary Development Plan 2006, Part 4: Housing.
- e. Houses of Multiple Occupation Issues Paper, Haringey Council, Housing Dept.
- f. Discretionary licensing briefing document, Haringey Council, Housing Dept.

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**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
MONDAY, 1 DECEMBER 2008**

Councillors Councillors Bull (Chair), Adamou (Vice-Chair), Aitken, Alexander, Dodds, Egan and Winskill

Also Present: Felicity Kally
Councillors Bevan and B. Harris

MINUTE NO.	SUBJECT/DECISION
OSCO105.	WEBCASTING The meeting was webcast on the Council's website.
OSCO106.	APOLOGIES FOR ABSENCE There were no apologies for absence.
OSCO107.	URGENT BUSINESS There was no urgent business.
OSCO108.	DECLARATIONS OF INTEREST Councillor Egan declared a personal interest in respect of item 12, Decent Homes Programme, by nature of being on the Board of Homes for Haringey. Councillor Aitken declared a personal interest in respect of item 12, Decent Homes Programme, by nature of being a Council tenant. Councillors Bull and Winskill declared a personal interest in respect of item 12, Decent Homes Programme, by nature of being Leaseholders. Councillor Adamou declared a personal interest in item 14, Transport in Adult Care, by nature of a family member being a carer.
OSCO109.	DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS There were no such items.
OSCO110.	CABINET MEMBER QUESTIONS: CABINET MEMBER FOR ADULT SOCIAL CARE AND WELLBEING The committee received a briefing and answers to questions from Councillor Bob Harris, Cabinet Member for Adult Social Care and Wellbeing. Members raised their concern over 'cost shunting', where reconfiguration of non-Council services placed increasing strain on

**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
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those provided by the Council. The committee noted that national criteria existed to minimise this practice.

The committee noted that although areas for continued focus existed in the portfolio; a Performance Improvement Plan existed which tracked the implementation of all CSCI recommendations.

It was noted that although there was no current issue with recruitment and retention in Adult Services, this issue was regularly discussed in the Service's weekly meeting.

RESOLVED:

1. That figures as to uptake of respite care in Haringey be provided to the committee.
2. That figures and procedures for working with individuals placed from other boroughs and MH Trusts be provided to the committee.
3. That the PCT provide information the effects on clinical outcomes experienced by patients under the NHS initiative to delivering reduced delayed transfers of care/discharges from acute and non acute hospitals.
4. That the briefing and answers to questions be noted.
5. That the commitment and dedication of Haringey staff in this area be commended.

OSCO111. INTERIM PROGRESS REPORT: IMPLEMENTATION OF THE HARINGEY LIFE EXPECTANCY ACTION PLAN

The committee received a report from the PCT on the implementation of the Haringey Life Expectancy plan.

With regard to reducing the unexpectedly high levels of infant mortality in the borough, the Director of Public Health cited the importance of early access to anti-natal care and a variety of measures with regards to Motherhood. A more detailed written response was promised to Members.

In terms of the challenges of working in a borough with a large transient population, it was noted that a welcome back for new residents included information on how to register for primary care in the borough. There were also a range of other community-based interventions and initiatives such as the recruitment of 'health trainers'.

RESOLVED:

1. That information be provided on disproportionately higher infant mortality rates in Haringey.

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	<p>2. That the report be noted.</p>
OSCO112.	<p>ACCESS TO HEALTHCARE FOR ADULTS WITH PROFOUND AND MULTIPLE DISABILITIES</p> <p>Members were provided with an update on action following the Scrutiny review 'Healthy and Equal' – improving the health of people with profound and multiple learning disabilities.</p> <p>In response to Member enquiries, Officers informed the committee that the psychiatrists in St Ann's were part of an integrated team based at St George's.</p> <p>It was noted that a bid for increased funding for the next year formed part of the budget-planning process.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the committee receive information on negotiations over the signing of GPs contracts specifically in relation to a contract item on treating patients with Learning Difficulties. 2. That the report and action taken be noted.
OSCO113.	<p>ACUTE STROKE AND MAJOR TRAUMA - ESTABLISHMENT OF PAN LONDON JOINT OVERVIEW AND SCRUTINY COMMITTEE TO CONSIDER CHANGES TO NHS ACUTE SERVICES</p> <p>The committee received a report on the consultation process for proposals to develop NHS services for acute stroke and major trauma and to agree, in principle, to Haringey's participation in a Joint Overview & Scrutiny Committee to respond to the proposals.</p> <p>It was noted that the JOSC was proposed to include all London boroughs. The committee agreed to take part in the JOSC, and delegated powers to officer to consult with the Chair of Scrutiny to agree the terms of reference of said body.</p> <p>RESOVLED:</p> <p>That the recommendations of the report be agreed.</p>
OSCO114.	<p>CABINET MEMBER QUESTIONS: LEADER OF THE COUNCIL</p> <p>With the consent of the Chair, this item was withdrawn.</p> <p>RESOLVED:</p> <p>That the committee receive the provided answers to questions from Councillor Meehan.</p>
OSCO115.	<p>KNIFE CRIME - FEASIBILITY REPORT ON PROPOSED</p>

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	<p>SCRUTINY REVIEW The committee received a report considering the feasibility of Overview & Scrutiny commissioning a full review of knife crime.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That a report be brought before the committee in twelve months time, outlining knife crime amongst under 18s. 2. That the proposed Scrutiny Review on the fear of crime not be commissioned.
<p>OSCO116.</p>	<p>POSITION STATEMENT ON THE DELIVERY OF THE DECENT HOMES PROGRAMME The committee received a position statement regarding the current delivery of the Decent Homes Programme.</p> <p>The committee noted that the Council's two-star rating would enable it to access funding for the programme from 2010.</p> <p>It was noted that resident involvement and satisfaction was seen as being crucial for the success of the programme, with a 94% satisfaction rate currently being reported.</p> <p>Members emphasised the importance of the rôle of Clerk of Works, and stated their desire that full use be made of the provided £198million. It was noted that Homes for Haringey enjoyed a positive and constructive relationship with local firms carrying out work on the programme.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the committee be provided with information on the ability of the Decent Homes programme to provide broadband. 2. That the report be noted.
<p>OSCO117.</p>	<p>SCRUTINY REVIEW ON STROKE PREVENTION IN HARINGEY SCOPING REPORT The committee received this report to approve the scope and Terms of Reference for the Scrutiny Review of Stroke Prevention in Haringey.</p> <p>RESOLVED:</p> <p>That the scope and Terms of Reference of the Scrutiny Review be approved.</p>
<p>OSCO118.</p>	<p>SCRUTINY REVIEW OF SERVICE BASED TRANSPORT IN ADULT SOCIAL CARE - SCOPING REPORT The committee received the scoping report for the Scrutiny Review of Service Based Transport in Adult Social Care.</p>

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	<p>RESOLVED:</p> <p>That the objectives, methods and timescales as outlined in the report be approved.</p>
OSCO119.	<p>RECYCLING CO-MINGLED & SOURCE SEPERATED COLLECTION METHODS</p> <p>The committee received the Terms of Reference of the Scrutiny Review of Recycling: Co-Mingled and Source Separated Collection Methods.</p> <p>RESOLVED:</p> <p>That the scope and terms of reference of the review be approved.</p>
OSCO120.	<p>SCRUTINY REVIEW OF ANIMAL WELFARE IN HARINGEY</p> <p>The committee received the Terms of Reference of the Scrutiny Review of Animal Welfare in Haringey.</p> <p>RESOLVED:</p> <p>That the scope and terms of reference of the review be approved.</p>
OSCO121.	<p>MINUTES</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the minutes of the Overview & Scrutiny Committee of 6th October 2008 be confirmed and signed, subject to the addition of apologies for absence from Felicity Kally. 2. That the minutes of the Overview & Scrutiny Committee of 20th October 2008 be confirmed and signed. 3. That the minutes of the Overview & Scrutiny Committee of 27th October 2008 be confirmed and signed, subject to the addition of attendance and declaration of interest of Councillor Egan
OSCO122.	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no such items.</p>

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Chair

**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
WEDNESDAY, 10 DECEMBER 2008**

Councillors Councillors Bull (Chair), Adamou (Vice-Chair), Dodds, Egan and Winskill and Newton (substituting for Aitken)

Apologies Councillor Alexander

Also Present: Councillor Aitken (as lead signatory)
Councillor Canver (as Cabinet Member)

MINUTE NO.	SUBJECT/DECISION
OSCO130.	<p>WEBCASTING</p> <p>The meeting was webcast on the Council's website.</p>
OSCO131.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Alexander.</p> <p>Councillor Newton substituted for Councillor Aitken, who as chief signatory presented the call-in.</p>
OSCO132.	<p>URGENT BUSINESS</p> <p>There were no such items.</p>
OSCO133.	<p>DECLARATIONS OF INTEREST</p> <p>Councillor Canver declared an prejudicial interest in the call-in item, by nature of being involved in the initial decision taken. She thus withdrew upon the commencement of discussion of the action to be taken.</p>
OSCO134.	<p>CALL-IN OF DECISION OF THE CABINET OF 18TH NOVEMBER 2008 REGARDING CAB91 - HARINGEY'S PARKFORCE – OPEN SPACE SUPERVISION</p> <p>This special meeting of the committee had been called to discuss the Call-in of Cabinet decision CAB91, 'Haringey's Parkforce – Open Space Supervision'.</p> <p>A decision on the item had been taken at Cabinet on 18th November 2008 and had been called in, in accordance with the provisions set out in the Council's constitution, by Councillors Aitken, Beynon, Oakes, Allison and Whyte.</p> <p>The committee noted that the Monitoring Officer had ruled the call-in valid for the following reasons:</p>

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- (a) it was submitted and signed by 5 Councillors
- (b) it was received by the Head of Democratic Services by 10.00 a.m. on the fifth working day following publication of the draft minute on 20th November 2008 i.e. before 10 a.m. on Thursday 27th November.
- (c) it specified the decision to be called in
- (d) it specified whether the decision was claimed to be outside the policy/budget framework
- (e) it gave reasons for the Call-In and outlined an alternative course of action
- (f) the original decision has not been subject to the urgency procedures required in paragraph 18 of the Rules.

The Committee was addressed by Councillor Aitken, the lead signatory, on the reasons for the call-in. Although the signatories agreed with the general principles of the park-force scheme, they believed that the specific proposal to abolish the Parks Constabulary should be re-examined.

They were also of the opinion that the disbanding of the Parks Force lay outside the Council's Policy framework, believing that it would leave Haringey vulnerable to failing to meet several Best Value Performance Indicators. They also stated that the Force was popular locally, with widespread public support for its retention.

The Chair allowed Officials from the GMB Union to speak, who expressed concerns over the safety implications of disbanding what was regarded as a successful force, together with issues over consultation and the effects of the changes on staff.

The Cabinet Member for Enforcement & Safer Communities then addressed the committee and responded to the points made. She stated that she believed that the Parks Constabulary had been a success, and that their positive work could be built on under the new park-force scheme. It was noted that the implementation of the new model was dependent upon the deletion of the Parks Constabulary in order to release the necessary resources to increase the number and hours worked of staff in parks.

It was noted that consultation had taken place with the Friends of Parks group, who were in favour of the new model, with support for the redirection of resources.

The Committee received a representation from John Williams of the Metropolitan Police, who stated his belief that the parkforce model would improve policing and allow focus on 'hotspots'. The model would allow for smarter, more 'intelligence-based' policing. The committee learned that the implementation and managed transition would take place over the 3-4 months. It was stated that a longer lead-in time would have negative financial and staff morale implications.

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	<p>Following the withdrawal of the Cabinet Member, the committee discussed the proposals. Members were assured that oversight would take place through the Parkforce Subgroup, which would have a formal link to the Community Safety Partnership and be responsible for the co-ordination of all elements of the new model.</p> <p>Councillor Bull MOVED a motion that the decision be regarded as being inside the Council's policy and budget framework. Following a vote, the motion was CARRIED.</p> <p>Councillor Egan then MOVED a motion that no further action be taken in respect of the decision, thus allowing it to be implemented immediately. Following a vote, the motion was CARRIED.</p> <p>RESOLVED:</p> <p>That no further action be taken in respect of the decision of the Cabinet of 18th November 2008, CAB91 – Haringey's Park Force – Open Space Supervision, and thus the decision be implemented immediately.</p>	
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COUNCILLOR GIDEON BULL

Chair

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