


<p>Cabinet</p> <p>3 June 2020</p>	 <p>TOWER HAMLETS</p>
<p>Report of Ann Sutcliffe: Corporate Director, Place</p>	<p>Classification: Unrestricted</p>
<p>Agreement with London Mayor’s Office for Police and Crime (MOPAC) to provide Police resources on LBTH housing estates and in principle agreement to recharge for the cost of additional services.</p>	

Lead Member	Councillor Sirajul Islam: Statutory Deputy Mayor.
Originating Officer(s)	Karen Swift: Divisional Director Housing and Housing and Regeneration
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	13 May 2020 – General Exception Notice
Reason for Key Decision	Impact on Wards
Strategic Plan Priority / Outcome	<p>A borough that our residents are proud of and love to live in</p> <p>People live in safer neighbourhoods and anti-social behaviour is tackled</p>

Executive Summary

Tower Hamlets constantly features as one of the most affected Boroughs in terms of incidents of ASB. This manifests particularly on LBTH estates and is reflected in the fact that when surveyed, tenants and leaseholders repeatedly place ASB as amongst their highest priorities.

In recognition of this in June 2017 the Council invested £2.458 million in a range of ASB initiatives of which £1.4 million was invested in the 3-year funding of a Police team specifically tasked with providing additionality to existing commitments on LBTH estates. Under this proposal, LBTH took advantage of 50% match-funding available under Section 92 of the Police Act 1996 and entered into an agreement with the London Mayors Office for Police and Crime (MOPAC) to employ a 14 strong Police team from September 2017 to 2020. This 3-year scheme known as the “Metpatrol plus scheme” ends in September 2020. MOPAC is replacing the current scheme with a new initiative called the “Partnership Plus scheme” which requires that LBTH give 2 months’ notice from the 1st July 2020 should it commit to the continuation of these services from 1st September 2020. .

Given the level of re-assurance the Police team has brought to communities most under threat of ASB on our estates, Cabinet permission is now sought to maintain the 14 strong Police team and enter into a further 3-year £2.47 million agreement with MOPAC under this new scheme. Budgetary provision for this was agreed in the

budget report to Cabinet on 29 January 2020.

In addition, Cabinet are asked to agree the principle that the cost of these security services provided by the Police Team and Parkguard Security Services should be “passed on” to residents by way of a service charge.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Authorise the Corporate Director Place to agree a 3-year Partnership Plus Agreement with MOPAC in line with the contents of this report.
2. Agree that from September 2020 when the current Metpatrolplus scheme ends, residents will be charged for the additional police and security services provided by the Police team under the Partnership Plus Scheme and by Parkguard in line with his report.

1 REASONS FOR THE DECISIONS

- 1.1 In an area with a high level of disruptive incidents, LBTH needs to ensure that the approach towards ASB is consistent with the Governments Regulatory Framework for Housing 2012. In relation to ASB the Neighbourhood and Community Standard requires registered housing providers to demonstrate:
 - (a) that tenants are made aware of their responsibilities and rights in relation to ASB.
 - (b) strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies.
 - (c) a strong focus exists on preventative measures tailored towards the needs of tenants and their families.
 - (d) prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available.
 - (e) all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not.
 - (f) provision of support to victims and witnesses
- 1.2 As set out in section 3, the current arrangement with MOPAC ends in September 2020. This has necessitated a review of the current approach towards tackling ASB involving an option appraisal as to whether the existing methodology of utilising an additional Police team should continue.
- 1.3 Residents particularly in areas affected badly by ASB have appreciated the additional support and re-assurance this has offered them. Thus, in many areas the withdrawal of this service would lead to a rise in ASB without

effective tools to remedy these problems and a subsequent decline in resident satisfaction.

- 1.4 The recommendation seeks approval for the principle of re-charging residents for the cost of these services that tackle ASB. It should be noted that Officer agreement is already in place to pass on charges relating to the Police Team and security services provided by Parkguard to Leaseholders (see 5.6). This recommendation therefore is effectively seeking approval for the Council to pass on the cost of the same services to tenants under its delegated powers subject to a consultation process required under the 1985 Landlord and Tenant Act.

2 ALTERNATIVE OPTIONS

2.1 Option of removing or amending the current level of service provision

2.1.1 The Council and Tower Hamlets Homes already work closely with the Police in tackling ASB on its estates. However, the responsibility for the funding of the Police service lies with central and regional government and the Council is not locally accountable for Police performance. This might particularly be the case given the Governments current commitment to increase Police numbers by 20,000 before March 2023. However, of the initial national commitment for an additional 6,000 police by 2020/21 only 1,369 police officers have been committed for London. This means that police numbers are still substantially below levels employed in 2010 and makes it unlikely that in the period between 2021 and 2023 additional police numbers will become available to provide the capacity needed to adequately police ASB on LBTH estates. In the event of a decision to rely upon accessing additional services from the increased Police numbers, there could be no guarantee that resources would be committed or tasked to LBTH estates.

2.1.2 It remains an option for the Council not to commit HRA funding through the MOPAC scheme but to resource more council front line services that would tackle ASB. This scenario would mean that LBTH must rely on existing police numbers and resources provided to the Borough Commander by regional and national government to tackle current levels of anti-social behaviour on LBTH estates. Experience strongly suggests however that those committing anti-social acts are far more likely to change their behaviour when spoken to by a Police Officer.

2.1.3 In order to reduce costs, the Council could decide to reduce the proposed scale of the agreement by 50% meaning that the Police team would consist of 1 Sergeant and 6 officers. Such a proposal however might reduce the impact of the Police team and reduce the scale of the coverage on LBTH estates. It may also encourage those involved in ASB to resume activities on LBTH estates.

2.1.4 However, deploying resources towards providing a greater Police presence (as against more LBTH or THH staff) on LBTH estates has been proven to be an effective way of achieving greater community re-assurance and raising

satisfaction amongst tenants and leaseholders

3 DETAILS OF THE REPORT

- 3.1 In February 2017, Cabinet gave approval for the provision of £2.46 million of HRA funding to support initiatives that would target drug related ASB on Council estates on a pilot basis over a 3-year period. The decision to concentrate resource in this area was based on strong feedback from residents that signalled a worsening situation as well as evidence from an independent research body “Housemark” (an analysis carried out in 2016) that suggested that the level of ASB reports were by some distance the worst in the Capital.

Current funding of the Police team

- 3.2 In July 2017, a Mayoral decision was made to commit £1.42 m of the above sum (£2.458 million) towards the funding of an additional police team. Under this proposal, the Council utilised section 92 of the Police Act 1996 to take advantage of the Metpatrolplus scheme available through the (London) Mayoral Office (known as MOPAC). This was a match-funded arrangement where every Police officer funded by LBTH was complemented by MOPAC creating 7 additional posts out of a 14 strong police team.
- 3.3 The current section 92 agreement with MOPAC (Metpatrolplus) ends in September 2020 and it has already been confirmed last year that this initiative would be phased out from March 2019 onwards allowing time for existing agreements to expire. Instead, MOPAC has introduced a new grant arrangement that offers reduced and preferential rates for Police Officers called the “Partnership Plus” scheme. (see section 4). This requires that 2 months’ notice should be given from the 1st July 2020 if LBTH decide to enter into the Partnership plus agreement from the 1st September 2020.
- 3.4 Cabinet in January agreed growth funding to enable the enhanced ASB function to be sustained beyond the three-year pilot programme.

3.5 Services provided by Parkguard

- 3.5.1 The approval of £2.46 million included a commitment of £840,000 for services provided by Parkguard, a CSAS accredited security consultancy with delegated powers that empower them to request identification and issue penalty notices and ASB Warnings. Parkguard, who are specialists in handling issues of ASB and Community re-assurance are a procured service who have a 2-year contract until June 2020 with an option to extend for a year (this has already been taken up) whilst a re-procurement takes place.
- 3.5.2 Working closely with the Police Team, Parkguard provide the following services;

- Community re-assurance in a Neighbourhood (this may be before the deployment of the Police team or after when it is decided to deploy the Police elsewhere but retain a presence in an area);
- To collect community safety intelligence prior to a Police and ASB team initiative.

3.5.2 The approach of Parkguard is that they are much more than just an accredited security company guarding an area and moving ASB on. Community reassurance and engagement with the public is a key part of the service they provide.

3.6 **Outcomes since September 2017**

The ASB team working alongside the MOPOC funded officers have contributed to a significant increase in targeted actions on THH estates, focussing on actions to disrupt drug dealing and abuse on estates and providing a visible reassurance to residents that encourages further reporting of transgressions.

Police team	2018/19	2019/20
Number of arrests	195	245
Number of stop and searches	1072	1181
Number of ASB warning notices	1846	1858

Parkguard	2018/19	2019/20
Number of ASB Warnings issued	423	272
Area Search person/article	233	222
Person arrested by Police	14	10

3.7 **Reduction in ASB phone call**

The table below shows an 18% reduction between 2016/17 and 2018 in the number of telephone calls reporting ASB. Additionally, figures demonstrate a huge increase in recorded drug offences reflecting the high profile given to this issue by the Police team and Parkguard.

	2016/17	2017/18	2018/19	Compared to previous Year
ASB calls to Police	18,330	14,462	15,096	634 (4.38%)
ASB repeat callers	507	552	533	-19 (3.44%)
Total Drugs offences	1501	1600	2405	805 Increase

3.7.1 In terms of casework, the following table provide analysis of the Police teams to ensure that cases are resolved efficiently and even reduce past backlogs.

	ASB cases opened	ASB cases closed
June 18-March 19	938	748
June 19-March 20	1053	1088

- 3.7.2 As noted above, the highly successful ASB warning system has resulted in 3702 notices being issued by the THH police team and Parkguard in the past 2 years. Importantly only 9% of people issued with an ASB warning are coming to the attention of the service again.
- 3.7.3 Part of the new ASB Warning process includes joint home visits from the THH ASB team and Police advising families of the consequences of this bad behaviour and that their homes are at risk if this continues.
- 3.7.4 The partnership has been successful in introducing Partial Premises Closure Order in the borough, a measure now being replicated in other Boroughs. To date we have implemented 36 Closure Orders (since June 2018) and this has proven a hugely successful intervention leading to large reductions in ASB activity in the associated areas.
- 3.7.5 These Orders have also prevented unauthorised persons such as rough sleepers and drug dealers/users from entering the communal areas of an estate. The Order has the power of arrest attached to them and once the orders are in place the police team intensively patrol the blocks and surrounding estate. Resident feedback from all areas has been positive with residents advising they have seen a reduction in individuals and gangs causing disturbances.
- 3.7.6 The partnership is carrying out early morning rough sleeper patrols starting at 4am which include referrals made to the Drugs and Alcohol team. Latest data shows that 15% of referrals into the treatment system are via criminal justice agencies (police, probation, prison) but our 'on street' referrals are unique to this partnership and the only instant referral currently being made to them.
- 3.7.7 THH has assisted in wider Police and LBTH partnership work such as Operation Continuum and Operation Shadow where we used local knowledge, experience and resources from the partnership to support the Police to disrupt and carry out enforcement action targeted at the drugs market. Operation Continuum, carried out in the Weavers Ward acted upon intelligence gathered by the service from which 19 warrants were executed, and large quantities of money and drugs recovered.
- 3.7.8 When an individual fail to take responsibility for their behaviour and has refused diversion/support services stronger enforcement action is taken. Positive requirements can be included in the terms of injunctions giving the individual no option but to seek help and support, but custodial sentences and Possession Orders have been outcomes of our work when necessary.

3.7.9 This pattern of improvement is also evidenced in overall satisfaction with how THH deals with ASB over the past year demonstrated in the table below:

Quarter	Satisfaction with handling	Satisfaction with outcome
Q1	44%	47%
Q2	47%	51%
Q3	58%	59%
Q4 (Jan & Feb data only)	65%	69%

3.7.10 An analysis of incident reports in ASB hotspots carried out between September 2016/17 and 2018/19 has also taken place. This shows areas where the Police team have been most visible since its formation in September 2017 recording the largest drops in ASB activity reports.

THH estate	2016/17	2017/18	2018/19
Chicksand	62	53	40
Avebury	53	39	32
Collingwood	46	40	33
Shadwell Gardens	27	15	7
Berners North	37	39	23

4 PARTNERSHIP PLUS SCHEME

4.1 Following the phasing out of “Metpatrol Plus”, MOPAC have introduced the Partnership Plus scheme. This enables Local Authorities only to apply for additional Police at 21% under the full cost of an Officer.

4.2 Costings based on the Partnership Plus rates for 2019/20 are as follows though rates for subsequent years will be subject to the impact of recommendations from the Police Remuneration Review Body and will be notified annually.

Officer	2019/20
Constable	£57,000
Sergeant	£70,500
Inspector	£86,000

4.3 Given the reduced match-funding available for Partnership Plus, a set of options were examined with regards to future provision. These took place in conjunction with a review of service provided by Parkguard who an accredited security service is whose work is closely aligned with the Police Team. Parkguard are used to:

- To provide community re-assurance in a Neighbourhood (this may be before the deployment of the Police team or after when it is decided to deploy the Police elsewhere but retain a presence in an area)

- To collect community safety intelligence prior to a Police Officer and ASB team initiative.

4.4 The following options for the service were considered:

- Option 1 – Maintain existing staffing levels of 2 sergeants and 12 constables and 2 Parkguard crews, 1 x 7 days per week & 1 x 5 days per week.
- Option 2 – Have a reduced police team of 1 sergeant and 6 constables, and 2 Parkguard crews, 1 x 7 days per week & 1 x 5 days per week.
- Option 3 - Increase Parkguard coverage with 3 crews, 2 x 7 days per week & 1 x 5 days per week with no police.

4.5 Following an assessment of incident reports and ASB calls, it was concluded that a reduction in Police team numbers would have a probable impact on the ability to react effectively to ASB incidents as well as risk a negative view of the service amongst residents. Option 1 was therefore recommended as most viable.

4.6 However, given the loss of subsidy available through Metpatrol Plus, Option 1 also involved a considerable rise in in operating costs as explained below:

- The cost of 12 officers and 2 sergeants therefore rises from £490,000 per year in 2017 to £825,000 per annum under the new Partnership plus scheme
- The full cost of the police team over the 3 years is estimated to be £2.47 million representing a growth of £1.05 million for this period compared with 2017-20.

4.7 It is therefore proposed to enter into a 3 year grant agreement with MOPAC to employ a 14 strong team on LBTH estates. The agreement contains a six-month break clause should either side wish to end the agreement earlier

5 POLICY TO RECHARGE RESIDENTS

5.1 In 2017/18, the Cabinet made the decision not to pass on to residents the costs of £2.4 million agreed for expenditure on ASB initiatives other than a £120,000 charge spread amongst leaseholders that was previously committed to the Tower Hamlets Civil Enforcement service (known as THEO's). This was because it was a pilot programme funded from HRA balances.

5.2 As set out in 4.6 over the next 3 years, the proposed Police team will involve a growth of £1.05 million and a total cost of £2.47 million.

- 5.3 In addition, re-procuring ASB and Community re-assurance services currently provided by Parkguard support for a 3 year period will cost approximately £840,000 over a 3 year period..
- 5.4 Inevitably, should this charge be assimilated within existing budgets there would be an impact on the ability to provide other parts of the service and efficiencies would have to be found.
- 5.5 To pass on a charge to residents, a Landlord must be sure that a charge is reasonably incurred. Typical costs that can be included are repairs and maintenance. However, improvements cannot be included.
- 5.6 THH are already passing on a service charge in relation to ASB to Leaseholders. Therefore, already there is a precedence of recharging Leaseholders for this service. For this reason, following Officer agreement, additional ASB services have already been included in this years' Service Charge estimates for services provided by both the Police Team and Parkguard. Total leaseholder's payment now includes £49.97 for existing ASB services plus £61.68 for the additional services, a total of £111.65
- 5.7 It is now recommended that from September 2020, following consultation with residents the Cabinet agree the principle that the cost of these additional services should also be recharged to tenants. The current advice from Benefit Services is that should there be a service charge, tenants would be eligible to claim this from housing benefit. The increased annual charge for these additional services is estimated to be £61.68 or £1.20 per week with costs of existing ASB services already contained in the existing rental charge.

6. EQUALITIES IMPLICATIONS

- 6.1 An equality analysis quality assurance (EAQA) checklist, has been conducted to determine the impact of the proposal on protected groups under the Equality Act 2010. The analysis has shown that the impact of the proposal is broadly equivalent to all the groups. Furthermore, within these categories most residents are protected from the proposed service charge introduction through the benefit system. The analysis also points out that the proposals may have an impact on a small number of working residents who may be working but fall outside the benefits systems. However, financial advice will be available through THH and other agencies for these categories of residents, and where applicable, their eligibility to benefits re-assessed. The EAQA is as shown in appendix 1.
- 6.2 Despite the higher levels of ownership amongst Council stock, there is still a significantly level of socio economics difficulties amongst residents which also now includes a substantial number of people who sub-let their home. Additionally, there is a greater chance that LBTH residents are from a minority

group, are disabled or have a health difficulty. For people living in this situation, the impact of ASB can have a devastating and alienating impact on their lives. The presence of services provided by the Police Team and their partner's Parkguard have played a substantial role in increasing community re-assurance and people's satisfaction with the area they live in.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 **Best Value Implications:** It has been demonstrated in this report that there has been and improvement in the outcomes and performance of ASB resulting in an enhanced resident satisfaction. Although Partnerships Plus will cost more than its predecessor MetPatrol, because MOPAC discontinued match funding, the new scheme still present value-for-money given the significant improvement towards tackling endemic ASB. Particularly, in that powers of enforcement by police is greater, with those involved in ASB more likely to desist with the threat of police presence. The MOPAC grant scheme also offers a 21% per Officer reduction on the full cost of each funded Police Officer or Sergeant.
- 7.2 **Environmental (including air quality):** No environmental implications
- 7.3 **Risk Management:** Risks to this proposal will be mitigated through targeting ASB hotspots and additional legal capacity to enforce any action ensuing. The proposals provide addition police resource, which otherwise would not have been readily available given the competing policing demands and priorities.
- 7.4 **Crime Reduction:** The extended ASB measure address residents' expressed concerns about persisted ASB on LBTH's estates. The presence of a Police team with powers to arrest and able to target ASB hot spots have already resulted in positive outcomes which has been reassuring to residents as shown in this report.
- 7.5 **Safeguarding:** Partnership Plus seek to cement the gains under its predecessor MetPatrol and aim to enhance community cohesion on LBTH's estates managed by THH. The proposal will reinforce LBTH's programmes that provide community coherence, working with young people and vulnerable groups affected by ASB.
- 7.6 **Data Protection / Privacy Impact Assessment:** N/A

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 Over the past three years LBTH has invested £2.548m in a range of ASB schemes including £1.42m in the MOPAC police service which employed 14 police officers on estates and a further £0.840m in Parkguard security service. These costs are contained entirely within the HRA.

- 8.2 The previous MOPAC agreement included match funding through s92 of the Police Act, 1996. It is proposed to renew this contract from September 2020 and will require growth of £1.05m as this match funding is no longer available, with the MOPAC scheme being withdrawn and replaced by a Partnership Plus scheme.
- 8.3 A growth bid was approved for this additional funding within the HRA as part of the 2020/21 budget setting process, approved at Cabinet in January 2020. This provided additional funding of £0.550m in 2020/21 and a further £0.555m in 2021/22.
- 8.4 The Parkguard security service is being extended for a further year at budgeted levels.
- 8.5 Subsequently a decision has been taken to fund the MOPAC service through tenant and leaseholder service charges, resulting in full cost recovery and negating the need for the growth bid, which will be offered as a compensatory saving. Tenants will be charged a service charge of £1.20 per week on all estates for the provision of this service and leaseholders an annual charge of £111.65. Eligible tenants will be able to claim this charge through their Housing Benefits.

9 COMMENTS OF LEGAL SERVICES

- 9.1 The Council, together with its partners, has various statutory duties and Powers in relation to crime and disorder and the misuse of drugs as set out in The Crime and Disorder Act 1998, the Anti-Social Behaviour Act 2003 and the Anti-Social Behaviour Crime and Policing Act 2014.
- 9.2 Under sections 6 and 7 of the Crime and Disorder Act 1998 the Council and its statutory partners have a duty to formulate and implement strategies for the reduction of crime and disorder, the misuse of drugs, alcohol and other substances and for reducing re offending in the area. Engaging the services of police officers under MOPAC's scheme of Partnership Plus will assist the Council to comply with its statutory duties.
- 9.3 The recommendation seeks approval for the principle of re-charging tenants or the cost of providing policing services that tackle ASB. It is noted at paragraph 5.6 of the report that agreement is already in place to pass on charges relating to the Police Team and security services provided by Parkguard to Leaseholders under the existing arrangement. It is also noted at paragraph 5.6 that leaseholders have been notified of the charges in this years' service charge estimates. As the sum to be charged to leaseholders exceeds the current threshold of £100 for a qualifying long-term agreement, the Council must consult leaseholders on the proposal in accordance with section 20 Landlord and Tenant Act 1985
- 9.4 Section 103 of the Housing Act 1985 requires landlords to serve four weeks' notice of variation of any rent charges or charges for the provision of services

or amenities, however there is no statutory requirement to consult tenants about the proposal to introduce the charges. The consultation duty set out in section 105 Housing Act 1985 does not cover rental charges or charges for services or amenities as they do not come within the definition of matters of housing management.

- 9.5 Under the Council's constitution the executive decision making power for grants is delegated to the Grants Determination Sub-Committee of Cabinet. However, the Council operates executive arrangements for the purposes of the Local Government Act 2000 which means that for these purposes the delegator of that the power to the Grants Determination sub-committee is the Mayor. The Mayor as delegator of the decision making power is entitled to make the decision himself and therefore it is lawful for this decision to proceed by way of Mayor in Cabinet and in accordance with the Constitution.
- 9.8 S.92 allows the Council to fund MOPAC without competition (and in any event competition would be absent). However, this does not apply to the funding relating to Parkguard. The Parkguard contract will expire part way through the new Partnership Plus scheme even if the Council elects to exercise the extension right. Therefore, the Council will reprocure the part of the services currently provided by Parkguard in line with Procurement Law and the constitution to ensure that these services continue to be provided until the end of the Partnership Plus arrangement.
- 9.9 Therefore, references to Parkguard include any subsequent winning bidder following the next tender exercise
- 9.10 Following the Equality Assessment there are no immediate equalities law implications under this report
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Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

Appendix 1 EQIA Check list Charging for ASB services (002)

Appendix 2 THH tenant profile and HB-UC profile_20May20FINAL

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

NONE

Officer contact details for documents: N/A