

Report for:
ACTION

The Royal Borough



**Windsor &
Maidenhead**

Contains Confidential or Exempt Information	No – Part I
Title	Night Time Economy Enforcement Pilot – Interim Review and Report
Responsible Officer(s)	Craig Miller, Head of Community Protection & Enforcement Services Simon Fletcher, Director of Operations
Contact officer, job title and phone number	Craig Miller, Head of Community Protection & Enforcement Ext 3598
Member reporting	Cllr Carwyn Cox
For Consideration By	Cabinet
Date to be Considered	26 November 2015
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Enforcement, Night Time, Night Time Economy

Report Summary

1. This report is a mid point review of the Night Time Economy (NTE) enforcement pilot approved by Cabinet at its meeting of 26 February 2015. The purpose of the report is to update Cabinet on the pilot. It is recommended that the Pilot continue until its scheduled conclusion in December 2015.
2. The report summarises the progress of the pilot to date and covers five main areas:
 - i. background
 - ii. performance
 - iii. patterns of enforcement
 - iv. pilot outcomes
 - v. future options
3. Initial findings from the first phase of the pilot suggest a night time economy function is a positive addition to the council's enforcement services. To date, more than 100 hours of foot patrols and just over 180 hours of vehicle patrols have been undertaken as part of the pilot resulting in over 300 licensing checks being completed and 135 environmental protection investigations undertaken. Anti social behaviour complaints associated with the NTE in the period between July to September 2015 have decreased by 27% compared to the same period in 2014. Whilst this can not solely be attributed to the NTE pilot it is likely to have been a contributory factor.
4. Issues have been identified during the first phase of the pilot. Many of these are operational issues. They are not insurmountable and do not suggest the pilot should be ceased at this point.

5. It is hoped that the pilot will continue to be a success and become a permanent solution into the future. The final phase of the Pilot will be reviewed alongside the information in this paper and it is proposed that a further report be brought to Cabinet in February 2016 to propose the final configuration of the service e.g. operating hours, full scope of service etc. The final three months will also enable any seasonal influence to be accounted for.
6. It is proposed that the Lead Member for Environmental Services, the Strategic Director of Operations and the Head of Service for Community Protection and Enforcement have a delegation to allow them to continue the service if it is deemed to continue to be successful at the end of the Pilot until Cabinet finalises the service configuration in February 2016.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Residents continue to have greater accessibility to enforcement services that can respond to issues at the time and point of need.	01 January 2016

1. Details of Recommendations

RECOMMENDATION: That Cabinet:

- i. **Approves the continuation of the Night Time Economy service until the conclusion of the pilot period in December 2015;**
- ii. **Requests that a further report be presented to Cabinet in February 2016 to determine whether the Night Time Economy service is continued as a permanent arrangement including confirmation of the final service configuration if it is to continue;**
- iii. **Delegate authority to the Strategic Director of Operations in conjunction with the Lead Member for Environmental Services and the Head of Service for Community Protection and Enforcement to continue to operate a service if it is deemed a success at the end of the Pilot until Cabinet finalises the service configuration in February 2016.**
- iv. **Delegate authority to the Strategic Director of Operations in conjunction with the Lead Member for Environmental Services to prepare a media statement for release to communicate and promote the permanent Night Time Economy service.**

2. Reason for Recommendation(s) and Options Considered

Background

- 2.1 Members will recall that Cabinet approved the implementation of a Night Time Economy Enforcement Pilot staffed by the council's existing Community Warden resource at its meeting of 26 February 2015.
- 2.2 The pilot was to be based on a service that would be operational during night time and early morning hours providing residents and local businesses with access to council resources with the capability to investigate issues connected to the NTE e.g. noise nuisance, under-age sales of alcohol, access management into licensed premises, taxi licensing and enforcement. The trial was launched on 1 July 2015 with service being provided between 7pm and 3 am on both Friday and Saturday nights. The pilot was specifically mandated to undertake and enhance the council's enforcement coverage and did not aim to address public disorder or crime which is the responsibility of Thames Valley Police.

- 2.3 The trial has received positive media coverage and has run smoothly since launch providing coverage to the NTE locations in Windsor & Eton, Maidenhead town centre, and Ascot. It has also been possible to deploy resources on a reactive basis to other areas on occasion to deal with issues or concerns tasked from our licensing or Environmental Protection functions.
- 2.4 The service is always staffed by two Community Wardens who work as a pair on patrols and investigations. Both weekend shifts will commonly be undertaken by the same officer pairing.
- 2.5 All officers received appropriate training and briefings in advance of the launch date and full operating procedures and risk assessments were produced and have subsequently been reviewed and improved in light of operational experience.
- 2.6 Whilst the council's pilot is not intended to take on Police functions the NTE personnel do on occasion work closely with the Police as the issues in hand can be related or span both enforcement environments. The council's NTE resource has a standing invite and does attend the weekly Police NTE briefing at 10pm on Fridays and Saturdays as appropriate to their shift operations and tasking.
- 2.7 Each NTE shift is briefed prior to patrol on complaints received from residents and businesses. In addition they are provided with information from other teams within the council. Complaints and/or issues raised via the council's control room are also investigated on a reactive basis. The NTE resource will also report issues that lie outside of their sphere of control via the control room or to the appropriate organisation or agency e.g. Police and Street Angels.
- 2.8 NTE incident reports are sent out at the end of each shift so that if a particularly significant issue has arisen on a Friday night (e.g. a noise problem with a licensed premise) action can be taken by the relevant department to prevent the issue reoccurring on the Saturday.

Performance

- 2.9 The NTE pilot is monitored through a number of performance metrics that offer a statistical overview of service impact and value. Appendix 1 sets out the performance data for the service so far. Current performance data shows a number of positive outcomes e.g. over 300 licensing checks have been completed and 135 environmental protection investigations undertaken. Anti social behaviour complaints attributable to the NTE are down by 27% for the period between July and September 2015 when compared to the same period in 2014.
- 2.10 It is recognised that this information alone would not necessarily provide a compelling case for a service however the pilot is only three months old and will require further bedding in and exposure to residents before we can be confident that we have a truly representative data set. Members should be aware that the Mantra nightclub was fully closed and the Liquid nightclub was closed for a number of weeks during the initial phase of the pilot. These premises are two of the main nightclub establishments in Windsor and their closure may have affected the number of cases that were reported during this period. It is therefore important that some of the softer information and measures available are considered when assessing success at this point e.g. over 100 hours of foot patrols and just over 180 hours of vehicle patrols have been undertaken within the NTE since the pilot commenced. This is a level of service and accessibility that has not been provided to residents before. The presence of council resources in the NTE is also likely to positively encourage a greater degree of self compliance.
- 2.11 Officers have also received various anecdotal reports about the impact of the service. NTE patrols have reported that parking behaviour especially within Thames Street,

Windsor is much improved when the NTE patrols are on shift. This historically has been a problem resulting in numerous complaints from residents.

- 2.12 As with any project or initiative approved by Cabinet the NTE pilot has an agreed set of defined outcomes. These are detailed below in table 1 and a summary of performance to date has been included in the final column.

Table 1 – NTE Pilot Defined Outcomes					
Outcome	Measure of Success				Performance Jul – Sept '15
	Unmet	Met	Exceeded	Significantly Exceeded	
Introduce a NTE pilot by:	Post 01/05/15	01/05/15	13/04/15	01/04/15	Trial commenced on 01/07/15 with member agreement
Reduce NTE noise & nuisance complaints by:	<10%	10-15%	16-20%	21-25%	47% reduction on '14-'15 performance
Reduce NTE ASB complaints by:	<10%	10-15%	16-20%	21-25%	27% reduction on '14-'15 performance
Reduce taxi-related NTE complaints by:	<10%	10-15%	16-20%	21-25%	12% reduction on '14-'15 performance

- 2.13 If the trial is continued it is recommended that performance is assessed by considering long run data (e.g. 12 month moving totals) which remove seasonality.

Patterns of Enforcement

- 2.14 The performance data provided at Appendix 1 highlights that the majority of work undertaken by the NTE function has been associated with parking issues (predominantly in Thames Street, Windsor) and noise complaints associated with NTE premises across all of the patrolled areas.
- 2.15 The NTE patrols have also recently been tasked with investigating and evidencing problems associated with businesses leaving trade waste out overnight on main public thoroughfares in the main NTE locations.
- 2.16 Current intelligence highlights that the bulk of complaints relate to Windsor and Maidenhead town centres with the majority of incidents relating to issues that occur prior to midnight. This position is corroborated by our personnel who have feedback that workloads reduce after midnight. Whilst this could inform a review of the hours of operation at this stage it is proposed that the second half of the pilot be continued on the same basis as the first in order that we capture full intelligence including any seasonal influence of the winter months on a like for like basis.

Pilot Outcomes

- 2.17 The number of complaints made to the council regarding taxis, anti social behaviour and noise etc. has reduced in the first three months of the NTE pilot based on comparative data for the same period last year. Whilst this cannot be attributed solely to the NTE pilot it is likely to be a contributory factor.
- 2.18 The pilot has provided an unprecedented level of accessibility and service provision to local residents, businesses and visitors at times that historically have not been routinely resourced.
- 2.19 The pilot has enhanced the enforcement capability of the council and its ability to react, deal with, investigate or evidence problems that historically would have taken much longer to determine. This in turn means the council will be able to bring issues

that affect our residents to a point of resolution or conclusion much quicker than before.

2.20 The council has received anecdotal information to suggest levels of self compliance within the NTE community are improved when the resource is present in the NTE locations.

2.21 The pilot provides the ability to dynamically task council resources e.g. being able to check issues beyond the boundaries of the NTE locations and being able to pick up issues from other council service areas e.g. business waste investigations as referred at 2.15 above. There is scope for further development and enhancement of this capability as the pilot matures.

Options

Option	Implications	Cost pa (£) – provisional estimates
<p>1. Cease the NTE service at the end of the six month pilot period.</p> <p>This option is not recommended</p>	<p>The information contained within this report suggests that an NTE service does provide value to Borough residents, visitors and businesses and this will continue to develop if the service is carried on and continues to mature. Ceasing the service would be contrary to the councils drive to increase residents accessibility to services and 24/7 service provision.</p>	<p>No further costs</p>
<p>2. Continue with the pilot in its current form (incorporating all existing Community Warden personnel and all additional Community Wardens when delivered as per the administrations manifesto).</p> <p>This is the recommended option</p>	<p>Residents, businesses and visitors will continue to benefit from increased accessibility to council enforcement services;</p> <p>The council will look to continue the service as a voluntary agreement with the existing Community Warden personnel in the first instance. However, there is a risk that these officers may not wish to continue this voluntary arrangement on a permanent basis. If this risk is realised the council will need to utilise the flexibility clause contained within the standard terms and conditions of employment. This approach would require a dialogue and consultation process with a timeframe of at least 12 weeks to allow reasonable notice of the change.</p> <p>There is a risk that this approach could detrimentally affect officer goodwill and morale and could result in some officers discontinuing their employment with the council.</p> <p>There is also a risk that a formal consultation process will result in a temporary stop in service until terms and conditions are formally changed. Temporary arrangements will as per recommendation iii be implemented where possible so services are maintained.</p> <p>The council will ensure that any new appointments to the existing and future Community Warden resource (as it increases) will be subject to terms and conditions that enable the provision of services in this way.</p>	<p>£7,000 full year salary cost – based on current service configuration</p>
<p>3. Continue NTE service provision beyond the pilot period utilising permanent Community Warden</p>	<p>Residents, businesses and visitors will continue to benefit from increased accessibility to council enforcement services;</p>	<p>Supplementary resource costs would be</p>

Option	Implications	Cost pa (£) – provisional estimates
<p>resource bolstered by supplementary resource from a wider pool on a voluntary arrangement.</p> <p>This is not the recommended option</p>	<p>This option could help mitigate any potential impact on daytime Community Warden services. However it would incur additional cost as any supplementary resource would be remunerated on an overtime basis. NTE shifts would be undertaken over and above the supporting officer's normal contractual obligations and 37 hour working week.</p> <p>This option would also not provide any guaranteed additional resource as the arrangements would be voluntary and subject to the personal and external commitments of the supplementary resource.</p> <p>This option would also require the continuation of the arrangement with the Community Warden resource and carries the same risk as detailed in option 2 above should a formal dialogue and consultation process be required.</p>	<p>dependant on the resource used and the number of shifts undertaken. By way of example an LP3 officer undertaking just 10 of the potential 208 shifts would equate to approximately £3,200.</p>
<p>4. Continue to provide NTE patrols but cease patrols at midnight.</p> <p>This is not the recommended option</p>	<p>Whilst this option is a possibility the pilot has yet to conclude and the current data and intelligence is not considered sufficient at this stage to support this decision. A paper is proposed for Cabinet in February 2016 to confirm the final specification of the service based on the findings of the full trial including any seasonal influences should Cabinet be minded to continue the service.</p>	<p>£2,500</p>
<p>5. Continue to provide the NTE service utilising resource from a wider staff base but ceasing patrols at midnight.</p> <p>This is not the recommended option</p>	<p>As for option 4 above.</p>	<p>Dependant on the resource but utilising the same example as detailed in option 3 the cost would equate to approximately £2,000.</p>
<p>6. Cease NTE Patrols at the end of the pilot with a final decision to be agreed at the February 2016 Cabinet.</p> <p>This is not the recommended option</p>	<p>This option would allow time for a detailed cost benefit analysis to be undertaken using intelligence from the whole pilot. This option would however cause a break in services to residents, visitors and businesses whilst the future of the service is determined. The intelligence from the pilot so far suggests that the service is and will increasingly add value for residents and as such it is anticipated that services will be continued on an ongoing basis from the end of the trial period.</p>	<p>n/a</p>

3. Key Implications

Defined Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Delivery Date
Reduce NTE noise & nuisance complaints by:	<10%	10-15%	16-20%	21-25%	31/03/2016
Reduce NTE ASB	<10%	10-15%	16-20%	21-25%	31/03/2016

Defined Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Delivery Date
complaints by:					
Reduce taxi-related NTE complaints by:	<10%	10-15%	16-20%	21-25%	31/03/2016

4. Financial Details

a) Financial impact on the budget (mandatory)

Costs allocated to the 6 month pilot when approved are provided below. Expenditure is currently within budget.

	2015/16
	Capital £000
Addition	£4,000
Reduction	£0

	2015/16
	Revenue £000
Addition	£2,500
Reduction	£0

The financial impact of the proposed option is currently projected to be £7k for salary costs. The actual costs will of course be determined by the final specification agreed for the service. It is proposed that this will be set out in detail within the Cabinet report suggested for consideration by Cabinet in February 2016.

5. Legal Implications

This pilot was implemented in accordance with the enforcement powers detailed in the scheme of delegations within the council's constitution.

Trained Community Wardens have executed these functions in order to mitigate any legal risk to the council in respect of enforcement functions not being implemented or utilised correctly. Appropriate training and instruction may be required if a wider resource pool is utilised.

6. Value for Money

As per 4 detailed above.

7. Sustainability Impact Appraisal

None required.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Risks to staff safety whilst patrolling NTE.	HIGH	An extensive risk assessment was completed and staff were fully consulted about both the risks and mitigating action that was required	MEDIUM

9. Links to Strategic Objectives

Our Strategic Objectives are:

Residents First

Improve the Environment, Economy and Transport
Work for safer and stronger communities

Value for Money

Deliver Economic Services

Delivering Together

Enhanced Customer Services
Deliver Effective Services

Equipping Ourselves for the Future

Equipping our Workforce
Developing our systems and Structures
Changing our Culture

10. Equalities, Human Rights and Community Cohesion

Not required.

11. Staffing/Workforce and Accommodation implications

- 11.1 The pilot has highlighted that the operation of a NTE service draws 28 hours from the normal daytime Community Warden service. This represents 4% of the total daytime service hours for the warden service (based on 18 FTE working 37 hours a week). This draw can reduce the flexibility and resilience that the daytime service has compared to operation without NTE. This has meant that some requests for warden service could not be fulfilled. The operation of a NTE service also means that service coverage is slightly reduced in the daytime when an area officer is deployed to night time shifts and means unplanned or more reactive tasks can sometimes stretch resources. However this is managed across the resource that serves the Borough as a whole rather than being concentrated solely from one area. Consideration could be given to widening the current resource pool in order to improve flexibility and resilience for both daytime and night time operations should Cabinet be minded to continue the NTE service. Consideration could also be given to an alternative two shift configuration for daytime Community Warden services as opposed to the current three shift format. This arrangement could provide greater flexibility and ability to deploy resources to cover peak demand periods and ensure service coverage. Looking forward to the future, the council will also have greater ability to mitigate this impact as the number of Community Wardens is increased in line with the administrations manifesto.
- 11.2 The NTE service is currently resourced by Community Wardens through voluntary agreement. Some officers have expressed concern about the pilot becoming permanent due to the level of remuneration offered and the impact of working unsociable hours on a continued basis. The council may need to utilise the flexibility clause included within the standard terms and conditions of employment if the current voluntary staffing arrangements cannot be maintained. In such instance the council has to ensure that there is sufficient consultation and dialogue on the proposed change and that reasonable notice is provided to the personnel involved. Best practice is to reflect the time period associated with a contractual change. This is likely to require a 12 week timetable as a minimum. Consultation would need to commence imminently from the point that Cabinet determines the outcome of this report. As with any change mechanism there is a risk that some officers may choose not to continue their employment with the Borough.

12. Property and Assets

The Tinkers Lane depot is the operational base for this resource.

13. Any other implications

None

14. Consultation

This report is scheduled to be considered by the Crime & Disorder Overview & Scrutiny Panel at its meeting of 24 November 2015. The Panels comments will be made available to Cabinet when this report is considered on 26 November.

15. Timetable for Implementation

Action	Date
Cabinet agree continuation of NTE services beyond the current pilot stage.	26 November 2015
Conclusion of the NTE pilot	31 December 2015
Cabinet considers a report to determine the final specification and configuration of the NTE service.	25 th February 2016

16. Appendices

Appendix 1 – Statistics for the NTE Pilot (July – September 2015)

17. Background Information

Out of Hours Cabinet Report – July 2014

Night Time Economy Enforcement Cabinet Report – February 2015

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	30/10/15	02/11/15	
Cllr Cox	Lead Member, Environmental Services	27/10/15	27/10/15	
Michaela Rizou/Christopher Targowski	Cabinet Policy Assistant/Cabinet Policy Manager	26/10/15 & 27/10/15	27/10/15	
Alison Alexander	Managing Director	27/10/15		
Simon Fletcher	Director of Operations	26/10/15	27/10/15	
Sean O'Connor/Neil Allen	Shared Legal Services	27/10/15	28/10/15	
Andrew Brooker	Head of Finance	27/10/15		
Mark Lampard	Finance Partner	27/10/15		
Terry Baldwin	Head of HR	27/10/15	27/10/15	
Michelle Dear	HR Business Partner	27/10/15	27/10/15	

Report History

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Brian Martin Craig Miller	Community Safety Manager Head of Community Protection & Enforcement	01628 796337

Appendix 1

Statistics for the Night Time Economy Pilot (July – September 2015)

Hours Spent	July	August	September	Total	%age times spent on patrol
- In vehicle	46	73	62	181	50%
- On foot	40.5	41	26	107.5	30%
- Compiling Reports	16	15	16	47	13%
- Other	9.5	11	8	28.5	8%
Total	112	140	112	364	
Number of times visited	0	0	0	0	
- Windsor	23	28	28	79	
- Maidenhead	11	23	16	50	
- Ascot	14	20	12	46	
Eton Wick	18	17	6	41	
Number of following performed					
- Taxi checks	118	134	126	378	
- Taxi issues	21	13	16	50	
- Environmental Protection Checks	33	60	42	135	
- Environmental / Streetcare issues reported	10	10	4	24	
- No Trading standards issues reported	0	0	0	0	
- Potential trouble making groups called through to the control room	0	0	0	0	
- Unplanned requests from the police / members of the public	1	1	1	3	
- Other incidents of note	6	3	2	11	