

Elected Member

# BRIEFING

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To: Crime and Disorder Scrutiny Panel      From: Bev Houghton  
Service Area: Community Safety  
Contact Info: 01527 534187

CC: Cllr Nyear Nazir – Portfolio Holder for Community Services & Regulatory Services  
Sue Hanley – Deputy Chief Executive & Chair of NWCSP  
Judith Willis – Head of Community & Housing Services

## **Anti-Social Behaviour – Update on the work of the Partnership**

### **1. Summary**

This report provides an update on activity to address Anti-Social Behaviour undertaken by North Worcestershire Community Safety Partnership.

### **2. Background**

Following the presentation of the Council's updated ASB Policy in June 2020, Elected Members requested that an update on activity to address ASB issues be presented at the annual Crime & Disorder Scrutiny Panel.

Working with our partner agencies, there are a number of tools and remedies available when dealing with cases of ASB. Support is provided throughout each process with referrals to other organisations made as and when it is appropriate.

### **3. Preventative/Early Intervention Tools**

There are a number of early intervention methods that are used by partnership agencies to assist in preventing the escalation of problems; these include joint agency home visits such as Housing Officers, the Police or Children's Services, advisory letters and early words of advice.

#### **Introductory Tenancies**

Redditch Borough Council Locality teams and other Social Landlords make use of Introductory Tenancies/Starter Tenancies which allow Housing Managers to deal quickly with problems like ASB. At sign-up new tenants are advised of the terms of their agreement relating to ASB/causing nuisance and officers clarify the Landlord's expectations and any consequences, to ensure residents understand their responsibilities from the outset of their new tenancies.

## **Warnings and Agreements**

The Police and Social Landlords issue verbal and written warnings to address unacceptable behaviour and reinforce that ASB will not be tolerated in our communities. The Police, Council services and Social Landlords will use warnings to remind residents of their obligations under their tenancy/lease or the rule of law and the warning sets out the specific clauses, conditions or legislation that has been breached. When issuing warnings, partners clarify the issue, advise the individual that their behaviour is being monitored and warn the individual or business that further enforcement action will be taken if their anti-social behaviour continues.

To date the following Community Protection Warnings have been issued by Council services

4 – Environmental Services – to address issues of fly tipping, accumulations of waste and abandoned vehicles.

13 – Housing Services – to address issues of neighbour nuisance, excessive noise, misuse of communal areas, unsightly gardens and the accumulation of household and animal waste.

9- Planning Services – to address issues of graffiti, accumulation of waste and building debris.

The Police have also issued a number of Community Protection Warnings to individuals for their anti-social behaviour in the community and in public spaces.

## **Mediation / Restorative Justice**

Landlords are able to offer the use of external mediation organisations to help resolve disputes. The types of situation they can assist with include, but are not limited to, noise, youth nuisance, pets, shared spaces and lifestyle differences. This is an option being investigated by Redditch Borough Council as part of its review of Housing Services.

## **Diversionsary Activities for Young People**

Young people are often profiled as causing ASB, sometimes, mistakenly or unintentionally, i.e. not understanding that loitering can be perceived as intimidating to others. The partnership is committed to providing opportunities for young people, to help challenge some of these beliefs and behaviours and provide a platform for young people to engage and find new interests. This year NWCSF has allocated over £27,000 of grant funding to youth work projects in Redditch.

## **Designing out ASB – Environmental Visual Audits**

Where there are instances of ASB activity in an area or estate, Community Safety Partners carry out joint visits with residents and other relevant partners to identify improvements, repairs and additional security that may benefit the area or estate. The aim is to identify physical and environmental

improvements to areas and neighbourhoods to help reduce ASB and tackle location specific issues.

### **Community Trigger/ASB Case Review**

The Community Trigger/ASB Case Review is a process that was introduced as part of the ASB Crime and Policing Act and provides a facility for victims of ASB to request a review of their reported case, if they feel that no action has been taken. Relevant agencies have to come together to review their responses to the reported problem and identify if there is any further action that can be taken.

The process is owned by the Community Safety Partnership and is administered by the Council's Community Safety Team. This year, the team has received 2 Community Trigger applications for issues relating to disruptive neighbour nuisance.

The Community Trigger/ASB Case review process as laid out in the act has a number of timescales that need to be met to ensure that applicants receive timely responses to their concerns and, as such, the Community Safety Partnership will be undertaking a review of the process to ensure that all of the requirements of the act are being implemented and the scheme is fit for purpose.

## **4. Legal Remedies**

The Community Safety Partnership encourages agencies to use the legal remedies at their disposal when non-legal action is not appropriate, proportionate or fails to resolve the ASB. The various legal options that partners can implement include:-

### **Possession (Eviction) Proceedings**

The Council and other Landlords will consider applying to the Court to seek possession of a property where early intervention has been unsuccessful in resolving ASB and/or alternative remedies are not suitable.

### **Mandatory Grounds for Possession**

The ASB Crime & Policing Act introduced an absolute ground for possession for secure/fixed term secure tenancies, where ASB or criminality has been proven by a conviction in another court. The purpose of this power is to speed up the possession process in cases where there has already been a criminal or ASB conviction. Landlords no longer have to prove that it is reasonable to grant possession but, instead courts must grant possession if the correct procedure has been followed and at least one of the specified conditions has been met.

### **Civil Injunction**

Injunctions can be used to stop/prevent individuals engaging in ASB, aiming to tackle problems before they escalate. Councils, Social Landlords and Police can all apply for an Injunction, which can be used when an individual's behaviour is likely to cause harassment, alarm or distress or is capable of

causing nuisance or annoyance. It is issued by the County Court or to under 18s, in the Youth Court. An injunction sets out a clear standard of behaviour and will include prohibitions but can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach of an injunction is not a criminal offence but is dealt with by civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For those aged under 18, breach proceedings are dealt with in youth court and could result in a supervision order, curfew or an activity requirement.

### **Criminal Behaviour Order (CBO)**

A CBO can be given to an individual on their conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (i.e. an anti-social individual commits a criminal offence and is prosecuted). The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements) and it must also be determined what is required within the CBO to tackle the underlying cause of the behaviour. The penalty for a breach, upon summary conviction, could result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. Under 18s would be called in front of a youth court, which could result in a 2 year detention and training order. West Mercia Police colleagues have applied for a number of CBOs to tackle the behaviour of some of the most persistent offenders in Redditch

### **Community Protection Notice (CPN)**

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over or a business/organisation which negatively affects the community's quality of life. A CPN can be issued, following a formal warning, if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable. Council Officers, Police Officers and Social Landlords with delegated authority from the Council can issue a CPN, which is written notice to the individual demanding they stop the behaviour that is detailed and a requirement to take reasonable steps to stop further incidents in the future.

The CPN can be used against a wide range of perpetrators and can be used to deal with a number of different issues such as noise nuisance, abusive language and behaviour and litter on private land. A breach is a criminal offence which could be prosecuted and a person found guilty of failing to comply with a CPN without reasonable excuse is liable to a fine of up to £2,500, with unlimited fines for a business or organisation.

### **Premises Closure Power**

The Closure Powers allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and the disorder is related to the premises in question. A Closure Notice is issued out

of court and allows closure for up to 48 hours but cannot stop those who live there from accessing premises. A Closure Order can last for up to 6 months and restricts all access to the premises. This can be sought through the Courts once the Closure Notice has been issued.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public. Breach of either is a criminal offence with penalties including:

Notice - Up to 3 months in prison

Order -Up to 6 months in prison; and

Both - An unlimited fine

### **Public Space Protection Order**

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

The restrictions and requirements in the order are set by the Council after consultation with the Police, PCC and other relevant bodies. A PSPO may include preventing certain behaviours or restricting access to certain areas of a public area. A breach is a criminal offence and is enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. More than one restriction can be added to the same PSPO, meaning that a single order can deal with a wide range of behaviours that prevent people enjoying the use of a public space. Redditch Borough Council is currently reviewing its current PSPOs in line with Home Office statutory guidance.

#### **4. Recommendation**

That the activity undertaken by the North Worcestershire CSP be noted.

#### **5. Appendices**

None

#### **6. Background Papers**

Anti-Social Behaviour, Crime & Policing Act 2014 – Updated Statutory Guidance from the Home Office (Dec 2017)

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