

Elected Member

BRIEFING

To: Crime and Disorder Scrutiny Panel From: Bev Houghton
Service Area: Community Safety
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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 from Sept 2020 – to date.

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.

Attached at **Appendix 1** is a brief overview of reported ASB in North Worcestershire and Redditch to date. Data for 2018/19, 2019/20 and 2020/21 has been included to provide a true picture of ASB reports to the Police across the borough in light of the impact Coronavirus restrictions had on reporting during 2020/21

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: -

Between Sept 2020 and August 2021, **23** Community Protection Warnings (CPW) have been issued by the Neighbourhood and Tenancy team to tenants whose behaviour has been affecting the quality of life of other residents in the community. **11** Community Protection Notices (CPN) have subsequently been issued due to failure to comply with a Warning. As outlined below, failure to comply with a CPN is a criminal offence.

A further **9** CPW's have been issued by Planning Enforcement, primarily to businesses whose activity has had a detrimental effect on the wider community. **1** CPN has been issued.

The Community Safety team continue to provide guidance and advice to colleagues and partners on use of the ASB Tools and Powers and regularly liaise with national ASB Enforcement experts to ensure advice is accurate and up to date.

The Police also issue a number of Community Protection Warnings/Notices to individuals for their anti-social behaviour in the community and in public spaces and the Community Safety Team liaise regularly with the Police SNTs and Problem Solving Hub in order to share information and co-ordinate enforcement activity.

Mediation / Restorative Justice

Landlords are able to offer the use of external mediation organisations to help resolve disputes. The types of situations 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.

Diversions 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 NWCSP has allocated over £27,000 of grant funding to youth work projects in Redditch.

In addition to the CSP funding, the Community Safety Team has been successful in bidding for Containment Outbreak Management Funding (COMF) from the County Council Public Health Team to deliver projects aimed at supporting Covid-19 recovery. Enhanced Youth Support COMF has been allocated to Redditch districts to increase service delivery and build capacity amongst young people who have been disproportionately affected by the pandemic and are potentially more at risk of becoming victims and/or perpetrators of crime and ASB.

Public Health has identified that adolescence can be a time where teens initiate risk taking behaviour and cease or reduce some protective behaviours. Health outcomes are significantly worse for certain groups of young people including those in care, those engaged in the youth justice system, ethnic minorities and those living in the most deprived communities and there is a strong association between socio-economic status and risk-taking behaviour in adolescence. The COVID-19 pandemic has exacerbated many existing health inequalities, and young people have been disproportionately impacted.

Due to the established track record of the Community Safety Respect Programme and its proven ability to engage with and support vulnerable and at-risk young people, district youth support COMF has been allocated to support additional delivery of: -

- 1-2-1 Mentoring Support
- Empowering Young People Group Work
- Detached and Outreach Youth Work

Funding has been allocated based on a WCC Public Health formula taking into account both population and need. In 2020/21 (Yr.1) Redditch has been allocated £83,837 and funding for Yr. 2 and Yr. 3 has also been confirmed.

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.

The Community Safety Project Officers are nationally qualified Designing Out Crime Officers (DOCO) or College of Policing trained Crime Reduction Officers and they also carry out a number of environmental visual audits, surveys of neighbourhoods, public spaces to provide crime risk assessments at locations where it has been reported that ASB is having a detrimental effect on the community. The expert advice they have provided either has or is in the process of being implemented in order to improve the situations for the wider community.

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 2014 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 NWCSP and is administered by the Council's Community Safety Team. This year, the team has received **3** Community Trigger applications in Redditch 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 the applicants receive timely responses to their concerns.

The Community Safety Team also attend a number of early intervention meetings with partners and other service areas to try to identify and address issues of ASB as quickly as possible, to prevent escalation to serious neighbourhood disorder and criminal activity. For example, Project officers attends a monthly multi-agency meeting to discuss and assist in the process of keeping some of our most vulnerable residents safe from cuckooing and ASB.

Project officers also attend twice monthly multi-agency rough sleeper meetings to look at interventions and support for entrenched rough sleepers. During Covid, all rough sleepers were in accommodation throughout the Borough which presented a number of challenges. However a number of those people managed to maintain their tenancies and are no longer entrenched in the cycle of rough sleeping. These tenants are now supported via the Housing First programme, another multi-agency meeting regularly attended by the Community Safety Team.

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.

5. Recommendation

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

6. Appendices

Appendix 1 – ASB Overview: Incidents of ASB 2018 to 2021

7. Background Papers

Anti-Social Behaviour, Crime & Policing Act 2014 – Updated Statutory Guidance from the Home Office (Revised 2021): [Anti-social Behaviour, Crime and Policing Act 2014 \(Updated 2021\)](#)

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