



Report: Partnership Anti-Social Behaviour (ASB) activity (2012/13) & ASB, Crime and Policing Bill (2013-14)

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1. Purpose

To provide an overview of local partnership activity to address ASB; and to provide information concerning legislative changes/action we can take to be prepared for the same.

2. Background/Context

The Partnership Strategic Assessment (STRATAS) 2012/13 highlighted that ASB remains a significant issue of concern to local residents and recorded levels of ASB are relatively high compared to other London boroughs. Whilst behaviour types predominantly include, inconsiderate behaviour, intimidation, harassment, misuse of public space and dumping of litter and waste.

3. Overview of Partnership ASB activity

The ASB Partnership Action Plan for 2013/14 was delivered on track; the key aspects are detailed below. Current year actions are to be delivered through the Community Safety Strategy 2013-16 Delivery Plan (Outcome 5 - '*Prevent and reduce acquisitive crime and anti-social behaviour; to include residential burglary, personal robbery, vehicle crime, and theft*').

3.1 ASB Partnership Action Group

The group was established during 2012 to provide an effective multi-agency response for supporting vulnerable and repeat victims of ASB and Hate Crime in the Borough. The remit was recently widened to also capture locations of concern. Particularly where there are multiple victims of the same perpetrator/s. Cases are referred using a risk assessment matrix. The group take a problem solving approach to cases referred and in doing so action plans are developed to provide professional support to those at risk. The group also provide, and/or signpost to, appropriate support services. The membership of the Group consists of representatives from, the Metropolitan Police Service (who also Chair the meetings), London Fire Brigade, Homes for Haringey, LBH Community Safety (who facilitate, co-Chair and coordinate the group), Anti-Social Behaviour Team, Housing, Enforcement Response Service, Youth Offending Service, Adult & Housing Services (Safeguarding Adults), Victim Support, Registered Social Landlords, Haringey Mental Health Trust and Haringey Advisory Group on Alcohol, amongst others.

3.1.1 *Outcomes:*

The work of the group has seen a resolution of 54.5% of cases referred in the previous financial year (18 out of 33) with a current year target of 60%. The Community Safety Performance Management Group also set a target for a reduction in repeat victims of ASB. This was surpassed in part due to the work of this forum, i.e. repeat callers calling more than twice in a 24 week period – target was 621 from a baseline of 690 and the year end figure was 584.

Key trends and locations of concerns have been identified for further action and focused activity. In one third of cases referred mental health was flagged as a key factor concerning either victims or perpetrators. This is consistent with profiles of offenders of acquisitive crime and violence (as per STRATAS 2012/13). Substance misuse has also been flagged as a factor in a number of cases referred. The group has identified gaps in partnership provision such as lack of support for victims and witnesses of ASB involved in the court process. Unlike the criminal trial route there is a lack care provision for civil court witnesses. This can often lead to a reticence in providing witness evidence and in some instances testimonies being withdrawn, due to fear of reprisals and lack of support to address the same. This issue has been addressed by LBH Community Safety in conjunction with Victim Support following a successful bid for funding to the Mayor's Office for Policing and Crime (MOPAC). A victim support ASB worker will be employed with a performance framework set as part of a joint initiative with London Borough of Hackney. It is hoped that this will also lead to further cross-border initiatives.

3.2 Partnership Tasking and Quarterly Weeks of Action:

Ongoing and informed by substantial ASB intelligence captured within the Partnership STRATAS 2012/13. The cycle of weeks of action have been agreed for 2013.

Aims are:

- To reduce crime (TNOs) compared to the same week in the previous year
- To raise the standard of the public realm, influencing perceptions and fear of crime
- To demonstrate effective and powerful partnership working between Haringey Council, the Police, the London Fire Brigade and key partners
- To create a project legacy through effective communication of the project successes
- Provision of engagement/crime prevention activity resulting in sustained behaviour change and longer term crime reduction

3.2.1 Outcomes:

Concerted partnership work to build a legacy of crime reduction and crime prevention behaviour in the community. Communicating successes as well as awareness raising information remains a challenge for the partnership but this work provides a means to coordinate periodic joint messages.

3.3 Haringey Families First (Troubled Families Initiative):

Team in place and linked into partnership ASB forums, particularly regarding case referrals. The programme aims to provide intensive support to those families most in need. The work is at an early stage regarding case management outcomes.

3.4 Dog Control Orders:

Following consultation dog controls order came into force locally on 1st April 2013 supported by relevant publicity. Authorised officers will enforce the orders by issuing fixed penalty notices to owners who do not comply with the specific order made.

The use of the provision is in response to growing numbers of Residents, Friends of Parks, Police and dog walkers concerned about a growing number of dogs causing problems in public places. Such behaviour includes, dog fouling, being out of control

or being off a lead and causing a nuisance. The Council has worked in partnership with a number of agencies to deliver this work and promote responsible dog ownership, including, the RSPCA, Battersea Dogs Home, Wood Green Animal Shelter, Police and Homes for Haringey. Monitoring of its impact and success is ongoing.

3.5 ASB Summer Initiative:

Planning is underway to deliver a coordinated period of activity (June to September) to help improve public confidence (in part through efforts to tackle envirocrime), reduce risk and harm caused by ASB and reduce the number of repeat victims. The work is to be monitored through Partnership Tasking.

4. Anti-Social Behaviour, Crime & Policing Bill 2013-14

4.1 Purpose

The Bill was presented to Parliament on 9th May 2013 and is expected to have its second reading debate on 10th June 2013. Subject to its parliamentary progress, the Bill is expected to receive Royal Assent by the end of the session in spring 2014.

The Bill is being implemented:

- To introduce simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. The new Community Trigger and Community Remedy will empower victims and communities, giving them a greater say in how agencies respond to complaints of anti-social behaviour and in out-of-court sanctions for offenders
- To tackle irresponsible dog ownership and the use of illegal firearms by gangs and organised criminal groups, strengthen the protection afforded to the victims of forced marriage, and enhance the professional capabilities and integrity of the police

4.2 Issues for Community Safety Partnership consideration

- The Partnership ought to consider a way of ensuring there is in place a clear line of communication between agencies relating to the use of new tools once in force. Formal consultation will no longer be required in some instances, e.g. Direction Power (see below Bill summary re 'Part 3'). A co-located team would make this easier to apply in practice, or in the alternative a formal agreed protocol
- Local implementation of the Community Trigger (see below Bill summary re 'Community Remedies'), planning and agreement ought to be undertaken by the Partnership during 2013/14 and informed by the national trials

4.3 For information: Summary of Anti-Social Behaviour aspects of the Bill

The rights of victims are the focus, with quick action taken to deal with persistent ASB. 19 existing powers to deal with anti-social behaviour would be replaced with those outlined below.

Part 1

Civil Injunction - to prevent nuisance and annoyance. This is intended to replace the current **Anti-Social Behaviour Injunction (ASBI)** and **Anti-Social Behaviour Order (ASBO)**. The title of the tool is a change from the initial consultation where it was referred to as the Crime Prevention Injunction. It works very similarly to the Anti-Social Behaviour Injunction, save that the remedy will also be available against those under the age of 18 by way of application to the Youth Court. Note; there must be consultation with the youth

offending service for an application sought for those under 18 and any other appropriate body or individual.

Part 2

Criminal Behaviour Order – this is intended to replace the post-conviction ASBO and may only be applied for by the police when a person is convicted of an offence. The prosecution must find out view of youth offending service re application linked to those under 18. The Order can also contain positive terms unlike an ASBO and cannot be fixed for more than 2 years. The alternative to the two year fix is an ‘indefinite period’ so that the order has effect until further order.

Part 3

Direction Power - replaces existing Dispersal Order. This tool will enable an officer of at least the rank of Inspector to authorise use in a specified area. The provision will allow for officers to direct a person who has committed or is likely to commit anti-social behaviour to leave the defined area and not return for a specified period of up to 48 hours. An officer will also be able to compel an individual to hand over items causing, or likely to cause anti-social behaviour. **Key consideration here is that Police will no longer need to formally consult the local authority and obtain agreement to use of provision.**

Part 4

Community Protection:

This covers environmental ASB and is intended to tackle its effect on communities.

Community Protection Notices - intended to replace a number of current measures such as litter clearing notices, defacement removal notices and street litter control notices. The draft Bill makes it clear that it is not a replacement of the statutory nuisance regime (under the Environmental Protection Act 1990) and if the behaviour is at such a level as to amount to a statutory nuisance, it should be dealt with accordingly. The power to issue a notice will be available to police, authorised local authority officers and staff of registered providers of social housing, if designated by the relevant local authority. There is further a duty to consult with any ‘body’ or ‘individual’ considered appropriate. The main changes to the notices are that they cover a wider range of behaviour, can be served by more people and can apply to businesses and individuals and further can be used to tackle noise disturbance. In addition, it would be deemed a criminal offence if the individual does not comply.

Public Spaces Protection Orders - intended to deal with a particular nuisance or problem in a particular area whereby conditions can be imposed that apply to everyone. **Only a local authority will be able to issue the Order but before doing so they will be required to consult the Chief Officer of Police, the Police Crime Commissioner and any community representative the Local Authority thinks it appropriate to consult.**

Closure of Premises - associated with nuisance or disorder. **This ties in current closure provisions and provides for the service of a Closure Notice by the police or local authority after consultation and thereafter obtaining the Closure Order in the Magistrates Court.** As with current provision, the initial period of closure is up to three months with an ability to extend the Order up to a total of six months.

Recovery of Possession of Dwelling-Houses: ASB Grounds – this introduces the absolute ground for possession as well as extending the current nuisance ground to include rioting.

The **absolute ground** for possession will enable the County Court to make an Order for Possession if the tenant, a member of the tenant's household or a person visiting the property has been convicted of a serious offence, been found by the Court to have breached an Injunction to prevent nuisance and annoyance obtained under clause 1, or been convicted for breach of a Criminal Behaviour Order obtained under clause 21 or the dwelling house has been subject to a closure order. Subject to those and other conditions being met and the correct procedure being followed (pursuant to the new proposed Section 84A of the Housing Act 1985) the court will be required to grant possession. However, it should be noted that a tenant may still raise the issue of proportionality as a defence to possession proceedings.

It is also proposed that there will be a new ground for possession inserted into Schedule 2 of the Housing Act 1985 to enable a landlord to apply for possession where the tenant or a person living in the tenant's property has been convicted of an offence committed at the scene of riot which took place anywhere in the UK. This will be a **discretionary ground** and will, of course, be subject to the Court's consideration of whether it is reasonable to make a Possession Order.

Part 5

Local Involvement and Accountability:

Community Remedies - the draft bill proposes that victims should be able to choose from a list of Community Remedies agreed with the Police and Crime Commissioner (Mayor of London). This may include reparation, mediation or the offender signing an acceptable behaviour contract. These would apply to nuisance, anti-social behaviour and low level crime. It would be used as part of informal and formal out-of-court disposals.

This part also deals with the community trigger, which will set out a mechanism for victims of persistent anti-social behaviour to request that a relevant body undertake a case review.

Unlike the initial consultation proposals, the draft Bill provides that the threshold will be set by the relevant bodies rather than in statute. A further duty is imposed on all relevant bodies to make and publish arrangements for review procedures.

Additional ASB elements of the Bill include (Part 7):

- A dog attack on an assistance dog to become an aggravated offence
- The offence of owning or being in charge of a dog that is out of control in public to be extended to private places
- Courts to be able to take into consideration characteristics of a dog owner, as well as the dog, when assessing whether the dog should be destroyed on grounds that it is a risk to the public