

	<p>Community Leadership Committee</p> <p>25th November 2015</p>
<p style="text-align: center;">Title</p>	<p>An update on the Council and partnership action to respond to anti-social behaviour and implementation of the Anti-social Behaviour, Crime and Policing Act 2014</p>
<p style="text-align: center;">Report of</p>	<p>Jamie Blake, Commissioning Director, Environment</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>No</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1: Victim Support, Quarter 1 and 2 Performance (2015/2016) Appendix 2: Safer Communities Partnership Action plan 2015/2016</p>
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Summary

This report provides an update on the progress and approach taken by Barnet Council, the police and its partners to ensure the new powers in the Anti-social Behaviour, Crime and Policing Act 2014 are appropriately used and implemented in Barnet to respond to reports of ASB.

Barnet Council already have in place policies and procedures setting out the approach to enforcement. The Council will be reviewing the approach to enforcement to ensure there is

a comprehensive and common framework enabling the council to clarify its policies and objectives across the range of its regulatory activity and services. The intentions are to adhere to fair, practical and consistent enforcement policy and practice across the full range of regulatory activity, balancing the needs of and impact on the wider community and victims alongside the needs of those causing nuisance, anti-social behaviour and committing offences.

The partnership approach to responding to ASB also supports the objectives of the 2015-2020 Community Safety Strategy:

1. To provide a victim centred approach to victims of crime and anti-social behaviour.
2. To maintain reductions of crime and anti-social behaviour.
3. To improve the perception of Barnet as a safe place to live, work and visit.

Appendix 2 of this report provides the 2015/16 action plan (agreed by the Safer Communities Partnership in January 2015) to achieve the following outcome set out in the Community Safety Strategy:

‘That residents and businesses feel confident that the police and the council respond to crime and ASB in their area’ and lists the actions the partnership will take achieve this outcome. ‘

Recommendations

- 1. That the Committee comment on the approach and progress made by the Council to implement and ensure the appropriate use of the new tools and powers introduced in the Anti-social Behaviour, Crime and Policing Act 2014**
- 2. That the Committee comment on the model developed by Barnet Community Safety Team to ensure ASB is responded to effectively across the partnership.**
- 3. That the Committee note the progress made on delivering the 2015/2016 action plan supporting the outcome set out in the 2015-2020 Community Safety Strategy – “That residents and businesses feel confident that the police and the council respond to crime and ASB in their area’ and lists the actions the partnership will take achieve this outcome. ‘**

1. WHY THIS REPORT IS NEEDED

BARNET’S USE OF THE NEW TOOLS AND POWERS TO RESPOND TO ASB

- 1.1 In July 2014, following the reforms of the anti-social behaviour (ASB) tools and powers introduced in 2003, the Home Office issued statutory guidance for the Anti-social Behaviour, Crime and Policing Act 2014 for frontline professionals (specifically police officers, council officers and social landlords). The reforms were designed to put victims at the heart of the response to ASB

and provide professionals with the flexibility they needed to deal with any given situation.

- 1.2 The key changes in the 2014 legislation compared to the previous 2003 ASB legislation were:
 - Reducing 19 different powers to tackle ASB to 6 new powers
 - Introducing new measures which are designed to give victims and communities a say in the way ASB is dealt with. (The Community Remedy and the Community Trigger).
- 1.3 Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, street drug dealing and drinking, to noisy neighbours. Such a wide range of behaviours means that responsibility for dealing with ASB is shared between a number of agencies, particularly the Council, police and social landlords. It is therefore a challenge to obtain exact figures of the prevalence of ASB across the partnership – this is something that the 2015/16 Strategic Crime Needs Assessment will try to address.
- 1.4 The statutory guidance issued by the Home Office, following the reforms of the ASB legislation in 2014, recognises that victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour being targeted against the most vulnerable in our society and even what is perceived as 'low level' ASB, when targeted and persistent, can have devastating effects on a victim's life.
- 1.5 Barnet Council and its partners recognise this and therefore have developed an approach where there is a co-ordinated partnership response with proactive steps taken to identify repeat victims, offenders and locations where there is persistent ASB taking place. The model of delivery is based on strong problem solving where partners consider and implement solutions which address the short, medium and long term underlying causes of the ASB reported by our local communities. This partnership approach has a strong focus on:
 - Being clear on the ASB issues reported by the local community
 - Understanding the underlying reasons for the ASB
 - Addressing the needs of the victim
 - Implementing the appropriate intervention to stop the offender offending whether this is support or enforcement action
 - Responding to any 'locality/area' based issues, for example removing fly tips, litter, introducing a Public Space Protection Order or Dispersal (described further in this report), increased police and partnership presence or partnership days, increased community engagement in the area
 - Understanding the times and days the ASB takes place to ensure partnership resources are targeting the right areas at the right time

- 1.6 The new tools and powers introduced in the Anti-social Behaviour, Crime and Policing Act 2014 were introduced with the intention that they can be enforced and provide faster, more visible justice for victims and communities; that rehabilitate offenders where possible; and act as a real deterrent.
- 1.7 Anti-social behaviour can sometimes be dismissed as trivial, but ASB has a huge impact on victims' quality of life and can affect the wider community. Unchecked ASB can be linked to increased disorder, low-level crime and fear of crime in a neighbourhood – the so-called 'broken windows' effect.
- 1.8 Informal measures taken by the council, police and partners in responding to ASB can nip problems in the bud before they develop into more serious criminal behaviour. The preventative civil orders introduced can stop long-running campaigns of intimidation or harassment that are causing real harm to victims where prosecution of a single offence could not. This approach can also contribute towards reducing the demand on services for the council and its partners for example service demand as a result of responding to repeat or escalating incidents.
- 1.9 The approach of the Safer Communities Partnership aims to ensure that where a community or a victim is suffering ASB or a concerted campaign of hate crime – particularly the sort of targeted, persistent harassment seen in a number of high profile cases, the police, council and partners take the problem seriously, take the necessary steps to stop it permanently, and protect vulnerable victims.
- 1.10 A summary of the new tools and powers and use in Barnet is provided in table one.

Table 1: A summary of the new tools and powers and progress made to implement.

Tool/Power	Power for	¹ Progress and use
<p><u>Community Trigger</u></p> <p>Repeat incidents of ASB reported to agencies (3 or more complaints within a six month period).</p> <p>Problem persists because of no or inadequate response from agencies. The victim feels ignored by agencies.</p> <p>The victim has the right to request a review of their case.</p> <p>The review encourages a problem solving approach aimed at dealing with some of the most persistent, complex cases of ASB.</p>	<ul style="list-style-type: none"> ▪ A victim of ASB or a person acting on their behalf (carer /family member, MP or Cllr) ▪ The victim can be an individual, a business or a community group 	<p>Trigger process came into force in October 2014. It was promoted on the Council website in October 2014.</p> <p>1 Community Trigger has been received since the introduction of the new power in 2014.</p>
<p><u>Community Remedy</u></p> <p>Gives victims a say in the out of court punishment of perpetrators for low level crime and anti-social behaviour.</p>	<ul style="list-style-type: none"> ▪ A police officer 	<p>This power came into force in October 2014. Locally partners have agreed to use this power to complement existing Community resolution and youth custody triage processes.</p>
<p><u>Civil Injunction</u></p> <p>Is designed to stop individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.</p>	<ul style="list-style-type: none"> ▪ Police ▪ Local Authority ▪ Social landlord 	<ul style="list-style-type: none"> ▪ 7 orders granted to date
<p><u>Criminal behaviour order (CBO)</u></p> <p>Issued by any criminal court against a person who is anti-social and committed a criminal offence and is prosecuted.</p>	<ul style="list-style-type: none"> ▪ Police (including British Transport Police) ▪ Local Authority ▪ Transport for London ▪ Environment Agency ▪ NHS Protect 	<p>Process in place:</p> <ul style="list-style-type: none"> ▪ 3 applications submitted ▪ cohort of 27 individuals identified ▪ Additional 15 identified linked to residential burglary suspects
<p><u>Dispersal Power</u></p>		

¹ A detailed analysis of the wards the orders have been issued or used in, the profile of the offenders and the profile of the ASB cases will be set out in the 2015/2016 statutory annual Strategic Crime Needs Assessment

<p>Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an identified area. The dispersal can remain in place in an area for up to 48 hours.</p>	<ul style="list-style-type: none"> ▪ Police 	<ul style="list-style-type: none"> ▪ Process in place ▪ 8 dispersal zones used to date
<p><u>Community Protection Notices (CPN)</u></p> <p>Is to stop a person aged 16 or over, business or organisation committing unreasonable behaviour affecting the community's quality of life.</p>	<ul style="list-style-type: none"> ▪ Police ▪ Local Authority ▪ Social Landlord 	<ul style="list-style-type: none"> ▪ Process in place ▪ 64 warnings issued to date
<p><u>Public spaces protection order (PSPO)</u></p> <p>Council can put a restriction on an area where behaviour has, or is likely to have a detrimental effect on the local community to stop individuals or groups committing anti-social behaviour in a public place.</p>	<ul style="list-style-type: none"> ▪ Local Authority ▪ Enforced by the police or council officer 	<p>A PSPO is currently being considered for the Welsh Harp for abuse of the area by non-residents rough sleeping</p>
<p><u>Closure Orders</u></p> <p>To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. Premises could be licensed, enclosed, open, residential or business.</p>	<ul style="list-style-type: none"> ▪ Police ▪ Local Authority 	<p>Process in place – 1 closure effected to date; 1 pending</p>
<p><u>Absolute grounds for possession (AGP)</u></p> <p>The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has been proven by another court.</p> <p>Offences must have been committed in locality/affected other residents or landlord's staff anywhere.</p>	<ul style="list-style-type: none"> ▪ Social Landlords (local authorities and housing associations) ▪ Private rented sector landlords 	<p>Awaits a suitable referral to undertake the process</p>

1.11 Table two shows the comparison of Barnet's use of powers with our neighbouring boroughs.

Table Two: Use of the new tools and powers in Barnet compared to our neighbouring boroughs

Borough	Community Trigger	Community Remedy	Injunction	CBO	CBO Pending Applications	Dispersal	CPN	PSPO	PCO	AGP
Barnet	1	0	7	0	3	8	64 - Warnin gs	0	1	0
Brent	0	0	0	4	14	38	5	1	3	0
Harrow	0	0	0	5	16	29	17- Warnin gs	0	0	0
Enfield	0	0	0	1		0	0	0	0	0

1.12 Of note for the Committee is the most effective of these tools is the Community Protection Notice (CPN) because the Community Protection Notice is an out of court action available to officers. It can be used immediately, it creates the basis for education of a perpetrator, it establishes clearly what a person or business must cease doing and by when and affords a clear case escalation process should compliance with the notice not be secured.

1.13 In the last year many London Boroughs have found by using the Community Protection Notice they have seen an immediate respite for the affected victim or community. The current breach rate for the CPN is low with the average figure being approximately 10%. (Source Pan London use of ASB tools and powers quarterly survey).

BARNET'S MODEL OF DELIVERING CO-ORDINATED SERVICES,

1.14 Barnet's model of delivering co-ordinated services to victims and local communities experiencing anti-social behaviour has a strong focus on:

- Keeping victims informed
- Identifying and addressing the behaviour of offenders
- Implementing area based interventions to provide short, medium and long term solutions
- Deploying resources across the partnership at the right time – when the ASB is taking place

This problem solving approach is referred to as 'VOLT' (Victim, Offender, Location, and Time).

- 1.15 Understanding the issues that are impacting on the community or the victim and identifying the underlying causes is imperative in order to come up with a viable, effective, permanent solution.
- 1.16 In October 2014, Barnet Community Safety Team established a multi-agency problem solving panel which meets every six weeks for the most persistent and complex ASB cases – The Community Safety Multi-agency Risk Assessment Case Conference (CS MARAC).
- 1.17 The panel is co-chaired by the Community Safety Team and the Police and is made up of a core group of officers from across the partnership which includes
 - Barnet Community Safety Team
 - Police
 - Children's Services - Youth Offending Service, Social Care, Youth Service, Family First and a representative from schools
 - Housing (Council and other Social Landlords)
 - Barnet Homes
 - National Probation Service (NPS)
 - Victim support
 - Mental Health Services
- 1.18 The Police Safer Neighbourhood Teams are fully engaged with the CS MARAC in that they have referred their most complex and persistent ASB cases for partners to work together and resolve. All partners have also been asked to identify their top three repeat victims to enable the panel to consider interventions to reduce repeat victimisation and the number of repeat victims of ASB in Barnet.
- 1.19 The CS MARAC is also notified if partners are seeking to use the ASB tools and powers and delivers on the partnership consultation required by some of the tools prior to application.
- 1.20 The CS MARAC has been received positively across the partnership and ensures:
 - Information sharing across the partnership on cases is swift
 - Joint problem solving and tasking is agreed – ensuring effective use of resources across the partnership
 - Partners are clear and have a common understanding of the issues and underlying causes of the ASB, risk to the victim, the needs of the victim and the offenders causing the ASB
 - A partnership action plan is agreed and monitored
 - There is clarity on which agency and officer is leading on the case

- 1.21 Victim Support have been commissioned by the Community Safety Team (funded through the Mayor's Office for Policing and Crime (MOPAC) London Crime Reduction Fund) to deliver a victim support ASB project to support the partnership approach.
- 1.22 Victim support are members of the CS MARAC representing the voice of the victim and taking the lead in communicating and providing updates to the victim. Victim Support also delivers the mediation service, Restorative Justice Panels and supports the partnership in receiving and assessing the Community Trigger requests. The partnership welcomes the scrutiny from Victim Support as to how effective partners are in supporting and preventing the victim being subjected to ASB and repeat incidents. Appendix 1 provides the Quarter 2 (2015/2016) outcomes submitted to MOPAC for the ASB Victims Project.
- 1.23 An emergency CS MARAC can be convened if required for more pressing cases that cannot wait for the next panel meeting. Where a case requires more persistent efforts from the partnership for example cases of rough sleeping the CS MARAC can initiate a Task and Finish Group to meet weekly to track and progress actions and achieve a faster resolution.
- 1.24 Examples of the ASB cases the CS MARAC have responded to include:
- Studio Mews - Environmental Waste, crime, substance misuse issues
 - Silk Stream - Environmental Waste, litter, substance misuse, alcohol related ASB, Rough Sleeping issues
 - Rough Sleeping - co-ordinating Operation Adjuter for the areas of Welsh Harp, Gratton Terrace, Brent Cross
 - Autumn Nights – a joint police, partnership response to ASB and nuisance over the Halloween and bonfire period
 - Top repeat victims of ASB in Barnet
 - Top repeat offenders of ASB in Barnet
 - Safer Neighbourhood Ward priorities – CS MARAC will support the ASB priorities
- 1.25 The CS MARAC has overseen 51 cases of ASB since its launch in October 2014 of which 28 new cases of ASB have been referred since April 2015.

EXAMPLES OF SUPPORT PROVIDED BY INDIVIDUAL AGENCIES

- 1.26 Barnet Community Safety Team responds directly to cases of ASB raised by members and residents. Between August 2014 and May 2015, Barnet Community Safety Team has responded to 105 cases of ASB. The response has ranged from following up on the action agencies have taken and ensuring victims and members are informed, referring to the CS MARAC, organising a case conference if the initial assessment shows improved partnership working and interventions are required or providing expert advice on the solution for the case and leading on the case . These interventions ensure that Barnet Council and the partnership respond in a timely way before the ASB escalates

and before the Community Trigger is instigated – high levels of Community Triggers would indicate that partners are not responding to the concerns of ASB raised by victims and our local communities.

1.27 Barnet Community Safety Team also provided training to over 300 officers across the partnership in order to prepare them to use the new tools and powers; this included the police Safer Neighbourhood Team Officers and officers from Re, Street Scene, Children's, victim support.

1.28 Services to respond to ASB are provided by delivery units and teams across the council who are also engaged in working with the Community Safety Team and the CS MARAC, for example:

- Street Scene Delivery Unit - Cleansing, Graffiti removal, waste/fly tip removal
- Regional Enterprise Ltd (Re Ltd) – Noise Nuisance, Environmental Health, Licensing
- Children's Services – through their Youth Offending Team
- Regeneration and Growth – engaging with the police and the Community Safety Team on designing out crime for Brent Cross and the new Council Head Quarters
- Parks and Open Spaces – consulting with the police and the Community Safety Team on designing out crime and addressing ASB

1.29 The Police Safer Neighbourhood Teams model provides a dedicated ward officer (DWO) for each Barnet Ward. The remit of the ward based work includes:

- To identify and tackle those responsible for anti-social behaviour in their wards
- To deliver local community engagement

As at the time of writing this report (November 2015) the ASB reports to the police are as follows:

- 16% reduction in ASB calls to the police in the last 12 months (verses a year ago) from 10,227 to 8,635
- 25.9% reduction of repeat calls of ASB in the last 12 months (verses a year ago) from 278 to 206

1.30 The commissioning lead for Public Health of substance misuse services, who is also a member of the Safer Communities Partnership Board – worked closely with the police and the Community Safety Team to address and ensure provisions were in place to respond to the ASB issues emanating from Street Drinking. The new providers are in place and joint operational delivery will continue to be developed.

1.31 A voluntary and community organisation called Thames Reach provide outreach support to those rough sleeping in London and support both direct referrals through the Street Link campaign and support Barnet operations

upon request. The Home Office Immigration and Compliance Service also support direct referrals and support our local operations upon request.

- 1.32 Our local Fire Service continue to play a vital part in supporting the partnership in addressing rough sleeping and the lead up to Halloween and Guy Fawkes – conducting environmental audits to ensure areas are cleared of potential materials that could be set alight. As winter draws near, it has been recognised that rough sleepers will start to find alternative shelter and use gas/fire or other mechanisms to keep warm. The Fire Service support the partnership to identify and respond to these hazards to prevent fire injury, death and/or accidental fire and arson.
- 1.33 The partnership and indeed the council needs to continue to focus on a non-risk adverse approach in order to build community confidence in reporting ASB and to secure the support of the community and individuals in our use of the new tools and powers.

DELIVERING THE 2015/2016 ACTION PLAN AS SET OUT IN THE 2015-2020 COMMUNITY SAFETY STRATEGY

- 1.34 Ensuring that Barnet residents and businesses are confident that the police and council respond to crime and ASB in their area is a key outcome for the Safer Communities Partnership and is a commitment set out in their 2015-2020 strategy.
- 1.35 Appendix 2 of this report provides the Committee with the action plan agreed to meet this outcome and the progress made to date. This plan will be reviewed as part of the statutory annual review of the Community Safety Strategy.

2. REASONS FOR RECOMMENDATIONS

- 2.1 To provide an update to members on the action taken by the Council and its partners to respond to ASB and to implement the tools and powers provided by the Anti-social Behaviour Act 2014.
- 2.2 For the committee to note the positive partnership working developed by the partnership over the last 12 months.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Not relevant to this report

4. POST DECISION IMPLEMENTATION

- 4.1 Not relevant to this report

5. IMPLICATIONS OF DECISION

- 5.1 **Corporate Priorities and Performance**

5.1.1 Barnet's 2020 vision set out in its 2015-2020 corporate plan is for Barnet to be amongst the safest places in London, with high levels of community cohesion, and residents feeling safe.

5.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Resources are limited across the partnership to provide services over and above their business as usual presents a challenge. However it is important to understand the high community cohesion, community confidence and fiscal cost of Anti-social Behaviour in our communities.

5.2.2 The latest research submitted to the House of Commons Library in April 2015 based upon benchmarking work carried out by HouseMark (July 2012) estimated that social landlords in England and Wales dealt with around 300,000 reported cases of anti-social behaviour in 2011/12 at a cost of £300m. Due to the different reporting methods to police, council and housing providers for tenant and residents to report anti-social behaviour it is currently difficult to narrow down the current cost to the borough alone and this highlights the need to improve our data in order to understand local needs and cost benefit.

5.2.3 It is however reasonable, based upon this data, that the average cost per case was approximately £1000.

5.2.4 Reducing the detrimental impact of ASB upon individuals, locations and the wider community requires delivering services that are supported by an intelligence based approach (strong evidence base), targeting the right areas, using a problem solving approach and using as much as possible, existing resources and at the same time recognising and realising the potential savings to all services by 'nipping it in the bud'.

5.2.5 The approach set out in this report is currently being delivered through existing resources.

5.2.6 The Community Safety Team will be evaluating the impact of the interventions responding to ASB to establish the changes in demand of services, reductions in reports of ASB and crime, reductions in repeat victimisation and offending. This will all be covered in the annual strategic crime needs assessment.

5.3 **Social Value**

5.3.1 Not relevant to this report

5.4 **Legal and Constitutional References**

5.4.1 Under s.17 of the Crime and Disorder Act 1998, it is also a duty of the Council (and other partner agencies, including police, fire & rescue, GLA, TfL) when exercising its functions to have due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder (including anti-social behaviour), misuse of drugs, alcohol

and other substances and re-offending.

5.4.2 The Council's Constitution (Responsibility for Functions – Annex A) sets out the Terms of Reference of the Community Leadership Committee which includes:

- To contribute to achieving better outcomes in the Safer Communities Strategy through CCTV, fighting crime and anti-social behaviour, combating graffiti fly-tipping and other environmental crime, action against Domestic Violence and any other relevant Council activity.
- To work together with partners on the Barnet Safer Communities Partnership including Police, Fire and Criminal Justice Agencies to help make Barnet a safer place.

5.5 Risk Management

5.5.1 Not relevant to this report

5.6 Equalities and Diversity

5.6.1 Section 149 of the Equality Act 2010 sets out the public sector equality duty to which the authority must have regard. The Council's public sector equality duty is set out in s149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

5.7 Consultation and Engagement

5.7.1 Not relevant to this report

5.8 Insight

5.8.1 Not relevant to this report

6. BACKGROUND PAPERS

None