

Review of Anti-Social Behaviour

August 2022

A Review by Members of the Mid Devon District Council
Community PDG

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Introduction

Anti-social behaviour (ASB) blights peoples' lives, destroys families and ruins communities. Evidence suggests experience of ASB is on the rise and that it is a major issue nationally and locally. The impact of ASB can cause distress and suffering for victims, affecting their health, sleep, work, relationships and leaving victims feeling unsafe in their own home. ASB is key concern for Mid Devon residents and as such the Community PDG agreed to establish a working group to ensure the Council has a targeted and effective response to ASB in the District.

Methodology and approach

Members of the Working Group included: Cllr Stephen Pugh (Chairman); Cllr Wally Burke; Cllr Ben Holdman; and Cllr Margaret Squires. Cllr Ron Dolley attended Working Group meetings in his role as Chairman of Homes PDG.

The aim of the Working Group was to:

- Understand the areas of ASB that the Council can deal with and review the MDDC response;
- Understand ASB across the District, the local context, where it occurs and if there are any key areas in the District;
- Review how the Council and its partners interact to develop a cohesive response to ASB – how we engage with the police and youth offending team;
- Review of the current Policies and a consideration as to whether two separate policies are needed;
- Understand the links to the Community Safety Partnership;
- Understand the processes for reporting ASB;
- Explore what other Local Authorities are doing and what lessons can be learnt.

The working group held meetings with:

- Corporate Manager for Public Health, Regulation and Housing
- Community Safety and Emergency Planning Officer
- Operations Manager for Street Scene and Open Spaces and Environment and Enforcement Manager
- Operations Manager for Legal and Monitoring
- Lead Officer Private Sector Housing, Housing Policy Officer and Customer Engagement Officer
- Sandwell Council ASB Team Manager
- PC Simon Evans
- Mid Devon Senior Inspector Grant Leitch

What is ASB?

The Anti-social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011 says that ASB is defined as 'behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person'. There are three main categories for ASB, depending on how many people are affected:

- *Personal* ASB is when a person targets a specific individual or group.

- *Nuisance* ASB is when a person causes trouble, annoyance or suffering to a community.
- *Environmental* ASB is when a person's actions affect the wider environment, such as public spaces or buildings.

Under these main headings ASB falls into one of 13 different types:

- Vehicle abandoned.
- Vehicle nuisance or inappropriate use: including acts such as street cruising, vehicle convoys and riding or driving on land other than a road.
- Rowdy or inconsiderate behaviour.
- Rowdy or nuisance neighbours.
- Littering or drugs paraphernalia.
- Animal problems.
- Trespassing.
- Nuisance calls.
- Street drinking.
- Prostitution-related activity.
- Nuisance noise.
- Begging.
- Misuse of fireworks.

The police recorded 2 million incidents of ASB in the year ending March 2021ⁱ. This was an increase of 48% compared with the year ending March 2020, following consistent decreases over the past ten years. This increase may, however, reflect the reporting of breaches to public health restrictions, as most police forces include breaches reported to them by members of the public as an ASB incident.

ASB in Mid Devon District Council

Mid Devon District Council works closely with the police and other agencies to tackle ASB.

The Anti-Social Behaviour, Crime and Policing Act 2014 provides Local Authorities with enforcement powers in addressing ASB. The Council has a specific responsibility to address ASB as part of wider strategies for reducing crime and disorder under the provisions of the Crime & Disorder Act 1998.

MDDC has two separate ASB policies. The first is the corporate ASB policy and provides an overarching basis to link all local services that deal with ASB, and to improve co-ordination and encourage a consistent approach to dealing with issues that arise. The second is the Housing Service ASB policy which outlines the commitment of the Housing Service to prevent, investigate, respond to and monitor incidents of ASB involving the Council's tenants.

The Community Trigger

The Anti-social Behaviour, Crime and Policing Act 2014 brought in a new additional measure for people who have been victims of repeat ASB. This legislation makes it easier for a victim or someone acting on their behalf to make an application to have their case reviewed: a review will look at every aspect of the specific case to

establish how, when and where all available and appropriate actions were carried out.

The Community Trigger is a process for problem solving and finding solutions for the victim(s), as well as providing a mechanism for multi-agency accountability which cannot be achieved through single agency involvement. The relevant bodies and responsible authorities are councils, police, clinical commissioning groups and registered providers of social housing.

In MDDC, Community Trigger applications are received and dealt with by the Community Safety and Emergency Planning Officer, who will notify all relevant agencies of the Community Trigger and seek relevant information to establish if the threshold has been met.

Recommendations

1. That Members of the ASB working group are consulted on the review of the Housing ASB policy (due to take place this year, and to be incorporated into Neighbourhood and Community Standard Policy) through an informal, in-depth discussion with the Corporate Manager for Public Health, Regulation and Housing and other officers.

Rationale – the policy is due to be reviewed in 2022 and will need to be adjusted to include new legislation that has recently come into force. Given the involvement of the Members in the ASB Working Group, it would be useful for those members to be involved in that process. This could take place in an informal, remote meeting where members review the policy in depth before feeding comments back. The final policy will go to Homes PDG before being approved by Cabinet.

2. That information around ASB and how to report it is clearly communicated to members and the public.

Rationale – members felt that it was not always clear, for members and for the public, which organisation to refer an ASB issue to.

- a. The website information should be reviewed so that there is, for example: an explanation of what ASB is, including types of ASB; list of what powers the council has; and a clear link to the Community Trigger. Where and how the Council is promoting council's ASB policy is being promoted should also be reviewed, to ensure that members of the public can access the information if needed and they know what and how to report ASB. Consider promoting through town and parish councils, libraries, doctors surgeries, members of parliament etc.
 - b. Members of the council should receive a comprehensive list of contacts to go to for specific enquiries.
3. That the Mid Devon Senior Inspector be requested to provide members with a monthly update on policing in the District and consideration is given to other ways to engage with members.

Rationale – the police have now withdrawn face to face updates with Town and Parish Councils due to lack of resource. In conversation with the Mid Devon Senior

Inspector it was proposed that a formal process by which the Council be updated would be welcome. Consideration should be given to a monthly newsletter for Members, and a bi-annual briefing from on District policing, including ASB issues.

4. That the Community Trigger process within the CSP is reviewed.

Rationale – The Community Trigger Process was last revised and approved by the CSP in Jan 2021 following an Office of the Police and Crime Commissioner (OPCC) review carried out by the CSP in 2020. There is opportunity now to assess this process against ASB Help templates and best practise to see if further revision is appropriate or necessary. A review should consider the best ways to promote the Community Trigger, a number of members, for example, stated that they had not heard of the Community Trigger. An All-Member briefing should be arranged.

Conclusion

The Council has comprehensive and effective policies on ASB, and officers are adept at tackling and resolving issues. The case studies reviewed by Members gave detailed overview of the complex nature of ASB cases, and the timelines, resources and partnership working required to effectively tackle ASB.

A Working Group on the Multi Story Car Park has been established to tackle a specific problem of ASB and appears to be working well. Actions have been taken and there has been successful partnership working. Upon discussions with the Senior Inspector for Mid Devon, however, it appears that the problem may have just moved to a wider area, which is something the CSP may want to consider.

Partnership working with the Police, CSP representatives, agencies and officers across the County is working well. Members of the Working Group felt that, whilst policies are effective, the Council could be more proactive in the promotion of policies and processes so that members and the public know how they could report ASB and to which agency.

Meeting notes

Corporate Manager for Public Health, Regulation and Housing

Members heard how ASB took many forms and were represented in several legislative regimes. Strategically the Council has various legal duties which form the basis of the current ASB policies. The Council, in its role as landlord, receives complaints from tenants which it has a statutory duty to investigate. Proactively, the Council is part of the Community Safety Partnership, which works with partners including the Police, Health Agencies and others to prevent ASB. On occasions a multi-agency response is required to instances of ASB through the CSP. The Council is also part of a monthly multi-agency youth forum which looks at how to stop behaviour escalating. The use of Acceptable Behaviour Contracts can be put in place, and those can then be escalated to a Community Protection Notice if required.

Members heard how part of the Council's role is to signpost individuals to the correct agency (such as social care or police) if it is not a direct Council responsibility.

Overview of MDDC ASB Policies

At the second meeting of the Working Group, Members looked in more detail at the two Council ASB policies – the Corporate ASB Policy and the Housing Services ASB Policy. The two policies sit alongside each other and provide detail on how the Council can act. The Corporate ASB Policy gives a steer on which agencies deal with different aspects of ASB, and the Housing Services ASB Policy deals with ASB cause by or affecting anyone living on our estates.

Members also heard information on the Community Trigger process which has been designed to give victims the right to ask agencies to deal with, and review, persistent ASB.

Upon reviewing the policies the group felt that they were comprehensive, but that the Council could be more proactive in the promotion of the policies so that people knew what and how they could report ASB.

Case studies

Members discussed three case studies on the Housing services side, and discussed steps taken by officers to resolve cases, including evidence gathering and steps to resolution. Members also discussed a number of cases where the Council was not the landlord, the majority of which were neighbourhood disputes that had escalated. Members discussed the use of Neighbourhood Contracts, which are voluntary contracts setting out type of behaviour expected, and how a breach of that contract could be used as legal evidence if a situation continued to escalate. Members also discussed the impact that the pandemic and lockdown had had on ASB and neighbourhood disputes.

Street Scene

Street Scene are responsible for ASB offences including: fly tipping; dog fouling; litter; parking issues; and abandoned vehicles. Members discussed the processes used and the powers available to officers, and how enforcement had to be proportionate in terms of ASB and comply with current legislation. Officers spend a certain proportion of time trying to catch perpetrators of ASB. The Litter strategy had just been adopted which detailed how the Council will educate people and the use of enforcement if required, and members discussed the scope for combining enforcement with education to change behaviour.

Legal Services

Members discussed the role of Legal Services and the action that can be taken. Members discussed the amount of information and witness statements required to prepare a legal case. The Council's enforcement powers are tied into the ASB, Crime and Policing Act 2014 and includes: Public Space Protection Orders; Community Protection Notices; and Criminal Behaviour Orders, Closure Orders and Civil Injunctions. Processes used are led by legislation and Home Office Guidance. Members also discussed a number of recent cases, including the use of Closure Orders for Council owned properties and civil injunctions.

In order to legally tackle ASB the Council follows the Government guidelines and legislation, in some cases the timeframes had frustrated Members and the public.

Members discussed the process for keeping concerned members of the public and Members aware of progress.

Members then heard details of the ASB Multi Story Car Park (MSCP) Working Group which met monthly to tackle ongoing issues of ASB in the MSCP. Meetings include the police, CCTV operators, Legal Services, senior officers and the Community Safety Emergency Planning Officer.

The Council had used Civil Injunctions to target the ringleaders of ASB with powers of arrest, exclusion zones. When required possession orders had also been used for ASB by our tenants. Perpetrators had been engaged with drug and alcohol services as part of the Civil Injunction.

PC Simon Evans

PC Evans gave details of the Youth Intervention Clinic which has been introduced to provide a way to provide intervention/education and referral opportunities at the earliest opportunity with the aim of reducing reoffending and to prevent young people entering the criminal justice system. This is progressed following reports of crime and ASB. A Youth ASB Action Team (ASBAT) has been developed to target and intervene with those at risk of being involved in ASB, low level crime or those at risk of being a victim. The team liaises with partner agencies to identify what support can be offered.

Members discussed the key issues around ASB and the impact of the pandemic, as well as how the Council and Police work together. The PC felt that the Council provided good support and a willingness to work together.

Mid Devon Senior Inspector Grant Leitch

The Inspector gave a detailed overview and numbers of ASB in the District, and actions taken with regards to some recent ASB in Tiverton. Members discussed the use of CCTV in Tiverton and heard how it was a real asset to the police. The Group discussed areas that the Council could assist the Police with, and the Inspector noted that ASB may be a result of the inadequate provision for young people in the District, and the changing dynamics of home life including drugs, social media pressures and the constraints young people were put under during the pandemic.

With regards to the Police no longer providing updates to the Town and Parish Councils, the Inspector stated that it was no longer feasible due to resourcing levels. The Group agreed it would be useful for a further consideration to be given on how to engage Members.

Community Trigger

The ASB Team Manager from Sandwell Council gave an overview of the Community Trigger and how it is used in Sandwell Council. Since Sandwell reviewed its Community Trigger process it has seen a significant increase in the number of applications made, which had impacted on resources. The Group discussed the processes Sandwell Council had in place, and how applications are taken forward and decisions communicated. The Team Leader gave details of how they had promoted the Community Trigger, and the impact that had had. Last year, Sandwell

had received 46 applications, with about 5% of those being taken forward for review. The Team Manager emphasised that any review of policy should consider the impact on resources if such a review resulted in increased demand.

Within MDDC, Members heard how the Community Trigger sat within the Community Safety Partnership and how ASB Leads across the County meet regularly to discuss the process. The Community Trigger process was last revised and approved by the CSP in Jan 2021 following an Office of the Police and Crime Commissioner (OPCC) review carried out by the CSP in 2020. Members heard how there is opportunity now to assess this process against ASB Help templates and best practise to see if further revision is appropriate or necessary.

MDDC has received five requests for the Community Trigger since it was launched, three of those cases went on to full case review and one of those went to the Crime Commissioners officer for further review. Members discussed how the Community Trigger is promoted and used in MDDC, and heard how there is a good multi-agency approach including engagement with the youth ASBAT meetings.

Members of the Group stated that they had not known about the Community Trigger process, and it was suggested that an All-Member briefing was organised to familiarise Members with the Trigger and the Community Safety Partnership.

Final recommendations

- 1. That Members of the ASB working group are consulted on the review of the Housing ASB policy (due to take place this year, and to be incorporated into Neighbourhood and Community Standard Policy) through an informal, in-depth discussion with the Corporate Manager for Public Health, Regulation and Housing and other officers.**
- 2. That information around ASB and how to report it is clearly communicated to Members and the public.**
- 3. That the Mid Devon Senior Inspector is requested to provide members with a monthly update on policing in the District and consideration is given to other ways to engage with members.**
- 4. That the Community Safety Partnership (CSP) review the Community Trigger process.**

ⁱ The Crime Survey for England and Wales 2021