

# **Anti-social Behaviour report for Community Wellbeing PDG on 8 December 2015**

## **Update on the use of the Anti-social Behaviour, Crime and Policing Act 2014**

During February, March and April 2015, five training sessions were arranged and run by the CSP to inform local officers how the new ASB legislation would be implemented in Mid Devon. 55 staff received this training including council staff from Housing, Environmental Health and the District Officers; Police Officers and PCSOs, and Housing Officers from seven different Registered Social Landlords (Housing Associations).

### **1. Injunction**

#### Overview:

To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. The Injunction has replaced Anti-social Behaviour Orders (ASBOs) and Anti-social Behaviour Injunctions (ASBIs).

#### Local implementation:

Since the introduction of the Injunction in March 2015, MDDC have obtained Injunctions for one family of three adults living in a council property in Cullompton, and a tenant and her partner (not living at the property) in Copplestone. Any breaches of the Injunction can be used as evidence to gain absolute possession of the property.

At least one Injunction has been obtained by a Registered Social Landlord for one of their tenants living in Mid Devon.

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

#### Overview:

A CBO can be issued by any criminal court against a person who has been convicted of an Offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The CBO has replaced the Anti-social Behaviour Order on Conviction (CrASBO) and Drink Banning Orders.

#### Local implementation:

No CBOs have been obtained in Mid Devon.

CBOs have been successfully obtained by other Devon Districts where other offences were already going to court, such as for breaches of a CPN or noise abatement notice, as well as for criminal offences.

### **3. Dispersal Power**

#### Overview:

The dispersal power requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. Dispersal powers have been given to PCSOs in Devon & Cornwall.

#### Local implementation:

The new dispersal power has been successfully used by the Police in Mid Devon on several occasions to tackle ASB in the town centres. Data is not kept by the ASB Lead Officer on where or when this has been used.

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

#### Overview:

The purpose of the CPN is to stop any person aged 16 or over, a business or organisation, from committing anti-social behaviour which spoils the community's quality of life. The

behaviour has to have a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable. There are three stages to the CPN: the warning letter, issuing the CPN and then sanctioning any breach of the CPN either by issuing a Fixed Penalty Notice (FPN) of £100 or a fine issued by the court.

#### Local implementation:

Since February 2015, 31 CPN warning letters have been issued in Mid Devon. These have predominantly been for noise issues (where the statutory nuisance levels have not been met under the Environmental Protection Act 1990), dog attacks and rubbish accumulations.

Of these 31, 17 were in Tiverton and the surrounding area, 9 were in Crediton and the surrounding area and 5 were in the Culm Valley area. 13 were issued to council tenants, 16 to individuals living in privately owned/rented properties and 2 have been issued on behalf of Registered Social Landlords to their tenants. **Note:** *Registered Social Landlords in Devon have not been given the delegated power to issue CPNs. In Mid Devon, Environmental Health have agreed to issue CPNs on behalf of and at the request of RSLs.*

Five CPN warning letters have been issued by the ASB Lead Officer on behalf of the Police. This is a local arrangement that has been put in place by Local Authorities across Devon and Cornwall to issue CPNs on behalf of Devon & Cornwall Police as part of the ASB Escalation Process.

#### Outcomes:

26 individuals complied with the CPN warning letter (84%). Three CPNs were issued, of which one required no further action and two FPNs were issued. One case had further action taken under the Environmental Protection Act 1990. An Injunction was obtained in the case, with the non-compliance of the CPN warning being used as part of the evidence of ASB.

There has been some positive joint work between council officers and the Police on several of the CPN cases, particularly for the dog cases.

### **5. Public Spaces Protection Order (PSPO)**

#### Overview:

The PSPO is designed to stop individuals or groups from committing Anti-social Behaviour in a public place. PSPOs can be issued by Local Authorities following consultation with the Police, Police and Crime Commissioner and other relevant bodies. PSPOs will replace Designated Public Place Orders (DPPOs) and Dog Control Orders from October 2017 (a three year transition period was put in place on the commencement of the Act in October 2014).

#### Local implementation:

In line with other Devon Districts, we are continuing to let the current Designated Public Place Orders (DPPOs) and Dog Control Orders run until Oct 2017. It is anticipated that consultation on whether to transfer these existing orders to PSPOs will take place from late 2016. At this stage it is expected that the DPPOs will expire as they have not been enforced by the Police in the last couple of years due to a lack of alcohol related ASB issues. Statistics from the Police will be obtained as part of the consultation process. Any new PSPOs will remain in place for a maximum of 3 years, after which time they will be reviewed and further consultation undertaken if renewal is required.

Some other Devon Districts are currently consulting on implementing new PSPOs. For example, Exeter wish to tackle ASB such as begging, rough sleeping, alcohol and drug use in the city centre; and EDDC are considering a PSPO to ban the use of jet skis in the Exe estuary.

## 6. Closure Power

### Overview:

To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

### Local implementation:

This power has not been used in Mid Devon to date.

## 7. Community Trigger

### Overview:

Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

### Local implementation:

Only one application has been made to activate the Community Trigger in Mid Devon to date but this did not meet the required threshold.

## ASB Escalation Process

In Mid Devon we are continuing to use the ASB Escalation Process of warning letters and Acceptable Behaviour Contracts (ABCs) alongside the CPN. This is in line with other local authorities in Devon and Cornwall.

The ASB Escalation Process is used by all local authorities across Devon & Cornwall.

Letter 1 – an informal letter regarding behaviour, usually issued by the Police or other agency. **Note:** Only details of Letter 1s issued by the Police are kept by the ASB Lead Officer.

Letter 2 – a more formal warning letter which comes from the ASB Lead Officer.

Acceptable Behaviour Contract – a voluntary agreement which is put in place with conditions for the individual to adhere to for a period of six months.

Escalation beyond ABC is now an Injunction or CBO.

The ASB Escalation Process is flexible to allow the issue of a Letter 1, 2 or ABC at any point depending on the nature of the behaviour in each case; an individual does not have to escalate through each stage of the process.

01/01/15 – 31/10/15	Young people aged under 18	Adults	Total
Letter 1	30	57	87
Letter 2	11	11	22
ABC	3	12	15

### **Escalation during this period:**

Letter 1 to Letter 2 = 4; Letter 1 straight to ABC = 1; Letter 2 to ABC = 2

## Other ASB Interventions

- The ASB Lead Officer maintains a database of all ASB interventions and continues to Chair the monthly Youth ASB meetings and ad-hoc adult ASB case conferences. 18 young people have been discussed at the Youth ASB meetings between January and November 2015, with only four individuals on the agenda for the November meeting. 10 adult ASB case conferences have been held between January and October 2015.
- The ASB Lead Officer attends the Devon and Peninsula ASB Officers meetings to share best practise.
- Mid Devon ASB data is now provided monthly to the Early Help (Targeted Families) team at Devon County to help identify new families in our area who may be eligible for the programme.