

BRISTOL CITY COUNCIL

**Neighbourhoods Scrutiny Commission Meeting
16th April 2015**

Report of: Crime and Substance Misuse Service, Housing Solutions and Crime Reduction

Title: Progress report on implementation of the Anti-Social Behaviour, Crime and Policing Act 2014

Ward: Citywide

Officer Presenting Report: Stuart Pattison, Crime Reduction Manager, Housing Solutions and Crime Reduction

Contact Telephone Number: 0117 3525249

RECOMMENDATION

For Commission to note the local implementation arrangements arising from commencement of the Anti-Social Behaviour, Crime and Policing Act 2014.

Summary

This report provides a summary of progress further to the report presented to Neighbourhoods Overview and Scrutiny Commission in October 2014.

The significant issues in the report are:

The Anti-Social Behaviour, Crime and Policing Act 2014 required the Council to adopt provisions of the Act which entailed the Council's Scheme of Delegation to be amended.

The Act provides for effective powers to deal with ASB that are quicker and more practical than previous powers to help provide better protection to victims and our communities whilst acting as a deterrent to perpetrators.

The Community Trigger mechanism is being used by citizens to require agencies to review effectiveness of local ASB practice.

Implementation requires the continuation of effective and co-ordinated working and information sharing across services and teams as supported by the Safer Bristol Partnership to deliver the best remedies.

It is as yet difficult to fully assess the impact of the Act upon services or citizens.

1. Policy

The Council and partners through the Safer Bristol Partnership already provide a robust response to anti-social behaviour (ASB) issues in Bristol and the council is committed to meeting its responsibilities as a lead partner in the community safety partnership, as a housing provider and in protecting the local environment. The council has a legal duty under the Crime & Disorder Act 1998 to work in partnership to tackle crime and disorder.

Consultation

2. Internal

N/A

3. External

N/A

4. Context

4.1 Background

The Act is designed to place the victims of ASB at the heart of the response and provide greater flexibility for local authorities and their partners to deal with any given situation. The Act has streamlined the current ASB toolkit reducing the number of orders from 19 to 6 so that the remedies are more flexible and faster at stopping ASB. The Act also focuses on giving better witness satisfaction and making agencies more accountable to witnesses and communities when agencies fail to act.

With the exception of Part 1 of the Act (provisions of a new Civil Injunction which commenced on 23 March 2015), the Act commenced in October 2014.

The Council, with partners, will initially seek restorative and informal solutions to ASB reports and use the new powers as a last resort unless the severity of the incident or issue warrants earlier use of the powers. In 2014/15 94% of anti-social behaviour reported to the city council was resolved through the use of informal interventions.

4.2 Key changes as a result of the Act:

To replace the Anti-Social Behaviour Orders and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Civil Injunction. The new orders may have positive requirements attached to them to support the perpetrators and address their offending behaviour.

The introduction of a new 'Community Trigger' which imposes a duty on the statutory partners in the Safer Bristol Partnership to take action in cases where victims or communities have complained about ASB on a number of occasions or when a number of people report the same ASB and it is perceived that local agencies have failed to respond.

To consolidate the tools to deal with place specific anti-social behaviour into a Community Protection Notice, a Public Space Protection Order and a simplified police power to direct people away from an area on grounds of anti-social behaviour.

4.3 Local Implementation

Implementation meetings were held between April and December 2014, made up of representatives from Bristol City Council, Avon & Somerset Police, Social Landlords and other community safety partners. The group considered:-

- What the changes meant in practice for our services and how we should prepare for them including amendments to the council's scheme of delegation and authorisations for officers;
- A review of current policies and procedures to ensure they remain fit for purpose;
- Agreeing the local threshold publicising the Community Trigger procedure;
- Training requirements for staff.

The Act recognises that dealing with ASB is rarely simple and that the new powers are likely to work best when complemented by working in partnership, sharing information and using early and informal interventions. Safer Bristol Partnership already has an Information Sharing protocol in place.

Collaborative working across teams and services is essential and the existing system of ASB case reviews will support the sharing of information to ensure that the best remedies for a situation are identified collectively and any safeguarding issues are flagged.

On 11 November 2014 Full Council resolved to effect arrangements under which functions conferred by the Anti-Social Behaviour, Crime & Policing Act 2014 may be discharged by the Strategic Director of Neighbourhoods and/or officers designated by them in line with the constitution; and/or (in respect of non-executive functions) by The Public Safety and Protection Committee.

The Neighbourhoods Department Scheme of Delegations has subsequently been amended to reflect the new provisions and empower relevant officers to utilise the new tools and powers accordingly.

Progress on implementation has been fed back to Safer Bristol Executive Board. Governance around delivery also sits with the community safety partnership.

4.4 Orders to tackle Anti-Social Individuals

To date the opportunity has not arisen for the council to seek to utilise Criminal Behaviour Order powers. Relevant protocols are however in place and we are confident enforcement and regulatory services are in a position to apply should the need arise.

The Council has made a number of successful Civil Injunction applications and again, protocols are in place to ensure the necessary positive requirements can be imposed to address any underlying issues resulting in anti-social behaviour.

The Police have used new Dispersal Powers to move on individuals to remove or reduce the likelihood of anti-social behaviour, crime or disorder. Although there is no requirement to consult the council, the authorising Police Officer may consider doing so in some circumstances before authorising use of the dispersal power. The Police consulted the council on the use of the power to support their on-going operations (Operation Brio) to manage disorder associated with the city centre night time economy.

4.5 The Community Trigger

Went live on 20 October with other new provisions of the Act. The Act stipulates relevant agencies (the Police, the Council and Clinical Commissioning Group) have a statutory duty to participate in the Community Trigger.

The Community Trigger anti-social behaviour case review mechanism gives victims and communities the right to require relevant agencies to deal with persistent anti-social behaviour that has previously been ignored. The trigger could be activated by a member of the public, a community or a business if repeated complaints about anti-social behaviour have not been dealt with.

Bristol's citizens can access the community Trigger via the council, police and a number of social housing providers. At the time of writing the Community Trigger mechanism is not actively promoted via the Clinical Commissioning Group or health providers.

4.5.1 Trigger Threshold & Criteria

A threshold for the Community Trigger case review has been adopted by all the local authorities across the Avon & Somerset Police area and is set at:

- Three incidents of ASB or hate crime in a six month period reported by one person
- Five reported incidents of ASB or hate crime in a six month period involving a linked location reported by more than one person

4.5.2 Summary of Activity

Since commencement we have received a total of 11 trigger activations in Bristol up to 26.02.2015. A summary is contained in table 1.

Date Received	Source	Outline of Issues	Threshold Met	Review Undertaken	Recommendation Made
30.09.2014*	Council	Harassment & Noise Nuisance	Y	Y	N
28.10.2014	Police	Harassment	Y	Y	Y
03.11.2014	Police	Neighbour Nuisance	Y	Y	Y
06.11.2014	Police	Neighbour Nuisance/Harassment	Y	Y	N
23.11.2014	Police	Harassment/Criminal Damage	Y	Y	Y
27.11.2014	Police	Noise Nuisance	Y	Y	Y
29.11.2014	Police	Harassment	Y	Y	Y
19.01.2015	Council	Neighbour Nuisance	Y	Y	Y
22.01.2015	Council	Neighbour Nuisance/Harassment	N	N	N

27.01.2015	Police	Noise Nuisance and Drugs Activity	Y	Y	N
25.02.15	Council	Noise Nuisance	N	N	N

* Test case; trigger invoked by Local authority on customer's behalf to stress test procedures

The principle issues reported via the Community Trigger to date have been:

- Harassment 55%
- Neighbour Nuisance 36%
- Noise Nuisance 36%
- Criminal Damage 10%
- Drugs Activity 10%

80% of the trigger activations to date have been deemed to meet the threshold – i.e. there have been at least 3 complaints made by the customer in the previous 6 months. In one case, the customer had only reported twice in the previous six months but records showed 5 complaints had been received by multiple customers.

Nine case review meetings have been convened. Of the nine cases that have been reviewed to date, 6 (67%) have resulted in recommendations being made for further action to be taken. 3 cases (33%) have been reviewed and no recommendations have been made for further action – i.e. partners were satisfied that all appropriate actions had been taken.

A summary of Community Trigger case review activations and outcomes are to be published through the Police & Crime Commissioner on an annual basis.

To date, no requests to review the outcome or process of a community trigger case review have been received.

4.5.3 Recommended further actions arising from Trigger reviews

- Where the City Council's published service standards had not been met, actions plans to be agreed with complainant; vulnerability to be assessed through risk assessment matrix; and if appropriate decision to close a case to be confirmed in writing with reason for closure.
- Police to pursue criminal prosecution under Protection from Harassment Act.
- A mandatory property inspection to be brought forward to escalate concerns with a property management company
- Tenancy enforcement action to be taken against a customer who invoked the trigger.
- Further advice to numerous customers on how to avoid future conflict; who to report issues to in order to receive the most effective response and signposting to other support services.

4.5.4 Emerging Community Trigger Issues

- The volume of trigger activations is marginally higher than anticipated. We currently forecast around 25/30 activations per annum.

- To date we have not had a formal response to requests for further information from the Clinical Commissioning Group. A CCG representative is yet to attend a review meeting. These issues have been escalated. Further actions have been agreed to raise awareness and the profile of the Community Trigger amongst G.Ps and a memorandum of understanding is being drawn up between the City Council and CCG.
- In three activations there have been live, ongoing cases with one or more agencies. Our procedures stipulate that in these circumstances we reserve the right to defer the trigger until any outstanding actions have been completed and the case closed. However in practice we have taken the decision to conduct a trigger review meeting and in all three cases further actions have been recommended as a result of the review.
- Six triggers have been raised by patients with complex health needs or current engagement with mental health services. Equally in six cases the alleged perpetrator also had a history of mental ill health. This reinforces the expectation that the trigger would be utilised by vulnerable customers seeking a new conduit through which to raise their grievance but also that vulnerable perpetrators would be disproportionately highlighted as the subject of community trigger reviews.

4.6 Environmental Powers

Streetscene Enforcement officers are now using the Community Protection Notice to good effect to abate unreasonable and persistent anti-social behaviour affecting the local amenity or residents' quality of life. Further Officers across Animal Welfare and Crime Reduction services are being trained to start using the tool from April. Consideration will be given to rolling out use of the Community Protection Notice to other services after this date.

A number of Neighbourhood Partnerships have identified anti-social behaviour as a local priority in their emerging Plans. Public Space Protection Orders are being considered to address a number of these local issues. Reports are being prepared for Public Safety and Protection Committee to consider these applications and to authorise public consultation.

It is as yet difficult to fully assess the impact of these powers upon services or citizens.

Following Neighbourhoods Scrutiny Commission Enquiry Day in November 2014, recommendations have been made to utilise these tools and powers to regulate the safe use of parks and green spaces and to also consider a revised suite of Byelaws.

5. Proposal

That members note this report. No formal proposal is being presented.

6. Other Options Considered

No alternative options are available as the Act sets out specific significant changes which require adaptation of existing policies and procedures and a new procedure to be in place for the Community Trigger.

7. Risk Assessment

N/A

8. Public Sector Equality Duties

Some people from equalities communities, such as young people, older people and disabled people are particularly vulnerable to crime and anti-social behaviour and the tools and powers in the Act will improve outcomes for vulnerable groups in particular.

9. Legal and Resource Implications

Legal

Community Safety responsibilities are primarily set out in the Crime and Disorder Act 1998 (as amended), with specific reference to Section 17 of the Act: Responsible Authorities which includes local Authorities, the Police, Fire and Rescue Authorities, Primary Care Trusts, and Probation Trusts are required to develop policy and operational approaches to prevent crime and disorder, combating the use of drugs, alcohol and other substances, anti-social behaviour and other behaviour likely to adversely affect the local environment and to reduce reoffending.

This report provides an update on the implementation of new tools and powers to enable the local authority and its partner agencies to effectively tackle anti-social behaviour following commencement of the Anti-Social Behaviour, Crime & Policing Act 2014.

Resource

N/A

10. Appendices:

Appendix 1 –

ACCESS TO INFORMATION

Detailed statutory guidance was issued by the government in July 2014 and can be found via:-<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>