

HOMES & COMMUNITIES COMMITTEE

7 JUNE 2021

ANTISOCIAL BEHAVIOUR

1.0 Purpose of Report

- 1.1 To provide the Committee with information on the current position with regard to anti-social behaviour across the district and the range of interventions and enforcement used to combat this behaviour.

2.0 Background Information

- 2.1 The Council has attempted to clarify the definition of anti-social behaviour (ASB) in its newly adopted policy. It states:

There's no single definition of what is meant by ASB. For the purpose of this policy, the Council have adopted the definition applied by the Anti-Social Behaviour Crime and Policing Act 2014:

- i. *conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,*
- ii. *conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises,*
- iii. *conduct capable of causing housing-related nuisance or annoyance to any person, or*
- iv. *conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of business premises*

- 2.2 ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. Anti-Social Behaviour may include but is not limited to the following examples,

- Persistent, unnecessary or excessive noise
- Excessively loud or persistent parties
- Dogs persistently barking
- Verbal or written abuse including via social media
- Threats of violence
- Damage or threats to damage property
- Graffiti
- Dumping rubbish and littering
- Dog fouling
- Anti-social behaviour as a result of alcohol or drug misuse, including street drinking
- Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes

2.3 Levels of ASB in Newark and Sherwood

ASB does not recognise council structures or partnerships and therefore there are a number of ways in which ASB is measured and recorded.

- 2.4 The Council's ASB Officers work within the Public Protection Business Unit and this team is the council's main focus for addressing ASB. The ASB team are supported by the Council's Community Protection Officers. Certain types of ASB, i.e. noise nuisance, dumping of rubbish, are also dealt with by colleagues in Public Protection and Environmental Services.

There are other posts within the Council that have a role to play in reducing ASB, such as Housing Officers, Licensing Officers, Street Wardens, Environmental Health Officers, Park Rangers, Environmental Protection Officers.

As can be seen above the definition of ASB can be wide ranging and the council is not the only agency that has responsibility to recording and reacting to ASB.

- 2.5 The police are a key partner in addressing ASB and they record levels of ASB. The figures for the year 20/21 compared to the previous 12 months are shown below.

April 19 to March 20	April 20 to March 21	% change
2,552	4,366	+71%

- 2.6 One of the Council's key performance indicators is the '% Reduction in ASB'. Over the past three years, the trend for ASB has been a decreasing figure with each year showing a decline in the number of reported cases.

2017/18	- 4.7
2018/19	- 4.0
2019/20	- 1.5
2020/21	+71

- 2.7 The increase in ASB this year is not a Newark and Sherwood phenomenon, but is a picture that is repeated across the county. The percentage increase across the Nottinghamshire force is 50% and a neighbouring authority to Newark and Sherwood has seen an increase of 98%

- 2.8 Discussions amongst all agencies has centred on the impact that coronavirus has had on the levels of ASB. Children being away from school for the majority of the time since March 2020 has had a major impact. Many of the cases investigated by N&S ASB Officers have involved gatherings of young people. The council has also seen an increase in neighbour related ASB, potentially as a result of more people being at home during a total of ten months of lockdown and the pent up frustrations that this has caused.

- 2.9 More recently ASB associated with wildlife has been increasing, as has the nuisance caused by off road biking in both rural and urban settings.

3.0 Enforcement and Interventions

- 3.1 There are a range of interventions available to both the Council and the police to tackle ASB. The response will very much depend on the type of ASB being caused. Whilst officers will do all they can to reasonably prevent ASB, at the same time they will take proportionate enforcement action, and will do so at the same time as employing preventative measures if necessary.

- 3.2 Set out below are some of the common actions and tools that are used to combat ASB.

Preventative Measures:

Mediation - Using qualified experts in mediation to try to resolve issues and come to agreements on a way forward.

Good Neighbour Agreements - These are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving relationships.

Referral to support services - There are a range of support services available, some of which are provided by the voluntary sector.

Education within schools - This can be on a range of topics including: alcohol and drug awareness, healthy relationships, inter-generational work, cultural awareness. These are run either by internal staff, external agencies or a multi-agency approach by a range of partners.

Warnings - Often it is appropriate to issue a warning, which could be either verbal or in writing. Warnings would be issued by either an individual agency e.g. social landlord, or from the partnership.

Informal Warning Notices - Housing Services often use a traffic light system of informal warning notices; with red being the most severe and is often the precursor to legal enforcement action. These set out clearly what the tenant needs to do within set timescales and the sanction should they not comply.

Community Protection Warnings - To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.

Enforcement Measures – People:

Acceptable Behaviour Contracts (ABC's) - A more formal agreement which outlines expected behaviour and highlights potential repercussions if they are breached. ABC's are formally signed by the offender, the Council and Police staff.

Parenting Contracts - Where informal interventions are used with a young person under 18, his or her parents or guardians should be contacted in advance of the decision to take action.

Community Remedy - actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.

Tenancy agreements – the legal contract between the Council as the landlord and tenant. Sets out responsibilities and obligations for both parties, and includes the sanctions should tenants fail to comply with the conditions within the agreement.

Injunctions to prevent Nuisance or Annoyance – To stop or prevent individuals engaging in anti-social behaviour. Issued in the County Court for over 18's and in the Youth Court for under 18's and to meet legal test, evidence shows that, on the balance of probabilities, the individual has engaged or likely to engage in behaviour that causes nuisance or annoyance and the Court finds it just to impose an Injunction.

Criminal Behaviour Orders - Issued within the criminal court whereby an individual has engaged in criminal and anti-social behaviour. Evidence based that has to satisfy the Court beyond reasonable doubt that the individual has engaged in behaviour that has, or is likely to cause, nuisance, harassment and distress to any person(s) and that an Order will stop the individual's behaviour.

Enforcement Measures – Places:

Dispersal Orders - Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. This is a police power.

Closure Powers - An Order which provides the police or Local Authority to close a premises, which is being used, or likely to be used, to commit nuisance or disorder. An initial Closure Order can close a premises for 48 hours however, if the disorder is of such a level, the police or Local Authority can apply to the Magistrates Court for an Order for up to a period of maximum 6 months, which can see a premises closed and access to the premises restricted.

Public Space Protection Orders - An Order designed to stop individuals or groups causing anti-social behaviour in a public space. Local Authorities have the powers to implement a PSPO and must be satisfied that the behaviour has a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable.

- 3.3 The use of these powers and tools are never done in isolation. One or a number of these powers may be used in succession or concurrently and in most cases at least one partner organisation will be involved.
- 3.4 ASB does not recognise housing tenure, and therefore it is essential that there is effective joint working between the Anti-social Behaviour officers and colleagues in Housing Services. Officers from all services will employ a range of measures to tackle ASB and the overriding principle is that victims must be protected from those who perpetrate ASB and that the Council is committed to reducing ASB in its communities. This means that the officers will use all legal powers at their disposal and also work with and encourage partners to do likewise.
- 3.5 The Business Manager for Public Protection meets regularly with the local Neighbourhood Policing Inspector to discuss a range of issues. There is a more formal meeting each quarter to discuss and agree the local policing priorities for Newark and Sherwood. A range of information is used to inform this process. In April it was agreed that the local policing priority for the first quarter of 21/22 would be anti-social behaviour.
- 3.6 The Community Safety Partnership at its last Joint Strategic Board agreed that ASB should remain a priority. The Community Safety Partnership annual delivery plan identifies number of activities to address this priority.

4.0 Actions and Interventions

- 4.1 Whilst there are very apparent reasons for the increase in ASB across Newark and Sherwood this should not detract from an ambition to reduce ASB back to the pre covid levels. A range of interventions and activities have been developed and implemented to address ASB

- 4.2 The police have dedicated team that is deployed to respond to reports of ASB. This has now been in place for a number of months. It is deployed to known ASB hotspot for proactive patrolling but is available to react to live reports and to provide a swift response to try and catch the perpetrators in the act of committing ASB.
- 4.3 In addition to this the police also have ongoing operations to deal with off road biking and Newark town centre issues.
- 4.4 The Council's ASB team have worked in a number of local communities where ASB has been identified. This have included, Clipstone, Farndon, Fernwood, Balderton, Bilsthorpe, Newark and Ollerton/Boughton. The ASB seen in these areas has covered a wide range of activities including youths gathering, throwing eggs at properties, wildlife crime, low level vandalism and general neighbourhood disruption. The interventions delivered in these areas has been designed and delivered to match that ASB taking place and has included nights of action with various partners including youth workers, increased patrols with police, wildlife patrols and specific operations, days of action to catch off road biking and patch walks to engage with young people on the streets.
- 4.5 The ASB team along with the Community Engagement team are developing a range of diversionary activities to be delivered in these areas where ASB is prevalent. This type of intervention was particularly effective a couple of years ago. A draft programme of activities has been drawn up and final arrangements with partners are being put in place.
- 4.5 The Council has also been proactive in using its Public Spaces Protection Orders to implement specific controls in geographical areas of the district.
- 4.6 A recent PSPO covering the starting of fires at Vicar Water County Park has been implemented and consultation on a PSPO for Newark Town Centre and areas of Balderton has recently taken place.
- 4.7 The two Community Alcohol Partnerships ("CAPS") continue in Ollerton, Boughton & Edwinstowe, and the second in Clipstone. The Partnership works to educate and reduce young people's consumption of alcohol. Addressing alcohol related anti-social behaviour is a key factor within this project.

5.0 Equalities Implications

- 5.1 The Council has made a commitment to ensuring that it complies with the requirements of the Equalities Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.
- 5.2 It also recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that our response is tailored accordingly. Hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk

6.0 Financial Implications

6.1 None from this report.

7.0 Digital Implications

7.1 None from this report

8.0 Community Plan – Alignment to Objectives

8.1 All the work around ASB has an impact on the Community plan theme to 'Reduce crime and anti-social behaviour, and increase feelings of safety in our communities.'

9.0 RECOMMENDATION that:

- a) **The Committee note the data relating to ASB and the range of activities, both delivered and planned that are in place to address ASB**

Reason for Recommendation

To update the Committee on the current position in relation to the enforcement and interventions relating to ASB

Background Papers

Nil

For further information please contact Alan Batty (Business Manager – Public Protection).

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