

Briefing Note

Title: Safer Wolverhampton Partnership and Community Safety response to Anti-Social Behaviour Complaints

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Intended Audience: Internal Partner organisation Public Confidential

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1.0 Purpose or recommendation

1.1 To provide an overview of the collective approach used to address anti-social behaviour (ASB) in Wolverhampton.

2.0 Definition

2.1 The ASB, Crime & Policing Act 2014 defines ASB as:

“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises; or conduct capable of causing housing-related nuisance or annoyance to any person”.

This broad definition means that a wide range of behaviours can be considered ASB, including neighbour disputes, street drinking, aggressive begging, intimidating behaviour, environmental issues, and nuisance vehicles. Due to the scope of the definition, there are a number of different mechanisms utilised to respond to ASB, depending on the behaviour to be addressed.

The definition also means that what is considered ASB can, to some extent, be subjective. This is because residents’ thresholds for what they consider to be ‘annoyance’ will likely significantly differ. For this reason, when addressing ASB it is important to be proportionate in responses and also ensure that any action is supported by activity to increase community cohesion and tolerance where necessary.

3.0 Wolverhampton Approach

3.1 Wolverhampton is committed to embedding a partnership response to preventing and reducing ASB in the City. Vital to this approach is ensuring that intervention activity is data driven and informed by the needs of our communities. Therefore, partnerships regularly share data and information relating to ASB, trends, patterns and areas of concern.

There are various services and agencies working to address incidents of ASB in Wolverhampton. These agencies work in partnership to ensure that the most effective response to ASB is utilised, including tools and powers from the ASB, Crime and Policing Act (2014).

In addition to dealing with individual cases, partnership work takes place across the city to address high demand perpetrators, locations and themes around ASB and provide activity to prevent ASB from occurring.

3.2 Dependent on the type of complaint received the service who receive and address the complaint will differ. Wolverhampton Homes (WH), as part of the management agreement with the council, have the responsibility of managing anti-social behaviour complaints for WH tenants and residents living in private rented accommodation or owner occupiers, offering a tenure neutral service. When complaints are received, via a contact form or telephone call WH will triage the nature of the complaint so that it is dealt with by the most appropriate team.

For WH tenants, all cases will be retained by the ASB Team and will be allocated to an ASB Officer. Where the complaint is of a criminal nature, this will also be referred to West Midlands Police.

For private tenants, or owner occupiers, if the complaint is of a criminal nature they will retain the case, but also refer the complaint to West Midlands Police to investigate. Where the complaint is noise nuisance or related to condition of property or garden the complaint is referred back to the Environmental Services who then address the complaint. (This is per the management agreement and Service Level Agreement with WH).

3.3 Where cases are complex and need a multi-agency approach, cases can be escalated and discussed at Tasking meetings. These are chaired by Neighborhood Safety Coordinators and bring together a range of partners to discuss cases and find solutions, offer support or make appropriate referrals for specialist services (such as mental health support, home help etc.). A partnership approach allows professionals to come together to discuss the case and deliver the best solution for residents. Tasking meetings are held on a monthly basis and three meetings take place – covering the East, West and City Centre.

If there are concerns of ASB in outdoor spaces, partners can use tasking meetings to request the installation of a Domehawk (mobile CCTV camera). This is an overt monitoring method to deter ASB and record activity. As the cameras are recording public spaces, there is a legal requirement that the camera is advertised (by the use of signage) cannot be targeted at a particular address. The Cameras will scan public areas where there has been persistent ASB committed to deter or capture footage of incidents which can assist in identifying perpetrators. The use of covert cameras is usually facilitated by the Police and due to strict Regulation of Investigatory Powers Act 2000 (RIPA), are only used in very specific circumstances and need sign off by trained police officers.

3.4 Additionally, the Community Safety Team and Safer Wolverhampton Partnership look at preventive initiatives to reduce ASB and increase the perceptions of safety. Through the partnerships investment has been received to pilot a number of projects across Wolverhampton to proactively prevent ASB, particularly in outdoor spaces. Further information can be found in Section Six.

4.0 Enforcement

4.1 Depending on the nature of ASB, there are various enforcement mechanisms which can be utilised to manage the behaviour of perpetrators. Enforcement is always considered as a last resort measure. Details of the powers available to partners are detailed below.

The table below summarises key enforcement activity across the partnership.

	City of Wolverhampton Council	West Midlands Police	Wolverhampton Homes
Anti-Social Behaviour Injunctions	X	X	X
Criminal Behaviour Orders		X	
Closure Notices & Orders	X	X	
Community Protection Warnings & Notices	X	X	X
Public Space Protection Orders	X		
Anti-social behaviour case reviews	X		
Wider enforcement around ASB related issues (i.e., fly tipping & statutory nuisance)	X		
Additional crime linked to ASB (i.e., harassment, hate crime etc.)		X	

4.2 Powers explained

Type of intervention	
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Anti-social behaviour Injunction	<p>Can be issued by the courts to a person over 10 years old if the court can be satisfied that; the person has engaged or threatens to engage in anti-social behaviour, and it is just and appropriate to grant the injunction. The injunction granted can include restrictions on a person to avoid certain areas which can be enforced by Police should a breach be proven.</p>
Criminal Behaviour Orders	<p>Can only be applied for when a person is convicted of a criminal offence in court. Aimed at the most serious and persistent offenders. A court can apply a CBO at prosecution but must be satisfied beyond a reasonable doubt that the person has caused, or was likely to cause, harassment, alarm or distress to any person; and that the court considers making the order will help in preventing the offender from engaging in such behaviour.</p>
Closure Notices / Closure Orders	<p>A closure notice application can be made to the Courts to obtain a closure order. Once the closure notice is served on address and tenant/owner of the address, the courts must hear the case within 48 hours. Closure orders can be used to full or partially close a premises if there is evidence to satisfy the court that there has been ASB, nuisance and/or disorder in the premises with no attempts to rectify or prevent the nuisance. Notices can be applied to both commercial and residential properties, restricting visitors and only allowing named people into the premises.</p> <p>Closures orders can be granted for a period of 3 months, at which point the applicant would need to go back to court for an extension or permanent closure of the premises.</p>
Community Protection and Warning Notices	<p>A Community Protection warning letter is a written warning issues to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. The warning outlines required actions to take to stop the unreasonable behaviours and a set time period to do so. It provides an opportunity to modify behaviour before more formal sanctions are taken.</p> <p>A Community Protection Notice (CPN) follows a Community Protection warning letter. It is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible. The notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.</p> <p>Breaching a Notice can be a criminal offence and may result in a fine, remedial action or legal action.</p>

<p>Public Place Protection Orders (PSPO)</p>	<p>A PSPO can be introduced in a specific public area where the local authority² is satisfied on reasonable grounds that certain strict conditions have been met. (Link to: https://www.local.gov.uk/sites/default/files/documents/10.21%20PSPO%20guidance_06_1.pdf)</p> <p>A single PSPO can be used to target a range of different ASB issues, allowing councils to introduce reasonable prohibitions and/or requirements regarding certain behaviours within the specified public area, and may also include prescribed exemptions.</p> <p>As a minimum, each PSPO must set out: what the detrimental activities are, what is being prohibited and/or required, including any exemptions the area covered, consequences for a breach and the period for which it has effect.</p> <p>A PSPO can last for up to three years, after which it must be reviewed. If the review supports an extension and other requirements are satisfied, it may be extended for up to a further three years. There is no limit on the number of times an Order may be reviewed and renewed.</p> <p>Wolverhampton has a PSPO for street drinking in St Peters and Park which is currently being considered for renewal, a Dangerous Dog PSPO and a live consultation for restrictions in the City Centre to prevent ASB.</p>
<p>Anti-Social Behaviour Case Reviews (previously Community Triggers)</p>	<p>A Case Review allows people who are victims of ASB to have their case reviewed to consider if the action taken by their landlord or case holder is appropriate, proportionate and consistent. A Case Review is usually completed by the Local Authority who can ask for support from the Police and Crime Commissioner Office if required. During the review, all the of information is considered along with the advice received and any action to prevent the ASB which has been alleged. A case can be upheld, and recommendations can be made in order to prevent the ASB. Feedback is provided to the resident who requests the case review regardless of the outcome.</p>
<p>Noise Abatement Notice</p>	<p>This can be served if a person is found to be causing a statutory noise nuisance. Initially the council will investigate to understand if there is a statutory nuisance, this might include:</p> <ul style="list-style-type: none"> • noise from premises, vehicles, equipment or machinery in the street • smoke from premises • smells from industry, trade or business premises • artificial light from premises

	<ul style="list-style-type: none"> • insect infestations from industrial, trade or business premises • accumulation or deposits on premises (for example, rotting rubbish) <p>For the issue to count as a statutory nuisance it must be either unreasonable and substantially interfere with the use or enjoyment of a home or other premises or injure health or be likely to injure health.</p> <p>If the notice is not complied with and the nuisance does not stop, then the council can be prosecuted and/or fined. Further detailed information can be found here https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints</p>
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5.0 Support for Victims

5.1 As well as enforcement action there are a number of mechanisms to directly support victims of ASB in Wolverhampton:

- The locally funded **ASB team** support victims of ASB. The ASB team will either provide advice at the first point of contact or refer the matter to an officer or the Tenancy Management team for investigation and tenancy support where appropriate. They will also signpost to any other organisations who may be able to assist.
- **Mediation services** are available in Wolverhampton when this may be an appropriate response to resolve or reduce ASB. Mediation helps people to better understand the nature and the causes of a conflict and empower them to manage it and generate peaceful resolution. It is a powerful alternative dispute resolution (ADR) process that uniquely allows people to remain in control in difficult situations and to contribute to their own agreements, improving the circumstances of everyone involved.
- **West Midlands Police** can offer support to victims of ASB. They identify the level of risk (using THRIVE+). A contact plan will then be developed to identify next steps. Depending on the nature of the case this may include visits, partnership response or a referral to other agencies. Victims will be updated regarding any action taken and every contact with a victim will generate a new THRIVE+ plan.
- **Remedi** are funded in Wolverhampton to support victims of ASB and hate crime. They will provide victims with a range of support including advice and guidance, longer term emotional and practical support, personal safety services and advocacy. This includes tailored support plans to enable victims to cope and recover from a hate incident.

- Raising awareness and support for victims of **Hate Crime**, including the development of a dedicated webpage: [Stop Hate Wolverhampton \(stophatewv.net\)](http://stophatewv.net)

6.0 Preventative Activity

As well as utilising enforcement and providing support for victims of anti-social behaviour, a range of prevention activity also takes place across the city. Much of this activity is a result of proactive partnership work to attract funding to the city and successful funding bids.

- Safer Wolverhampton Partnership **commission targeted detached outreach**, the aim of which is to engage and support young people and communities vulnerable to becoming a victim or perpetrator of crime, exploitation and/or ASB. Over the last 12 months provision has been in Wednesfield (North and South), Heath Town, Warstones, The Scotlands, East Park and Bilston.
- Wolverhampton's Youth Offending Team is taking part in the **Turnaround** youth early intervention programme led by the Ministry of Justice. It aims to improve outcomes for children and young people who do not currently meet the threshold for statutory support but who may still be at risk of youth offending. This includes young people who may have come to the attention of authorities for ASB.
- **Step together** is a programme funded by the Violence Reduction Partnership in Wolverhampton which is a school chaperone service. This initiative sees youth workers deployed in targeted areas when young people are leaving school to prevent anti-social behaviour, ensure that young people get home safely and positively engage young people.
- Wolverhampton Local Policing Authority have invested in four **Early Help Officers** in Wolverhampton who are allocated to complete targeted work within primary schools to really focus on supporting children of primary school age within school settings as well as within the home and collaboratively with the Strengthening Family Hubs. Alongside these officers are five **School Intervention and Prevention Officers**, who are allocated to complete targeted work within secondary schools, PRU's, colleges, alternative provisions, special education settings, as well as supporting young people of that target age range outside of school, within the home and collaboratively with the Strengthening Family Hubs and key partners.
- **DIVERT** is a joint endeavour to promote the diversion of young people away from the criminal justice system using a Joint Decision-Making Panel. The panel aims to provide a multi-agency process to agree appropriate outcomes for referred young people. It allows for a holistic assessment of young people's needs and the delivery of tailored interventions that promote positive opportunities as well as effectively preventing reoffending. Wolverhampton are the first in the region to implement this approach to diversion. To this end it is truly innovative and embedding the core principles of Child

First Offender Second, whilst ensuring the victim voices are heard throughout the process.

- **Op Eternity** is home office funded and provides additional investment to increase the presence of 'authority figures' within areas disproportionately affected by ASB.
- A successful bid was submitted in partnership by Safer Wolverhampton Partnership and the Office of the Police and Crime Commissioner to **Safer Streets round 4** to tackle increasing levels of ASB within Wolverhampton City Centre. The project received significant investment to increase the presence of police officers within the city, engage young people in positive activity, enhance the safe space provided within Wolverhampton City Centre on Friday and Saturday nights and engage with off-licenses to tackle street drinking.
- Wolverhampton has a significant **offer for young people during the school holidays**. This supports to engage young people in positive activity and prevent them becoming engaged in ASB. Activities are coordinated via a range of funding sources, including #YES, Holiday Activity fund (Department for Education), Safer Wolverhampton Partnership and the Violence Reduction Partnership.