

# Cabinet Meeting

## 20 July 2016

<b>Report title</b>	Wolverhampton Anti-social Behaviour Team - Anti-social Behaviour Policy	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Paul Sweet Public Health and Well Being	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Linda Sanders, Strategic Director, People	
<b>Originating service</b>	Community Safety	
<b>Accountable employee(s)</b>	Joanne Mason Tel Email	Manager – Wolverhampton Anti—social Behaviour Team 01902 552950 Joanne.mason@wolverhamptonhomes.org.uk
<b>Report to be/has been considered by</b>	Wolverhampton Homes' Board City of Wolverhampton Council's Strategic Executive Board	15 April 2016 28 June 2016

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### Recommendation(s) for action or decision:

Cabinet is recommended to:

1. Endorse the Wolverhampton Anti-social (ASB) Behaviour Team's ASB Policy (titled Statement of Policy and Procedures of Anti-social Behaviour).

## **1.0 Purpose**

1.1 This report outlines the main changes to the updated ASB Policy, which include:

- A revised ASB service for the city delivered by a specialist, tenure neutral ASB Team;
- New ASB tools and powers that came in under the ASB, Crime and Policing Act 2014 impacting on multi-agency responses to tackling ASB including Police, Public Protection and Highways.
- General update on some sections of the policy to reflect current practice; and,
- Introduction of new sections to address current and emerging issues/priorities.

## **2.0 Background**

2.1 Part 2 of section 12 of the ASB Act 2003 requires housing organisations to prepare a policy in relation to ASB and procedures for dealing with occurrences of ASB.

2.2 The ASB Policy provides guidance for frontline officers, residents, businesses and members of the public on how Wolverhampton ASB Team responds to complaints of ASB.

2.3 The policy also outlines the commitment of partners' duties in relation to the Equality Act 2010 (with regard to ASB and hate crime) which aims to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

2.4 The Wolverhampton Homes' (WH) ASB Policy was last updated in 2012. In 2013, following a review of ASB services across the city, the Council's ASB Unit merged with Wolverhampton Homes' ASB function to form one, tenure neutral, specialist ASB Team for the city that is managed by WH under a service contract with the City Council.

2.5 This arrangement was piloted for 12 months, following which a further review was carried out that concluded that the revised ASB service was working very well with customer satisfaction and service improvement evidenced. Consequently, a report recommending that the specialist, tenure neutral ASB Team should continue was approved by WH Board and the City of Wolverhampton Council's Cabinet in 2014. 7 staff previously employed by the Council TUPEd to WH in May 2015.

2.6 The ASB, Crime and Policing Act 2014 introduced a number of new measures designed to give frontline professionals flexible powers to act more quickly to stop ASB and to change behaviour.

## **3.0 Main changes to the policy**

3.1 Tenure neutral ASB service

The policy reflects the tenure neutral approach to the ASB team, providing a specialist ASB service for the city that deals with ASB in Council properties managed by

Wolverhampton homes as well as private housing and non-housing, ie, city centre, businesses, open spaces, etc.

### 3.2 Changes in ASB legislation and implementation

The ASB, Crime and Policing Act 2014 introduced a number of new tools and powers. The Act includes:

- **Civil Injunction.** This is a tenure neutral court order to stop or prevent individuals engaging in ASB. It can include positive requirements which are designed to assist the perpetrator in addressing the underlying cause of the ASB they have engaged in.
- **Criminal Behaviour order.** A criminal behaviour order can be issued in a criminal court against a person who has been convicted of an offence to tackle the most persistent perpetrators of ASB who are also engaged in criminal activity.
- **Closure Order.** Closure orders can be used to close down a property of any tenure when it is being used or is likely to be used to commit nuisance or disorder.
- **Community Protection Notice.** The community protection notice is intended to deal with ongoing nuisance which negatively affects the community's quality of life by targeting those responsible.
- **Public Spaces Protection Order (PSPO).** This order imposes conditions which may include multiple restrictions and requirements in an area such as parks, alleyways or communal areas, where the ASB is detrimental to the local community.
- **Absolute Ground for Possession.** The Act introduced a new absolute ground for possession of secure tenancies where serious ASB or criminality has already been proven by another court. The court must grant possession providing set procedures have been followed, and subject to any human rights challenge.
- **Community Trigger.** The Community Trigger gives victims of ASB and hate crime an opportunity to request a review of their case if they are not satisfied with the way it is being dealt with.

3.3 The policy outlines the multi-agency response to ASB delivered in partnership with Police, and Council teams such as Community Safety, Public Protection and Highways. Consequently, the policy has been subject to input and consultation with related services to support coordination of the shared response and responsibilities across the city.

3.4 It is recognised that the causes and effects of ASB are wide and varied and can only be tackled by working in partnership. Partner agencies, such as the Police and Public Protection, carry out a range of functions relating to ASB. In many cases joint working with the Police, Public Protection, Highways and other Council departments and agencies will be an important part of the approach taken. A multi-agency approach is often required to solve specific issues with cases being discussed at local tasking meetings and case conferences being held to include all involved agencies.

3.5 The resulting procedures following introduction of the ASB, Crime and Policing Act 2014 were established through a multi-agency working group comprising representatives from:

- Wolverhampton ASB Team

- Community Safety Team
- Public Protection
- Highways
- Legal Services
- West Midlands Police

The working group has tested out the required changes to operational practice and practical application of the revised tools and powers; this has included clarification of enforcement responsibilities and revised information sharing arrangements.

- 3.6 To aid this process, two PSPOs have been trialled in Low Hill to deal with traveller incursions on the highway and public land and in Park Village to deal with street drinking and on-street nuisance. These were authorised as an Individual Executive Notice by the Cabinet Lead and Strategic Director in July 2015 and will be subject to review at the end of June 2016, to inform wider roll out.
- 3.7 Prior to issuing formal Community Protection Notices (CPNs), written warnings must first be given. Public Protection have utilised written warnings for a range of issues including accumulations on land, messy and overgrown gardens. These warnings have had the desired effect in 66% of cases, with no further action being taken. In 33% of cases a formal notice (CPN) has been issued, which overall, has resulted in the matter being resolved. Less than 7% of cases resulted in a Fixed Penalty Notice (FPN) being issued and no formal proceedings were instigated in 2015-16.
- 3.8 Closure Orders have proven to be a quick and effective way of tackling serious ASB that impacts on neighbourhoods. Since the new ASB legislation came into force, the ASB Team has secured three court orders to close residential properties; two Closure Orders were granted on properties that were being used as 'crack houses' and the other was in relation to significant noise nuisance and associated ASB.
- 3.9 To date, there have been nine requests for a case review under the Community Trigger. Of the nine requests received, one case has met the local threshold and has progressed to a full case review. This review resulted in a number of recommendations being made to the agency responsible for the management of the case.
- 3.10 Current and emerging issues/priorities

The policy has also been updated to include sections on:

- the ASB section from the City of Wolverhampton Council's new tenancy agreement;
- what the ASB Team cannot deal with;
- gang membership, 'Prevent' and 'Channel', child sexual exploitation and modern day slavery;

#### **4.0 Financial implications**

4.1 There are no financial implications associated with this policy.

4.2 The ASB team is funded jointly through a contract with the City of Wolverhampton Council and Wolverhampton Homes. The contract value to City of Wolverhampton Council is £277,000 for 2016/17 and is funded from the overall Public Health Grant of £21.9 million. Any costs associated related to this policy will be met from these resources.

[GS/22062016/T]

#### **5.0 Legal implications**

5.1 As outlined in Section 2.1 above, Part 2 of section 12 of the ASB Act 2003 requires housing organisations to prepare a policy in relation to ASB and procedures for dealing with occurrences of ASB.

5.2 As outlined in Sections 2.6 and 3.2 above, the ASB, Crime and Policing Act 2014 introduced a number of new measures designed to give ASB frontline professionals flexible powers to act more quickly to stop ASB and to change behaviour. This change in legislation is reflected in the updated ASB Policy.

[TS/16062016/S]

#### **6.0 Equalities implications**

6.1 An initial EIA analysis has been carried out and has been presented to Wolverhampton Homes' Equalities' Circle Forum (ECF) and Equalities' Steering Group (ESG). It is not felt that the policy is discriminatory. However, it was agreed with the ECF and the ESG that research would be carried out on the operation of the ASB service in terms of both victims and perpetrators to establish whether there are any equalities issues that need to be addressed. This research project will be completed by the end of 2016.

#### **7.0 Environmental implications**

7.1 ASB can have a detrimental effect on residents' lives and their environment. The ASB Policy seeks to ensure an effective and efficient service is provided.

#### **8.0 Human resources implications**

8.1 There are no human resources implications associated with this report.

#### **9.0 Corporate landlord implications**

9.1 There are no corporate landlord implications associated with this report.

## **10.0 Schedule of background papers**

Cabinet 12 November 2014: Anti-social Behaviour Crime and Policing Act 2014

Individual Executive Decision Notice – Proposal for Public Space Protection Order in Broome Road, Hawksford Crescent and surrounding streets (authorised 20 July 2015)

Individual Executive Decision Notice – Proposal for Public Space Protection Order in Park Village (authorised 20 July 2015)

## **11.0 Appendices**

Appendix 1 – Statement of Policy and Procedures of Anti-social Behaviour