

PEOPLE (ADULT AND HEALTH) SCRUTINY PANEL

10th July 2014

ANTI SOCIAL BEHAVIOUR BILL

Report of the Interim Director for People

STRATEGIC AIM:	Creating a Safer Community For All Creating a Brighter Future for All
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1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to outline the changes to the Anti Social Behaviour (ASB) legislation as a result of the ASB Crime and Policing Bill 2013 and preparation for implementation.

2. RECOMMENDATIONS

2.1 That Scrutiny Panel note the contents of the report and direct any comments or observation to the Head of Service for Stronger Communities.

3. BACKGROUND INFORMATION

3.1 In 2010 the Home Office launched a consultation paper ('More Effective Responses to Anti-Social Behaviour') that proposed a transformation in the way anti-social behaviour is dealt with. It also outlined the findings of a review of anti social behaviour tools and powers that found the current system inefficient, slow and not fit for purpose.

3.2 The timeline for implementation has been as follows:

- A. In February 2011, the Home Office produced a consultation document called '*More Effective Responses to Anti-social Behaviour*'.
- B. A draft of the Anti-social Behaviour Bill was first published on the 13th December 2012.
- C. Its first reading was in the House of Commons 9th May 2013.
- D. It completed its legislative scrutiny and passage through Parliament on the 11th March 2014 and received 'Royal Assent, becoming law on 13th March 2014.
- E. There are staggered commencement dates for the powers with local arrangements for implementation being jointly developed within the Leicester, Leicestershire and Rutland (LLR) sub region.

3.3 The Anti-Social Behaviour, Crime and Policing Bill 2013/14 has stream-lined the current ASB toolkit (reducing the number of orders from 19 to 6, as illustrated at *Appendix 1*) so that the remedies are more flexible and faster at stopping

ASB. The Bill also focuses on giving better victim/ witness satisfaction and making agencies more accountable to victims, witnesses and communities when agencies fail to act. The Bill will come into enactment in September 2014.

3.4 Key changes as a result of the Bill are as follows:-

- A. To replace the Anti Social Behaviour Order (ASBO) and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Crime Prevention Injunction (nuisance and annoyance). The new orders can have positive requirements attached to them to support the perpetrators and address their offending behaviour.
- B. To consolidate the tools to deal with place specific anti-social behaviour into a two tier (Police and Local Authority) Community Protection Order and a simplified police power to direct individuals away from an area on grounds of anti-social behaviour.
- C. The introduction of a new 'Community Remedy' which uses a restorative justice approach to deal with low level crime and anti-social behaviour.

3.5 It should be noted that what is being described as 'Community Remedies' was introduced into Leicestershire and Rutland in 2008 as part of a National Pilot and is now an embedded process. This is not the case elsewhere in the country as Leicestershire and Rutland was one of only four pilot areas. However, the process has locally been described as "Restorative Justice", a description which the Home Office is now using for the process by which victims interact with offenders as part of the process to prevent re-offending.

3.6 The Police Crime Commissioner will be required to publish a Community Remedy Document. He must base this on consultation and evidence that this is the case.

3.7 The introduction of a new "Community Trigger" which will impose a duty on the statutory partners in a Community Safety Partnership (Safer Rutland Partnership in Rutland) to take action in cases where victims or communities have complained about anti social behaviour (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. There have been a number of pilot areas across the Country where officers have described this process as becoming an "escalated complaints procedure". Furthermore these areas state that most triggers have been activated by professionals as opposed to members of the community. Further detail on these changes is outlined at *Appendix 2*.

4. IMPLEMENTATION

4.1 The Government is expecting local areas to make local plans for the implementation of the Bill. In order to take this forward in Leicestershire a Leicester, Leicestershire and Rutland (LLR) ASB Bill Task and Finish Group has been established made up of representatives from Leicestershire Police, Rutland County Council, Leicester City Council, District Councils, the Chief Housing Officers Group, Social Crime and Landlords Group and the Fire & Rescue Service. Co-opted members included legal services and the Police Crime Commissioner's office.

4.2 In representing the Council on the LLR task and finish group officers from the

People Directorate held several meetings with officers from the Places Directorate to input into the actions below.

The Task and Finish group considered:-

- A. What the sub region should consider doing differently in light of these new powers.
- B. What the changes are in practice and how we should prepare for them.
- C. Training requirements and the development of a sub regional training plan and associated costs.
- D. A review of current policies and procedures to ensure they are fit for purpose (e.g. Joint Action Group (Police and Local Authority partners) Crime and ASB partnership) and the ASB Incremental Approach process for dealing with ASB).

4.3 The group looked at what we currently do and how we will be required to do things within the new legislation.

- A. A 'light touch' review of the JAG is underway; this is to ensure that the Terms of Reference and Minimum Standards for JAGs are still fit for purpose. The review report with recommendations, shall be circulated to all Local Authority Chief Executives, Chairs of the Community Safety Partnership's and Chairs of the JAGs.
- B. A multi agency training plan has been prepared. This consists of a modular, tiered approach including locality events, e-learning packages and briefings, for officers, managers and members.
- C. Having considered the experiences from the pilot areas, a sub regional Community Trigger document has been drafted that will support the LLR ASB Incremental Approach which will be published in July 14. (Please refer to Appendix 3)
- D. The group is working with the Office of the Police Crime Commissioner to explore a menu of options as part of the community remedy process. In addition local authority partners have completed a consultation providing feedback on what those options should be.
- E. There is an increased emphasis on a holistic approach of working and consulting with other statutory agencies and community representatives, therefore much earlier consultation with partners and members of the public is required.
- F. To manage community remedies, this will include input from victims to determine low level penalties for ASB /offenders.

5. **RUTLAND DATA**

5.1 In assessing the likelihood volume of complaints in order to predict resources required, the Community Safety Team have produced the following data from the financial year 2013-14 ending in March 14.

5.2 The table below shows Police reporting of ASB that the Community Safety Team either co-work on or are part of the CS team's caseload.

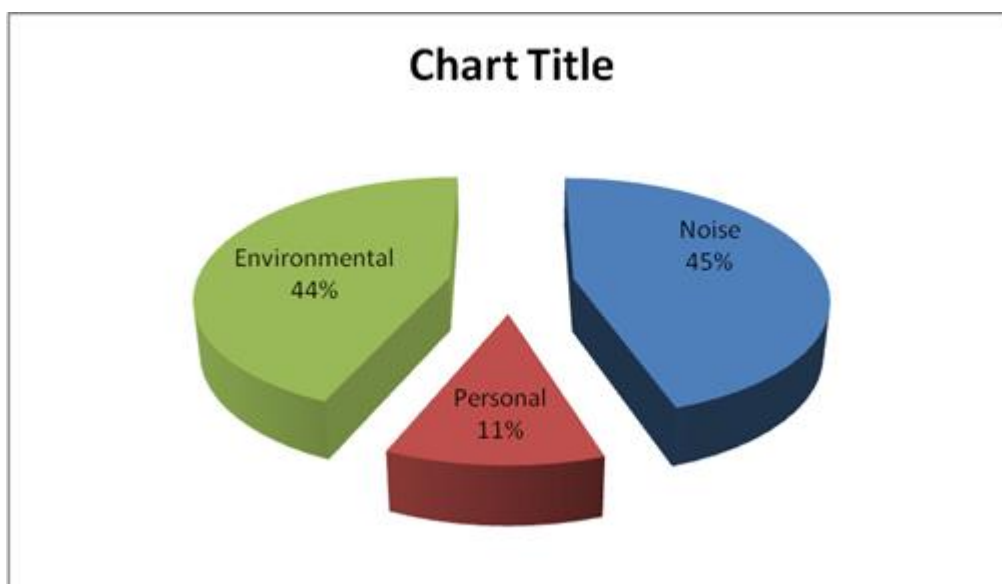
Police Reporting with Community Safety Involvement (April 2013 – March

2014)

Environmental ASB	Nuisance ASB	Personal ASB
42 or 13.9%	225 or 74.5%	35 or 11.6%

5.3 The table below summaries ASB reporting from members of the public to the Council that the Community Safety (CS) Team either co-work on or are part of the CS team's caseload depending on the level of risk.

ASB reported to Rutland County Council (April 2013 – March 2014)



Count of CATEGORY CODE	
CATEGORY CODE	Total
C90 Abandoned Vehicle	4
ENA Noise-Alarm	8
ENB Noise-Barking Dog	34
ENC Noise-Animals/Birds(Not dog)	2
ENH Noise-People	16
ENI Noise-Music	30
ENK Noise-Party	1
ENL Noise-TV/Radio	2
ENM Noise-Fireworks	1
ENP Noise-Vehicles	2
ENZ Unspecified Domestic Noise Complaint	1
JA6 Animal Problems	1
JA9 Malicious Communication	1
JB4 Environment Damage & Litter	1
JB7 Neighbour Dispute	9
JB8 Rowdy or Inconsiderate Behaviour	16
JB9 ASB Substance Misuse	1
JC2 Trespass	1
JC4 Vehicle Nuisance & Inappropriate behaviour	1
JC5 Graffiti (normal)	7

JC6 Graffiti (offensive)	8
PD3 Dangerous Dog	29
PDF Fouling Dogs	45
Total	221

5.4 The data above is provisional and further analysis is required to analyse the volume of complaints (repeat/ trends etc) and the time taken to deal with each complaint. Currently, we do not record the volume of interaction for each report eg) a case can take a one off intervention (phone call) or another case can take many months (mediation over a neighbour dispute etc). This is a piece of work that will be completed as part of the 2014-15 delivery plans for Community Safety.

5.5 The data shown does not include any reports of ASB to external partners such as registered social housing landlords but we anticipate that there will be some duplication and crossover in the complaints above.

6. PROGRESS AND NEXT STEPS

6.1 To date, the following progress has been made in preparing for the implementation of this bill:

- A. Rutland County Council will be running a series of briefing sessions over June – September providing key headlines of the bill and a summary of the new powers and how they may be used. This is open to all staff and partners, with one session taking place to date which has received positive feedback on the clarity provided and the impact for Rutland.
- B. For those frontline practitioners and Managers who may be implementing these powers, there will be an additional detailed multi agency training programme in place.
- C. The Council will need to review its work to date around vexatious complaints developing a policy in dealing with this.
- D. The Council currently does not have an ASB policy which will need developed to take into account new processes and documents in setting out procedures for ASB case reviews. This will include a threshold for ASB cases with a focus on dealing with high risk cases.
- E. Although the Council has supported partners with evidence to obtain orders, the Council has not to date, used the current ASB legislation directly. This is likely to continue as all efforts will be made to respond to ASB using the incremental approach in place and the use of existing resources. However, there will be additional officer resource required if the Council proceeds to obtain such orders.
- F. Formalise the sub regional community trigger process and publish this to officers, partners and members of the public.
- G. Furthermore, the County Council will need to co-ordinate the multi agency communication across the County that will inform residents about the changes and impact of the new legislation on them.

7. IMPLICATIONS

7.1 Whilst it is expected that the powers available to the Council will be used as minimally as they currently are, there is still the need to consider and be prepared for the financial implications that are associated with the

implementation of this bill and the use of powers. It is difficult to forecast what this will mean and the financial risk as some of these processes will be new. However, this will be closely monitored with regular reviews. It is envisaged that:

- A. There are likely to be more applications to court in some cases as the act gives some powers to local authorities that they didn't have before which has increased the possibilities of some powers being used.
- B. There may be increased resources in legal services as legislation develops and case law comes to light on how Court's interpret the new law. There could be potential increases in prosecutions for breaches of orders and some offences.
- C. Further use of fixed penalty notices for offences and ASB could have a financial and resource impact on collecting those debts or enforcing them.
- D. There may be staffing and other resource issues in providing the supportive interventions required by some orders. There is a greater emphasis on providing supportive and preventative interventions rather than just punishing bad behaviour when it has already happened. We will seek to provide interventions through existing services in place, however, we will be expected to supervise these interventions and respond to any breaches within 24 hours which will be an additional requirement of resource.
- E. Continuing to roll out Sentinel across the sub region will be essential which Rutland is committed to, however for the meantime, we continue to use Flare within the Places directorate. This system does not link with Sentinel therefore the Community Safety Team have to double key all entries onto both systems and we do not have a full picture of ASB activity as the Places directorate do not use Sentinel. A decision was made by the Places directorate to continue with the use of Flare but this is now being reviewed due to the implications it will cause once the ASB bill is implemented. A meeting has been set up to discuss this.
- F. Giving the public the right to ask for a review of an ASB case by activating a Community Trigger and how it has been tackled will increase workloads for officers and partners who will be part of that process.

8. CONCLUSION

8.1 It's difficult to say at this stage what the impact of the legislation will be in reality with regards to service provision. The legislation as we know provides some new enforcement sanctions that will complement existing provisions used. The use of enforcement sanctions is normally the last resort and nuisance matters are usually resolved without the need for them in Rutland, so although the new provisions are welcomed, in this respect their impact is likely to be limited.

8.2 One area that the legislation does promote is increased coordination of actions between partner agencies, therefore we should anticipate an increase in the level of resource required to support partnership forums. The expectation is that if the forums result in better outcomes through more effective interventions, fewer resources will be required elsewhere.

8.3 There is a defined plan with robust processes in place to ensure that we are able to implement the legislation smoothly.

9. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	M	It is a priority to ensure we are joined up across the Places and People directorates and our partners with the implementation of this bill.
Viability	M	We are on track and prepared for implementation.
Finance	M	Where possible, existing resources will be used to support the implementation of the bill. However there may be increased financial implications if the Council chooses to use powers they previously have not been able to. Until this is able to be quantified, the financial risk should be medium.
Profile	M	It is important that the Council informs members of the public about the change in legislation and impact for them.
Equality and Diversity		The Council will need to take into consideration equality act duties and any additional responsibilities for all and specifically for vulnerable people. Community Trigger applications may be rejected if they are thought to be prejudicial, discriminatory, malicious, unreasonable or frivolous.

Background Papers

Appendice One – Anti Social Behaviour Powers
 Appendice Two – Summary of Powers
 Appendice Three – DRAFT Community Trigger Process

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A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.