

## **Committee: Overview & Scrutiny Commission**

**Date: 23 March 2016**

Wards: All

**Subject: Anti-Social Behaviour (ASB) – A report for information providing an overview of service delivered by Safer Merton ASB Team.**

Lead officer: John Hill

Lead member: Councillor Edith Macauley

Contact officer: John Hill/Amanda Woodhall/Jeanette Chacksfield

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### **Recommendations:**

A. That Members discuss and comment on the contents of this report.

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## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1 The purpose of this report is to provide Members of the Commission with an overview of the Anti Social Behaviour (hereafter referred to as ASB) legislative framework and the mechanism by which the ASB service is delivered in Merton. The report will explain how the ASB team is structured, powers available to the team, how cases of ASB are reported and the mechanisms for dealing with these. Additionally, the report will provide an overview of current performance, in addition to explaining pressures on the service, anticipating future demands and how the service will aim to response to these.

## **2. DETAILS**

### **2.1 What is Anti-Social Behaviour?**

ASB is generally defined as “nuisance behaviour that causes harassment, alarm or distress to one or more persons not of the same household”. It is a broad definition used to describe the day-to-day incidents of crime, nuisance and disorder that make many people’s lives a misery: from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

### **The LB Merton Perspective**

2.2 The ASB team forms part of the Safer Merton Team, which in turn forms part of the Public Protection division within the Environment and Regeneration directorate. The Safer Merton team is currently in the process of implementing a restructure so that the new team will operate with a single overall manager

**(See Appendix 1 – Structure Chart).** The new structure makes provision for 2 ASB officers who cover the whole borough in respect of ASB investigations. For the purposes of these investigations the borough is divided into 3 sectors, Morden, Mitcham and Wimbledon.

- 2.3 The overarching aim of the work of the ASB team is to reduce people's perceptions of ASB year on year. Such trends are measured in the Annual Residents Survey. The last survey was carried out in 2014/2015. The evidence obtained from that survey showed that whilst there are variations, overall 44% of Merton residents were concerned about ASB. This represented a drop from 51% in the previous Annual Residents Survey carried out in 2012.
- 2.4 The delivery of community safety services generally requires close partnership working with both internal and external stakeholders. This is especially the case for the ASB team who work in close partnership with internal departments and external agencies. For example, the team works closely with Environmental Health, Parking, planning enforcement, Waste Enforcement, Trading Standards, Education, Transforming families, drug and alcohol teams, MASH (Multi Agency Safeguarding Hub), LFB and the Police,
- 2.5 The ASB team meet with dedicated ward police officers on a monthly basis to share information and keep police and partners updated on local procedure.
- 2.6 The ASB Case panel is held monthly and develops action plans for individuals that are involved in anti-social behaviour on Borough.
- 2.7 Local Multi agency problem solving meetings (LMAPS) are held monthly and ASB officers attend these meetings and feedback on community issues that need a problem solving approach from partners.
- 2.8 The ASB team work with Children Schools and Families around the Youth Offending Management Panel (YOMP) for individuals that are at high risk to themselves or high risk offending in the local community.
- 2.9 The team attend monthly transforming families (TF) meetings. TF is an approach that supports the family as a whole. ASB officers can refer families that come to their attention for TF intervention or support TF with their actions.
- 2.9 The team will also attend internal meetings with other enforcement departments within the council such as the Enforcement Review Task Force meeting (ERTG); ASB officers are required to chair a fire misuse group meeting that is held quarterly to tackle the issues of fires during haymaking season on Mitcham Common and anti-social behaviour surround the autumn nights period to include Halloween fireworks and Diwali.

**Legislative tools available.**

2.10 The Anti-Social Behaviour Crime and Policing Act 2014 brought in specific powers that sought to simplify the “toolkit” available to agencies to tackle ASB. The key powers available to the ASB team now includes the following :

- Civil Injunction
- Criminal Behaviour Order (CBO)
- Community Protection Notice (CPN)
- Public Spaces Protection Order (PSPO)
- Closure Powers
- Dispersal Powers.

An explanation of each of these powers is provided in **(Appendix 2)** of this report.

### **How are complaints reported?**

2.11 Generally cases will be reported to the team by complainants either through on line reporting, telephone calls from complainants or by referral from partner agencies. The multi-agency approach to tackling ASB will sometimes mean that the team are not the lead agency in delivering a solution. However, in all instances the team will record complaints of anti-social behaviours and investigating cases, referring cases to other partners to lead where relevant. **(Appendix 3 of the report sets out in detail the ASB Complaints Procedure in full).**

In summary the ASB team will:

- Ensure all cases have a specific reference number
- Advise complainant/victim of lead officer or agency managing their case, including contact details.

### **When the ASB are the lead in managing an investigation, they will:**

Grade new cases between level 1 and level 3, dependent on risk factors, with level 1 being the highest risk. Typical level definitions for cases are described as:

#### **Level 1 (Serious ASB)**

- Primarily concerned with harassment and intimidating behaviour that causes severe distress and compromises the safety and well-being of residents – aggressive/threatening language or behaviour, violence or threatened violence, racial/hate behaviour, drug supplies and use.
- Requires a rapid investigation, response, likely to lead to enforcement action.

- The complainant must be interviewed with 24 hours of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB officer as most appropriate.

### **Level 2 (Persistent ASB)**

- Low level, a persistent form of ASB, which causes harassment alarm and distress or unreasonably interferes with other people's rights to the use and enjoyment of their home and community.
- No immediate danger to complainant or others – persistent noise nuisance graffiti, vandalism.
- Concentrate on frequent or persistent reports about the same household or individuals.
- Ideally tackled through a problem solving preventative approach.
- The complainant must be interviewed with 5 working days of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB officer as most appropriate.

### **Level 3 (Nuisance ASB)**

Nuisance behaviour that is unlikely to cause harassment, alarm or distress in the short term – One off graffiti, fly-tipping, intermittent noise nuisance.

- Likely to be resolved without enforcement action.
- The complainant must be interviewed with 12 working days of receipt of the original complaint. This may be in person or by phone, whichever is deemed by the ASB officer as most appropriate.

The primary aim of the service is to provide a prompt response to a complainant and to outline how the case will be investigated. The following sets out the scale of response times :

- i) Level 1: Respond within 24 hours;
- ii) Level 2: Respond within 2 working days and interview within 5;
- iii) Level 3: Respond within 7 working days and interview within 12.

In all categories of cases the team will:

- Offer reassurance visits to victims (this can also be provided by police);
- Keep complainants and victims informed of action taken;
- Keep all relevant partners informed.
- Take action against perpetrators when robust evidence of anti-social behaviour is obtainable. The ASB officer will then refer investigation to their monthly case panel.

### **ASB performance for period 01/04/15 to 31/12/15**

ASB cases resolved within agreed timeframe	Percentage achieved in time (with target shown in brackets)	2014/15 performance
Level 1	100% (95%)	100%
Level 2	93% (95%)	98%
Level 3	100% (95%)	100%
Percentage of case panel referrals resulting in enforcement action.	72% (70)	76%

### **The role of the ASB case panel**

The ASB Case Panel has a multi-agency membership and meets monthly (currently the first Tuesday of each month at Merton Civic Centre) to discuss persistent ASB offenders and to agree the appropriate course of action to resolve each case. Actions agreed to addresses those nominated to the case panel include:

### **Criteria for nominating an alleged persistent offender to ASB Case Panel**

- Nominations re made by agencies within the membership or partner agencies;
- Individual has been identified as participating in persistent anti-social behaviour;
- Reports of ASB are within Merton, or impacts on their Merton residency;
- Nominating officer will attend the meeting to present their case and provide further information;
- Nominating officer will take on any action agreed for them and feed back to the panel;
- Cases relating to domestic violence or child protection issues alone are not appropriate for a referral, but must instead be referred to the relevant agencies; For example, If a child protection issue becomes apparent a referral must be made to MASH (Multi Agency Safeguarding Hub) as soon as it is practical to do so;
- In some cases enforcement action may be agreed by the panel as the appropriate course of action. In doing so, the Panel will take into account the human rights of each individual discussed, ensuring actions agreed are proportionate to the behaviour of the perpetrator.

### **Current Performance**

The Annual Residents Survey for 2014 revealed that the proportion of residents who felt informed about measures to combat anti-social behaviour had risen to 35% reversing the fall seen in 2012 where the figure fell to 29%.

**Appendix 4** details the current numbers of complaints received by the team. This shows that the number of complaints received for 2015/16 will exceed 1300 by year end and indicates a steady increase in totals compared to previous year's data which is also set out in this appendix.

**Appendix 5** details the number of current formal enforcement interventions being undertaken by the team.

### **3 ALTERNATIVE OPTIONS**

- 3.1 The current Target Operating Model (TOM) sets out the strategy in respect of how the service could be delivered in the future. There will be significant emphasis on developing technology so that it enables the customer to more easily report instances of ASB and general complaints on-line. The service is also investing in other forms of technology such as mobile enforcement CCTV cameras which will help to gather evidence based information in a much shorter timeframe and of a better quality. This will help to reduce timescales for enforcement prosecutions. Through the work of the ERTG consideration is also being given to a more generic approach to enforcement which may enable other service areas to assist in ASB investigations.

Raising customer awareness is also a key objective for the future and the team are currently holding "pop-up" events, which are designed as a "roadshow" taken across the Borough and aiming to publicise the work of and services offered by the team. The first of these was held in Pollards Hill in January 2015, second to be held 23<sup>rd</sup> March in Wimbledon Library, third one is to be held at north east Mitcham Community Centre on Graveney Ward on 20<sup>th</sup> May. It is the intention to continue these events throughout the year on a rolling programme.

### **4. CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1 None for the purposes of this report.

### **5. TIMETABLE**

- 5.1 None for the purposes of this report.

### **6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1 The Safer Merton Team are expected to deliver efficiency savings of £70K as part of the Council's overall MTFs by 2017/18. Progress towards achieving

this target has already been achieved in part through the restructure of Safer Merton referred to above.

## **7. LEGAL AND STATUTORY IMPLICATIONS**

7.1 New powers to tackle Anti-Social Behaviour (ASB) came into effect between October 2014 and March 2015. The Anti-Social Behaviour and Policing Act 2014 that brought in these powers sought to simplify the “toolkit” available to agencies to tackle ASB. The key components of this toolkit are referred to in section 2 (above) with a more detailed explanation of each of the powers set out in Appendix 2 to this report.

## **8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1 None for the purposes of this report.

## **9. CRIME AND DISORDER IMPLICATIONS**

9.1 None for the purposes of this report.

## **10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1 None for the purposes of this report.

## **11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Appendix 1 - Structure Chart
- Appendix 2 - Legislative powers available to tackle ASB
- Appendix 3 - ASB Complaints Procedure
- Appendix 4 - Breakdown of type and volume of complaints received.
- Appendix 5 – Current “live” enforcement actions being undertaken by the team.

## **12. BACKGROUND PAPERS**

12.1 None for purposes of this report.

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