



Scrutiny (Economic Growth, Communities and Health) Committee

Scrutiny Review of Anti-Social Behaviour (ASB)

Committee Members

A Johnson (Chairman)
E W R Barker
R A Faulkner
D Florence-Jukes
Mrs V J Gould
S A Hussain
C B Jones
Mrs J A Killoran
G E Marjoram
S McGarry
S McKiernan
B G Peters
Mrs L Shelton
P Walker
C Wileman
Vacancy

Members and dates of sub group meetings

C D Wileman (Lead)
S McGarry
Mrs J A Killoran
S A Hussain
P Walker

Dates: 24/1/18, 21/3/18, 30/4/18, 5/6/18, 10/12/18. Please note these dates do not include meetings with internal and/or external partners but represent dates for organised meetings of the full sub group.

1. Purpose of the Report

- 1.1. This report presents a scrutiny review of Anti-Social Behaviour (ASB) with a particular focus on understanding the roles and responsibilities between partner agencies for dealing with ASB.

2. Executive Summary

- 2.1. Having met with the range of partners, both internal and external, Members have seen that there are a wide range of procedures in place and a number of tools available to the key stakeholders in relation to ASB.
- 2.2. However Members highlighted that, while in their role as borough councillor they respond to a number of enquiries from constituents relating to ASB, there was limited awareness amongst Members of these processes. Furthermore, discussions with the local Police force highlighted that it would be beneficial to develop the dialogue between members and Police sergeants in the Borough in order to enhance locally focussed discussions.

3. Background

- 3.1. It was agreed at the EGCH Scrutiny Committee meeting held on 20th September 2017 that a sub-group consisting of the Committee Members listed above be established to review Anti-Social Behaviour. An initial sub-group meeting was held on 24th January 2018 to identify a specific scope for the review. Members subsequently agreed on a scoping paper (see Appendix A).
- 3.2. Investigation processes involved each Member researching (with help from officers where required) a particular theme within the scoping paper. The report set out below is a direct consequence of those findings

4. Contribution to Corporate Priorities

- 4.1. Protecting and Strengthening Communities

5. Scrutiny Review of Anti-Social Behaviour

5.1. Background

- 5.1.1. East Staffordshire, like the rest of the county, experience high levels of ASB. ASB poses harm to communities and as a consequence there is recognition that the issue needs to be tackled collectively across a number of agencies, ASB has been chosen as a strategic priority for Local Strategic Partnership (LSP). Anti-social behaviour (ASB) can lead to negative perceptions of the levels of crime and of the Police, and can have a devastating impact on quality of life and the environment. The impact is particularly apparent in terms of the high psychological harm it can have on individuals subject to repeat incidences.

5.1.2. Figures relating to all Anti-Social Behaviour (ASB) reported crimes in East Staffordshire are as follows:

- 2,884(2014/15)
- 3,388 (2015/16)
- 3,502 (2016/17)
- 3,330 (2017/18) there were 3330 ASB incidents which is 28.5 per 1000.

5.1.3. There were approximately 3,330 ASB incidents in East Staffordshire in 2017/18 – this equates to a rate of 28.5 per 1,000 population which is similar to the England average (31). LSP data for East Staffordshire’s Most Similar Group is not currently available for comparison, but within the Staffordshire Police area East Staffs ranks fourth highest out of the nine areas within the county (8 districts and Stoke city). There are 8 wards in East Staffordshire which have rates above the England average. The following are the ward/s that are above the England average: Anglesey, Burton, Eton Park, Horninglow, Shobnall, Stapenhill, Town and Winshill.

5.1.4. Antisocial behaviour (ASB) is defined as “behaviour by a person which causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the person” (Antisocial Behaviour Act 2003 & Police Reform and Social Responsibility Act 2011). ASB is a local priority for every district in Staffordshire and Stoke-on-Trent. ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves others feeling alarmed, harassed or distressed. ASB can also increase fear of crime and harm perceptions of the police and other responsible authorities.

5.1.5. A review by Her Majesty’s Inspectorate of Constabularies (HMIC) in 2012 however found that there was a wide variation nationally in the quality of decision-making associated with the recording of ASB which means making comparisons with other areas potentially problematic and also could mean under-recording.

5.1.6. ASB can affect almost anyone, however, what is seen as anti-social will vary from person to person, and the impact of such behaviours will also vary accordingly. Research suggests that no single risk factor or set of risk factors emerge as the most salient predictors of future ASB, but a range of factors interact together and contribute to the emergence of such patterns of behaviour. Demographic characteristics such as; age, gender, educational attainment, school attendance levels, school exclusions, socio-economic status, experience of abuse, and experience of ASB within the family are all suggested factors. Where these factors are most prevalent within a population we can reasonably expect rates of ASB to be higher.

5.2. **The Council’s role in tackling ASB**

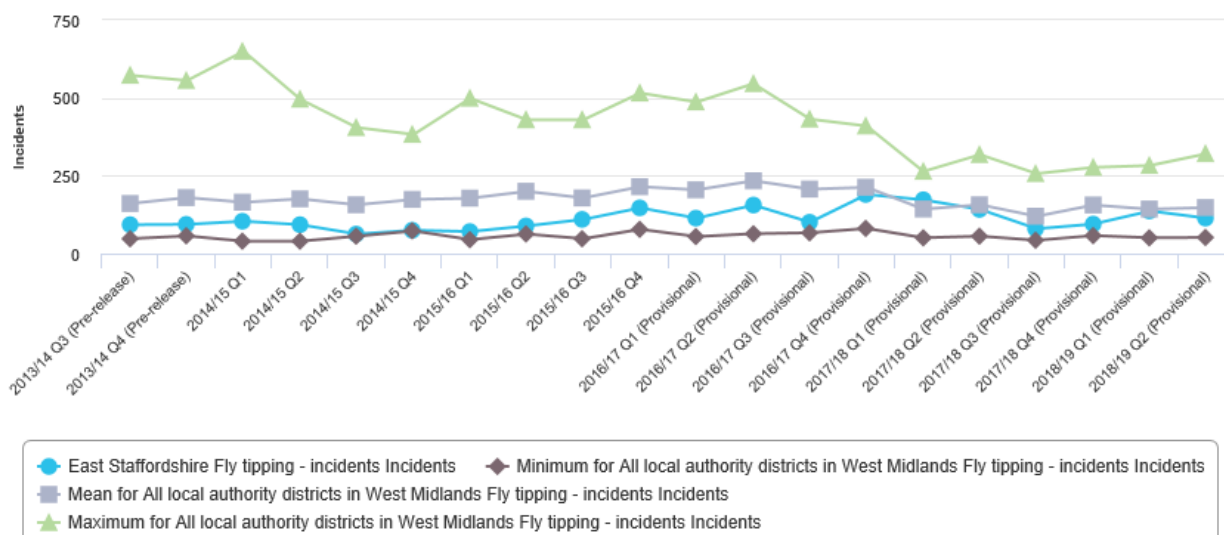
5.2.1. General

5.2.1.1. There are three Teams within the Council who will deal with ASB. The Community and Civil Enforcement Team will act in an ‘ears and eyes’ capacity referring any incidents to the appropriate team for investigation. The Environmental Health Technical Officers deal with matters of noise nuisance and will deal with any other incidental and related ASB as part of their investigation. Any other matters regarding ASB are dealt with by the

Enforcement Team and particularly regarding environmental crime where the use of the ASB legislation is the most appropriate and proportionate measure. For example, the ASB, Crime and Policing Act 2014 replaced Litter Clearing Notices and Street Litter Control Notices with Community Protection Warnings and Notices.

- 5.2.1.2. In relation to environmental crime (such as littering, fly tipping, dog fouling), the Council receives a number of complaints each year. ESBC produce monthly updates providing information on fly-tipping, dog fouling etc. These also provide information as to where hot spots are in relation to each ward in the catchment area of East Staffordshire. The CCE Team are reaching out to communities continuing to educate the public on a daily basis about what they do and how they can be contacted. They use a variety of measures, business cards, leaflets, posters and social media.
- 5.2.1.3. The CCE Team's Officers issue Fixed Penalty Notices under Section 87 of the Environmental Protection Act 1990 for littering offences on land that is open to the air and which the public have the right to access. This is as an alternative to prosecution action. In the event of non-payment then prosecution action is sought.
- 5.2.1.4. They also enforce the Public Space Protection Orders for dog related matters and can serve FPN's under the Anti-Social Behaviour, Crime and Policing Act 1990.
- 5.2.1.5. Fly-tipping is an offence under Section 33 of the Environmental Protection Act 1990. The CCE undertake preliminary investigations into fly-tipping complaints and in the event that there are any witnesses to the offence or evidence within the fly-tipping to suggest the identity of the offender, they will then refer the case for investigation to the Enforcement Team.
- 5.2.1.6. The Enforcement Team deal with environmental crime matters, such as Duty of Care waste offences, checking Waste Carriers' licensed and relating to private land, For example, accumulations of refuse such as black bags full of domestic waste and soft furnishings left on residential gardens or other privately owned land and overgrown gardens.
- 5.2.1.7. Statistical information provided by the Joint Waste Management Board relating to fly-tipping can be found in the attached Appendix B, providing a comparison of incidents across the Staffordshire County by number, size of load and type of waste.
- 5.2.1.8. To provide some additional context, statistics from the Local Government Association "LG Inform" benchmarking tool can be summarised as shown in the chart below, which suggest that fly-tipping is consistently below the average for local authority districts in the West Midlands region.

Number of fly tipping incidents (incidents) (from 2013/14 Q3 (Pre-release) to 2018/19 Q2 (Provisional)) for East Staffordshire & All local authority districts in West Midlands



Source:
Local Government Association

5.2.1.9. These various data sources relating to fly-tipping suggest that East Staffordshire fares favourably in comparison to its peers.

5.2.2. Public Spaces Protection Orders (Alcohol Free Zones)

5.2.2.1. Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

5.2.2.2. The Council is responsible for making a PSPO although enforcement powers are much broader. District councils take the lead in England with county councils undertaking the role only where there is no district council. The power is not available to parish councils and town councils in England.

5.2.2.3. There is test designed to be broad, and focus on the impact ASB is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

5.2.2.4. East Staffordshire Borough Council currently have two PSPOs in place, one for the [control of dogs](#) and one for the [consumption of alcohol](#). The area of focus within the scope of this review is the PSPO restricting the consumption of alcohol.

5.2.2.5. Under Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 the Council introduced Public Spaces Protection Orders, consolidating

the existing Alcohol Designation Orders regarding the restrictions on the consumption of alcohol in public places. In consolidating the existing orders, extension/changes to some of the current orders have also been made in the Anglesey area. The Orders prohibit persons from consuming alcohol in the Restricted Area and prohibited persons from acting in a manner that causes harassment, alarm or distress as a result of consuming alcohol within the restricted area.

5.2.2.6. A summary of their locations can be found in the table below (including links to relevant maps).

Ward	Details of Location
Anglesey	Anglesey proposed and existing
Barton	Collinson Park
Barton	Oak Road Shopping Arcade
Horninglow	Horninglow Basin
Rolleston	Elizabeth Avenue
Shobnall	The Link Park
Shobnall	King Edward Place
Stapenhill	Short Street
Stapenhill	The Green Brizlincote Valley
Winshill	Canterbury Road

5.2.2.7. Full [guidance on Public Spaces Protection Orders](#) has been published by the Local Government Association.

5.2.3. CCTV coverage and usage

5.2.3.1. CCTV cameras were first established in East Staffordshire in the mid 1990's to tackle car crime. Since then their use has evolved to address town centre violence, drunken and disorderly behaviour and anti-social behaviour. Presently the Council run and maintain 36 cameras in Burton and 15 in Uttoxeter with the situated in the town centres. Camera stocks have recently been modernised with 18 cameras upgraded and a further 6 relocated to Uttoxeter from Burton as these were more modern cameras. No current schedule is in place to replace any cameras in the near future as the Council believe all cameras are now up to date.

5.2.3.2. Transport for West Midlands was awarded the contract for monitoring the cameras which commenced in 2017. This is a 5 year contract with the

monitoring centre based in Birmingham. Camera maintenance is undertaken by Quadrant.

5.2.3.3. Trent and Dove also have their own CCTV and they have stated that they are currently reviewing their CCTV provision.

5.3. Partner roles in tackling ASB

5.3.1. Staffordshire Police

5.3.1.1. The Police were identified as a key partner in responding to ASB. On 26th October 2018 Cllr Wileman, accompanied by Michael Hovers, met with Chief Inspector Jason Nadine to discuss the Police Force's role in tackling ASB, the findings from this meeting are detailed below.

5.3.1.2. It was identified that CI Nadine is the Force thematic lead, and that public space violence can be linked to ASB. There is a three month plan that looks at trends and spikes e.g. school holidays.

5.3.1.3. The Police also have a repository for best practice from across the County that can be tapped into locally to look at performance and trends. For example, a recent increase in nuisance and annoyance is down to a change in force policy.

5.3.1.4. They also record statistics relating to crime and ASB, with some key points discussed in the meeting summarised as below:

5.3.1.4.1. ASB was up 3% (1,017 in last 12 months) across Staffordshire compared to the previous 12 months. This increase can be attributed to the hot summer weather and the impact of the football World Cup.

5.3.1.4.2. ASB in East Staffordshire is down 4% against the previous 12 months, however Begging and Vagrancy has increased. The main locations for ASB in the Borough are Burton Urban, Uxbridge and Uttoxeter Heath.

5.3.1.4.3. Anglesey has seen a 16% reduction in ASB this last 12 months compared with the previous 12 months.

5.3.1.4.4. Shobnall has seen a 4% reduction in ASB this last 12 months compared with the previous 12 months

5.3.1.4.5. Recorded crime overall in Staffordshire has not increased in the last 12 months compared with the previous 12 months, and crime in East Staffordshire has actually reduced by 4%.

5.3.1.5. Drug related ASB is the highest category in the Borough followed by rowdy and inconsiderate behaviour. The police are developing a town centre plan for Burton and Uttoxeter and identifying "red routes". Work plans for each are worked up for 3 months. This plan is based on a model of removing either the victim, offender or location.

5.3.1.6. It was also highlighted in the discussion that Police structures have recently changed. 11 Local Policing Teams (LPTs) have now reduced to 10.

Set across Staffordshire are 3 response teams, one of which is based in Burton. Police Officers can be deployed to Lichfield, Tamworth etc from Burton Police Station.

- 5.3.1.7. The Resolution Centre handles calls and carries out a THRIVE (Threat, Harm, Risk, Individual, Vulnerability, Expectation) assessment. This determines the response.
- 5.3.1.8. There is a Neighbourhood Policing Team, which is split between 24 officers with each ward having a Beat Manager. The Beat Manager reviews crime groups, county lines etc. The Ward team consists of Beat Manager, PCSO's, and Neighbourhood Officers.
- 5.3.1.9. Police Community Support Officers (PCSOs) are used across the Borough for intelligence gathering and community engagement. For example PCSOs attend Parish Councils and submit a form if unable to attend. A three month plan focuses on highest risk victims, offenders and locations. The dedicated Police ASB officer reviews all ASB crimes daily.
- 5.3.1.10. There is also Citizen Focus Toolkit (CFT) which helps manage feedback. This records officer actions and observations, and allows a problem profile to be created using the OSARA technique (Objective, Scanning, Analysis, Reaction, Assessment). This then allows for the creation of an action plan which is reviewed fortnightly. Monthly group meetings are held with Chief Inspector Nadine to review all action plans.
- 5.3.1.11. In terms of further initiatives for improvements, Chief Inspector Nadine is encouraging all councillors to get to know their relevant police sergeant (n.b. sergeants are based on demand not geographical area). The relevant sergeants are more fully aware of specific local issues, and it would be beneficial for more detailed local discussions to be held with Members to keep that ongoing dialogue.
- 5.3.1.12. The sub group members separately queried whether levels of social deprivation equate to higher levels of ASB in East Staffordshire or Staffordshire. The East Staffordshire Community Safety Strategic Assessment states that *“there is a strong correlation between deprivation and community safety for some crime types including ASB. ASB can affect almost anyone, however, what is seen as anti-social will vary from person to person, and the impact of such behaviours will also vary accordingly. Demographic characteristics such as; age, gender, educational attainment, school attendance levels, school exclusions, socio-economic status, experience of abuse, and experience of ASB within the family are all suggested factors. Where these factors are most prevalent within a population we can reasonably expect rates of ASB to be higher”*.

5.3.2. Trent and Dove Housing Association

- 5.3.2.1. Another identified key partner in responding to ASB is Trent and Dove Housing. On Thursday 8th November 2018 Cllrs Wileman, McGarry, Hussain, Walker and Killoran (supported by James Abbott) met with Emma Beeston-Bligh (Tenancy Enforcement Officer) from Trent and Dove Housing in order to gain an insight into the organisation's role in relation to ASB.

- 5.3.2.2. Members received an overview of the processes in place and it was noted that Trent and Dove work closely with the relevant ESBC departments where necessary (for example Environmental Health) in responding to ASB. It was also noted that Trent and Dove and ESBC both work closely with a range of relevant partners through the weekly hub meeting chaired by the Police through the Community Safety Partnership. This weekly meeting allows all partners (for example Fire Service, Mental Health Services, Social Care etc), including Trent and Dove and ESBC to come together and share information to provide timely and joined up responses to ASB. This forum provides opportunity for fact finding, identification of hot-spots and resolutions to potential issues.
- 5.3.2.3. The sub-group Members also received details of the procedures relating to the “Community Trigger”, which is if 3 separate incidents of anti-social behaviour have been reported within 6 months and the complainant does not feel they have been dealt with they can apply for a Community Trigger where the case is guaranteed to be reviewed when someone requests one and the case meets a locally defined threshold.
- 5.3.2.4. The Anti-social Behaviour, Crime and Policing Act 2014 was enacted on the 20th October 2014 and includes this new measure which is designed to give victims and communities a say in the way anti-social behaviour is dealt with. The Community Trigger gives victims the ability to require action starting with a review of their case.
- 5.3.2.5. It was noted that Trent and Dove record and analyse of relevant statistics relating to ASB to support their management of ASB issues. Their primary forms of ASB are noise nuisance, verbal abuse / harassment / threatening behaviour, drug / alcohol misuse and fly-tipping. They have a range of enforcement measures available to them. In the worst cases it can potentially result in eviction, however most disputes can be dealt with and resolved using a personal targeted approach. For example one-off instances of noise (such as a party), little can be done legally but Trent and Dove would liaise with the tenant to raise this as an issue. Ongoing noise would become a statutory nuisance.
- 5.3.2.6. The police / PCSOs and ESBC enforcement officers have different enforcement powers and work with Trent and Dove as appropriate. Trent and Dove can issue injunctions (including to private tenants) in cases of extreme behaviour, however the Council has other faster tools such as noise abatement notices. N.B. a full list of powers police, local authorities, NHS and social landlords can use to [deal with ASB is listed on the Council website](#).
- 5.3.2.7. Trent and Dove have a team of caretakers who are responsible for removing fly-tipping on Trent and Dove Land, and the cost for doing this lies with Trent and Dove.
- 5.3.2.8. They work jointly with the police on issues of ASB, for example they will liaise with PCSOs to look at hotspot areas.
- 5.3.2.9. Overall Members were reassured that Trent and Dove worked closely with partners where necessary and that relevant procedures were in place. However it was noted that the Community Trigger was not something that

Members were aware of, and that it would be useful to have information on that to assist their constituents as ASB is a common enquiry they receive.

5.4. **How are ASB responsibilities communicated?**

5.4.1. ASB can be reported to those below:

- Online to the Enforcement Team at the Council
- Local Councillor
- Staffordshire Police by telephone on 101
- Registered social landlords e.g. Trent and Dove

5.4.2. The relevant organisations all communicate specifically on issues relating to ASB.

5.4.3. The Borough Council has a wide range of information available [on its website](#). This includes information detailing the differences between Crime and ASB, details on how to report ASB and a list of useful Frequently Asked Questions. The Council's Community and Civil Enforcement Team hold a range of education and engagement initiatives across the Borough to highlight issues such as environmental crime.

5.4.4. Similarly, Staffordshire Police also have comprehensive information listed on [their website](#). The PCSOs also engage with parish councils and local people as necessary.

5.4.5. Trent and Dove also has comprehensive information [on its website](#) specifically relating to ASB including access to their policy.

5.5. **Summary**

5.5.1. Statistical information provided by the Police suggests that while ASB has recently increased across the County by 3% (attributable to a warm summer and the football world cup), overall ASB and crime in East Staffordshire have both decreased by 4%.

5.5.2. Similarly when analysing instances of fly-tipping the data available suggests East Staffordshire fares favourably in comparison to its peers

5.5.3. Having met with the range of partners, both internal and external, Members have seen that there are a wide range of procedures in place and tools available to the key stakeholders. Particularly there are comprehensive procedures in place through the Community Safety Partnership, backed up by the Community Trigger where if an individual thinks they are not listened to by the relevant authorities they can instigate an enquiry / review.

5.5.4. However Members highlighted that, while in their role as borough councillor they respond to a number of enquiries from constituents relating to ASB, there was limited awareness of these processes. It was also highlighted that the Council's Member Induction Programme does not include ASB as a specific item, although it is listed in the A-Z of Council Services issued to Members following Borough Council elections.

5.5.5. Therefore it is recommended that a briefing relating to ASB be undertaken, and training as part of the Member Induction Programme be offered to Members. In addition to this Members should be encouraged to make contact with the relevant local Police sergeant to ensure local issues are discussed.

6. Financial Implications

6.1. There are no financial issues arising from this report.

7. Background Papers

7.1. None.

8. Equalities and Health

8.1. **Equality impacts:** The subject of this Report is not a policy, strategy, function or service that is new or being revised. An equality and health impact assessment is not required.

8.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed.

9. Human Rights

9.1. There are no Human Rights issues arising from this Report.

10. Sustainability (including climate change and change adaptation measures)

10.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) **N/A**

11. Recommendations

11.1. That the Council consider arranging a Member Briefing with presentations from partners relating to ASB;

11.2. That the Council consider including ASB as a specific item in the Member Induction Programme;

11.3. That Borough Councillors make contact with their relevant Local police sergeant.

12. Appendices

12.1. Appendix A - Review Scoping Paper

12.2. Appendix B - Fly Tipping Information

Economic Growth, Communities and Health Scrutiny Committee

Review Scoping Document

Sub-group Review Subject

Anti-Social Behaviour (ASB)

Date Review Commenced

24th January 2018

Sub-group Members

Cllr C D Wileman (Lead)
Cllr S A Hussain
Cllr J A Killoran
Cllr S McGarry
Cllr P Walker
Cllr R A Johnston

Background

It was agreed at the EGCH Scrutiny Committee meeting held on 20th September 2017 that a sub-group consisting of the Committee Members listed above be established to review Anti-Social Behaviour. An initial sub-group meeting was held on 24th January 2018 to identify a specific scope for the review as collated by the sub-group.

Scope

This document has been compiled in order to provide a focus for this review, with the overarching objective of understanding the roles and responsibilities of the various agencies that may be involved in dealing with ASB and how residents are made aware of this, in addition to considering if operations could be delivered differently. This will be undertaken by analysing any policies and statistics available and identifying the specific roles and tools available to these agencies.

Please note that the information listed is not exhaustive and the sub-group is not limited to answering only the questions contained within this scoping paper, however additional considerations should be focussed within the general scope of the topic identified for review.

Key Considerations

1) Understanding the Council's Role in Relation to ASB

- a) How is ASB defined?
 - i) Differences between ASB, Crime and Environmental Crime
- b) What legislation is there in relation to ASB?
- c) What are the Council's responsibilities in relation to ASB?
- d) Is there a dedicated Council team responsible for ASB?
- e) How does the Council deploy its resources in relation to ASB?
- f) Does the Council have a policy in relation to ASB?
 - i) When is it due for review?
 - ii) Is it fit for purpose?
- g) What enforcement is available to the Council?
 - i) Are there measures to stop people using equipment inappropriately? For example, young adults sitting on children's play areas, therefore stopping children from using the equipment as intended.
- h) What is the Council doing in relation to environmental crime? For example littering, fly-tipping, dog-fouling etc.
- i) How many incidents of ASB are there within the Borough?
 - i) Is ASB categorised into different types of incident?
 - ii) Are there any statistics available?
 - iii) Are there any hotspots?

2) Understanding Partners' Roles in Relation to ASB

- a) What are the Police's responsibilities in relation to ASB?
 - i) In relation to ASB, what is the role of a PCSO and how does that compare to that of a police officer?
 - ii) How do the Police operationally deploy their resources in relation to ASB?
- b) Are there other partners that have a responsibility around ASB, and what is their role? For example Staffordshire County Council and Trent & Dove.

3) Communication of Responsibilities

- a) Is there any engagement / education with other organisations? For example, schools, colleges, licensed premises, fast food retailers.
- b) How do members of the public know which organisation to contact in relation to an incident of ASB?
- c) Can the Committee help people to understand the responsibilities of the different organisations and the definitions of ASB / Crime / Environmental Crime?

4) CCTV

- a) How can CCTV be used in relation to ASB?
 - i) Is there legislation that governs how CCTV can be used to prosecute littering, dog-fouling, fly-tipping etc
- b) How many cameras does the Council have?

- c) What are their locations?
- d) What is the condition of the Council's Cameras?
 - i) Is there a maintenance schedule?
- e) The review into CCTV undertaken by the Scrutiny (Protecting and Strengthening Communities) Committee in 2016 recommended that this subject be revisited.

5) Public Space Protection Orders (Alcohol Free Zones)

- a) Is there a problem with alcohol related ASB in the Borough?
- b) Are PSPOs effective?
- c) How are PSPOs enforced?
 - i) Do the agencies responsible for enforcement have sufficient resource to enforce effectively?

Key Stakeholders

Police
Staffordshire County Council
Trent & Dove