

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO**

**Health Wellbeing and Partnerships Scrutiny Committee**

**07 June 2021**

**Report Title:** Anti-Social Behaviour Update

**Submitted by:** Portfolio Holder for Community Safety and Wellbeing

**Portfolios:** Community Safety and Wellbeing

**Ward(s) affected:** All

**Purpose of the Report**

This report seeks to provide a further update to the Scrutiny Committee on current anti-social behaviour demand and the initiatives coordinated by Newcastle Borough Council for those both engaging in and/or affected by anti-social behaviour (ASB) in the Borough.

**Recommendation**

That the Scrutiny Committee consider the information presented and raise questions as appropriate.

**Reasons**

The Scrutiny Committee requested an update report on ASB in the Borough and in particular covering the following –

- ASB demand in the Borough
- How ASB is being dealt by the Council at identified hotspot locations, including the use of diversionary and/or enforcement activities for those engaging in ASB.
- If there has been any impact of disruption to ASB related services for children and young people caused by the pandemic.

1. **Background**

- 1.1 Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery. These range from litter and vandalism, to public drunkenness or aggressive behaviour, to noisy or abusive neighbours. Such a wide range of behavior's means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords. The ASB Policy and Procedure 2020 defines Newcastle-under-Lyme Borough Council's approach to tackling ASB, in partnership with other statutory agencies.
- 1.2 The legal definition of ASB can be found in Section 2 of the Anti-social Behaviour, Crime and Policing Act (2014); *"conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or 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..."*
- 1.3 Types of ASB and/or nuisance may include (but not limited to);
- Misuse of public spaces
  - Rowdy, aggressive or threatening behaviour or language
  - Property damage and vandalism
  - Repeat verbal or written abuse, intimidation, harassment or threats

- Acts of violence
  - Hate crime
  - Anti-social behaviour as a result of misuse of drugs or alcohol
  - Off road riding of motorbikes or mopeds.
  - Repeat noise nuisance
  - Environmental issues including fly-tipping, vandalism, dog fouling.
- 1.4 The Anti-social Behaviour Crime and Policing Act 2014 introduced a number of tools for tackling ASB, as well as deleting some previously used tools, such as Anti-social Behaviour Orders (ASBOs), which were no longer deemed to be effective.
- 1.5 Officers from the Partnerships Team worked with colleagues in Environmental Health services and with a number of other partners to produce an ASB Policy and accompanying Procedure, in order to outline the Council's approach to tackling ASB and to make the best use of the powers available from the 2014 Act.
- 1.6 The Council's Partnerships Team has responsibility for community safety and related partnership work within the Newcastle Partnership and administers the Community Safety Partnership (CSP) to discharge statutory obligations, including ASB powers.
- 1.7 The Council's Environmental Health service has responsibility for discharging the Council's statutory duties – including dealing with complaints/enquiries regarding licensing, noise and other nuisances, dog controls, inappropriate storage of trade waste, litter enforcement, and as such often works alongside the Partnerships Team on issues affecting both service areas.
- 1.8 The Council's Legal service provides advice and assistance in relation to ASB and Environmental Health including the enforcement of civil proceedings with both the Partnerships Team and Environmental Health service.
- 1.9 The Council works with a variety of partners in preventing and tackling ASB. By working together as a Partnership, they seek to ensure the community is safer and stronger. The partners bring a range of expertise, experience and additional powers that when collaborated, can assist in resolving issues more effectively. As part of this collaborative approach an information sharing protocol has been developed to ensure that appropriate information flows between partners quickly to expedite the resolution of the issues.
- 1.10 There are also a number of formal mechanisms with partners in place to manage ASB and associated activity, including;
- The Joint Operations Group
  - The ASB and Early Intervention Case Conference
  - Partnership Vulnerability Hub
  - Multi Agency Child Exploitation (MACE) Panel

## 2. **Local demand snapshot**

- 2.1 **Total number of new ASB cases** received in 2020/21 = **461** (increase of 26% when compared to last financial year 2019/20 = 342).
- 2.2 There were also the following enforcements issued during 2020/21;
- Community Protection Warnings = 29
  - Community Protection Notices = 21
  - Fixed Penalty Notices issued for breaches of Community Protection Notices = 13

- 2.3 There were 100 young people referred to the monthly ASB and Early Intervention Case Conference over a 12 month period and managed throughout the year.
- 2.4 Of the total ASB complaints received and cases opened in 2020/21, these can be broken down into the following Locality Action Partnership (LAPs) areas for the Borough;

AREA	Totals
AUDLEY	14
BETLEY, KEELE & MADELEY	6
BUTT LANE & TALKE	14
EAST NEWCASTLE	112
CHESTERTON	45
KIDSGROVE	41
NEWCASTLE RURAL	2
NEWCASTLE SOUTH	186
PARTNERSHIP OF WESTERN COMMUNITIES	41
<b>TOTAL</b>	<b>461</b>

- 2.5 The total ASB complaints received are broken down into the following ASB type;

ASB TYPE	Totals
General Nuisance	175
Neighbour Dispute	1
Neighbour Nuisance	61
Threatening Behaviour/assault	6
Intimidation	5
Motorbike nuisance	8
Suspected Drug Activity	22
Rubbish/Fly tipping	11
Gang nuisance	55
Fires	8
Trees	1
Nuisance/Dogs	2
Noise	21
Racism	5
Vandalism/Graffiti/Damage	10
Parking issue	5
Vulnerability	1
Park Nuisance	3
Nuisance/E-scooters	3
Nuisance/CPNW	22
Nuisance/Travellers	2
Nuisance/Rough Sleepers	13
COVID 19 Breach	21
<b>TOTALS</b>	<b>461</b>

### 3. **Local Arrangements to Deal with ASB and Local Authority Powers**

- 3.1 Dealing with ASB can be complex. Information, support and low level interventions to tackle the causes of ASB at an early stage are as important as effective case management and timely enforcement action. The majority of complaints can be resolved through early intervention methods and these are considered with the complainant during the initial contact risk assessment with the emphasis on stopping bad behaviour before it escalates. Legal action will usually be approved where all early interventions have failed or the ASB is serious enough to warrant such action and it is proportionate to take further action.
- 3.2 Effective case management underpins the successful resolution of ASB. This starts from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims, whose complaints form the basis of any action, are the main consideration at every stage of the process. The Council will use its electronic case management systems, relevant to the department leading the response to the case, to keep a full and accurate record of the initial complaint and any subsequent actions, communication and outcomes connected to it.
- 3.3 Assessing the risk of harm and effectively safeguarding the victim is also an important part of case management. It is important to identify the impact ASB is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. A continuous and detailed risk assessment helps to identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of ASB against the victim.
- 3.4 The Partnership will agree timescales and create an action plan for responding to each reported case of ASB. It will also support victims of ASB throughout the case working alongside partners to ensure that any support needs are met via a victim centred approach (e.g. Victims Gateway, Challenge North Staffs). Criminal activities reported to the Council are promptly disseminated to the Police to maximise opportunities to achieve multi-agency cooperation. The case is fully investigated in accordance with relevant legislation.
- 3.5 The Council and Partners use the following tools to address low level incidents of ASB;
- Diversionary Activities
  - Community resolutions / mediation
  - Target Hardening and safer by design tactics
  - Verbal and Written Warnings
  - Acceptable Behaviour Contracts / Parenting Contracts
  - Community Protection Notice Warnings
- 3.6 The Council and Partners use the following formal / legal action to address more serious incidents of ASB;
- Civil Injunctions
  - Criminal Behaviour Orders (CBO)
  - Community Protection Notices (CPN)
  - Public Spaces Protection Orders (PSPOs)
  - Closure Orders

#### 4. **Issues for consideration**

##### 4.1 **Effects of COVID**

- 4.1.1 The impact of the COVID-19 pandemic has impacted those affected by ASB nationally, regionally and locally. Services have retained their front door to victims of ASB and their families and action against perpetrators have continued. In response to the first national lockdown early in Spring 2020, Newcastle-under-Lyme began to see an increased number of ASB complaints, specifically neighbour disputes, it is thought that the reasoning behind this is that more people were residing within their residential properties and community tensions heightened due to no other distractions.
- 4.1.2 Partners from across the area including all service providers, Police, housing, social care, community safety and health continued to meet weekly to examine the trends around ASB. Other partners also reported increased ASB complaints reported, in particular neighbour dispute complaints. A further trend was a decrease in ASB complaints relating to congregations, intimidation and anti-social behaviour in outdoor spaces, it is thought that this is due to the national and local restrictions of the 'stay at home' government direction.
- 4.1.3 The Borough Council ensured that support was in place for any vulnerable residents throughout the pandemic and this was true to the case of individuals who fell victim to ASB. Coordinated multi agency support was progressed and offered throughout. Meetings that would have been had in 'normal' setting throughout the pandemic have remained consistent and have continued through the use of Microsoft Teams and virtual meetings and contact via email letters and telephone contact continued as normal.
- 4.1.4 Throughout the Covid19 pandemic the Borough Council like many other regions saw a number of households dismissing the covid19 restrictions and guidelines and continuing to socialise and also in some cases engage in ASB. These individuals were issued with Partnership advisory letters created between the Borough Council, Police and other partners such as participating social landlords. If ignored the community protection legislation was initiated by the Council and this has now seen numerous individuals issued with both warnings, notices, fines and court prosecutions. Numerous individuals have also been excluded from certain areas of the Borough, most commonly Newcastle town centre.

##### 4.2 **Delivery of Diversionary activities**

- 4.2.1 Diversionary activities have not been able to be progressed as readily as in previous years due to the restrictions following the Covid19 pandemic. Some have not been able to go ahead at all due to the government restrictions to keep everybody safe and for those that have been delivered, the majority has been on a virtual engagement basis over the internet. This has seen numerous younger people not been able to engage in activities so the outcomes that had previously been achieved for positive social interaction, control, healthy activities through sport, teamwork etc. haven't be achievable.
- 4.2.2 The Borough Council is keen to reintegrate activity where possible and are currently in conversations with other partners to look to introduce the SPACE scheme to Newcastle under Lyme in readiness for Summer 2021, subject to health and safety guidance and taking the relevant precautions to keep participants safe and well.
- 4.2.3 The Council is also working with local schools and the County Council to develop a range of complementary activities for delivery throughout the remainder of the year to encourage young people into meaningful engagement and development opportunities.

### 4.3 **Implementation of CCTV**

4.3.1 Over the last 12 months, Newcastle Borough Council have commissioned and mobilised a new CCTV system into Newcastle Town Centre, delivered by Stoke-on-Trent City Council, which provides 24/7 monitoring and is linked directly to the Newcastle Local Policing Team. This has proved to be extremely beneficial in the reactive detection of ASB and other town centre crime, including licensing offences and business crime, because of the proactive nature of the service. Further to this project the Council are also further refining and enhancing the coverage in the town centre by coordinating a programme of works to install further CCTV cameras around subway locations to contribute to improving fear of crime. There are also other areas of the Borough that are being considered for further CCTV, subject to being able to identify external funding and Officers are assisting a number of Stakeholders to develop proposals lawfully.

### 4.4 **Substance Misuse, Mental Health, Homelessness and ASB**

4.4.1 As reported to HW& P Scrutiny Committee last year, the Council's Partnership Team have been actively working with the Housing Team and other partners including the Rough Sleepers service, delivered by Brighter Futures, to tackle perceived issues of ASB involving customers with complex needs e.g. substance misuse, homelessness and mental health.

4.4.2 The Council is committed to working with partners to reduce ASB and improving the quality of life for local people and reducing crime and fear of crime within our communities. It is acknowledged that the issues of street drinking, begging and rough sleeping are perceived as a problem by some residents but they are extremely complex to resolve. Through the work with partners, many people found to be causing problems have complex needs including mental health and substance misuse but are reluctant to engage with specialist services.

4.4.3 The Council is continuing to actively work with partners to ensure that appropriate support can be provided to those individuals identified but where support is refused and individuals continue to behave in an anti-social manner, enforcement action will be taken by the Council and our Police colleagues.

4.4.4 Over the last 12 months, the Borough Council has had a noticeable increase of complaints relating to those street drinking and displaying rowdy and disruptive behaviour. Enforcement action has been initiated in a small number of cases against individuals persistently causing ASB for other town centre users, however this activity is used a last resort, when all other attempts to engage and support have been exhausted, with partners to consider any presenting factors including substance misuse, mental health, welfare concern, benefits and access to accommodation.

## 5. **Legal and Statutory Implications**

5.1 The Anti-social Behaviour, Crime and Policing Act (2014) places statutory duties on and gives powers to local authorities in challenging ASB in the community.

5.2 The application of any enforcement powers under the Act will also take into account any statutory guidance / regulations and will reflect the requirements of the Act and the Council's adopted Enforcement Policy.

5.3 The Council's scheme of delegation gives clarity and legal certainty over who is able to exercise the various powers within the Act which fall within the remit of the Council.

## 6. **Equality Impact Assessment**

- 6.1 An Equality Impact Assessment has been developed for the Borough Council's ASB Policy and is available on request.

## 7. **Financial and Resource Implications**

- 7.1 The Borough Council commits resources from the Partnerships Team to co-ordinate ASB activity and enforcement with internal colleagues and external partners in the Borough.
- 7.2 Enforcement of the ASB legislation is predominantly civil and it is anticipated that this may therefore have financial implications for the Council in terms of increased legal costs. Any potential increase is unknown at this time but Officers will provide further information when available. In the short term this will be managed by existing resources but kept under review.

## 8. **Major Risks**

- 8.1 If the Borough's ASB response is inadequate and/or does not have enough capacity, the ability to undertake early intervention and preventative work with partners and/or enforcement activity, increases the risk of more incidents of ASB in the Borough.
- 8.2 Failure to take appropriate action regarding the use of ASB powers and legislation may result in the Council being unable to perform its statutory duties, leaving the Council open to legal challenge.
- 8.3 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

## 9. **UN Sustainable Development Goals (UNSDG)**

- 9.1 N/A

## 10. **Key Decision Information**

- 10.1 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
  - To be significant in terms of its effects on communities living or working in an area comprising two or more electoral wards in the Borough.

## 11. **Earlier Cabinet/Committee Resolutions**

- 11.1 Anti Social Behaviour Policy and Procedure - January 2020

## 12. **List of Appendices**

- 12.1 N/A

## 13. **Background Papers**

- 13.1 N/A