

<b>WARDS AFFECTED: ALL</b>	<b>ITEM No.</b>
<b>REPORT OF: Anti Social Behaviour Overview Project Group</b>  <b>CONTACT OFFICERS: Rachel Henry – Anti Social Behaviour Manager</b> <b>Leigh Webb - Democratic Services Officer</b>	
<b>TITLE: FINAL REPORT – March 2013</b>	

## **1.0 INTRODUCTION FROM THE CHAIR – COUNCILLOR HENEGHAN**

- 1.1 This report is the result of a detailed review into the current initiatives, partnership working arrangements and implications of upcoming national legislation in respect of anti-social behavior (ASB) in the borough
- 1.2 The review process has involved receiving evidence from the Police, Six Town Housing and Council staff to analyse the work undertaken and the processes in place to actively tackle and reduce the incidence of anti-social behaviour in Bury.
- 1.3 I would like to thank Officers and Elected Members of the Group for their support in this process and for their attendance at meetings and input into the work of the Group.

## **2.0 PURPOSE OF REPORT**

- 2.1 To inform Members of the Overview and Scrutiny Committee of the work, findings and recommendations of the Anti-Social Behaviour Overview Project Group.

## **3.0 BACKGROUND**

- 3.1 Following a request from the Overview and Scrutiny Committee, the Project Group was set up to examine the issue of anti-social behavior in the Borough. During initial considerations the Group recognised the potential wide-ranging scope of such a review and the need to involve partner organisations

- 3.2 The Membership of the Group originally comprised of Councillor Heneghan (Chair), Councillors M Bailey, Briggs, Jones, O'Hanlon, Taylor and Wiseman.
- 3.3 The Project Group was delegated to agree its own project plan which is set out at Appendix 1 to the report. The focus of the Review to date has included:
- Examination of the Council's approach to dealing with anti social behaviour including the work currently undertaken to respond in a proactive and effective manner.
  - Analysis of current interventions
  - Examination of current partnership arrangements.
  - Consideration of statutory responsibilities and resource allocation in respect of ASB.
  - Analysis of incidences of ASB in Bury and comparable data from neighbouring authorities.
  - Scrutiny of the Council's Draft Anti Social Behaviour Review.
  - Early consideration of the potential implications arising from recent national legislation.
  - Examination of budget and resources issues faced by the service

#### **4.0 CURRENT STRUCTURE**

- 4.1 The current structure of the anti-social behaviour (asb) service in Bury Council comprises of 2 full time Case Workers who deal with complaints from non council house tenants (primarily home owners and private renters). The Case Workers are managed from the Council's Communities Section but co-located with Six Town Housing Anti-Social Behaviour Team who deal with anti-social behaviour complaints from their tenants. The Six Town Housing team comprises of 5 Case Workers and 2 Enforcement Officers plus a Team Leader.
- 4.2 The Council's in house response has been dependant on grant funding since the appointment of the Case Workers in 2007. These posts are currently funded until 31<sup>st</sup> March 2014.
- 4.3 Environmental Services currently employs 3.5 full time equivalents in the pollution team. Three of these officers have expertise in dealing

with noise complaints and qualifications in acoustics. Plan for change 2 has imposed large savings targets for environmental services and after June 2013 this team will decrease to 1.5 full time equivalent. The immediate capacity issue this will create will be addressed by sharing the pollution complaints across the wider environmental services team but the loss in expertise will take time to rebuild through training and experiential learning.

#### 4.4 Local commitments

- Under the 'supporting our most vulnerable residents' objective of the Corporate Plan 2012-15, the Council is committed to making a difference for people who need extra support and safeguarding.
- The Plan for Change also makes a pledge to support our most vulnerable residents
- Bury's Community Strategy 2010 – 2018 states: Our ambition for 2018: An Area Where People Feel Safe and Secure. Within this is a commitment to deal effectively with anti-social behaviour.

### **5.0 METHODOLOGY**

5.1 As part of the review the Group interviewed/took evidence from:

David Fowler – Head of Communities  
Rachel Henry – ASB Manager  
John Merrick – Six Town Housing  
Inspectors Bryn Williams and Grant Adams – Greater Manchester Police  
Lorraine Chamberlin - Head of Environmental Protection, Bury Council

5.2 The Group considered the following documents:

- White paper, 'Putting victims first - more effective responses to anti-social behaviour' and Draft Bill
- Draft Review of Anti-Social behaviour (Bury Council)
- Six Town Housing Anti-Social Behaviour Report

### **6.0 STATISTICAL INFORMATION**

#### 6.1 Council

In 2011/12 the Council's ASB Case Workers dealt with 126 complaints of asb.

Further analysis of the most prevalent category, harassment and intimidation, shows that 12 of the cases concerned youths being rowdy, abusive and intimidating outside homes, shops or garages. 16 were harassment by neighbours predominantly threats and verbal abuse over a range of over a range of issues.

Of the 32 complaints, 17 were reported direct from the public, 6 were referred by the Police, 3 by Environmental Services, 5 by Six Town Housing and 1 by Victim Support.

The demand for the Council's ASB service is increasing. In this current financial year we had dealt with 108 complaints at the half way point in the year.

Pollution Section dealt with 441 cases of domestic / residential noise in 2011/12.

There were 18 cases dealt with by the Case Workers in 2011/12 which contained elements of noise alongside more general anti-social behaviour.

## 6.2 Police ASB Calls for Service

Calls for service to the Police have reduced substantially in recent years. In 2007/08 there were 12,858 logged in Bury. By 2010/11 it had fallen to 8756 and by 2011/12 to 8,016. The volume contributor is 'rowdy and inconsiderate behaviour' which accounted for 3828 of the reports in 2011/12. However the number of these complaints is declining year on year (down from 4280 in 2010/11) whereas the number of neighbour disputes is rising (from 1228 in 2010/11 to 1338 in 2011/12). This is reflected across Greater Manchester and also in the types of cases being dealt with by the Council Case Workers.

## 6.3 Six Town Housing

Six Town Housing dealt with 595 cases of anti-social behaviour in 2010/11. They currently have 158 live cases, two thirds of which are in the townships of Radcliffe and Bury East. 60% of Six Town Housing's current case load concerns noise. The Council Environmental Services have statutory responsibilities relating to noise nuisance but, due to capacity, they don't routinely exercise these powers in relation to Six Town Housing properties.

## SUPPORTING COMMUNITIES IMPROVING LIVES (SCIL)

This is a central government supported 3 year programme to improve outcomes and reduce the cost to the public purse of families with

complex needs. One of the key features of these families is involvement in anti-social behaviour and reducing anti-social behaviour incidents perpetrated by family members will result in payment by results to the Council. ASB services in Bury are committed to supporting this agenda.

## **7.0 CHANGES IN LEGISLATION**

- 7.1 The Government has recently published a draft bill proposing changes to the tools and powers available to the Council, Police, housing providers and other agencies to deal with anti-social behaviour. This will reduce and simplify the asb powers. The Bill is subject to pre legislative scrutiny so may be subject to changes but the main details are outlined below:
- 7.2 Section 1 Anti-Social Behaviour Orders to be replaced by Crime Prevention Injunctions which will have a lower burden of proof (balance of probabilities rather than beyond all reasonable doubt) and can be used for less serious behaviour (nuisance or annoyance rather than harassment, alarm or distress). They can also contain positive requirements as well as prohibitions.
- 7.3 ASBOs on conviction will be replaced by Criminal Behaviour Orders. Again, they can contain positive requirements as well as prohibitions.
- 7.4 10 measures to address place based anti-social behaviour and environmental crime including Clearing Notices, Designated Public Place Orders, Gating Orders and Closure Orders will be replaced by Community Protection Notices and Public Space Protection Orders. They will not replace the statutory nuisance powers.
- 7.5 Each Policing Area must prepare a Community Remedy Document in which they will consult victims and the public on the menu of sanctions available for those committing low-level crime and anti-social behaviour.

The Bill introduces a 'Community Trigger' which is a mechanism for victims of persistent anti-social behaviour to request that relevant bodies undertake a review of the case.

- 7.6 The Group acknowledges that the impact of the forthcoming welfare reforms is currently unknown but the potential consequences linked to the changes in people's financial circumstances.

## **8.0 ACHIEVEMENTS**

8.1 The group recognises the good partnership working currently undertaken in Bury to address anti-social behaviour. Six Town Housing and Council Case Workers work closely with each other as well as the Police and other agencies to resolve cases including carrying out joint visits and warnings, making referrals to support agencies and making full use of the different tools and powers available to agencies to deal with asb.

8.2 Partnership initiatives include:

Local Partnership meetings in Radcliffe, Prestwich, Whitefield and Bury East

Bsafe BCool (involving most year 9 pupils in the borough)

Operation Treacle (targeting asb during half term / Halloween and Bonfire night period)

Safe4Summer

Private Landlords Support Scheme

Housing Association Liaison Group

Place of Safety initiatives (supported by Bury East Alcohol Prospectus money)

Active Bury Communities Group and FAB activities (take place every Friday night at Close Park and Saturday night at Manchester Road Park)

Mediation Project

Community driven prevention and clean up initiatives

## **9.0 PROCEDURES FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR COMPLAINTS**

9.1 The group found that, despite these examples of good practice, partnership working was often informal rather than integrated into the structures for dealing with anti-social behaviour and that processes for managing cases and addressing the risk of harm to vulnerable and repeat victims needs to be more formalised.

- 9.2 The group also identified issues with the way asb calls were handled at point of contact. Surveys conducted to inform the 2010 ASB Service Review found that over half of respondents had to report their asb incident more than once and 37% were dissatisfied with the way their calls were dealt with. There was also a lack of consistency in the way that complainants were dealt with depending on the type of anti-social behaviour. ASB covers a wide range of activities, which are dealt with by different external agencies and departments within the Council, each with their own service standards and procedures. This can lead to confusion for complainants especially if their complaint involves, for example, noise which would be dealt with by Environmental services and verbal abuse which would be the anti-social behaviour case workers. The private asb service doesn't benefit from a scripted process with the call centre unlike most other council services and calls between the council and Six Town Housing are often passed back and forth before any details are logged.

## **10.0 DEFINING ANTI-SOCIAL BEHAVIOUR**

- 10.1 The tenancy agreement establishes clear parameters for what Six Town Housing asb team deal with (they can only act where there is a breach of this agreement). The council employed case workers do not have these parameters and the legal definition of 'behaviour that causes or is likely to cause harassment, alarm or distress' is quite subjective. Some of the complaints reported to the Council as 'anti-social behaviour' fall far outside our statutory responsibilities under the Crime and Disorder Act and the remit of the tools we have at our disposal. Neighbour disputes reported to both the council and police are rising however there is often no clear perpetrator and they are not suitable to be addressed by punitive measures, such as warnings under the Anti-Social Behaviour Act or Acceptable Behaviour Contracts. It is difficult for the case workers to provide resolution to these cases and their involvement can sometimes worsen the situation. At present the Council employed case workers attempt to resolve these issues however they can be very time consuming which impacts on the service they can provide to other complainants.
- 10.2 Six Town Housing has a Service Level Agreement with Manchester Mediation to address neighbour disputes however this is very expensive and underused. The Council set up a service in partnership with Irwell Valley and Contour Homes to provide in house mediation in February 2009 however this has floundered recently due to staff changes, reductions in community safety funding and the requirement for further training.

## **11.0 ADDRESSING VULNERABILITY**

- 11.1 The 2010 ASB Review includes details of the tragedies linked to anti-social behaviour in recent years, notably Fiona and Francessca Pilkington in Leicester in 2009 and David Askew in Tameside in 2010. The Independent Police Complaints Commission and Coroners reports in both these cases have recommended Councils and Police have effective systems in place to share information and manage the risk to repeat or vulnerable victims.
- 11.2 Under Operation Gabriel the Police introduced a risk assessment matrix to identify vulnerable victims but much of the risk management of these cases is done informally between agencies and Bury does not have a multi agency risk assessment process to manage anti-social behaviour in the way it does for domestic Violence (the MARAC). The new policing model, to be implemented in Bury on 12<sup>th</sup> March 2013, will introduce a new robust police case management system for people reporting crime and anti-social behaviour.

## **12.0 RECOMMENDATIONS**

### **Recommendation 1**

That representations be made to the Police and Crime Commissioner (PCC) in relation to the need for sustainable support for ASB over a 3 year budgetary period. In addition, that Bury CSP bids in to the fund controlled by the PCC that is currently unallocated to support initiatives to drive down ASB in Bury.

#### Reason for recommendation

The Group notes that the current level of staffing for ASB caseworkers is dependent on grant funding and believe this staffing level to be the minimum required to meet the Council's responsibilities in respect of ASB. Furthermore, the Group believes that a 3 year funding agreement would allow for a more planned, sustainable approach to tackling ASB in the Borough.

### **Recommendation 2**

To develop a detailed definition of anti-social behaviour and levels of service for complainants taking account of the statutory responsibilities and financial constraints of the Council. This will include self help advice when complaints do not fall into this definition of asb.

#### Reason for recommendation

This would enable the Council to manage the expectation and provide clarification of the level of service the Council is able to provide in all types of asb cases. This would prevent the Case Workers from becoming embroiled in



difficult to resolve issues which anti-social behaviour legislation is not designed to address.

### **Recommendation 3**

To achieve consistency in the reporting mechanisms and criteria across the different partner organisations and a more straightforward customer journey when a complaint is made, including a 'no wrong door' policy between the Council and Six Town Housing for taking and logging complaints.

To examine and explore the options around the role of the 24 hours call takers at Bradley Fold in responding to people reporting asb to the council out of hours. The out of hours number is currently displayed on signage in parks and schools for use in emergencies and is used by people to report anti-social behaviour on or affecting council property.

#### Reason for recommendation

Achieving consistent processes would give complainants the sense that they were dealing with one asb service even though this isn't actually the case. It would increase customer satisfaction and confidence and prevent duplication.

### **Recommendation 4**

Develop a risk assessment process with pathways into support agencies to ensure vulnerable victims do not come to harm as result of anti-social behaviour.

#### Reason for recommendation

A formal process to safeguard vulnerable people in Bury similar to what has been adopted in other parts of greater Manchester and to the domestic violence MARAC model would enhance the Police's tactics under the new policing model, ensure all agencies with a role to play in protecting vulnerable people are signed up and committed and help meet the objectives of the SCIL agenda.

### **Recommendation 5**

To develop mediation services available to private residents of the borough, to help resolve the rising number of neighbour disputes being reported to agencies. Explore services and methods used by other agencies to determine the best type of service for Bury.

#### Reason for recommendation

Mediation has been proven nationally to be a highly effective tool in resolving neighbour disputes. A universal, cost effective and well promoted mediation service would enable all agencies to offer this as a solution to complainants

of neighbour disputes. It could be made clear in certain cases that this is the only service that is available to try and resolve their issues. Mediation can also help resolve anti-social issues between families with complex needs and their neighbours.

### **Recommendation 6**

Allow Six Town Housing ASB staff enhanced access to noise abatement powers. The most effective way of achieving this would be by having a multi-skilled co-located team. The team could have the capacity to work from a number of locations under agile working arrangements.

#### Reason for recommendation

Noise Abatement powers, available only to the Local Authority, can often prove more effective in dealing with noise than using tenancy powers alone and the Council has a statutory obligation to exercise these powers in relation to all properties within the borough. However due to capacity they are not able to routinely do this regarding Six Town properties. A more integrated team would not only enable these powers to be used in relation to Six Town Housing properties, it would also facilitate more integrated working and information sharing on cases concerning more than one agency.

### Recommendation 7

That, subject to the approval of the recommendations set out above, an action plan be developed, with lead officers appointed and timescales set, to deliver the agreed actions

#### Reason for recommendation

To ensure the recommendations of the Group are successfully implemented.

## **13.0 CONCLUSION**

The Council ASB Service deals robustly with anti-social behaviour complaints and has strong working links with the Police, Six Town Housing, Environmental Services and support agencies. There are policies and procedures in place to guide staff on using the tools and powers available to address asb complaints. However procedures and the strategy that underpins them need updating to reflect recent and forthcoming changes in asb tools and powers, partnership structures and the supportive and preventative services.

**List of Background Documents:**

White paper, 'Putting victims first - more effective responses to antisocial behaviour' and Draft Bill  
Draft Review of Anti Social behaviour (Bury Council)  
Six Town Housing Anti-Social Behaviour Report

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## Appendix 1

<p><b><u>Review Topic</u></b> (name of review)</p>	<p><b>Anti Social behaviour</b></p>
<p><b><u>Councillor Involvement</u></b> (names of Cllr involved)</p>	<p>Councillors Heneghan (Chair); M Bailey; Briggs; Jones; O’Hanlon; Taylor; and Wiseman</p>
<p><b><u>Officer Support</u></b> (names of Officer required)</p>	<p>David Fowler (Head of Communities) Leigh Webb (Democratic Services Officer)</p>
<p><b><u>Rationale</u></b> (key issues and/or reason for doing the Review)</p>	<p>Group appointed to carry out the review by the Overview and Scrutiny Committee.</p> <p>The outline scope of the review is to look at current initiatives; partnership working arrangements; and the implications of upcoming national legislation.</p>
<p><b><u>Purpose of Review/Objective</u></b> (Specify actions)</p>	<ul style="list-style-type: none"> <li>• Examine the Council’s approach to dealing with anti social behaviour including the work currently undertaken to respond in a proactive and effective manner.</li> <li>• Analyse current interventions</li> <li>• Receive an overview of current partnership arrangements.</li> <li>• Consider statutory responsibilities and resource allocation in respect of ASB.</li> <li>• Receive a breakdown of incidences of ASB in Bury and comparable data from neighbouring authorities.</li> <li>• Scrutinise and have input into the Council’s Draft Anti Social Behaviour Review.</li> <li>• Look at implications arising from potential future national legislation</li> </ul>

	<ul style="list-style-type: none"> <li>Examine budget and resources issues faced by the service</li> </ul>
<p><b><u>Indicators of Success</u></b> (What factors would indicate that a Review has been successful)</p>	<ul style="list-style-type: none"> <li>Cross party consensus on the key areas for consideration</li> <li>Member confidence that the key areas set out above have been thoroughly considered and evaluated by the Group</li> <li>Contribution and input into the Council's Anti Social Behaviour Strategy</li> <li>Member confidence in the council's approach to tackling anti social behaviour</li> <li>Any gaps are identified and recommendations made to the Cabinet.</li> </ul>
<p><b><u>Methodology/Approach</u></b> (what types of enquiry will be used to gather evidence and why)</p>	<p>Receive background policy/strategy reports Statistical information Interviews with relevant partner organisations and staff</p>
<p><b><u>Specify Witnesses/Experts</u></b> (who to see)</p>	<p>David Fowler – Head of Communities Rachel Henry – ASB Manager John Merrick – Six Town Housing Supt Mark Granby – GMP Lorraine Chamberlin - Head of Environmental Protection</p>
<p><b><u>Specify Evidence Sources For Documents</u></b> (which to look at – national and local)</p>	<p>White paper, 'Putting victims first - more effective responses to antisocial behaviour' Draft Review of Anti Social behaviour (Bury Council)</p>

<b><u>Specify Site Visits</u></b> (where and when)			
<b><u>Meeting Dates:</u></b>		27.09.2012 01.11.2012 (5pm) 22.11.2012 (5pm)  (future dates tba)	
<b><u>Publicity Requirements</u></b>		Key findings and recommendations will be made public through Council Website /press release	
<b><u>Resource Requirements</u></b> (people, expenditure)		Officer time – preparation of reports/ attendance at meetings	
<b><u>Barriers/dangers/risks/etc</u></b> (identify any weaknesses and potential pitfalls)		Budgetary restraints of the Council and Partner Organisations	
<b>Projected start date</b>	27.09.2012	<b>Projected completion date</b>	Jan 2013