

REPORT FOR DECISION



DECISION OF:	Cabinet
DATE:	13 April 2016
SUBJECT:	Anti-social Behaviour Progress Update and Revised Statement of Policy and Procedure
REPORT FROM:	Councillor Tamoor Tariq – Lead Member for Community Safety
CONTACT OFFICERS:	Cindy Lowthian, Communities Manager Rachel Henry, Anti-social Behaviour Co-ordinator
TYPE OF DECISION:	EXECUTIVE - KEY DECISION
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>This report outlines the work undertaken to tackle anti-social behaviour (ASB) in the Borough following implementation of the Ant-social Behaviour, Crime and Policing Act, 2014.</p> <p>It includes the findings of an independent evaluation of the JET; a multi- agency team established to test integrated working principles and improve information sharing, problem solving and responses to victims and perpetrators of ASB.</p> <p>It seeks approval for a revised statement of policy and procedure in relation to ASB.</p> <p>It also seeks approval to a number of recommendations to ensure the Council is able to continue to develop a response to ASB within the capacity and resources available to local agencies.</p>

<p>OPTIONS & RECOMMENDED OPTION</p>	<p>Option 1 (preferred): It is recommended that:</p> <ul style="list-style-type: none"> (a) Progress in relation to the implementation of the new tools and powers, including the role of the Joint Engagement Team, is noted. This includes the Cost Benefit Analysis undertaken by New Economy. (b) Work continues to embed and develop these tools and powers in the Borough. This to include the further development of a robust partnership performance framework for anti-social behaviour. (c) Further consideration is given to the feasibility of Six Town Housing and other social landlords becoming direct agents of the Council for the purposes of issuing Community Protection Notices, in accordance with provisions within the Anti-Social Behaviour, Crime and Policing Act 2014 and the Anti Social Behaviour(Designated Persons) Order, 2015. The Community Safety Manager works with other departments of the Council to explore their potential use of Community Protection Notices. (d) The Community Safety Manager works with partners through the Joint Engagement Team (JET) to ensure effective planning for the conversion of Designated Public Protection Orders into Public Space Protection Orders within the next two years (to ensure statutory compliance). (e) To develop the Joint Engagement Team to ensure it enhances and supports the future locality working model being developed for Bury. (f) To agree the revised ASB statement of policy and procedure (Appendix A). <p>Option 2 That the proposals are not accepted.</p> <p>Option 1 is recommended for approval. Reasons:</p> <ul style="list-style-type: none"> • The provisions of the Act enable the Council and its partners to tackle anti-social behaviour more effectively. • Independent evaluation of the JET, including Cost Benefit Analysis, provides a strong basis upon which to support its ongoing development (within the context of the future locality working model) • The revised statement of Policy and Procedure will provide a framework to tackle ASB taking into account changes in legislation.
<p>IMPLICATIONS:</p>	

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	
Health and Safety Implications	
Statement by Executive Director of Resources	
Equality/Diversity implications:	Yes An Equality Analysis was completed in November 2014 prior to the implementation of the Anti-social Behaviour, Crime and Policing Act (2014). This Equality Analysis has been updated to reflect the revised Statement of Policy and Procedure. The overall effect is deemed to be positive. The revised Statement of Policy and Procedure provides a robust framework in which to ensure the full range of measures are utilised in Bury. The aim is to address harassment and victimisation, promote community safety, resilience and wellbeing.
Considered by Monitoring Officer:	
Wards Affected:	All
Scrutiny Interest:	Yes: Report considered by Overview and Scrutiny Committee 22 March 2016.

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
21.03.16			Community Safety Partnership, 23.02.16
Scrutiny Committee	Cabinet/Committee	Council	
22.03.16	13.04.16		

1.0 BACKGROUND

- 1.1 A report outlining the implications of the Anti-social Behaviour, Crime and Policing Act was presented to Cabinet in November 2014. Cabinet agreed a number of recommendations to ensure the effective implementation of the Act in Bury.
- 1.2 The report provided an overview of the work of the Joint Engagement Team (JET); a multi-agency team established to test integrated working principles and improve information sharing, problem solving and responses to victims and perpetrators of anti-social behaviour (ASB). It highlighted the work of the JET in overseeing an effective local response to changes in legislation.
- 1.3 It committed the JET to carrying out a review of the use of the powers within twelve months of implementation. The aim is to ensure a continued, effective partnership response. This report outlines key issues arising from this review.
- 1.4 The review undertaken also incorporates the findings of an independent evaluation of the work of the JET undertaken by New Economy (including Cost Benefit Analysis).
- 1.5 The review highlighted a need to revise the Council's Statement of Policy and Procedure in relation to ASB to take into account the changes in legislation and more integrated case management processes. (Appendix C).

2.0 Local implementation of the ASB, Crime and Policing Act 2014

- 2.0.1 An overview of the new tools and powers introduced under the Act, including how they have been utilised in Bury, is provided in Appendix B. This shows how the tools and powers are being utilised by a range of partners to tackle anti-social behaviour. This includes Community Protection Notices and warnings, Criminal Behaviour Orders, Injunctions, Closure Notices and dispersal powers. Key points to note are as follows:

- **Injunctions** – although Six Town Housing (STH) has obtained six injunctions to date, the Council and Police have not yet sought to obtain an injunction under the new legislation. This mirrors the experience across Greater Manchester where authorities have tended to favour Criminal Behaviour Orders (CBOs) because they can be quicker, carry tougher penalties for breach and are cheaper to obtain.
- **Community Protection Notices (CPNs) and Warnings** – The Local Authority has the power to designate social housing providers in their area to issue CPNs. It is important that this is managed carefully as local arrangements for issuing CPNs and Fixed Penalty Notices (for breach) need to be consistent and proportionate. As a first step, the Council and Six Town Housing have worked together to pilot a scheme which allows Six Town Housing access to council powers around statutory nuisance and a proportionate use of CPNs. Six Town Housing help to fund a council employed Environmental Health Officer to undertake this work on their behalf.

Over the next year, further work will be undertaken on the feasibility of Six Town Housing and other social landlords becoming direct agents of the Council for the purposes of issuing CPNs, building on the success of this initiative. Opportunities for other Council departments to utilise them will also be explored.

- **Public Space Protection Orders (PSPOs)** - it is important to note that legislation requires existing Designated Public Protection Orders to be converted into PSPOs within the next 2 years. The Council will continue to work with partners to ensure effective planning for this conversion and ensure statutory requirements are met.
- **Closure Orders** – to help ensure a balanced and consistent Team Bury approach, new procedural guidance has been produced for partners, along with learning from a real life case study.
- **ASB Case Review** (Community Trigger) – An online process for triggering a case review has been developed and published on the Bury Council website. To date there have been no case reviews triggered in Bury.
- **Community Remedy** – the Police have favoured utilising local restorative justice processes including the ROC Restore initiative.

3.0 Joint Engagement Team (JET) – evaluation

3.1 The JET was established in the summer of 2014 following a review of ASB undertaken through the Community Safety Partnership (CSP). Officers from Bury Council and Six Town Housing (STH) are co-located with colleagues from Greater Manchester Police (GMP) at Bury Police Station. Clear terms of reference for the JET aim to build a more cohesive and joined up service for residents, thereby reducing duplication and costs in the long term. This is facilitated through:

- A shared definition of ASB;
- A single pathway for reporting and managing ASB complaints, regardless of housing tenure;
- Effective 'real time' information and intelligence sharing, joined up problem solving and multi-agency responses to incidents;
- Improved and consistent approach to assessing risk and social harm;
- Improved case management and accountability through the adoption of single line of leadership and tasking principles; and
- Effective use of new ASB tools and powers.

3.2 A six month evaluation carried out by New Economy concluded that the JET had been a success. It revealed a 14.3% reduction in reports of ASB to the Police since the JET was launched. Overall, 14 of the 17 wards in Bury saw a reduction in ASB complaints to the Police during the study period. The average reduction in ASB levels across each ward was 12.8%. Repeat incidents fell by 11.4% and response rates were seen to improve for the Police and STH. These findings along with other highlights were reported to the CSP on the 20th April 2015.

3.3 The CSP noted the findings of this review and requested a more in-depth analysis be undertaken including a Cost Benefit Analysis incorporating social value. The aim is to identify costable and cashable savings, along with other potential benefits in relation to the wellbeing of individuals, families and communities.

4.0 Cost Benefit Analysis

- 4.1 The full CBA is attached as Appendix C.
- 4.2 The primary finding from this CBA is that, for every £1 spent on JET, its partners are set to save the fiscal equivalent of £3.07 in benefits through demand reduction. This is based on a total annual cost of £257k to partners and benefits of £790k. Full details are shown in Table 1. Although this is demand reduction in kind (rather than a directly cashable saving), the programme therefore represents strong value for money and will effectively 'pay back' its own costs within one year.

Table 1 - Investment and Return on JET project by agency.

Agency	Investment	Return	Net gain
Bury Council	£51,403	£200,883	£149,480
Greater Manchester Police	£82,500	£350,965	£268,465
Probation	n/a	£7,731	£7,731
Wider CJ Stakeholders	n/a	£29,584	£29,584
Six Town Housing	£123,519	£200,883	£77,364

4.3. Social Value

- 4.4 The CBA study also explored the potential wider (public value) benefits of the JET in improving the wellbeing of individuals, families and communities, particularly in relation to increasing confidence and reduced social isolation. Through analysis of incident data and survey data, the study found that the intervention has substantial potential to improve the well-being of individuals, families and communities to the level of £4.05m in public value benefit. This reflects the long-term physical health and psychological impact on direct victims, and a range of broader positive outcomes for people and places that have benefited from the JET programme.
- 4.5 Feedback in relation to customer satisfaction and stakeholder involvement was also positive. In particular, focus groups held to ascertain the views of partner agencies (including ward councillor representation) highlighted improved data sharing, accountability/ownership of cases and a faster/more responsive service as key benefits of the JET.

4.6 CHALLENGES

- 4.7 The review has highlighted a number of priority areas of work to support the ongoing development of the JET in tackling ASB including the following:
- To develop the operational model for the JET so that it integrates with and supports the future model of neighbourhood working for Bury;
 - Engage other partner agencies in the work of the JET;
 - Develop a single pathway for reporting and case managing ASB complaints;

- Standardise reporting and data collection arrangements to facilitate consistent performance monitoring, early identification and assessment of impact;
- Develop shared performance objectives and measures; and
- Develop new ways to showcase the work of the JET.

4.8 These areas of work have informed the development of an action plan for the JET over the next year.

4.9 Anti-social Behaviour Statement of Policy and Procedure (Appendix A)

4.10 Legislation requires local authorities and registered housing providers to publish policies and procedures in relation to ASB. This includes a requirement for landlords to set out their general approach to tackling ASB and how services will be delivered.

4.11 The Council's ASB Statement of Policy and Procedure was approved by Cabinet in 2008 and adopted by Six Town Housing (STH) thereafter. It has now been refreshed in the context of new legislation, the work of the JET and the Council's Vision, Purpose and Values framework 2015 to 2020.

Key changes to note are as follows:

- Strengthening the response provided to victims of ASB, including identifying and mitigating against the risk of harm;
- Reflecting the more proactive and robust approach now taken through the Joint Engagement Team (JET);
- Strengthening community resilience;
- Updating the range of approaches that are now used to prevent and tackle ASB; and
- Setting out the new enforcement options that will be taken against perpetrators, using the new tools and powers.

4.12 The amended ASB Statement of Policy and Procedure supports the Council's revised Tenancy Agreement that came into force in April 2015. Cabinet is asked to agree the revised statement of policy and procedure attached in Appendix A.

5.0 CONCLUSION

5.1 The report shared with Cabinet in November 2014 outlined how the Anti-social Behaviour, Police and Crime Act 2014 constitutes the biggest reform of ASB legislation in over 10 years. This report shows how partners have worked together through the JET to effectively plan for and implement the Act in Bury.

5.2 Furthermore, an independent evaluation of the work of the JET over the past year is positive, showing ongoing reductions in ASB along with costable and cashable savings for partners. This independent evaluation also highlights the wider benefits of the work of the JET in relation to the wellbeing of individuals, families and communities. Over the next year, the Council and partners will continue to work together to develop the JET in the context of the emerging locality working model. In a tough financial climate, this will require partners to manage expectations in relation to ASB and the use of the tools and powers, promoting self-help where possible and harnessing local community assets.

Appendix A

ANTI-SOCIAL BEHAVIOUR - STATEMENT OF POLICY AND PROCEDURE Adopted by Bury Council, Six Town Housing and Springs Tenant Management Organisation (TMO)

The Policy and Procedure outlined in this document details the service that Bury Council, Six Town Housing and Springs TMO, who are responsible for managing the housing stock on behalf of Bury Council, will provide to the tenants and residents of the Borough in relation to anti-social behaviour.

Work to prevent and tackle anti-social behaviour operates within the legislative framework and supports the three key priorities agreed through Bury's Local Strategic Partnership: 'Team Bury'. These priorities are to develop a stronger and safer community, promote health and wellbeing and develop a stronger economy.

This statement of policy and procedure will inform how we will deal with complaints, how we will tackle perpetrators and how we will work together to prevent ASB. Building community resilience and self help where possible remains central to our approach.

ASB can have a significant impact on the quality of life of people. If it is not resolved quickly it can have a lasting impact on the people involved, other people living in an area and the environment. Bury Council, Six Town Housing, Springs TMO, the local community and partner agencies all have a key role to play in ensuring that such issues are tackled and action is taken quickly against people causing problems.

We will not tolerate ASB and recognise the important role we can play in tackling such problems. We will seek to embrace the wide range of remedies that are now available to local authorities and social landlords to address the issues of neighbour nuisance including supporting victims and helping communities to tackle antisocial behaviour.

Definition of Antisocial behaviour

The different provisions under the Anti Social Behaviour, Crime and Policing Act (2014) have different thresholds or definitions of ASB. Some examples are listed below:

- (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;
- (b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises;
- (c) Conduct capable of causing housing related nuisance or annoyance to any person;
- (d) Conduct which has a detrimental effect of a persistent and continuing nature, on the quality of life of those in a locality and is unreasonable; and
- (e) The use of premises which has or is likely to result in nuisance to members of the public or disorder near those premises.

We will use the following broad definition of ASB to determine the nature of our response to issues raised by members of the public; namely:

'Any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life'

(NB - when taking legal action, partners will refer to the more specific wording/definitions contained within the Act)

This definition allows officers to intervene at the appropriate level in reported issues. We recognise that there is a fine line between ASB and disputes between neighbours over relatively minor inconveniences and that for many members of the public there is no difference and the effects can be very similar. ASB is a highly personal experience and therefore a 'one size fits all' response is not appropriate. Agencies will use a sensitive and flexible approach in an attempt to resolve ASB while working to avoid becoming embroiled in the type of long standing grudges that are a drain on public resources.

Our commitment to tackle ASB involves using frontline resources to deal with initial complaints and a team of specialist officers to facilitate actions on more serious or complex cases, including those requiring legal action.

This statement sets out the overarching principles which govern a number of procedures linked to tackling ASB. These include (but are not limited to):

- Bury Council – Tenancy Agreement
- ASB Casework procedure
- Procedure for issuing a community protection notice
- Procedure for issuing a civil injunction
- Procedure for issuing a criminal behaviour order
- Procedure for issuing a closure order
- Procedure for initiating a community trigger
- Procedure for issuing a public spaces protection order.

For more information relating to the content of this statement or our approach to ASB visit Bury Council's or Six Town Housing's website <http://www.sixtownhousing.org/>

Appendix B – Details of the new Powers introduced under the ASB, Crime and Policing Act 2014

(A) Power to grant Injunctions

The power to grant injunctions replaces 4 existing powers including Anti-Social Behaviour Injunctions and stand alone Anti-Social Behaviour Orders (ASBOs). In an attempt to reduce the burden on agencies of making applications on behalf of others, the legislation allows several agencies to make applications including the Police, Council, Social Housing Providers, NHS Protect and the Environment Agency.

The types of behaviour this power is designed to address include vandalism, drink and drug related nuisance,, irresponsible dog ownership and noisy /abusive or intimidating behaviour.

The Injunction may include prohibitions or positive requirements to address the anti social behaviour.

The responsibility for dealing with breaches of the injunctions lies with the agency who applied for the injunction. For an adult a breach is contempt of court, punishable by a term of imprisonment of up to two years or an unlimited fine. Breach of injunction by someone under 18 could result in the youth court imposing a supervision order, curfew, activity requirement or, in the most serious cases, a detention order for those aged between 14 and 17. It is a requirement for the agency making the application to consult with the Youth Offending Team if the injunction will apply to a juvenile.

Update

- Six Town Housing has obtained six Injunctions since the legislation changed. All of these relate to serious issues around the condition of properties.
- The Council and police have not sought an injunction under the new legislation This is because cases have been managed utilising other remedies.
- The legislation now also gives NHS Protect the power to apply for Injunctions. They have indicated that they may be utilising this power imminently in relation to a case where all other offers of support/ remedies have been ineffective.

(B) Criminal Behaviour Order

The Criminal Behaviour Order (CBO) replaces the Anti-social Behaviour Order on Conviction (CRASBO) and Drink Banning Order on Conviction.

The CBO will be an available on conviction for any criminal offence. The application will be made by the prosecuting agency which will usually be the Crown Prosecution Service but could be the Council e.g. for prosecutions under the Environmental Protection Act 1990. Breach of the order is a criminal offence.

The CBO can include prohibitions to stop the offender from engaging in certain types of behaviour and can also include requirements for the offender to engage in activities to address the causes of their offending.

It is a requirement for the prosecuting agency to consult with the Youth Offending Team if the Criminal Behaviour Order will apply to a juvenile.

Breach for those aged over 18 on summary conviction can be up to 6 months imprisonment and/or fine and for conviction on indictment can be up to 5 years imprisonment and/or fine. Youth Court sentences apply to those aged under 18.

Update

- Two successful Police led CBO applications in Bury, both in relation to young people who already had a number of convictions.
- Neither contained positive requirements.
- Neither of these orders have been breached
- One application for a CBO has been rejected by the CPS and three CBO applications are currently being prepared by GMP.

C) Community Protection Notice

The Community Protection Notice (CPN) replaces the Litter Clearing Notice, Street Litter Clearing Notice and Graffiti/Defacement Removal Notice. It is intended to address a wide range of behaviours that negatively affect the quality of life of residents living in a particular area where the person or people responsible can be identified.

A CPN can be given to any individual who is over the age of 16 or a named representative of a business or organisation. It does not replace the statutory nuisance regime, for example noise that is classified as a 'statutory nuisance' will continue to be dealt with by environmental health officers under existing legislation.

A written warning is issued which identifies the unreasonable and persistent behaviour, requests them to stop and outlines the consequences of continuing. Ignoring the issue of the warning may result in the issue of the CPN.

'Authorised Persons' can issue a Community Protection Notice. This includes; a police constable and a PCSO (as the Chief Constable has stated his intention that PCSOs will be authorised to use these powers in Greater Manchester), officers or agents of the relevant local authority or a social housing provider if the housing provider is designated by the local authority.

The breach of a CPN is a criminal offence, which is punishable by the issuing of a fixed penalty notice of up to £100 or a level 4 fine (for individuals) or £20,000 for businesses.

Police Officers, PCSOs, Council Officers and social housing providers if designated by the Council will have the power to issue a Fixed Penalty Notice and each local area must set the level of fine at an amount not exceeding £100. The Council (or another agency appointed by the Council) can apply for a Remedial, Forfeiture or Seizure Order if the CPN is breached and it is felt that the matter is so serious that a court order is warranted. Similarly Local Authorities are identified in the legislation as being responsible for prosecuting breaches of CPNs even if the Police issued the initial notice and therefore Fixed Penalty Notice, which in effect offer the individual the opportunity of discharging liability for such a prosecution, are payable to the Local Authority, even if the FPN is issued by a Police Officer.

Update

- In Bury 21 CPN warnings have been issued for which 3 have resulted in a CPN being served.
- In two of these cases the notices were breached resulting in works being done in default and a Fixed Penalty Notice being served.

- CPNs have been used to address a range of behaviour from fly tipping and messy gardens to verbal abuse.
- The majority of the warnings and notices have been served by Environmental Health Officers either working independently or with Six Town Housing officers. Four have been served by the Police in partnership with the Council ASB team.
- The Local Authority has the power to designate social housing providers in their area to issue CPNs. However, it is important that this is managed carefully as local arrangements for issuing CPNs and FPN's (for breach) need to be consistent and proportionate. As a first step, the Council and Six Town Housing have worked together to pilot a scheme which allows Six Town Housing access to council powers around statutory nuisance and a proportionate use of CPNs. Six Town Housing help to fund a council employed Environmental Health Officer to undertake this work on their behalf.

(D) Public Spaces Protection Order

The Public Spaces Protection Order (PSPO) replaces the Designated Public Place Order, Gating Order and Dog Control Order and is only available to Local Authorities. It is intended to deal with a particular nuisance in an area, which negatively affects the community's quality of life. The restrictions imposed by the Order will apply to everyone or a specified group of people using that geographical area for example by restricting the use of a highway between certain hours or the drinking of alcohol in a public space. Orders can last for up to three years before requiring a review. Where an area has a current gating or dog control order in force this will continue to be valid for 3 years following the implementation of the new powers although the Council can review current orders prior to this date.

The breach of a PSPO is a criminal offence which is punishable by a level 3 fine if a successful prosecution is brought or the serving of a Fixed Penalty Notice of up to £100. Police Officers, PCSOs, Council Officers and social housing providers (if designated by the Council) will have the power to issue FPNs and each local area must set the level of fine at an amount not exceeding £100.

Update

- Public Space Protection Orders (PSPOs) – Partners from the Joint Engagement Team (JET) have been working together to explore the future use of PSPOs to tackle a range of persistent problems which impact on the quality of life for local people and businesses.
- This includes their use to tackle issues of ongoing anti-social behaviour in hot spot areas including street drinking, people urinating in public areas and youth nuisance.
- The aim is to ensure any future use of PSPOs are proportionate and effective.
- It is important to note that existing Designated Public Protection Orders will need to be converted into PSPOs within the next 2 years; again partners are working together to plan for this.

(E) Closure Power

The Closure Power replaces the Premises Closure Order, Crack House Closure Order, Noisy Premises Closure Order and S161 Closure Order. Both the Police and Local Authorities can use this power. Initially a Closure Notice would be issued by the Police or an identified person within the Local Authority in cases of possible or actual public nuisance associated with particular premises, for up to 48 hours. In all cases where a Closure Notice is issued, an application must be made to the Magistrates Court within

48 hours for a Closure Order to be made. An Order can last up to 3 months extendable by a further 3 months.

There is a requirement for the police and local authority to consult before utilising this power. A Police Inspector can authorise a Closure Notice for up to 24 hours and a Police Superintendent for up to 48 hours. Officers need to be designated by the Chief Executive of the Council to issue Closure Notices although consideration needs to be given to the fact that they may need to be issued out of hours. A process therefore needs to be established whereby an officer within the Council will be available to issue and / or be consulted should this need arise.

Update

- Three Closure Orders have been granted in Bury since the legislation was introduced
- 1 Police led application, 2 led by the Council.
- Two of these cases involved Six Town Housing properties and one involved a privately rented property.
- A fourth case was considered for Closure but was resolved by alternative means.
- To help ensure a balanced and consistent Team Bury approach, a case study of the first Council led Closure, along with a procedural guide have been produced.

(F) Police Dispersal Power

The Police Dispersal Power replaces the Dispersal Order and Direction to Leave. The Dispersal Power can be used by a Police Officer or PCSO to direct a person aged 10 and above who has committed, or is likely to commit anti-social behaviour, crime or disorder, to leave a specified area, and not return for a specified period of up to 48 hours. This does not replace the power to return a child under the age of 16 (who is on the streets between 9pm and 6am without an adult) home or to a place of safety. Failure to comply with a direction under this power is a criminal offence.

Update

- Used regularly as a preventative tool during periods of high demand, particularly in Bury Town Centre. For example, they have been used to help manage large crowds following football matches and also on Friday and Saturday nights to keep people safe and prevent alcohol related crime and disorder.

(G) Absolute Grounds for Possession

This gives social and private landlords the power to apply to the court to gain possession of a property if the tenant, a member of their household or a visitor has met one of the following conditions:

- Convicted of a serious criminal offence
- Found to have breached an Injunction under made under the Anti-Social Behaviour, Crime and Policing Act
- Convicted for a breach of Criminal Behaviour Order
- Convicted for a breach of an Abatement Notice
- Had their property closed for more than 48 hours under a Closure Order.

There is no requirement for the landlord to prove that it is reasonable for the court to grant possession and the court cannot suspend possession for more than 14 days (or 6 weeks in exceptional circumstances).

Update

- Six Town Housing have used a Police led Closure Order as an Absolute Ground of Possession for eviction in one case.
- This was the first time the power was used in Greater Manchester.

Giving Victims a Say

(H) Community Remedy

The Community Remedy is a menu of options, developed by the Police and Crime Commissioner in consultation with the public that aims to give victims a say in the out of court punishment for offenders of low level crime and anti-social behaviour. The Remedy is likely to include options such as making a written apology, signing an Acceptable Behaviour Contract, and doing unpaid work. The Community Remedy is designed to complement the Neighbourhood Resolution Panels available in many local areas and bring Restorative Justice formally onto the statute books. There is no penalty for failing to comply with a community remedy disposal unless it is part of a conditional caution but this could be used as evidence towards more punitive action. The same Remedy document will be available across Greater Manchester.

Update

The Community Remedy has been largely unused across Greater Manchester because of the robust restorative justice processes which are already embedded in community safety structures in the 10 areas. For example in Bury the ROC Restore Programme utilises fully trained and vetted volunteers to facilitate restorative justice conferences between those 'harmed' by crime and ASB and the people who have caused the harm.

(I) Anti-Social Behaviour Case Reviews

The Act introduces a requirement for relevant bodies within a local authority area to carry out a review when this is requested by a victim or victims and their case meets a locally agreed threshold. This threshold cannot be higher than:

1. Three incidents have been reported to the Council, Police and / or social housing provider in the last six months.
2. Or five individuals in the local community have complained separately to the Council, Police or social housing providers in the last six months about similar incidents of anti-social behaviour.

Once a case review has been triggered, there is then a requirement for relevant bodies, identified as Councils, Police Forces, Clinical Commissioning Groups and social housing providers who are co-opted into the group, to undertake a case review. The relevant bodies would collectively consider if the Anti-Social Behaviour Case Worker threshold has been met and recommend further actions deemed appropriate. The action plan will then be shared with the victim. If they are not satisfied with this response, they can appeal to the Chair of the Community Safety Partnership and ultimately the Police and Crime Commissioner. A locally agreed consistent approach to managing such complaints dealt with by this process is currently being developed.

Update

Numbers of requests to trigger an ASB Case Review have varied widely across Greater Manchester since the legislation was implemented with some areas receiving no requests and others receiving high numbers. Full details of requests for ASB Case Reviews including whether the criteria was met and what the outcome was will be submitted shortly to the Police and Crime Commissioner who will continue to receive regular reports on their use.

DRAFT