

Crime and Disorder Scrutiny Panel - Year End Update 2016/17

24th April 2017

1.1 Purpose of Briefing paper

1.1.1 To provide an update to the Crime and Disorder Scrutiny Panel on items that it had considered at previous meetings. Topics included are: The Partnership Integration Programme, Domestic Abuse Services, Drug and Alcohol Services, the Anti-Social Behaviour (ASB), Crime and Policing Act 2014.

1.2 Actions Requested of the panel

1.2.1 The Panel are asked to receive the briefing and note the current position in respect of the above listed topics.

1.3 The Partnership Integration Programme.

1.3.1 SMBC (Managed Growth Directorate & the Early Help team); SCH (and other key Housing providers in the borough), and WMP neighbourhood resources have been aligned, since January 2016, in 5 local areas based on partnership demand. They meet regularly in the form of the Local Problem Solving Meetings.

1.3.2 The purpose of these meetings is to jointly problem solve and intervene early to reduce demand and improve the quality of life for local communities. A large amount of the work undertaken by these meetings is focussed around reducing ASB demand, but partners have also been engaged in work to reduce levels of crime, for example burglary.

1.3.3 It is recognised that these 5 areas are not coterminous with other boundaries used by other department functions, e.g. Early Help Collaboratives'. Having different boundaries has led to some challenges around overlapping data to understand the demand and community need across the borough. A task & finish group has been established to review the various geographies that respective functions work within and recommendations will be made from this group in due course to the Safer Solihull Board about future locality based alignments. This may also include recommendations around co-location opportunities.

- 1.3.4 To ensure that the work is cognisant of other relevant work streams and to ensure a preventative/early intervention and community based approach, the task & finish group consists of representation from SMBC Early Help, Public Health & Neighbourhood Services; SCH Neighbourhood Services & West Midlands Police Neighbourhood Services.
- 1.3.5 The Integration Programme is still at the alignment stages with no sign of imminent co-location, partly due to slow down around the Council House refurbishment process and West Midlands Police estates review. The initial intended phases of the programme were;
- a) Alignment of resources around geographic areas,
 - b) Co-location
 - c) Integration.

1.4 Domestic Abuse Services.

- 1.4.1 This last year has seen positive progress in addressing domestic abuse at a local, regional and national level. The Government launched a number of funding streams which provided opportunities for both statutory and specialists providers to access additional funding. The commitment to regional working was recognised by our successful bid to the DCLG (Department of Communities and Local Government) which is providing £640,000 to add capacity across the region for particularly vulnerable victims where we have gaps in provision. A further proposal has been submitted which if successful will allow for the implementation of IRIS (Identification and Referral to Improve Safety) schemes to GP practices across Birmingham and Solihull.
- 1.4.2 Overall identification and reporting of domestic abuse has increased across the sphere which reflects an improved understanding and awareness of domestic abuse and its impact on individuals, families and services. Domestic abuse crimes have increased by 15% across Solihull. There has been:
- d) An increase in high risk cases managed through MARAC (multi agency risk assessment conference), an increase in partner referrals into MARAC.
 - e) A reduction in high risk cases being re-presented to MARAC.
 - f) An increase in children social work assessments, with an increase in domestic abuse as a factor causing concern.
 - g) Domestic abuse as identified in initial assessment in 21% of families referred into Engage.
 - h) Domestic abuse is a contributory factor in 29% of Solihull Families First cohort.

- 1.4.3 Specialist support for victims continues to work at full capacity. Access to initial information and advice and support to victims assessed as high risk is prioritised, but the demand for casework is heavily outweighing the capacity. Monitoring demonstrates that specialist support delivers good outcomes for victims.
- 1.4.4 Tackling domestic abuse is not a statutory responsibility but it is frequently a feature in the lives of those we progress to requiring a statutory service, so there is a business case that any investment in services upstream can reduce the impact and cost to individuals, families and services or responding at crisis stage. The review of Supporting People and the Police and Crime Commissioners reconfiguration of some domestic abuse provision will have serious implications for the domestic abuse budget from 2017/18 onwards.
- 1.4.5 In regards to supporting children the regional perpetrator programme funded by the Police and Crime Commissioner is scheduled to launch in Solihull in May 2017. Part of this work stream includes an element to support children whose father or person undertaking a fathering role are attending a perpetrator programme.
- 1.4.6 A review has been undertaken on the Multi Agency Safeguarding Hub (MASH) and Domestic Abuse Triage and we are awaiting the outcome but understand any issues identified are being actioned. There is also now an increased awareness of the impact of domestic abuse on children. We now also have counselling services available through the Emotional Health and Well Being service that is unable to meet demand.

1.5 Drug and Alcohol Treatment services

- 1.5.1 Substance misuse treatment services are delivered by Solihull Integrated Addiction Services (SIAS). The lead provider is Birmingham and Solihull Mental Health Foundation Trust, who delivers the service in partnership with four voluntary sector organisations (Welcome, Aquarius, Changes UK and Urban Heard). The initial contract was let in 2014, specifying an initial three year period ending in March 2017. Following a review of the service the Health & Wellbeing Board approved the extension of the contract for a further 2 years.
- 1.5.2 SIAS delivers drug, alcohol and gambling prevention, early intervention and treatment services for individuals, their families and communities. A significant element is the delivery of the Criminal Justice Outreach service. The purpose of this service is to identify drug and alcohol using offenders in the criminal justice system and engage them in drug and alcohol treatment. The service is provided as part of the integrated offender management programme (IOM) in Solihull. Drug and alcohol workers are colocated with Community Rehabilitation Company (CRC – Probation) and Police Offender Managers in Chelmsley Wood Police Station. Specific services include; follow up testing on arrest; drug and alcohol assessment in the cell block, joint visits and case management of Integrated Offender Management (IOM) offenders and prison “through and after” care service.

1.5.3 The system for identifying and engaging drug and alcohol users in the criminal justice system has been reviewed and pathways between the criminal justice partners and SIAS have been revised. SIAS criminal justice staff case hold criminal justice clients to ensure they have a named worker to ensure they have additional support to access and engage in drug and alcohol treatment and the recovery services. The SIAS Criminal Justice team are also case holding clients in prison to ensure the transition into the community and treatment on release is as easy and seamless as is possible to avoid relapse.

1.5.4 Performance is monitored by measuring the proportion of offenders referred for substance misuse treatment from within the criminal justice system who successfully engage within an active treatment programme. The minimum expected performance for 2016.17 was 44%. The target has been exceeded in the period Aug 2016 – Dec 16 (there is a 3 month delay in available data).

1.6 Anti-Social Behaviour Police and Crime Act

1.6.1 The Anti-Social Behaviour, Crime and Policing Act 2014, reform of anti-social behaviour powers came largely into effect in October 2014. The Act introduced a number of compressed powers, from 19 to 9, to address ASB. The key elements of the act are listed below.

Part 1: Putting Victims First

- Community Trigger
- Community Remedy

Part 2: More effective responses

- Civil Injunctions
- Criminal behaviour order
- Dispersal power
- Community protection notice
- Public spaces protection order
- Closure power
- New absolute grounds for possession

1.6.2 A full overview of the Act and its powers can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/248747/01_ASB_Guidance_FINAL.pdf

1.7 Part 1: Putting Victims first; Community Trigger

1.7.1 The Purpose of the trigger is such that it gives victims and communities the right to request a review of their case and bring agencies together to take a joined up problem solving approach to finding a solution.

1.7.2 The statistics relating to community triggers received from January 2016 to January 2017 are as follows:

1.7.3 Community Trigger results November 2016 - January 2017

Number of reviews requested - 3

Number of reviews not meeting the threshold - 2

Number of reviews meeting the threshold - 1

Any recommendations made - 1

1.7.4 Community Trigger results July 2016 - October 2016

Number of reviews requested - 1

Number of reviews not meeting the threshold - 1

Number of reviews meeting the threshold - 0

Any recommendations made - 0

1.7.5 Community Trigger results April 2016 - June 2016

Number of reviews requested - 1

Number of reviews not meeting the threshold - 0

Number of reviews meeting the threshold - 1

Any recommendations made - 0

1.7.6 Community Trigger results January 2016 - March 2016

Number of reviews requested - 2

Number of reviews not meeting the threshold - 0

Number of reviews meeting the threshold - 2

Any recommendations made - 1

1.8 Part 1: Putting Victims first; Community Remedy

- 1.8.1 The community remedy gives victims a say in the out-of-court punishment of Offenders. The legislation does not specify what actions should be included in the community remedy document and will vary from one police force to another. The Police and Crime Commissioner for the West Midlands sought the views of residents on the sanctions to be included in the West Midlands Community Remedy. Under the new rules, victims of low-level crime are offered a say in the way offenders are dealt with out of court.
- 1.8.2 The consultation focused on three key elements. The Act placed a duty on Police and Crime Commissioners to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate to be on the Community Remedy document. Police Officers work from the resulting menu of sanctions when using two types of out-of-court disposal - informal community resolutions and conditional cautions. The victim must be consulted on the sanction to be offered to the offender and given the option to choose an appropriate sanction from the menu. The Police Officer in question (or Prosecutor in some cases) has the ultimate responsibility for ensuring that the sanction offered to the offender is proportionate to the offence.
- 1.8.3 There have been lots of local and community resolution and restorative justice interventions undertaken by Police Neighbourhood Officers and also by Response officers in Solihull. 16 Restorative Justice interventions have been implemented by Solihull Police this year.

1.9 Part 2: More effective powers.

- 1.9.1 Early intervention, especially through informal approaches, can be successful in stopping the anti-social behaviour committed by the majority of perpetrators. Early and informal interventions can establish clear standards of behaviour and reinforce the message that anti-social behaviour will not be tolerated. It should be for frontline professionals to decide when and how to use these approaches, but the Government encourages use of informal methods where it is deemed to be appropriate.
- 1.9.2 Informal interventions are considered first in most cases, particularly when dealing with young people, as they can stop bad behaviour before it escalates. The response is determined by professionals on a case by case basis. However, some of the most common forms of informal intervention are the use of warnings – verbal or written, mediation, community resolution or acceptable behaviour contracts. Alternatively, in cases where informal intervention is not the appropriate first step, perhaps because the victim is at risk of harm, professionals consider progressing directly to formal sanctions. The legislation and its changes provide practitioners with a comprehensive toolkit for dealing with ASB.

- 1.9.3 The Partnership response to addressing ASB is done via the Local Priority Setting leads virtually through their network of contacts and via their meetings. This is working particularly effectively and we have evidence that West Midlands Police and Solihull Community Housing both find the Local Priority Setting (LPS) meetings useful for reducing ASB. There has also been an improvement in partnership working generally. We have seen fewer cases being referred to the ASB Case Conference meeting and this is a good indicator that cases are being resolved earlier, locally and potentially before it reaches a stage where we need to consider the ASB enforcement legislation.
- 1.9.4 Since April 2016, Solihull Community Housing has issued 13 Acceptable Behaviour Agreements (ABA), successfully facilitated 24 Mediation/Restorative Justice meetings, issued 71 Warnings, issued 4 Good Neighbour Agreements (GNA) and made 79 referrals for support from other agencies (not including police). Solihull Police have issued 37 ABAs.

1.10 Civil Injunctions

- 1.10.1 These are injunctions to prevent nuisance and disorder and replaced the standalone Anti-Social Behaviour Order (ASBO). It is to be used to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. Agencies that can apply for the injunction are: Local Councils, Social Landlords, Police, Environment agency and NHS Protect.
- 1.10.2 The test for the use of the injunction is “conduct capable of causing nuisance or annoyance” and it must be seen to be just and convenient to grant the injunction to prevent behaviour. It can be issued by the county court for over 18’s and the youth court for under 18s’. The injunction can include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour. Agencies must consult youth offending teams in applications against under 18s. Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt.
- 1.10.3 The injunction is available to a wider range of agencies than Anti-Social Behaviour Injunctions and is obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs). There is no need to prove “necessity” unlike ASBOs and a breach is not a criminal offence. There is greater scope for positive requirements to focus on long-term solutions.
- 1.10.4 Solihull Police have obtained 6 injunctions. However, partners have considered the suitability of this power when addressing difficult cases. Solihull Community Housing has issued 12 Civil Injunctions since April 2016 to present.

1.11 Criminal Behaviour Orders (CBO)

- 1.11.1 These are issued by any Criminal Court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. Applicants are the Prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the Police or Council. The test for the CBO will be if the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and the court considers that making the order will help prevent the offender from engaging in such behaviour.
- 1.11.2 The anti-social behaviour does not need to be part of the criminal offence and the order will include prohibitions to stop the anti-social behaviour. It can also include positive requirements to get the offender to address the underlying causes of their behaviour. Agencies must find out the view of the Youth Offending Team (YOT) for applications for under18s. Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.
- 1.11.3 There have been two Criminal Behaviour Orders (CBOs) implemented against two particular individuals that are responsible for ASB and criminal behaviour in the Solihull Constituency. Both came out of joint partnership working approaches. There is a third in the process of being obtained.

1.12 Dispersal powers

- 1.12.1 The dispersal power is a new flexible power which can be used in a range of situations to disperse anti-social individuals and provide immediate respite to a local community. Prior to the Act the Police working with the Council had to go through a cumbersome process for designating the area a dispersal zone before they could deal with the problem, potentially not able to deal with the ASB until the order is approved. The new dispersal power has given the Police the power to disperse individuals or groups causing or likely to cause ASB in public places. Police officers and Police Community Support Officers (PCSO) are able to require a person to leave an area and not return for up to 48 hours. The new power is authorised by an officer of at least the rank of Inspector and does not require consultation with the Local Authority.
- 1.12.2 The power can be used in any public place and in common areas of private land with the landowner or occupiers consent (such as shopping centres). The enhanced power combines the most effective elements of the current legislation into a single tool. The enhanced power is preventative as it allows an officer to deal instantly with someone's behaviour and deal with the problem before it escalates. The Police are now able to deal quickly with emerging trouble spots providing immediate respite to victims.

1.12.3 The direction can be given to anyone over the age of 10. The officer is able to return children under 16 home or to another place of safety if they are behaving anti-socially and are not accompanied by an adult. West Midlands Police already have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

1.12.4 The Police Officer or PCSO are also able to require the individual to hand over items causing or likely to cause ASB such as alcohol, fireworks, or spray paint. Confiscated items are held at the police station and can be collected after the period of the dispersal. Failure to comply with the dispersal is a criminal offence and will carry a maximum penalty of a £2,500 fine and/or three months imprisonment. Failure to hand over confiscated items is also being a criminal offence and could have a penalty of up to a £500 fine. These sanctions are in line with current equivalent powers and will ensure there are serious consequences for those failing to comply.

1.12.5 Solihull Police have used their dispersal powers twice in the last 12 months.

1.13 Community Protection Notice (CPN)

1.13.1 Community Protection Notices are designed to deal with particular, on-going, instances of environmental ASB (i.e. litter clearance or removal of graffiti or fly posting). They can be used against individuals over 16, businesses or organisations, and can be issued by the Police, Council Officers or staff of Social Housing providers.

1.13.2 The behaviour has to have a detrimental effect on the quality of life of those in the locality; be of a persistent or continuing nature; and be unreasonable. Written warnings are issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing. Community Protection Notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour. The notice allows the Council to carry out works in default on behalf of a perpetrator.

1.13.3 A breach is a criminal offence. A fixed penalty notice can be issued of up to £100 if appropriate. The penalty on breach is a fine of up to level 4 (for individuals), or £20,000 for businesses.

1.13.4 The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land not open to the air. It can be used against a wider range of perpetrators and can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again

1.13.5 Solihull Police have used these powers once in the last 12 months.

1.14 Public Spaces Protection Order (PSPO)

- 1.14.1 PSPO replaced Designated Public Places Orders, Dog Control Orders and Gating Orders. These orders are intended to deal with a particular nuisance or problem in a particular area and can apply to everyone. The orders relate to a restricted area and can impose a requirement to stop or carry out specified activity for a maximum of three years, with the possibility to extend the order for up to a further three years.
- 1.14.2 The PSPO can be used to deal with the consumption of alcohol where it is, or is likely to be, detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. For example, it can be used where groups regularly congregate in a town centre or a play park to consume alcohol, resulting in their behaviour having a detrimental effect on the area. Agencies can make a PSPO prohibiting the consumption of alcohol, either at all times or during specific times when the problem is more likely to occur. Consideration will also need to be given to displacement of the issue to other geographical areas which might be dealt with by the new enhanced dispersal powers
- 1.14.3 There has been no use of the PSPO powers in Solihull thus far. However, we are currently reviewing whether the orders are required to replace areas currently covered under the designated public spaces protection order (DPPOs) more commonly known as Alcohol Restricted Zones.

1.15 Closure power

- 1.15.1 A closure notice prohibits access to the premises for a specified period up to a maximum of 48 hours. It prohibits access to a premise for a maximum of three months. A Council or a Police Officer of at least the rank of Inspector can issue a closure notice if they believe that the use of a particular premise has resulted or is likely to result in nuisance to the public, or there is or likely to be such nuisance nearby, and the notice will prevent the nuisance or disorder from occurring
- 1.15.2 Solihull Community Housing have issued 8 Closure Notices, successfully, obtained 8 Closure Orders and have extended 4 of the orders for 3 months from April 2016 to present. Solihull Police have used these powers to issue 11 notices in the last 12 months.

1.16 New absolute grounds for possession

- 1.16.1 Eviction powers for social landlords: Currently the Court is left with discretion as to whether to evict a tenant under Housing Acts 1985 and 1988 when landlords seek possession of secure and assured tenancies because the tenant has been involved in ASB. The Bill seeks to amend these Acts so landlords can seek to evict tenants involved in ASB or criminal activity. Under the Bill, if it is proved the tenant has been involved in ASB, then the court must evict them

1.16.2 In Solihull we have had obtained possession using the Mandatory Grounds on 6 occasions since April 2016, with 4 pending.

1.17 Other provisions:

1.17.1 Dangerous dogs: The provisions of the Dangerous Dogs Act 1991 were amended so that an owner or person in charge of a dog is guilty of an offence if the dog is dangerously out of control in any place, thereby extending the effect of the legislation on to private property. Providers of services needed to review their pet's policy and make tenants aware that dogs can be seized.

1.17.2 Enforcement Officers are reviewing the existing process in how reports and cases of dangerous dogs are dealt with in Solihull. Negotiations are being concluded with Birmingham City Council who will operate a service level agreement with Solihull Council to provide a dog warden service.

1.17.3 Solihull Police have executed 1 dogs warrant with 3 dogs seized and there are 2 cases pending.

1.18 Report Author and contact

1.18.1 Gillian Crabbe – Community Safety and Partnership Manager (with support from colleagues in the Safer Solihull Partnership – SMBC, SCH and West Midlands Police).