

Committees: Community and Children’s Services Committee – For decision Barbican Estate Residents Consultation Committee – for information Barbican Residential Committee – for information	Dated: 11 March 2024
Subject: City of London Anti-Social Behaviour Policy	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	£
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Judith Finlay, Executive Director of Communities and Children’s Services	For Decision
Report author: Valeria Cadena, Community Safety Manager, Department of Community and Children’s Services	For Information – RCC and BRC

Summary

This report presents a revised draft of the City of London Anti-social Behaviour Policy.

The Policy brings together in a single document the current approaches in the context of the tools and powers to tack anti-social behaviour provided by various legislation. It details the approach to defining anti-social behaviour, and the services and partners that respond to it. Such approaches are set out in the context of legislation that describes and defines anti-social behaviour and the legal powers to respond to it. It does not seek to supersede or change the policy decisions of Committees to which City of London Corporation’s report.

It is presented in draft for Member approval. Members should note that the revised document will remain draft as it is subject to approval by the Safer City Partnership.

Recommendations

Members are asked to:

- Note the report
- Approve the City of London Anti-social Behaviour Policy

- Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to approve amendments required by the Safer City Partnership.

Main Report

Background

1. The City of London is a safe and pleasant place to live, work and visit, with low levels of crime and anti-social behaviour (ASB) compared to other areas. However, issues of ASB do arise, so as those associated with a vibrant night-time economy. The response to ASB is driven by the nature of an issue. Many services across a number of City of London Corporation departments respond to issues, alongside colleagues from the City of London Police. Each draw on legislative powers and agreed policies to determine their response.

Current Position

2. The City of London Anti-social Behaviour Policy (Appendix 1) (“the Policy”) brings together the approaches taken in order to provide greater clarity to the definition and response to ASB in the Square Mile. It does not supplant or supersede existing policies.
3. The definition of and approach to ASB is described and shaped by the legislation – across a number of relevant Acts – that provides legal powers and tools to respond and take action.
4. The Anti-Social Behaviour, Crime and Policing Act 2014 describes ASB as:
 - Conduct that has caused or is likely to cause harassment, alarm, or distress to any person
 - 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.
5. The definition does not define ASB as a set of distinct behaviours, actions or incidents. Legislation and guidance require that powers are used proportionately and appropriately, and therefore a number of factors – including harm, context, intent, persistence and targeting – are weighed in judging whether a behaviour or incident is ASB, and subject to enforcement tools and powers.
6. Government guidance is clear in setting out the legal tests that must be met before each of the powers can be used. It emphasises “the importance of ensuring that the powers are used appropriately to provide a proportionate response to the specific behaviour that is causing harm or nuisance without impacting adversely on behaviour that is neither unlawful nor anti-social.”
7. The Policy has been revised to make clear the definition and approach, and the services, departments and partners who collaborate to respond to ASB.

8. It also incorporates the requirement for ASB Case Reviews (previously known as the Community Trigger) which were introduced in the ASB Act 2014 to give victims and communities subjected to repeat ASB a mechanism to have their case independently and professionally reviewed.
9. Many issues will fall outside of the Policy (examples are given in Appendix 2) as they are not defined as ASB within the legislative framework in which the City Corporation and City Police act. This includes criminal behaviours and issues of nuisance. It should be noted that the judgement of ASB is not static, and that issues that at one time may be low level nuisance can escalate to ASB for which action can be taken. ASB can also escalate to a criminal offence to which the City of London Police would respond.
10. The Corporation has teams within the departments Environment and Community and Children's Services that respond to ASB. The Housing Service, Noise Service and Street Enforcement Officers within those departments have public procedures in place for how their officers address ASB. Links to these approaches – and contact information - are contained within the Policy.
11. The Policy has been collated through engagement with relevant departments, teams and services and the City of London Police, and will return to the Safer City Partnership of approval.

Proposals

12. Members of Community and Children's Services are asked to approve the draft.
13. The revised document will progress to the Safer City Partnership for approval. Should that process require any revisions or additions it is proposed that Members agree to delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to approve amendments required.

Corporate & Strategic Implications

14. Strategic implications – The policy delivers to the Corporate Plan objective that “People are safe and feel safe.”
15. Financial implications – None
16. Resource implications – None
17. Legal implications – This proposal is intended to ensure the City Corporation's compliance with statutory requirements.
18. Risk implications – None
19. Equalities implications – None
20. Climate implications – None

21. Security implications – the Policy supports action to make the Square Mile a safer place for all.

Conclusion

22. The City of London is committed to keeping people safe and feeling safe, which is recognised within the Corporate Plan. The ASB Policy further commits the Corporation to this aim in standardising the approach to ASB investigation and management.

Appendices

- Appendix 1 – City of London Corporation Anti-Social Behaviour Policy
- Appendix 2 – Response to issues outside of the Anti-social Behaviour Policy

Valeria Cadena

Community Safety Manager

Department of Community and Children's Services

T: 020 7332 1272

E: valeria.cadena@cityoflondon.gov.uk