

<b>Committee(s):</b>	<b>Date(s):</b>
Safer City Partnership	31 May 2018
<b>Subject:</b> Anti-Social Behaviour and Community Trigger <ol style="list-style-type: none"> <li>1. Update on Progress regarding City of London Anti-Social Behaviour Strategy</li> <li>2. City of London Community Trigger Activation</li> </ol>	
<b>Report of:</b> Community Safety Team	<b>For Information</b>
<div style="text-align: center;"><b>Summary</b></div> <p>To advise SCP Members of the progress in developing an Anti-Social Behaviour Strategy for the City of London</p> <p>To advise SCP members of a Community Trigger request and activation in March /April 2018</p> <p><b>Recommendation(s)</b></p> <p>Members are asked to note this report and, in relation to recommendations arising from the Community Trigger activation consider learning points for their departments/agencies</p>	

### **Update on the Development of an Anti-Social Behaviour Strategy for the City of London**

1. Since the SCP meeting of 21 February there have been a number of events and incidents relating to ASB which we are incorporating into the process for developing this strategy.
2. In March we received a Community Trigger Activation (dealt with in detail below). This was one of a series of incidents and occasions which has highlighted ASB issues linked to rough sleeping. The City- wide residents meeting on 9 May also saw a number of issues raised relating to ASB (not just rough sleeping).

3. The City of London Corporation Corporate Plan 2018-23 agreed in March this year commits the organisation to tackle ASB.
4. It is evident that while the City experiences lower levels of ASB than most London local authorities there is a need to ensure we are capturing the scale of the issue and effectively responding to the problems identified. This area of work requires good internal co-operation as well as effective partnership working with City of London Police and other partners to be successful.
5. To progress this the Deputy Chairman of the SCP is organising a meeting of senior officers for June.
6. To help facilitate the process of ASB strategy we have produced a one -page document, Steps to Success, which is provided below to help explain the three themes and four principles we are using to drive this work.
7. All Members of the SCP have a role in the development of this strategy and your thoughts and contributions are welcomed.

## Our vision for Anti-Social Behaviour – Steps to success

Evidence, Engage, Enforce

### **Making ASB a priority**

The need for an ASB Strategy – Anti-social behaviour is a complex issue that often causes concern in local communities and can have a devastating impact on a victim's life. As outlined in our Corporate plan's vision our Anti-Social Behaviour strategy will set out guiding principles for relevant departments in the City of London Corporation who deal with ASB. The strategy will provide accessible and responsive services benefiting the wider community and victims of ASB.

### **Collaborative working**

To deliver this vision effectively partnership working is essential. It is imperative that agencies work together to promote good practice and information sharing to strengthen our response to ASB. Only through partnership working can efforts to prevent and tackle ASB show sustained results. The role of the Community MARAC has demonstrated the potential of such an approach bringing together stakeholders together to deal with complex and high risk antisocial behaviour issues proactively. We have already embarked on a programme of training to help colleagues improve their understanding of the nature of ASB and the importance of adopting a victim centred approach. Building on this platform will allow us to maximise our understanding of the issues in the City and ensure we make best use of our resources in responding to the challenges of ASB.

### **Giving communities and victims a say**

It is essential that the local community are heard when it comes to ASB. We intend to work with Members and community groups to ensure we understand their concerns. The Community Safety Team will engage regularly with the community through resident sessions and surveys. We will also work with colleagues within the Corporation, City of London Police and other partners to capture community concerns and identify priorities. The Community Trigger and Community Remedy are key components in 'putting victims first' and enable a more victim-centred and restorative approach to tackling ASB.

### **Make use of tools and powers**

The new streamlined and flexible powers available to the police and councils mean that swifter action can be taken to deal with cases of ASB to achieve long-term resolutions and reductions in problems. These powers work best when complemented by effective ways of working; in particular, sharing information and making use of the full range of interventions at the earliest opportunity. The Community MARAC provides an existing vehicle to allow partners to come together to decide on a range of possible actions and support for the vulnerable parties and in turn encourage an increase in the take-up of statutory powers available. The learning from

## **Community Trigger Activation**

8. This report relates to a Community Trigger request from a City resident that was activated in March 2018.
9. The Community Trigger process gives victims of persistent anti-social behaviour the right to ask local agencies to review how they have responded to the incident(s) and consider what further action can be taken. It is, effectively, a case review for victims of anti-social behaviour or hate crime
10. To preserve confidentiality, neither the victim nor the location will be named in this report.

## **Case Outline**

11. During the period of cold and snow in March 2018 a resident called the police and street link (the national charity which aims to help rough sleepers – and notifies St Mungo's when people report someone asleep on the streets) to raise his concerns about a person sleeping rough outside his door in an alley in the north of the City.
12. The initial calls on a Friday night raised concerns about the individual who was sleeping in the alley outside the resident's door (only access). However, over the weekend these calls turned to asking for help in terms of the impact it was having on them as the person sleeping rough was making the alley highly unpleasant due to vomiting, urinating and leaving rubbish on the ground. The individual was also acting in an intimidating manner toward the residents.
13. Starting on the Friday and over the course of the weekend the police, St Mungo's rough sleepers outreach team and the mental health triage visited the location and tried to engage with the person sleeping rough. The individual refused all offers of accommodation, reconnection to the place where he is from or any other offer of support and help.
14. The first assessment by the mental health triage team found that he was coherent and, although making a poor decision to stay out in the streets in such cold temperatures, did not believe there were grounds to justify taking him to a mental health hospital against his will.
15. There was a commendable focus by all services involved as to helping the person sleeping rough. This individual was known to services and has a history of placing large amounts of rubbish wherever he sleeps as well as using it as a toilet.
16. The impact on the residents was, understandably, considerable and exacerbated other issues they were dealing with at the time (a bereavement

17. The concerns and impact on the resident were not considered by any agency. The police took the decision to leave the individual rough sleeping in place until a further mental health assessment could be undertaken without consulting the residents.
18. None of the agencies that attended contacted the cleansing team to help reduce the impact that the environment (urination, rubbish and vomiting) was having to the residents. No one gave the victim contact numbers of any support services, such as Victim Support or Citizen Advice to help with his mental health.
19. On the Monday the resident decided to request a community trigger activation, as his life have been deeply affected by this situation, particularly the impact of the smell and the fear the individual was creating, resulting in one of the residents feeling unable to leave their home.
20. In his trigger request the resident begged for help as it didn't look like there was any way to end the situation as he had contacted different agencies and was told there was nothing they could do.
21. The following Wednesday a health assessment was carried out and the rough sleeper was taken to hospital for a period of 28 days. This action did provide some relief to the resident, but questions were asked as to what would happen if this situation arose again? Where could they get help?
22. Given the lack of clarity on the response to these questions, and the significant potential for the issue to reoccur, the process for a Community Trigger was activated

### **Victims desired outcome**

23. For the rough sleeper to be removed from the location and the area to be cleansed so that he and his partner feel safe again.
24. A clear answer to what he should expect if this situation was to repeat itself when the individual left hospital.

### **Findings of Community Trigger Review**

25. An Independent Chair, Alex Wrigley, the Guinness Partnership's Tenancy Enforcement Manager and member of the Home Office national Anti-Social Behaviour Working Group, was appointed. Relevant officers met on 11 April to review the case.
26. There was clear recognition from the all agencies that there were lesson's to be learnt from the victim's experience in this case.

27. The three qualifying incidents took place over on consecutive evenings over the course of a weekend and therefore **met** the local threshold for a Community Trigger Activation.
28. This case highlighted that a number of partners in the City have a role to play in dealing with ASB. However, it also illustrated a lack of clarity in terms of ownership of specific problems and that there are opportunities to improve co-ordination. It is clear more should have been done to support the victim and that it appears, with current configurations, that the police were in the best position to respond.
29. A clear gap in service was identified in non-social housing residents in the City and an apparent two-tier approach is offered here. Need to develop processes that reduce the risk of serious harm.
30. This was a complex matter involving issues beyond rough sleeping and anti-social behaviour and although the individual was removed from the place this became an active community trigger as there was no assurance than once the individual was released he wouldn't return to the same place, which he did. The rough sleeper spent 28 days in hospital and upon release did return to the same locality.
31. With the agreement of the City of London Police the victim has been advised to contact them if the problem reoccurs. Currently they are the main agency who are equipped to deal with this kind of issue. However, there needs to be clear liaison with relevant Corporation partners (e.g. rough sleeping team, cleansing).

## **Relevant tools or powers**

### **Criminal law**

32. Wilfully blocking free passage along a highway is an offence contrary to section 137 of the Highways Act 1980 (as amended), punishable by a level 3 fine. No Corporation team uses this power when it involves a rough sleeper or beggar. The police can enforce this. It is known to have been used it in previous years.
33. The Vagrancy Act 1824 makes it an offence to sleep rough or beg. This is a power that can be enforced by the police.
34. Using threatening or abusive words or behaviour is an offence under section 5 of the Public Order Act 1986, which also carries a level 3 fine. This is a power mainly for the police to enforce.

## **Civil measures**

35. The Anti-Social Behaviour, Crime and Policing Act 2014 powers that could potentially have been used in this situation are as follow:
- a. Civil injunctions
  - b. Criminal Behaviour Orders
  - c. Community Protection Notice

## **Home Office guidance on anti-social behaviour powers**

36. The Home Office published statutory guidance for frontline professionals in July 2014 to support the effective use of the new powers to tackle anti-social behaviour. The guidance was updated in December 2017 in the light of experience since the new powers were introduced.
37. The updated guidance 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”.

## **City of London Current Situation**

38. During the period of this incident only the police had the capacity and training to effectively use the powers above. Corporation teams have not used these powers in connection with rough sleeping/ASB.
39. The rough sleepers outreach team however would have this information but there would potentially be a conflict of interest if they try to engage and support these individuals rather than use enforcement powers.

## **Recommendations**

40. Agencies to consider not only the individual sleeping rough but also those having to endure behaviours that are anti-social – “putting victims first”. People experiencing problems should be signposted to appropriate services.
41. Improve co-ordination between those teams offering support, accommodation, relocation and other services to rough sleepers with those agencies and teams with an enforcement role.
42. Improve clarity in terms of ownership of specific problems, promote good practice and information sharing to help strengthen our response to ASB. (Link to developing City ASB Strategy

43. The City Corporation to review its use of the new streamlined and flexible powers available to deal with ASB cases specifically where the case is not criminal but mainly categorised as nuisance. This would include the street enforcement team, but there is also a potential role for the rough sleepers team / the Department of Communities and Children Services in terms of identifying an individual or team to deal with these issues.
44. A standardised ASB risk assessment process to be adopted by all agencies that deals with ASB and members of the public including the police. Training to be provided on this risk assessment to make it effective (led by the CST).
45. Improve co-ordination between the police and rough sleepers team in terms of notifying the cleansing team to deal with this kind of problem.
46. Develop a clear process map, that includes interaction with other agencies and takes officers through all the steps that should be taken in responding to such a case (led by the CST).
47. City of London Police to review of how such calls are handled in terms of Risk Assessment Management (RAM).
48. Improve understanding and agree use of available powers between the City of London Police and the Corporation ((link to City of London ASB strategy), this to clarify the appropriate use of criminal powers and responses to nuisance.
49. Improve and encourage the reporting and recording of ASB across all relevant teams to support effective responses (link to City ASB strategy).

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