



# Anti-Social Behaviour



A Report from Overview & Scrutiny







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Reports that have been submitted to Council can be downloaded from [www.birmingham.gov.uk/scrutiny](http://www.birmingham.gov.uk/scrutiny).



# Scrutiny Review of Anti-Social Behaviour



# Preface

By Councillor Zoe Hopkins, Lead Review Member, and



Councillor Timothy Huxtable, Chairman of Local Services and Community Safety Overview and Scrutiny Committee



It is rare to read a paper these days without finding an article on anti-social behaviour (ASB). ASB seems to be reaching epidemic proportions, with hooded youngsters seen as the main perpetrators.

Certainly, for many people in Birmingham, ASB is a very real and growing problem. However, it is sometimes difficult to distinguish fact from perception, and, whilst it is important that we do so, it is also important not to disparage the effects of that perception.

Whilst the number of recorded crimes is actually falling, the fear of crime is rising. ASB, combined with environmental factors like graffiti and litter, has a greater impact on how people feel than 'harder crimes', like robberies. This is why it is so important that we tackle the problem.

When we started this review we planned to concentrate on how to address ASB that occurs on the street and in public places. However, it soon became clear that the key to tackling the issue is partnership working. We therefore focused our attention on how well partners are working together and how things could be improved in the future.

By 'partnership working' we do not mean the City Council deciding something and expecting partners to agree to it. We mean partners working together, pooling knowledge and resources, and jointly deciding the best course of action.

We found some examples of excellent partnership working in the city which is having a real impact on ASB. However, this is not happening across the board. Success is being hindered by the lack of a clear vision that everyone has signed up to, no standard definition of what ASB actually is and problems with information sharing. A lack of performance information also means that where good practice is happening, we can't prove it.

Public confidence in the process can also be improved. Residents need to know how to make a complaint, understand what the process is for dealing with it and believe that the issue is being addressed. This can



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only happen if reporting lines are clarified and publicised, response times are published and feedback is given.

Given the importance of ASB to residents and the requirements set out in the Government's Respect Action Plan, we believe that ASB needs to be given a strong political lead. This will support the work of the officer group already set up to drive the agenda forward.

We hope that the outcomes from this review help improve our response to ASB by building upon the good work that is already being carried out, strengthening partnership working across the city and increasing public confidence in the process.





# Summary

The Local Services and Community Safety Overview and Scrutiny Committee has continued its examination of community safety by undertaking this Scrutiny Review of Anti-Social Behaviour. The Committee wanted to look at how ASB is dealt with across Birmingham, both by the City Council and partners. It was considered an opportune time to undertake this work as the Birmingham Anti-Social Behaviour Unit (BASBU) has moved from Housing to the Local Services Directorate – signalling a widening of approach from anti-social behaviour committed by Housing tenants to all forms of ASB.

A number of previous scrutiny reviews have looked at different aspects of anti-social behaviour, and so this review focused on the partnership arrangements for dealing with ASB and the sanctions available for those perpetrating it.

Our final conclusions and recommendations centre around three main points:

1. **Partnership working:** the City Council cannot and should not “go it alone” on ASB – we have willing and extremely capable partners and these relationships should be used to the full;
2. **Information sharing:** it is important that partners are able and prepared to share intelligence on ASB;
3. **Public confidence:** Birmingham residents should have confidence in our responses and believe that their concerns are taken seriously.

In the course of the review, we looked at the structure of how community safety is managed in Birmingham, and how key partners – the City Council, Police, Fire Service and youth organisations – work together at a strategic, Constituency and neighbourhood level. We have seen some good examples of partnership working – for example the Broad Street Initiative and Erdington LDG. However, it was felt that there was no “vision” for ASB in Birmingham that all partners had signed up to and could work towards. We have therefore recommended that a vision outlining a “Multi Agency Approach for tackling ASB” is pursued.

This would help to ameliorate problems such as:

- Wide and differing definitions of ASB;
- A pre-ponderance of output focused performance measures as opposed to outcome focused ones.

Partnership working at the local level is as important as at the city-wide level. The Erdington (Local Delivery group) LDG demonstrates what can be achieved when this is at its most effective. We found variable effectiveness of LDGs and there is a need in some areas for greater partnership working. We also feel that member engagement is a key ingredient of success. LDGs at the Constituency level should be supported by Safer Estates Groups at the local level, although there are problems relating to coverage across the city and variable effectiveness.



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Tensions between the necessary sharing of information and the protection of client confidentiality were also explored. The need to share information between agencies is paramount if ASB is to be tackled effectively. Work therefore needs to be done to increase the trust between relevant agencies so they are satisfied that any data that is shared will be treated in the utmost confidence. One way of doing this is to ensure that all statutory partners are encouraged to sign the SEG Information Sharing Protocol.

It is also the case that information could be better shared with complainants – as to what is happening on the case that they have reported – and any Members involved in resolving ASB complaints.

Clearly, ASB is a top concern of residents and whilst we have explored some of the perception issues inherent in this, the figures that are available support the view that it is a serious problem in the city. Ensuring public confidence in our response is therefore critical. Firstly, ASB needs to be confronted wherever it occurs and dealt with. This extends across the process – from reporting to resolution. One of the things that public perceptions could be improved by is having consistent and published standards relating to the reporting of ASB across the different sections of the Council involved in responding to and tackling ASB: BASBU, Regulatory Services and Housing. Nottingham City Council has a clearly set out standard (see Appendix 7) and we would like to see a similar standard in operation here. This must be owned across the Council.

Finally the issue of devolving ASB services to the Constituencies was also discussed during the review. In line with the recent Scrutiny Review of Devolution and Localisation, it is recommended that the Committee receive a report in twelve months time on the moves made towards devolving and localising responses to ASB.



## Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R01	That the Cabinet Member for Local Services and Community Safety works with the Birmingham Community Safety Partnership (CSP) in putting forward the case for a vision outlining a "Multi Agency Approach for tackling ASB " as outlined in this report. This should address the conflicting philosophies in responding to Anti-Social Behaviour (ASB). The CSP response should be presented to the Local Services and Community Safety O&S Committee	Cabinet Member for Local Services and Community Safety	April 2007
R02	The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to explore how the National Standard for Incident recording of ASB might be adopted by all relevant agencies.	Cabinet Member for Local Services and Community Safety	March 2007
R03	That the Cabinet Member for Local Services and Community Safety works with the Birmingham CSP to investigate other performance measures, taking into account: <ul style="list-style-type: none"> <li>• The need to understand the outcomes of interventions;</li> <li>• The need to gauge the overall reduction in the severity of incidents of ASB.</li> </ul> It should be demonstrated that any new indicators agreed are useful and meaningful to practitioners, and do not create an excessive burden on agencies.	Cabinet Member for Local Services and Community Safety	April 2007
R04	Evaluations of interventions should routinely be undertaken to supplement the above performance measures where necessary e.g. the effectiveness of: <ul style="list-style-type: none"> <li>• Acceptable Behaviour Contracts; and</li> <li>• Parenting Contracts;</li> </ul> These should be jointly undertaken with other relevant agencies or authorities as required.	Cabinet Member for Local Services and Community Safety	October 2007
	<b>Key Criteria</b>		
	A report should be presented to the LSCS Committee on the results of the first such evaluation when appropriate. A note explaining what work has been undertaken or is underway to meet this recommendation should be presented by October 2007.		



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	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R05</b>	The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to ensure that Elected Members are given the opportunity to be involved in governance structures relating to ASB (including Local Delivery Groups, Safer Estates Groups and other appropriate mechanisms). In these cases Members should agree to abide by the Data Protection requirements of the organisation, as all partners are obliged to do.	Cabinet Member for Local Services and Community Safety	January 2007
<b>R06</b>	Regular reports should be submitted to the Local Services and Community Safety O&S Committee on outcomes from the Respect Agenda audit being conducted by the Respect Agenda steering group as part of the Committee's role of monitoring performance on community safety.	Cabinet Member for Local Services and Community Safety.	November 2006
<b>R07</b>	The Executive should consider the creation of a Cabinet Committee to: <ul style="list-style-type: none"> <li>Facilitate corporate ownership of the Respect Agenda;</li> <li>Provide oversight and responsibility for the implementation of the Respect Agenda;</li> <li>Report on an agreed basis to the Local Services and Community Safety O&amp;S Committee.</li> </ul> The membership should include observer members from each of the three Political Groups.	Leader of the Council	June 2007
<b>R08</b>	The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to encourage all partners to sign up to the Safer Estates Group Protocol for Information Sharing, which sets out the data protection provisions to protect clients.	Cabinet Member for Local Services and Community Safety	January 2007
<b>R09</b>	BASBU should agree a process for informing both complainants and Members (where Members request such information) of the progress on individual cases. This should include: <ul style="list-style-type: none"> <li>Timescales for when feedback will be received; and</li> <li>Ways in which feedback will be provided.</li> </ul>	Cabinet Member for Local Services and Community Safety	January 2007



	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R10</b>	<p>A clear service standard for those reporting ASB to the City Council should be set out, including:</p> <ul style="list-style-type: none"> <li>• Response times;</li> <li>• How certain behaviour will be dealt with; and</li> <li>• When feedback will be received.</li> </ul>	Cabinet Member for Local Services and Community Safety, Housing and the Chair of the Public protection Committee	February 2007
<b>R11</b>	<p>BASBU should develop an ongoing programme for updating and publicising the following:</p> <ul style="list-style-type: none"> <li>• Reporting routes;</li> <li>• Successes.</li> </ul>	Cabinet Member for Local Services and Community Safety	February 2007
<b>R12</b>	<p>That the Education and Lifelong Learning O&amp;S Committee be requested to receive the Behaviour Improvement Strategy being developed as part of the Children and Young People's Plan.</p>	Cabinet Member for Education and Lifelong Learning	June 2007
<b>R13</b>	<p>A report should be presented to the Local Services and Community Safety O&amp;S Committee on the moves made towards devolving and localising responses to ASB.</p>	Cabinet Member for Local Services and Community Safety	October 2007
<b>R14</b>	<p>Progress towards achievement of these recommendations should be reported to the Local Services and Community Safety O&amp;S Committee in March 2007.</p> <p>Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.</p>	Cabinet Member for Local Services and Community Safety	March 2007



## Glossary

ABC	Acceptable Behaviour Contract
ASBO	Anti-Social Behaviour Order
ASBU	Anti-Social Behaviour Unit (part of the Home Office)
BASBU	Birmingham Anti-Social Behaviour Unit
BCS	British Crime Survey
BCSP	Birmingham Community Safety Partnership
BID	Business Improvement District
BSP	Birmingham Strategic Partnership
BVSC	Birmingham Voluntary Service Council
CPG	Core Priority Groups (part of the Community Safety Partnership)
CSP	Constituency Strategic Partnerships
CVCHA	Castle Vale Community Housing Association
DAT	Drugs Action Team
GOWM	Government Office West Midlands
ISO	Individual Support Order
LAA	Local Area Agreement
LDG	Local Delivery Group (part of the Community Safety Partnership)
OCU	Operational Command Unit (Police)
RSL	Registered Social Landlord
RTF	Respect Task Force
SEG	Safer Estates Group
SNP	Safer Neighbourhood Project
TAA	Together Action Area
TAZ	Tow-away Zone
YIP	Youth Inclusion Project
YISP	Youth Inclusion and Support Panel
YOS	Youth Offending Service



# 1 Introduction

## 1.1 Background

1.1.1 In September 2005, the Local Services and Community Safety Overview and Scrutiny (O&S) Committee presented an Overview Report to the City Council on the Management of Community Safety. This examined the range of actions the City Council, along with our partners, are taking to help make Birmingham a safer city.

1.1.2 The report highlighted certain topics the Committee wished to investigate in more detail. Anti-social behaviour (ASB) was selected as the first of these to be looked at in greater depth, in particular to ascertain:

- How does the Council and our partners deal with ASB?
- What structure exists to deal with this problem?
- How are we (Council and partners) doing in terms of tackling ASB?

1.1.3 It was considered an opportune time to undertake this work as the Birmingham Anti-Social Behaviour Unit (BASBU) has moved from Housing to the Local Services Directorate – signalling a widening of approach from anti-social behaviour committed by Housing tenants to all forms of ASB. In addition, the Government has recently launched its Respect agenda, aimed at cracking down on ASB and the 'culture of disrespect'.

## 1.2 Scrutiny Involvement in ASB

1.2.1 As we will go on to discuss, the term ASB covers a diverse range of behaviours. This is illustrated by the fact that a number of Scrutiny reports have already covered various aspects of ASB. There were two basic approaches: firstly there are those reviews looking at directly addressing ASB:

- One of the first Reviews carried out by Scrutiny in June 2001, was a **Review of the Use of Anti-Social Behaviour Orders (ASBO)**. This sought to encourage the growth of partnership working and the use of ASBOs.
- In 2004 the Housing and Urban Renewal O&S Committee presented a **Scrutiny Review of Anti-Social Behaviour in Housing**: concerning the length of time taken to resolve ASB complaints and the Council's limited use of legal powers. Recommendations again emphasised cross-agency working, and suggested a funding review and the introduction of a Member pack – both of which have now been implemented.
- **Anti-Social Behaviour in Schools** was presented to the City Council in 2006 by the Education and Lifelong Learning O&S Committee. It sought to support the development of a



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single over-arching behaviour strategy, enabling a cohesive and comprehensive approach to ASB and the safety of pupils in schools. It covers bullying associated with the school environment and truancy.

1.2.2 Secondly, other reviews looked at the consequences of ASB and these focused on environmental aspects:

- In 2005, the **Scrutiny Review of Pest Control (Rats and Rubbish)** completed by the Transportation and Street Services O&S Committee looked at the consequences of environmental ASB – in particular fly-tipping and litter. Later that year, the **Scrutiny Review of You Are Your City** reported on Council efforts to tackle such behaviour.
- **Scrutiny Review of Abandoned Vehicles** in 2003 resulted in the deployment of Environmental Wardens to pro-actively identify potential abandoned vehicles and initiate the removal process, plus funding was obtained to carry out a short-term enforcement exercise with the DVLA resulting in the removal of 240 untaxed cars from the streets.
- **Scrutiny Review of Enforcing Parking** in 2005 resulted in additional parking attendant hours allocated to suburban areas, meeting the demand for enforcement.

1.2.3 In addition, the **Scrutiny Review of CCTV**, completed by the Local Services and Community Safety O&S Committee in 2005, looked at one tool used to prosecute and deter ASB. A senior officer has since been appointed to lead on co-ordinating CCTV activity and to promote a strategic approach to CCTV development in the city.

1.2.4 The effect of all this is not only to show the range of activities that are regarded as anti-social, but the seriousness with which Elected Members take the issue. As we will discuss later in the report, ASB is of real concern to Birmingham residents, and Scrutiny Members are keeping a close eye on the array of mechanisms employed to deal with it.

## 1.3 Terms of Reference

1.3.1 The Committee was keen to avoid replicating any of this work, but was equally keen to gain an up to date assessment of progress made against tackling ASB across the city. The review therefore focused on six objectives:

- To gain a broad appreciation of ASB across the city, including who causes it and where it occurs;
- To understand the legislative, policy and performance context of ASB;
- To understand the various agencies and organisations involved in tackling ASB, and whether there is parallel or overlapping provision;
- To focus particularly on the issue of ASB on the streets and in public spaces and how these are tackled;





- To discover what approaches constituencies are taking in tackling this problem and to understand the role of Local Delivery Groups; and
- To explore what other local authorities are doing and what can be learnt from this.

## **1.4 Methodology**

1.4.1 The review was conducted via a cross-party Review Group. Evidence gathering sessions were held between March and July 2006, and a number of additional witnesses were asked for written submissions. In addition a visit was undertaken to the Lyndhurst Estate Community Shop to talk to members of the Erdington Local Delivery Group and the Lyndhurst Safer Neighbourhoods Project. A full list is contained in Appendix 1.

1.4.2 In order to gauge Member opinion on this issue, a set of three questions were sent to all Members. Forms containing these questions were made available at the City Council meeting of the 6<sup>th</sup> June. Nineteen responses were received.

## **1.5 The Report**

1.5.1 This report sets out the findings from this investigation in five further sections, drawing on evidence from the witnesses and the wide range of sources available on this subject (see Appendix 2 for a full bibliography).

1.5.2 The first two chapters set out the background in terms of:

- Definitions of ASB, legislative and policy responses (Chapter 2);
- Perceptions of ASB (Chapter 3).

1.5.3 As these chapters illustrate there is a potentially large scope for this review, therefore the decision was taken to focus on responses to ASB rather than early interventions and prevention, in particular partnership responses within the community safety framework – Chapters 4 to 6 look at the strategies, the partnership bodies and the City Council's role within these.

1.5.4 Chapter 7 takes the front line view – how is ASB reported and sanctions enforced? This does include some information on prevention as part of a fully comprehensive response to ASB, but our conclusions and recommendations (Chapter 8) focus on how we can better respond to problems of ASB.



## 2 Setting The Scene

### 2.1 Introduction

- 2.1.1 Before setting out how ASB is currently dealt with in Birmingham, we first need to set out the context in which we are operating.
- 2.1.2 This is of primary importance, not least because the first task is to define ASB – what actions are covered by this term? We also need to understand the legal context: what are the legal mechanisms that proscribe this behaviour and what sanctions are available?
- 2.1.3 Legislation is not the only influence on Council policy – Central Government has taken a keen and close interest in this area for over ten years, and we will look at the Government’s agenda for ASB, particularly with regard to the *Respect Plan*, and a Select Committee evaluation of the Government’s approach.
- 2.1.4 Finally, what this means for local authorities is set out, as codified in the Comprehensive Performance Assessment (CPA) requirements on tackling ASB.

### 2.2 Definitions

- 2.2.1 As we have already indicated with the range of Scrutiny reviews referred to in Chapter 1, the term ASB encompasses a wide range of criminal and nuisance activity. This is the result of deliberate choice by the Government: the Home Office contends that to strictly define particular types of behaviour or action would ‘run the risk of excluding some types of behaviour that are problematic or including others which may not be’ an issue locally.<sup>1</sup> Examples from legislation include:

[Conduct] capable of causing nuisance or annoyance to any person (Housing Act 1996);

Acting in an anti-social manner [means acting in] a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator (Crime and Disorder Act 1998)

- 2.2.2 These put the focus on the effects of the behaviour rather than the behaviour itself with the intention that local people determine what constitutes ASB in their area. So how does Birmingham City Council define ASB? The Council’s website states:

Anti-social behaviour (ASB) covers a wide spectrum of activities from minor neighbour disputes arising out of differences in lifestyle, to serious criminal behaviour often in the form of harassment.

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<sup>1</sup> House of Commons Home Affairs Committee, Anti-Social Behaviour, Fifth Report of Session 2004–05, Volume I



2.2.3 It goes on to list examples of ASB, which echo other definitions in that four broad categories emerge:

- **Environmental ASB**, including excessive noise (especially late at night), vandalism, dumping of litter or rubbish, statutory nuisance (such as fume emissions);
- **Nuisance neighbours**, including nuisance caused by children of tenants, or visitors to council properties and estates, including harassment (disability, homophobic, racial, religious and verbal abuse), breaches of tenancy conditions and nuisance caused by animals;
- **ASB on-street or in public places**, including rowdy, unruly or threatening behaviour, harassment (disability, homophobic, racial, religious and verbal abuse);
- **Criminal activity** including arson, assault, begging, criminal damage, domestic violence, drugs, illegal/underage sales, joyriding, prostitution, stolen property and threats.

2.2.4 The website notes that 'anti-social behaviour can be targeted at an individual often because of perceived differences (for example, harassment including racial harassment)' and that 'anti-social behaviour can be "accidental" or "un-thinking" inconsiderate behaviour'.

## 2.3 Government Responses to ASB

2.3.1 The response from central Government on this issue has been multi-faceted. Firstly there have been a number of pieces of legislation aimed at tackling ASB, but there has also been a wider-ranging response with the high-profile *Respect* Agenda. Parliamentary input to the debate has come in the form of a Select Committee report on the national response to ASB.

### Legislation

2.3.2 Two key pieces of legislation form the substance of the legal response to ASB. The *Crime and Disorder Act* introduced Anti-Social Behaviour Orders and Parenting Orders in 1998. In addition, the Act placed duties on relevant authorities to:

- Carry out crime and disorder review (including consultation) and formulate a strategy for the reduction of crime, including local crime and disorder audits;
- Have in place an annual Youth Justice Plan and a multi-disciplinary team to deal with youth offenders (Youth Offending Teams).

2.3.3 Since then, the *Anti-Social Behaviour Act 2003* has introduced:

- Closure notices for premises where drugs are used unlawfully;
- Injunctions against ASB on application of certain social landlords;
- Parenting contracts;
- Dispersal of groups and removal of persons under 16 to their place of residence;



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- Environmental provisions such as closure of noisy premises, penalty notices for graffiti, fly-posting and fly-tipping.

2.3.4 These two Acts are part of an increasing body of legislation: other relevant pieces of legislation include:

- *Clean Neighbourhoods and Environment Act 2005*: local authorities have powers to make gating orders and have provisions for dealing with nuisance vehicles, abandoned vehicles, litter and refuse, graffiti, fly-tipping, stray dogs and noise offences;
- *Serious Organised Crime and Policing Act 2005*: strengthens the existing legislation with respect to ASBOs as introduced by the Crime and Disorder Act 1998. Adds the power to stop and search for prohibited fireworks;
- *Police Reform Act 2002*: power of constable to require a person who s/he has reason to believe has been acting in an anti-social manner to give name and address;
- *Criminal Justice and Police Act 2001*: power of constable to issue penalty notice to persons aged 18 or over who s/he has reason to believe has committed a penalty offence;
- *Criminal Justice and Police Act 2001*: power of local authority to make an order designating public places where nuisance or disorder has been associated with the consumption of alcohol as areas where Constables may require persons to stop drinking and confiscate alcohol. Failure to comply is punishable by a fine up to £500 and arrest without a warrant.
- *Housing Act 1996*, s.153: local authority, social landlords, housing action trust or charitable housing trust can seek injunctions to prevent breaches of a tenancy agreement due to ASB.

2.3.5 Flowing from these Acts is a set of legal interventions – these are listed in Appendix 3. How these are utilised in Birmingham is discussed in Chapter 7.

2.3.6 Further legislation in this area includes the *Police and Justice Bill* plans to take forward the aim of 'build[ing] safer, stronger communities and instil[ing] a culture of respect in society' via:

- Widening the number of agencies that can apply for parenting orders;
- Providing Community Support Officers with the power to return truants to school;
- Giving Trading Standards Officers the power to issue Penalty Notices for Disorder to clamp down on licensed premises that sell alcohol to under-18s.

2.3.7 In addition, the proposed Act would give Scrutiny Committees power to scrutinise the functioning of the local Crime and Disorder Reduction Partnership (CDRP)/Community Safety Partnership (CSP).

## The *Respect* agenda

2.3.8 In January 2006, the Government launched its *Respect* agenda which aims to clamp down on ASB and address the wider culture of disrespect in society. Co-ordinated by the *Respect* Taskforce, the



*Respect Action Plan* details how the Government will encourage respect in the home, classroom and local community, by:

- Supporting or challenging anti-social households;
- Tackling truancy and ASB in schools;
- Providing activities for younger people;
- Strengthening local communities;
- Stronger measures to tackle ASB.

2.3.9 This programme of work will be underpinned by £80m over two years of new funding. This includes £52m to start a national programme of change in the way public services respond to parents and £28m to get intensive family support projects off the ground and provide parenting support. Other aspects of the Respect agenda will be delivered through existing funding streams.<sup>2</sup>

2.3.10 More recent announcements have supplemented the information in the Respect Action Plan: the national "respect squad" was launched to help in the battle against ASB. Local councils, MPs and police chiefs will be able to call in the squad to help tackle cases of "yobbishness". The squad, which will work across Wales and England, consists of ten frontline local council and police staff. It will also intervene where there is evidence of insufficient action being taken by local agencies.<sup>3</sup>

2.3.11 The Council's specific response to this agenda is discussed in section 6.7.

### **Findings of the Home Affairs Select Committee**

2.3.12 Given the extensive coverage and attention given to ASB by the Government, the Home Affairs Select Committee considered their approach in 2005. They considered the extent of the problem and the various responses to it.

2.3.13 The key findings as they relate to this review are:

- ASB perpetrated by young people, neighbour nuisance and alcohol-related disorder are real problems that have not been exaggerated by the Government or the media;
- A successful ASB strategy must address all aspects of the response, including diversion, enforcement and support;
- There are now enough powers to deal with ASB but progress is being undermined by different philosophies, methods and tactics amongst key players;
- The Government needs to encourage partnership working by working with ASB co-ordinators;
- Funding mechanisms should be reviewed because they are too complex and the resources do not always reach those who need them;

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<sup>2</sup> [www.respect.gov.uk](http://www.respect.gov.uk)

<sup>3</sup> [news.bbc.co.uk/1/hi/uk\\_politics/5116426.stm](http://news.bbc.co.uk/1/hi/uk_politics/5116426.stm)



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- Small amounts of additional Government funding for parenting classes, the Youth Inclusion Programme and individual support orders and intensive family interventions would have a great impact on combating ASB perpetrated by young people;
- Criticisms of ASBOs are unfounded but the minimum term (currently two years) should be removed.

## 2.4 Local Authority Responsibility

2.4.1 The intensive national focus on ASB is of course reflected at local authority level, to the point where the Audit Commission's Key Lines of Enquiry for the Comprehensive Performance Assessment (CPA) – The Harder Test, include guidelines for what a '3 star' performing authority should be doing to tackle the problem. Under the Audit Commission's criteria, a 'good' council, in terms of tackling ASB can be described by the following statements:

- The council has a clear vision for defining aspirations and objectives for preventing and tackling ASB, supports equality and diversity through addressing the vulnerability of minority groups. It has an effective communications strategy to inform residents of services dedicated to preventing and tackling ASB and case outcomes.
- The council can show that it is proactively capturing and recording reports and evidence of ASB and using this on a day to day basis to prioritise the activities of frontline workers. Local people are asked regularly about ASB in their neighbourhood, their views are used to prioritise use of resources and they are given feedback about how problems are being addressed to meet customer and community needs.
- The council can demonstrate that it supports victims and witnesses of ASB, helping them to report incidents early and give evidence in court. It evaluates outcomes. Performance data and feedback from local people show that ASB incidents and perceptions are reducing and that performance targets are being achieved.
- The council and partners can show that they share information effectively and have agreed the local priorities. They have an integrated approach to prevention, enforcement and rehabilitation as part of a planned and strategic approach.
- The council can demonstrate improvements in the quality of life of local residents as part of a corporate approach to safer, stronger communities.

## 2.5 Key Issues

2.5.1 This discussion has highlighted three key questions that will run through the remainder of this report:

- The Government intends that definitions of ASB should be determined locally – are these clear enough in Birmingham?



- The powers available to the City Council and other agencies in tackling ASB are numerous – are we using them effectively?
- How is the Council performing against the CPA criteria?

2.5.2 The latter two will be addressed in more detail later in the report; however, it is worth considering the issue of definition at this point.

2.5.3 The reasons for and against having wide definitions of ASB were explored by the Home Affairs Select Committee and the issues and arguments are summarised in Table 1 (overleaf).

2.5.4 The Select Committee concluded that 'it would be a mistake to try to make [definitions] more specific.' There were three reasons for this:

- The definitions work well from an enforcement point of view and no significant practical problems appear to have been encountered;
- Exhaustive lists of behaviour considered anti-social by central Government would be unworkable and anomalous;
- ASB is inherently a local problem and falls to be defined at a local level.

2.5.5 They also argue that the definitions are helpful in 'backing an approach that stands with the victims of ASB and their experience rather than narrowly focusing on the behaviour of the perpetrators.'

2.5.6 The definition of ASB in Birmingham has also been left deliberately wide for much the same reasons. However, concern was expressed during the review and this centred around three main issues:

- The collection of performance management data is hindered by the lack of a clear definition all agencies can work to: with different categorisations of ASB it is difficult to share data across the many partners involved in tackling ASB;
- Tolerance levels: as ASB is not defined, authorities are reliant upon individuals and communities reporting what they consider to be ASB. There is anecdotal evidence that some areas of the city have higher tolerance levels of low-level ASB than others – therefore what is punishable in one Constituency is not in another. A clear definition would give communities a comprehensive standard to which they could hold us;
- A broad definition places a broad responsibility on those agencies dealing with ASB, and Local Authorities in particular. Clarifying what requires action from the Council and what we will not deal with allows a more effective allocation of resources.

2.5.7 Given these concerns, and that definitions ought to be determined at a local level, the Committee feels that more could be done to clarify what is regarded as ASB in Birmingham.



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Issue	Against a wide definition	For a wide definition
<b>Effective policy response</b>	<p>Effective policy response hindered due to: 'problems of definition lead to problems of solution... the combination of a definition based on subjective criteria and an attempt to encompass a wide range of behaviours under one term leads to inappropriate, expensive and sometimes draconian policy responses.' (Crime and Society Foundation);</p> <p>'It is imperative that responses draw distinctions between different types of behaviour and recognise the causes of that behaviour. Measures can then be taken which are not only proportionate, but also effective in tackling it'. (Shelter)</p>	<p>A more strategic response can be generated – the inclusion of ASB as a national policing priority 'has been particularly effective in gaining police recognition of "low level" crime as a local priority and provides the impetus for local joint working.' (Local Government Association);</p> <p>In addition to ASB co-ordinators, the emergence of local authority ASB units are further tangible evidence of the practical effect of utilising a broad concept of ASB. (Northern Housing Consortium)</p>
<b>Performance Management</b>	<p>Effective performance management is hindered due to: 'a lack of clarity around the definition and measurement of ASB does not help with effective performance management arrangements' (Hull / Salford City Councils)</p>	<p>The Home Office acknowledged this problem of measurement; however, it argued that the benefits of the wide definition were more important than this.</p>
<b>Jurisprudential or human rights implications</b>	<p>Without 'a clear standard for enforcers, policy-makers and the public to measure behaviour against ... it will become increasingly difficult to justify legally any further interference with human rights' (Law Society);</p> <p>'In a democracy, if prohibitions and punitive sanctions are to be employed, a greater degree of clarity is required.' (Liberty).</p>	<p>Practitioners state that definitions have proved simple to use in terms of pursuing legal action: '...the definition to secure an anti-social behaviour order ... will go before the magistrates who are familiar with that term from public order offences that come before them every day.'</p>
<b>Inconsistency v flexibility</b>	<p>Inconsistency – potential for discrimination and for the unjustified targeting of particular groups, for example: 'many children and young people are telling us that they do not understand the term, but they feel that it is targeted towards them' (The Children's Society).</p>	<p>Flexibility – the definition of ASB needs to be worked out at a local level: 'What is acceptable in one street in Peterborough, if we moved within 200 metres would not be acceptable. It can change during the hours of the day. It is a variable'. Officers must be able to use judgement on individual cases.</p>

Table 1: Submissions to the Home Affairs Select Committee on ASB





## 3 Public Perceptions

### 3.1 Introduction

- 3.1.1 Everyone now, it seems, has a view on ASB and how it should be tackled. Extensive news coverage, coupled with the Government's well-publicised hard stance on addressing the problem, has ensured that ASB is firmly in the public psyche. Understanding perceptions has therefore become as important as gauging actual incidents of ASB, particularly if fears are to be managed and if interventions are to have public support.
- 3.1.2 This chapter examines to what extent ASB is a growing problem and sets out European, British and Birmingham attitudes towards it.

### 3.2 The ASB myths

- 3.2.1 Common perceptions seem to be that ASB is worse than it has ever been. Young people are routinely blamed for this increase. Indeed, many people would agree that: 'the morals of the children are ten times worse than formerly'<sup>4</sup>.
- 3.2.2 However, are these views based on fact and a real increase in crime or are they assumptions fed by emotive media reporting? Is ASB really a new phenomenon where young people are the only perpetrators?
- 3.2.3 In fact, the quote in 3.2.1 was made by Lord Ashley in the House of Commons in 1823. Barnado's have used it to illustrate their belief that:

'There has been an almost continual moral panic about children's behaviour and a preoccupation about the causes of and how best to deal with and control such behaviour'.<sup>5</sup>

- 3.2.4 This view seems to be borne out by a number of quotes that suggest that ASB is far from a new "menace to society":

'We live in a decaying age. Young people no longer respect their parents. They are rude and impatient. They frequently inhabit taverns and have no self control.'

**Inscription, 6000 year old Egyptian tomb<sup>6</sup>**

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<sup>4</sup> Evidence given by Barnado's to the Home Affairs Committee as part of its review of Anti-Social behaviour (March 2005)

<sup>5</sup> *ibid*

<sup>6</sup> Quoted from R. Buckminster Fuller's *I Seem to be a Verb* on [www.anxietyculture.com](http://www.anxietyculture.com)



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'What is happening to our young people? They disrespect their elders, they disobey their parents. They ignore the law. They riot in the streets....Their morals are decaying. What is to become of them?'

**Plato, 4<sup>th</sup> Century BC<sup>7</sup>**

'When I was young, we were taught to be discreet and respectful of elders, but the present youth are exceedingly disrespectful and impatient of restraint'

**Hesiod, 8<sup>th</sup> Century BC<sup>8</sup>**

- 3.2.5 In the 1800s, hordes of teens and pre-teens were reported running wild in American streets, dodging authorities and 'gnawing away at the foundations of society' as a commentator put it.<sup>9</sup> In 1898, newspapers in England warned of the menace of 'hooligans' and of a 'dramatic increase in disorderly behaviour'. The Times reported 'organised terrorism in the streets'.<sup>10</sup>
- 3.2.6 Behaviour that is today labelled as being "anti-social" therefore seems to have been a constant issue throughout the generations and is perhaps a sign of different values between the age-groups. These quotes also show that throughout the centuries, the media, or the relevant equivalent at the time, has had a part to play in publicising ASB. The outcome of which is often an increase in the fear of ASB and a perception that the problem is getting worse. In today's media-savvy age, the impact of such reporting is greater than ever.
- 3.2.7 There is also nothing new about current interventions to tackle ASB. Historians have uncovered the equivalent of an Anti-Social Behaviour Order issued in 1907. John William Stone was convicted for being drunk and disorderly and barred from the pubs in Portland, Dorset for three years – with fines of up to 40 shillings (£2) for breaking the ban. He was named and shamed in the hope that it would stop him drinking.
- 3.2.8 Similarly, files uncovered by the young people's charity Rainer reveal that in 1806, children as young as nine were ordered into reform schemes run by the Philanthropic Society. Although such programmes look very different today, 200 years on we still require young people to undertake activities to assist in their reformation.
- 3.2.9 The actions and attitudes of young people have always had the potential to clash with wider society's view of how they should behave. Inter-generational conflict and misunderstanding has been at the heart of some of the problems experienced throughout the centuries. This conflict can manifest itself in a number of ways, including:

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<sup>7</sup> [www.anxietyculture.com](http://www.anxietyculture.com)

<sup>8</sup> Ibid.

<sup>9</sup> Quoted from Barry Glassner's *The Culture of Fear* on [www.anxietyculture.com](http://www.anxietyculture.com)

<sup>10</sup> Quoted from Laurie Taylor's article, *Looking with a historical eye* on [www.anxietyculture.com](http://www.anxietyculture.com)



- Arguments over space: young people feel that they have the right to kick a ball in the street with some mates, but adults can find this behaviour a nuisance; and
- Difficulty in telling the difference between youth nuisance and youth presence: young people feel safer hanging around in groups and on streets, but can appear intimidating to adults and look as if they are “up to no good”.

3.2.10 This lack of trust and understanding between young people and adults is highlighted in research conducted in Hodge Hill (see 3.5.5). These barriers need to be broken down for progress to be made in tackling ASB.

3.2.11 Although young people are generally blamed for ASB, more adults actually get served with legal actions relating to ASB in Birmingham. Injunctions are almost always used on adults (see 7.4.26) and in 2005/06, 108 were issued. In terms of ASBOs, the Orders obtained are fairly evenly split between those over 18 years of age, and those under (see Figure 1). This is in contrast to how the issue is portrayed in the media where ASBOs are inextricably linked to young “hoodies”. This view has become so ingrained that there is anecdotal evidence that some young people believe that ASBOs can only be served on people of their age group.

Age of Perpetrator	2003	2004	2005	2006 (ytd)	Total
Over 18	4	19	21	22	66
Under 18	5	22	21	12	60

Figure 1 : ASBOs by Calendar Year, Split by Age-Group (Source: BASBU)

3.2.12 It is important to note that while young people can be perpetrators of ASB, they are also more likely to be the victims of crime and disorder than any other age group. However, establishing exactly how many young people are victims of crime each year is difficult. The Home Office does not routinely include crimes against under-16s in the annual British Crime Survey (BCS) and many of the other figures available are based on sample estimates.

3.2.13 The British Crime Survey (2005-06) does state that young men aged 16 to 24 are the most likely victims of violent crime, while the Crime and Justice Survey 2003, which interviewed 10-15 year-olds, found that more than one in three young people had been subjected to some sort of personal crime.



## 3.3 Public Opinion in Europe

3.3.1 ASB is a world-wide issue. Research commissioned by ADT Europe (April 2006)<sup>11</sup> into attitudes towards ASB in France, Germany, Great Britain, Italy, the Netherlands and Spain found that at least 78% of citizens in all countries thought that ASB was getting worse. Italy was the exception: less than half (46%) believed the problem was growing and 38% thought it was static.<sup>12</sup>

3.3.2 In terms of all respondents' overall perception of ASB in each country, Great Britain is believed to have the greatest problem in Europe – 76% thought it was a big or moderate issue here, followed by France (75%) and Germany (61%). The Netherlands was perceived to be the least affected with less than half (44%) thinking it was a problem there.

3.3.3 Other key findings include:

- Vandalism was believed to be the primary manifestation of ASB in all countries except Great Britain where disrespectful behaviour (63%) and being rowdy (62%) were seen as more of a problem;
- Respondents overwhelmingly associated ASB with young people – overall 41% thought it was caused by 14-17 year olds and 27% blamed 18-25 year olds;
- A minority (19%) did not associate ASB with any age group. This rose to 38% in Germany;
- 84% thought parents were responsible for controlling ASB followed by the Police (57%). Germany was the exception where the community and schools were thought to have the biggest role to play after parents;
- Lack of discipline at home and at school was regarded as being the main cause of ASB in all countries except Germany where unemployment was seen as the key factor (63%). The main contributing factor after that reflected particular problems faced by individual countries:
  - France – cultural/social tensions (58%);
  - The Netherlands – cultural/social tensions (50%);
  - Great Britain – alcohol (68%);
  - Italy – lack of positive role models (50%);
  - Spain – illegal drug use (49%).

3.3.4 In terms of tackling the problem, the view across Europe was that the severity of sentences needs to be increased. This belief was held most strongly in Great Britain and the Netherlands (49%). After that, British respondents thought drinking alcohol in public places should be banned (17%), whilst all other countries thought that ethnic/cultural tolerance needed to be improved.

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<sup>11</sup> 7,000 people were questioned in an online survey

<sup>12</sup> For the purpose of this survey, anti-social behaviour was defined as minor criminal activity (e.g. vandalism and graffiti) and unpleasant or inappropriate behaviour (e.g. street drinking, bullying and noisy neighbours).



### 3.4 National Public Opinion

3.4.1 According to the 2005/06 British Crime Survey (BCS) recorded crime has fallen by nearly a half (44%) since 1995. The risk of becoming a victim of crime has fallen from 40 per cent at its peak in 1995 to 23 per cent according to BCS interviews in 2005/06, representing just over six million fewer victims. This remains at the lowest level recorded since the BCS began in 1981.

3.4.2 These statistics are not, however, recognised by members of the public. The BCS 05/06 also reports that comparatively high proportions of people still believe the crime rate to have risen:

People have more positive perceptions of crime in their own area than nationally; 63 per cent of people thought that crime in the country as a whole had increased compared with 42 per cent who thought crime in their local area had increased.

3.4.3 Similarly with ASB: the proportion of people perceiving high levels of anti-social behaviour in their local area has remained stable since 2004/05 at 17 per cent. This represents a decrease of four percentage points since 2002/03 (21%).

3.4.4 The areas of ASB showing an increase are:

- Teenagers hanging around on the streets – increased from 31% in 2004/05 to 32% in 2005/06;
- People being drunk or rowdy in public places – increased from 22% in 2004/05 to 24% in 2005/06.
- Noisy neighbours or loud parties – increased from 9% in 2004/05 to 10% in 2005/06;
- People using or dealing drugs – increased from 26% in 2004/05 to 27% in 2005/06;
- Vandalism, graffiti and other deliberate damage to property – increased from 28% in 2004/05 to 29% in 2005/06.

3.4.5 However decreases are shown in relation to abandoned or burnt out cars – decreased from 12% in 2004/05 to 10% in 2005/06. Problems relating to rubbish or litter lying around has stayed at 30% for two years.

3.4.6 These are perception measures – people were asked to say which were a fairly or very big problem in their area and it should be noted that a number of factors can affect this perception. How safe, or unsafe, people feel is not necessarily related to actual incidence of crime. In *Neighbourhood Crime and Anti-Social Behaviour* (Audit Commission, May 2006), it is recognised that perception is shaped by what happens in the local area.

3.4.7 This point was recognised in the Overview of the Management of Community Safety and the Scrutiny Review of *You are Your City*, both of which reported the demonstrable link between crime and ASB, degradation, external arson and abandoned vehicles.



3.4.8 Fear of crime can be particularly affected by ASB. Thus if ASB underpins the fear of crime, tackling it can actively reduce this fear. In turn, perceptions of ASB can be affected by environmental issues. Tackling "street scene" issues is therefore an important part of tackling crime and ASB.

## 3.5 Public Opinion in Birmingham

3.5.1 Research at a local level supports these findings. A recent survey conducted to support the Local Area Agreement (LAA) in Birmingham (2006) found that the main concerns Birmingham residents had about ASB related to:

- Rubbish and litter lying around (37% thought it was a fairly big problem; 14% thought it was a very big problem);
- Teenagers hanging around on the streets (30% thought it was a fairly big problem; 12% thought it was a very big problem);
- Vandalism/ graffiti/ deliberate damage to property and vehicles (22% thought it was a fairly big problem; 13% thought it was a very big problem).

3.5.2 The MORI Annual Survey in 2004 identified areas where residents are particularly concerned about ASB: Ladywood, Erdington, Northfield and Perry Barr (MORI 2004).

3.5.3 Birmingham's Community Safety Assessment (July 2005) found that troublesome teenagers or children are perceived to be the biggest problem in local communities across 10 of the 11 constituencies. In the other Constituency, Ladywood, it falls second. It is not, however, clear from the responses whether the youths perceived to be causing problems are actually doing anything in particular or just appear 'threatening'.

### Hodge Hill

3.5.4 The above results provide an overview of attitudes towards ASB across Birmingham. More in-depth views can be gleaned from a recent research study into the issues faced by residents in the Hodge Hill Constituency. The findings in *From Anti-Social Behaviour to Civil Renewal*<sup>13</sup> are drawn from consultation undertaken at a constituency, ward and neighbourhood level.

3.5.5 Many of those interviewed said that ASB had a significant detrimental affect on their lives. Worryingly, they were pessimistic about the situation improving in the future. This was due to:

- A lack of confidence in their capacity to change anything that would not just be quickly reversed by the perpetrators of ASB;
- A fear of reprisals from such people; and
- A failure of public agencies to tackle the problem.

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<sup>13</sup> David Prior et al, Institute of Applied Social Studies, University of Birmingham (2005)



- 3.5.6 A majority thought that direct action was needed to address the problem but they questioned the effectiveness of the measures currently used and the capacity of the police to act. There was also overwhelming consensus that more youth facilities are needed to reduce instances of ASB by giving young people something to do.
- 3.5.7 The report also highlighted a number of key factors that have an impact on ASB:
- **Deprivation and disadvantage:** The Constituency suffers from high levels of deprivation. Young people not only lack material resources but many have a difficult family life. This is exacerbated by a sense that they are being singled out as the cause of ASB, leading to a 'profoundly alienated generation'. This suggests that methods to tackle ASB will not be effective in the long term unless deprivation is tackled as well.
  - **Public agency policies:** Estates that are designed with few amenities and public spaces are conducive to crime. Crime needs to be "planned out" of major developments before they are built. The short-term funding of many projects means that residents get involved only for the funding to run out, resulting in the project being stopped. This can create disillusionment.
  - **Trust and Distrust:** A lack of trust between residents, young and old people, different ethnicities and residents and agencies has resulted in a decline in the quality of life and diminished capacity to tackle ASB. Although there are some positive examples where trust in individuals has been gained (e.g. an individual neighbourhood police officer), this does not extend to the agencies they represent.
- 3.5.8 These factors therefore need to be considered if ways of tackling ASB are to be successful in both the short term and the longer term.

## Views of Young People

- 3.5.9 Various consultation exercises have shown that, in many cases, the views of young people in terms of ASB mirror those of adults. Children are very concerned with the fear of crime and the risk to personal safety. They are worried about a range of issues including: graffiti, litter, rubbish, muggings, fighting, roads, guns and murder.<sup>14</sup>
- 3.5.10 Views expressed at the Hodge Hill Youth Conference<sup>15</sup> show that in this Constituency of Birmingham, vandalism, graffiti and gangs of youth intimidating people are particular concerns for young people.
- 3.5.11 To make them feel safer, young people would like to have 'safe areas', improved lights and cameras in parks and more police officers on the streets and in schools.<sup>16</sup>

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<sup>14</sup> *Creative Consultations with Children* (March 2003), C Scape, *Children and Young People's Forum Consultation and Evaluation Feedback* (August 2005), BCF

<sup>15</sup> Held at Birmingham City Football Club, 12<sup>th</sup> March 2005

<sup>16</sup> YPP Consultation Follow-up Event 20.01.05 and 10.02.05



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3.5.12 Anecdotal evidence also suggests that young people feel that the media is unfairly labelling them as criminals. Interventions, such as Dispersal Orders, just add to this fear of being criminalised (see 7.4.34). In fact, many young people simply do not understand these interventions and wrongly believe that Anti-Social Behaviour Orders, for example, can only be used on young people.

## 3.6 Key Issues

3.6.1 This chapter raises a number of key issues that are worth emphasising. Various consultation exercises have found that, in the public's eyes, ASB is getting worse. However, it is impossible to say whether these perceptions are based on a real increase in ASB or whether they are driven by media reporting of the issue or the public looking back, with rose-tinted spectacles, to the "good old days". This lack of clarity highlights the dangers of relying purely on peoples' perceptions to gauge the extent of the problem.

3.6.2 It would be easy to assume from media reporting that ASB is a new blight on society, perpetrated only by hooded youngsters. Plato and the Egyptian tomb inscription suggest otherwise. "Anti-social behaviour" in some shape or form has been around as long as there has been inter-generational conflict.

3.6.3 Moreover, ASB is committed by every age group, not just young people. The fact that young people hang around in a group in a public place does not mean that they are committing a crime. Making these assumptions just serves to alienate a generation who already feel that they are being unfairly labelled as anti-social. The City Council should have a role to play in tackling these perceptions and ensuring that young people are not criminalised without real justification.

3.6.4 Although media coverage can fuel the public's fears, ASB is a real problem and therefore publicising successes in tackling ASB is important for a number of reasons:

- Increasing the public's trust in agencies by showing that we are trying to address the problem;
- Showing perpetrators that ASB will not be tolerated;
- Encouraging residents to help authorities tackle the problem; and
- Convincing residents to be less suspicious of behaviour that is ultimately harmless e.g. young people hanging around on a street corner.

3.6.5 Success stories and positive news will not necessarily lead to a drop in the perceived levels of ASB. As residents' quality of life improves, so expectations increase. Thus behaviour that had previously been tolerated starts to become a problem as the more serious issues are addressed.

3.6.6 An anecdotal example of this occurred on the Lyndhurst Estate in Erdington when a resident stopped a local councillor who has been involved in recent initiatives to tackle ASB, and complained about dog fouling. In previous years the issue of dog fouling would probably not even have registered on residents' radars, such were the problems on the Estate. However, now that





improvements have been made, expectations have risen too. This is no bad thing, and is actually a sign of success, but it does make it difficult to measure improving perceptions.

- 3.6.7 The pan-European view on how to effectively tackle ASB appears to be to increase the severity of sentences. It is unclear from these findings whether this belief stems from an increased fear of becoming a victim and a feeling of powerlessness to do anything about it, or whether current punishments are simply not proving enough of a deterrent. Either way, it is testament to the public's belief that authorities are currently not doing enough to tackle the problem.
- 3.6.8 However, whilst punitive measures may provide the public with reassurance and may deter would-be perpetrators, research suggests that if ASB is to be tackled effectively in the long-term, changes to the social and economic circumstances of residents need to take place. Preventative and enforcement measures will only have so much success if deprivation levels do not improve as well.
- 3.6.9 All of these factors combine to make ASB a "sexy" subject for both politicians and the media. No politician wants to be thought of as soft on ASB, hence the raft of legal measures and initiatives to tackle it (see Chapter 7). The media, on the other hand, know that ASB stories sell papers. The result being that ASB is rarely out of the limelight, so fuelling the perception that the situation is worse than it has ever been.



## 4 Partnership Responses

### 4.1 Introduction

4.1.1 The last two chapters identified the three key drivers for the City Council's policy on ASB: public opinion, legislation and Government pressure. So how is Birmingham responding to these?

4.1.2 What becomes immediately obvious is that the answer to this question does not lie with the Council alone: a range of organisations from the Police and Fire Service to housing associations and welfare organisations are also involved. These in turn are influenced – as the Government intends – by local priorities via a range of local forums, residents associations, community and voluntary groups. The key, therefore, is partnership.

4.1.3 This reflects the approach to community safety overall, which operates through partnerships codified in a set of inter-relating strategies. Priorities and actions are set out in these strategies, including those relating to ASB, and it is necessary to locate responses to ASB within this framework.

4.1.4 The key strategies are:

- *Taking Birmingham Forward*, the Community Strategy 2005-10: a strategic planning framework for the city setting out priorities and objectives at a city-wide level. It is produced by the City Council and the Birmingham Strategic Partnership (BSP) made up of key partner agencies, with community consultation.
- *The Council Plan* is derived from the Community Strategy and other statutory duties as well as consultation. It sets out the priorities for the City Council with targets for services and clear accountabilities. It is a key element in the City Council's planning framework. The City Council produces the Plan and is responsible for its implementation, though it also reflects the output from some of our joint planning activity with partners, including Learning and Skills Council, Police, Birmingham Strategic Partnership, NHS, Voluntary Sector.
- *The Community Safety Strategy 2005-2010* also flows from the Community Strategy and is owned and developed by the Birmingham Community Safety Partnership (CSP). The Strategy is the result of consultation with the public and key partners. It aims to 'deliver community safety in Birmingham through a spectrum of strategic objectives'. Implementation is via the CSP's Core Priority Groups and Local Delivery Groups, which are discussed in Chapter 5.
- *The Children and Young People's Plan 2006-09* sets out, at a strategic level, the priorities and actions of providers of children's services (related to the five outcomes of Every Child Matters) and supports themes and objectives from both the Community Strategy and the Council Plan.
- *Constituency Community Plans* are vital to the community safety agenda as much of it is implemented at a local level. Constituency Strategic Partnerships are responsible for producing



a Community Plan with partner agencies, based on community consultation. This should set out key objectives and targets to meet locally identified needs and develop improved services. The Constituency Committee is responsible for the Service Plan which sets out how the Constituency will respond to the identified priorities.

- Overlaying these plans, and aiming to bring partners even closer together, is the *Birmingham Local Area Agreement (LAA)*. The inception of the Birmingham Local Area Agreement (LAA) has meant a new approach to partnership working and funding the realisation of priorities. The BSP Board has overall responsibility for delivering the LAA. Birmingham City Council will act as the accountable body as the democratically elected body.

4.1.5 Figure 2 depicts the relationship between these strategies. The remainder of this chapter sets out what each has to say about ASB. The next chapter looks at the bodies charged with implementing the strategies and their success in doing so.

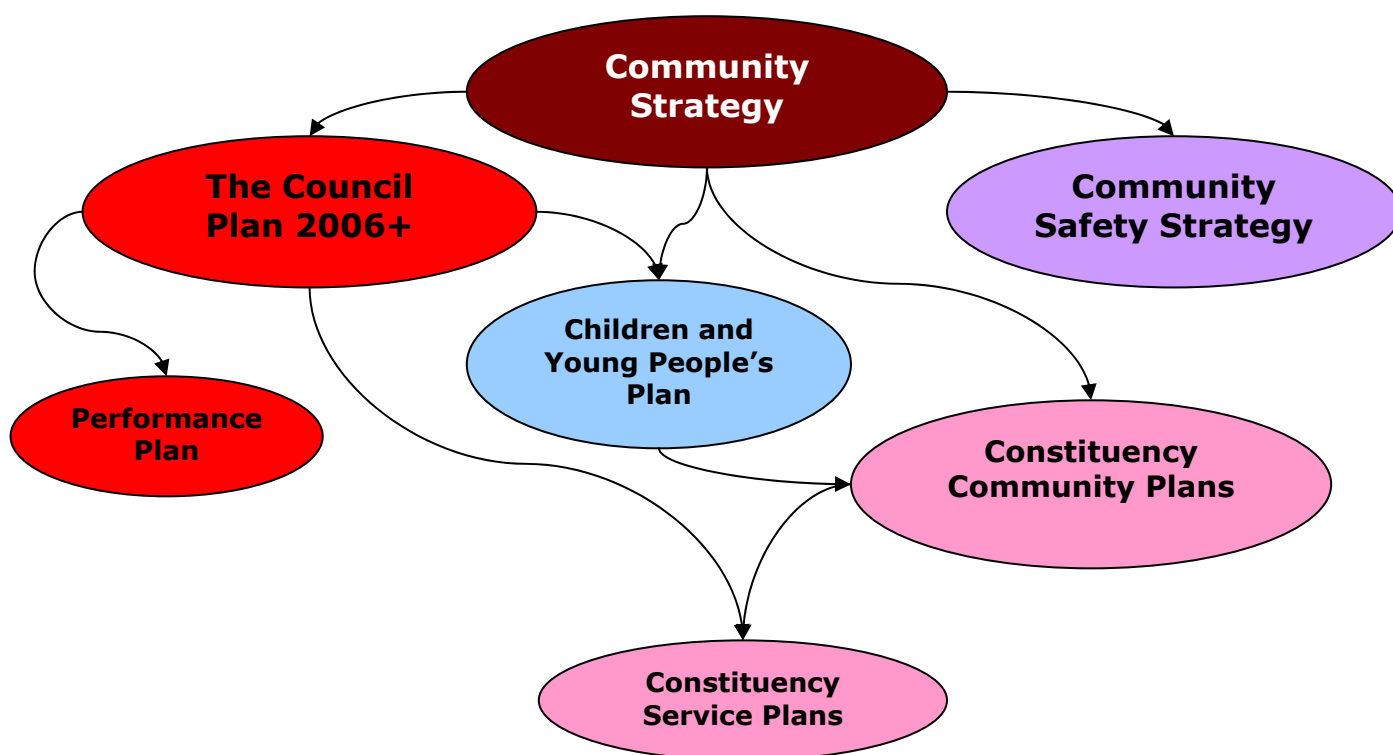


Figure 2: Strategies and Plans relevant to Community Safety

## 4.2 The Community Strategy

4.2.1 The Community Strategy is made up of nine strategic themes, one of which is to ensure Birmingham is a 'safe city'. It notes that ASB is a concern and under the Key Action entitled 'Safer and Cleaner Neighbourhoods' states:

We will provide reassurance to people and businesses through a co-ordinated



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approach to crime, safety and environmental improvements, so that neighbourhoods look and feel safe.

- 4.2.2 This is to be achieved via the co-ordination of multi-agency activity by Local Delivery Groups (LDGs) and work with local communities.
- 4.2.3 'Work with Young People' is another key action: to work with young people at risk of offending and offer them constructive alternatives to crime, including leisure, sport and culture opportunities and encourage voluntary activity by young people.
- 4.2.4 The Strategy itself is intended to be a short document with a limited number of issues and key actions that are critical for achieving the overall vision. A separate implementation framework will set out how agencies and partnerships in the city are planning to take forward the key actions.

## 4.3 The Council Plan 2006+

- 4.3.1 Council Priority 5 of the Council Plan 2006+ is titled *Cleaner, Greener and Safer – Your City, Your Birmingham*, and includes an action to tackle crime and ASB by:
  - Improving performance in reducing the incidents of crime and ASB;
  - Creating a safer travelling environment in buses, taxis and cars; and
  - Making people feel safer at home and in public places.
- 4.3.2 Specific actions and targets are set out in the Performance Plan. There will be two measures for determining success in 2006/07 in tackling ASB:
  - The number of successful legal action cases against ASB – the target is 250;
  - Percentage of ASB cases successfully closed (by agreement with the complainant) – the target is 75%, which is increased to 78% in 2007/08 and 80% in 2008/09. This performance indicator relates to cases managed by Housing only.

## Past Performance

- 4.3.3 The number of successful legal action cases against ASB in 2005/06 was 185, against a target of 200. The reason given for this is that the original target of 200 actions was based on additional capacity that the Birmingham Anti-Social Behaviour Unit (BASBU) were not able to put in post until March 2006. The target has now been raised to 250 for the next two years.

## 4.4 Community Safety Strategy

- 4.4.1 A key target in the Community Safety Strategy is to develop or support work to reduce ASB by:
  - The BCSP working with the Birmingham Anti-Social Behaviour Unit to ensure nuisance behaviour by young people is tackled through the use of Acceptable Behaviour Contracts (ABCs), Individual Support Orders (ISOs) and by ensuring resources for family support work;



- The BCSP assisting in the development and promotion of multi-agency Youth Inclusion and Support Panels (YISPs), which identify children and young people at risk of becoming involved in offending through the use of the Common Assessment Framework which has been developed nationally.

## Past Performance

4.4.2 The Community Safety Strategy is only a year old, and data on progress is not yet available. However, in 2005, the Birmingham CSP published a *Birmingham Community Safety Assessment*, which looked at performance against national PSA (Public Service Agreement) targets relating to crime and ASB by Constituency and highlighted "hotspot" areas.

4.4.3 The report identified 'poor access to quality information on ASB or environmental issues' as a 'threat' to achieving core priority of 'safer and cleaner neighbourhoods'.

## 4.5 The Children and Young People's Plan

4.5.1 There are two intended outcomes set out in the Children and Young People's Plan related to ASB:

- Children and young people are safer;
- Children and young people in Birmingham make a positive contribution.

4.5.2 Attached to the first of these is the priority to ensure children and young people 'live in, and are active members of, safer communities.' The partners commit to:

Develop joint working to raise awareness of actions young people can take to reduce the risks of becoming victims of crime and informing young people of the consequences on their life chances of criminal or anti-social behaviour.

4.5.3 The priorities attached to the second outcome focus on reducing offending, re-offending and anti-social behaviour, including:

- Prevent and reduce levels of youth crime and ASB;
- Increase the compliance rates by young people on ASB orders;
- Improve parenting services, both on a voluntary and statutory basis;
- Provide a focus for multi-agency planning in respect of young people most at risk of committing crime and ASB and thereby entering the criminal justice system.

## Past Performance

4.5.4 Again this is a recent plan and as yet no performance data has been published. However, a Joint Assessment Review from the Children and Young People's Strategic Partnership, which drew heavily from the Children and Young People's Plan, was published in June 2006. This noted the following outcomes:



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- The Pupil Watch team helps reduce the vulnerability of children to crime and ASB: between September 2005 and March 2006, no Birmingham school was judged less than satisfactory in terms of the extent to which learners adopt safe practices. Over 86% were judged outstanding or good.
- The use of penalty notices has achieved significant attendance improvement in cases of previous parentally condoned absence from school. In addition to penalty notices, the number of court cases more than doubled between 2003/04 and 2004/05.
- In 2005/06, 4,218 young people took part in the Positive Activities programme, two thirds of whom were boys. As a result, 54% of young people remained in or returned to full time education and a further 5% remained in or returned to other full time learning. A further 7% were recorded with other positive outcomes.

4.5.5 Measuring the reduction in breaches of ASBOs will require BASBU and the YOS to work closely together in designing a system capable of capturing this data.

## 4.6 Constituency Community Plans

4.6.1 Constituency Community Plans are produced to reflect local priorities and are currently being updated to reflect priorities for 2006-2010. Of the Plans published so far, it is striking that all current Constituency Community Plans declare ASB as a priority in the Constituency:

- *Edgbaston*: reducing ASB is an area for action under the "Safer and Stronger Communities" Theme. Key actions include introducing neighbourhood policing and expanding the "Lets Get It Sorted" campaign to reduce ASB and improve the environment. No specific targets are attached, although there is a target to reduce recorded crime by 20% from 2003/4 to 2007/8.
- *Hodge Hill*: a priority is to continue to focus on reducing ASB through being a Home Office "Together Action Area", the development of Neighbourhood Policing teams, closer working with local residents and businesses and the enhancement and extension of the two Youth Intervention Projects in the Constituency. This will include increasing awareness of the links between agencies who deal with ASB. The Plan is currently out for consultation, and performance indicators have yet to be agreed.
- *Sutton Coldfield*: part of the vision for Sutton Coldfield is to ensure the Constituency is clean and free of nuisance, and where people feel safe. It is acknowledged as one of the safest Constituencies to live in with significantly lower crime levels compared to other areas. However, there are targets to *reduce the number of secondary fires as a result of anti-social behaviour and to reduce the rate of offending, re-offending and anti-social behaviour by children and young people by 5% reduction by 2010* (including reducing first time entrants into the Youth Justice system).



## 4.7 The Birmingham Local Area Agreement

4.7.1 The LAA addresses ASB mainly via the Safer and Stronger Communities block, although there are some related topics under the Children and Young People block. The vision for the Safer and Stronger Communities block is for Birmingham to be a:

Cleaner, greener and safer city that works with and through local communities to achieve real and sustainable change

4.7.2 A key target in the LAA is to build respect in communities and to reduce ASB. This will be measured via a perception survey with the baseline and target percentage reduction to be established by September 2006.

## 4.8 Key Issues

4.8.1 There are a lot of strategies around which have something to say about ASB, which is encouraging from the viewpoint that the issue is on the radar of a number of different bodies, and that they are pulling in the same direction – reducing ASB is a clear aim and partnership working is recognised as key to this.

4.8.2 However, there are three questions we ought to be clear about:

- Are all partners sufficiently clear about the direction being taken to tackle ASB?
- Are the performance measures appropriate to assess this?
- Does the inception of the LAA add value to the partnership response?

4.8.3 In response to the first question, some witnesses gave a clear no: some partners do not feel that there is a clear “vision” for ASB in Birmingham to which all partners are signed up to (the Police and Fire Service both agree with this view). One view is that a strong vision for dealing with ASB in the City would be helpful in resolving tensions between those who favour enforcement measures and those who wish to promote more support for perpetrators as a means of changing behaviour. Having such a statement would enable the Birmingham Community Safety Partnership (BCSP) to set clear priorities and partners to align their resources. Manchester was given as an example of a Core City that has clearly set out its stance on ASB.

4.8.4 Not all partners agreed with this – for example the Castle Vale Community Housing Association, which has representatives on Erdington LDG is happy with the information provided via the CSP.

4.8.5 A further indication that there is a less than harmonious approach is the varied set of performance measures being used. The City Council measures the number of legal interventions because it is a key comparator used by the Government and is the easiest measure to audit. Whilst it does show a demonstrable commitment to tackling ASB, it is a very crude measure and gives no indication of outcomes – i.e. does the ASB always stop after the legal intervention?



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- 4.8.6 The second Council Plan measure is the number of cases successfully closed by agreement with the complainant. Reasons for closure will also be analysed and this may provide clearer information on outcomes. However, this target is included under *Council Priority 4: Raising performance in our housing services* and therefore applies only to the Housing Department and not to BASBU who now sit in the Local Services and Community Safety Directorate. BASBU will be adopting this measure next year and are currently measuring performance to set a baseline and targets for 2007/08.
- 4.8.7 The BCSP measures performance against PSA2 targets, which whilst clearly linked to and has an impact on ASB, do not take account of some of the "softer" examples of ASB.
- 4.8.8 These are in contrast to the LAA which will use public perception as its key measure. The clear dangers inherent in that approach are that:
- Perceptions of ASB may appear to get worse as expectations of what is acceptable and what the Council and Police could and should be doing increases;
  - Perceptions may vary from area to area regardless of actual incidence – the tolerance issue.
- 4.8.9 Given the lack of a clear definition as discussed in the previous chapter, perhaps none of this is surprising. We also acknowledge that different agencies will have different focuses and attempting a unified approach may simply make those differences clearer.
- 4.8.10 On balance, however, there is a place for a statement setting out clearly either the preference for an uncompromising approach to enforcement or an approach prioritising prevention and support for victims and offenders.
- 4.8.11 There may be a role for the LAA here. Looking at the agreement however it is unclear precisely how having an LAA will improve responses to and prevention of ASB. The Committee is unconvinced at this stage what added value the LAA will give. There is no more funding attached and partnership working is already successfully established. There is one clear positive development however: the creation of Priority Neighbourhoods. The Local Services and Community Safety O&S Committee endorsed the idea of "Priority Neighbourhoods" in its Overview of the Management of Community Safety (2005) as such an approach would support the Council priority of providing a city of Vibrant Urban Villages. In addition, the neighbourhood approach is also endorsed by Audit Commission in its report on 'Neighbourhood Crime and Anti-Social Behaviour: Making Places Safer through Improved Local Working'.<sup>17</sup>
- 4.8.12 The LAA, and how it adds value, will be examined in greater detail by the LAA Task and Finish Committee, and we look forward to their findings.

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<sup>17</sup> Audit Commission, Neighbourhood Crime and Anti-Social Behaviour: Making Places Safer Through Improved Local Working, May 2006





## 5 The Partnerships

### 5.1 Introduction

5.1.1 We now move to looking at those bodies involved in delivering the community safety elements of these strategies. The key body, which brings together all the agencies responsible for community safety in Birmingham, is the Birmingham Community Safety Partnership (BCSP). This is primarily responsible for delivering the Community Safety Strategy.

5.1.2 The City Council is a key partner within the BCSP, and its role is discussed in the next chapter. This Chapter will focus on the BCSP and its local delivery mechanism, the Constituency-wide Local Delivery Groups. In addition, providing neighbourhood level support are the Safer Estates Groups.

### 5.2 Birmingham Community Safety Partnership

5.2.1 The Crime and Disorder Act 1998 requires Community Safety Partnerships (or Crime and Disorder Reduction Partnerships, as they are described in the Act), to conduct an audit of crime and disorder every three years and to inform and refresh strategies to address the issues which have been identified under the Strategy. This requirement for a triennial round of audit and strategy is about to be superseded by the requirement to produce a rolling three year strategy, reviewed each year on the basis on twice yearly strategic assessments.

5.2.2 The Birmingham CSP is accountable to both BSP and Government Office West Midlands (GOWM). Both of these bodies set targets for the Partnership and provide funding resources to support delivery of these targets. It brings together:

- Birmingham City Council – lead partner;
- West Midlands Police – lead partner;
- West Midlands Fire Service;
- Birmingham Primary Care Trusts
- Birmingham Voluntary Service Council;
- West Midlands Probation Service.

5.2.3 Producing and implementing the Community Safety Strategy is at the core of the Partnership's activity. For the management and delivery of pan-Birmingham priorities, six *Core Priority Groups* (CPG) were established. The groups include:

- 'Safer and Cleaner Neighbourhoods CPG': with objectives to 'reduce anti-social behaviour including alcohol related crime' as well as environmental crime, vehicle crime and accidental fire and arson.



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- 'Young People CPG' which has an objective to 'work with Birmingham Anti-Social Behaviour Unit to ensure that anti-social and nuisance behaviour among young people is tackled, through the use of Acceptable Behaviour Contracts (ABCs) Individual Support Orders (ISOs) and by ensuring resources for family support work.'

5.2.4 The other four groups focus on Offender Management and Drug Treatment, Violence and Vulnerability, Reducing Gang Violence and Community Engagement and Empowerment.

5.2.5 The devolution and localisation of community safety is a key part of the Community Safety Strategy and this is realised through *Local Delivery Groups* (LDG) – one per Constituency. These are discussed in more detail below.

5.2.6 Other Partnership initiatives include:

- The creation of a *Birmingham Community Safety Legal Partnership*, between Birmingham City Council and West Midlands Police, to explore the use of civil injunctions to address persistent problems. For example, this has included measures to deal with prostitution and a major case to close down a nightclub, closely associated with serious crime, which had operated illegally for some time;
- The establishment of a *Birmingham Fire Reduction Partnership*, which is co-ordinating and funding partnership activity to secure reductions in both accidental and arson fires, to achieve the specific LPSA2 fire reduction targets;
- Support for the *Safer Travel Team* which operates across the city on the bus system, comprising Police and Police Community Support Officers, to reduce offending and provide reassurance to the travelling public.

5.2.7 The BCSP's current focus is on neighbourhood policing and on "narrowing the gap" through the identification of priority areas for action.

## 5.3 Local Delivery Groups

5.3.1 Local Delivery Groups (LDGs) were formed to deliver the core Community Safety Partnership priorities at a local level, as well as local priorities contained within the Constituency Community Plans. Their role is to co-ordinate multi-agency activity and work with communities to prevent crime, to catch and convict offenders, and to tackle ASB. In addition they will work with local communities to develop new ideas to help keep localities clean and safe.<sup>18</sup> Not all LDGs were established at the same time e.g. the LDG in Erdington was formed in November 2004 and the equivalent in Perry Barr in March 2005.

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<sup>18</sup> Birmingham Community Strategy 2005-10



- 5.3.2 Key ideas behind this are that the LDGs 'own' the responsibility for delivering core partnership priorities and resource activity accordingly and have autonomy and accountability. Alongside this local agencies are empowered to deliver locally determined priorities.
- 5.3.3 Links are maintained with the BCSP's Core Priority Groups via a Partnership Operational Forum. The Forum enables information exchange and ongoing review of the implementation of the LDG delivery plans and control strategies, and provides a means to identify emergent issues of a local, pan Birmingham or external nature. This will include the development of Neighbourhood Policing.

## Membership

- 5.3.4 An end of year review (2005/06) of LDGs conducted by the BCSP shows local variations in composition and chairing of LDGs. All LDGs have representatives from the Police, Fire Service, and Birmingham City Council (at both Constituency and Directorate level). Other common attendees are:
- West Midlands Probation Service (4 LDGs);
  - Health representatives (4 LDGs).
  - All LDGs (except Perry Barr) also have a YOS representative
- 5.3.5 Only three LDGs include Elected Members. Other participants reflect local concerns, e.g. Aston Pride in Ladywood and the Guild of Students and the University of Birmingham in Selly Oak.
- 5.3.6 Local variation also exists with regards to the chairing of LDGs:
- Five are chaired by Police Officers;
  - Three by Fire Officers;
  - One by an Elected Member (Erdington);
  - One by a member of the business community (Mere Green Business Forum – Sutton Coldfield).
- 5.3.7 A full breakdown of membership by Constituency is contained in Appendix 4.

## Interventions and Initiatives

- 5.3.8 Examples of projects initiated by LDGs include:
- Edgbaston: fencing of garages to reduce ASB and drug use in that area;
  - Erdington: Mosquito ASB Device to disperse groups of young people causing ASB;
  - Hall Green – Additional summer activities for young people, in response to the 'Feel The Difference' surveys indicating general concerns over troublesome teenagers;
  - Hodge Hill – "Slam Event" empowering young people to make better informed decisions / choices about ASB;
  - Ladywood – On-street prostitution and ASB police patrols at identified problem times;



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- Northfield – ASB Road-show across the Constituency to provide high visibility and promote reporting;
- Selly Oak – Safer Travel Operation project to tackle ASB, violent crime and robbery, with Police Officers a visible presence on some bus routes in the weeks leading up to Christmas.

5.3.9 As part of the evidence gathering for the Review, Members visited the Lyndhurst Estate Community Shop to discuss the Erdington LDG, the Safer Neighbourhood Project in Lyndhurst Estate and Kingstanding Multi Agency Pilot – see Case Study 1: Erdington LDG.

## Case Study 1: Erdington LDG

The Erdington LDG was formed in November 2004 as a partnership group working to reduce crime by 20% by 2008 (PSA2). Reducing the fear of crime and increasing the availability of information was also a key aim. Partners include:

- West Midlands Police;
- BCC Housing Department;
- Connexions;
- Women's Aid;
- West Midlands Fire Service;
- BCC Local Services;
- Local Residents;
- Community Action Team;
- Drug Action Team;
- Environmental Crime Unit;
- Youth Offending Service.

The LDG uses crime data from COSMOS to highlight "hot spot" areas and take targeted action. This involves peeling back the layers from each statistic to find the true cause.

*For example: looking at criminal damage to property more closely, it was found that the majority were accidental damage or windows being smashed in Council properties. Further investigation revealed that because the Housing department would not fix these, tenants were claiming on insurance, for which they needed a crime number and so were reporting it as criminal damage.*

*Through the SEG, the LDG have carried out an information campaign to reduce such incidents and the Police agreed to change reporting procedures so that such reports are not counted in the crime figures.*

As a result of this action, the hotspot has moved (as there will always be an area with the highest crime figures – but the aim to reduce the overall number) to Kingstanding with regard to vehicle crime. Work is currently going on to correctly identify the problem.

Other projects have included:

- An *Alcohol Arrest Referral Scheme*, resulting from the numbers of wounding at or around licensed premises, was set up for people who are arrested and taken to Sutton Coldfield Police Station. If they are under the influence of alcohol they are offered the opportunity to be referred to alcohol counselling programmes, and that if they take part in this, it will be made known as and when any case goes to court (a protocol developed through the Magistrates Court).
- A *Pub Watch* scheme on Erdington High Street: premises are given a mobile phone to phone ahead to the next pub if customers are drunk and disorderly. Since the introduction of the scheme (two weeks prior to the Member's visit), there had been a significant reduction.
- A target hardening project aimed at *reducing residential burglary*: locks and bolts fitted to properties (regardless of tenure); information safety leaflets – including leaflets left at properties with doors open or keys in the lock. The next stage of this project is to work with Residents Associations etc to identify the most vulnerable homes.
- *Bike Club* – mini-motos were a problem in one area, so steps to both provide alternatives and enforcement are in place (£9,000 received from the Respect Task Force): bikers can join the Club and take part in organised activities, and have to provide registration details, which helps with enforcing the law against those who transgress.



## Performance

5.3.10 Partners involved on the whole welcome the development of LDGs and are generally positive about their involvement:

[LDGs are] particularly useful for CVCHA which operates within a clearly defined and recognised neighbourhood. The involvement with the devolved constituency opens up an extended range of organisational and political contacts. It also provides a route into good practice, partnerships and funding. This is an area of development... Some vigilance is perhaps necessary to ensure that the spirit of devolution and local service delivery stays firmly rooted in the neighbourhood. (Castle Vale Community Housing Association)

- *Property Marking*: the LDG is operating this scheme across the Constituency. The packs cost £3.50 each and the Police have agreed not to charge for their time in marking items.
- *Drug and Alcohol*: working with the Drug Action Team (DAT) to bring experts together. Work by DAT on the Lyndhurst Estate has seen drug related crime fall by 80%. There is no evidence that this has simply displaced to other parts of the Constituency.
- *Kingstanding Multi Agency Project*: a pot of money was made available for the LDG with the Constituency and CSP to introduce neighbourhood tasking in Kingstanding;
- *Neighbourhood Tasking*: a neighbourhood tasking group has been set up in Kingstanding and Perry Common to move actions to the neighbourhood level. The team includes environmental wardens, housing officers, police, ward support officer, schools as necessary, Police Community Support Officers, youth offending team and youth intervention project staff. They look at the latest police figures on a fortnightly basis, map the crime and disorder and base the following fortnight's actions on these.
- *Lyndhurst Safer Neighbourhood Project*: with funds from the DAT and premises rented from the Housing Department, the Lyndhurst Safer Neighbourhoods Project has set up a community shop, with space for the DAT, and Home Start to conduct drop-ins and surgeries; a base for the neighbourhood policing team and rooms for relaxation and computing. The community shop has been opened despite the redevelopment of the estate, as this redevelopment will take four years, and it was decided that residents should not have to wait for these services.

## Performance

The Erdington LDG can demonstrate success in a number of areas:

- 37% reduction in theft of motor vehicles (2005/06);
- 37% reduction in residential burglary (2005/06);
- 50% take up of the project aimed at reducing residential burglary (see above);

## The Secret of Success

Erdington LDG is acknowledged to be a good example of how LDGs should work. What do they believe is behind this success?

- Strong partnership working and information sharing, with no culture of blame – the group takes responsibility for all. If something doesn't work, there's no finger pointing, rather partners ask "how can we help?"
- Willingness to get stuck in – the group operates at a level high enough for decisions to be taken but not so high that partners are unwilling or unable to act on them;
- Strong leadership and chair – decisions are taken quickly, without always going back to the centre for confirmation.
- Close working with SEGs – there is currently one SEG in Erdington and this reports directly to the LDG as part of the neighbourhood tasking.



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LDG's are very useful to the Fire Service to help us make the community safer (Fire Service)

Through attendance at LDG's the ECU has provided both strategic and operational advice in order to assist in decision making around LDG community safety priorities and interventions. To date LDG's have proved a useful mechanism to both support ECU interventions and as a report back forum regarding interventions and initiatives... we would consider LDG's to be a useful mechanism for identifying hot-spot or emerging issues. (Environmental Crime Unit)

5.3.11 However, there are concerns:

The ability to deliver successful interventions (whether or not these are supported financially by the LDG's) is determined by both the willingness and capacity of the agencies / organisations involved in the partnership. (Environmental Crime Unit).

5.3.12 The CSP's *Birmingham Community Safety Assessment* (July 2005) looked at LDG action plans and found that ASB is included in 10 of (what was then) 11 LDG areas. However, weaknesses were identified, including little focus on the concept of problem families – only identified in Sutton Coldfield and Hodge Hill.

5.3.13 Looking at LDG's overall, the Assessment concluded that there was evidence of a lack of self-sufficiency and reliance, and that some LDGs lacked clarity of purpose. Although this assessment is now over a year old, we did find that some partners were still unhappy at the way in which some LDGs were currently operating. In particular it was felt that effectiveness varies across the city.

5.3.14 Members tended to agree with this. All members were sent a questionnaire, one of the questions on which was:

Do you sit on your constituency Local Delivery Group? If so, how does your LDG tackle anti-social behaviour? Is this an effective process?

5.3.15 Of the nineteen Members who responded, sixteen answered this question:

- 11 are not involved in their LDG;
- 3 are involved and agree it is an effective way to tackle ASB:

We use tasking, resident led information and a variety of approaches to combat it. We do a lot of high visibility activities. Yes it is very successful. In some places there was a reduction of 24% in ASB last year. (Stockland Green ward)

- 2 are involved but do not believe it is effective:

I don't feel that it is very effective re ASB – there is a still lot of ASB in my ward which is not being tackled very effectively. There needs to be a much more targeted and joined up approach – youth service, police, housing – this doesn't seem to happen unless we



councillors get involved. (Shard End ward)

## 5.4 Safer Estates Groups (SEG)

5.4.1 SEGs were created in 1999 following the introduction of the Birmingham Safer Estates Agreement. This Agreement in response to the Crime and Disorder Act 1998 which outlined the principle of inter-agency working to tackle crime and ASB.

5.4.2 The principal signatories to the agreement were originally West Midlands Police and Birmingham City Council, although Registered Social Landlords (RSLs) are now increasingly becoming involved. BASBU officers are the key participants from the City Council.

5.4.3 The aim of the groups is to provide a forum for applying practical solutions to local problems and this view is backed up by practitioners working on LDGs:

The remit of SEG's is highly operational and problem solving based... It is our view that SEGs have the potential to play a key role in facilitating the sharing of intelligence between agencies and targeting interventions. This in turn is likely to support emerging 'neighbourhood management' structures and to inform LDGs and District/Constituency community safety priorities in relation to anti-social behaviour. (Environmental Crime Unit)

Due to the success of Valewatch and the close working relationship CVCHA has with the local police, CVCHA does not attend the Erdington Safer Estates Group for the purposes of exchanging information. However it is a useful group to attend in terms of keeping in touch with what is happening at the constituency level, and CVCHA has been able to use it as a forum for sharing good practice, policies and procedure with other Housing Associations and the City Council. (Castle Vale Community Housing Association)

### Member Views

5.4.4 Member views reflect the variety of opinion. The Member survey asked whether there is a Safer Estates Group in their ward and if so, how effective it is in tackling ASB and how could it be improved. Of the sixteen Members who responded on the question of SEGs:

- 4 have no SEG in their ward;
- 3 have no SEG but have alternative arrangements, e.g. a Safer Neighbourhoods Project:

No but we do have a police liaison and community group which residents and councillors sit on. It is reasonably effective but it is difficult to translate agreements in the meeting into discernable action. (Kings Norton ward)

- 2 do not know if there is an SEG in their ward;



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- 4 have an SEG and agree it is effective in tackling ASB:

Very effective as it allows multi-agencies to discuss families, people etc. in detail. (Stockland Green ward)

This group has been invaluable in helping to recognise hot spots and moving trends in the ward. We have worked with the Police, Council officers, local housing association and the community safety officer to look at this issue. But there is much more work to do! (Handsworth Wood ward)

I often refer cases for inclusion on its agenda and for multi-agency action. (Ladywood ward)

- 3 have an SEG but are unclear as to how effective it is – due to the lack of information / minutes or reluctance to share sensitive data:

I am expected to remove myself from the meeting when items of sensitivity are raised. Given this, they do not have me at all. I feel that if I am able to be involved in the private and confidential matters of fostering and adoption, I am suitable to know anything that goes on in my ward. (Northfield)

It would be useful to get notes of the meetings to find out discussion items and actions taken. Issues raised by councillors are fed into this group but it would be valuable to have a clear reporting line for councillors .... The effect of the partnership working is also not clear. (Sheldon)

## “Safer Estates” Procedures and Information Exchange Protocol Review

5.4.5 A review was conducted into SEGs by the Birmingham Community Safety Partnership in December 2005. The key findings were:

- There is no consistent pattern to geographical boundaries: some cover all or part of a Police Operational Command Unit (OCU), others are based on constituency or ward areas.
- There is variable practice and effectiveness, in terms of whether they discuss individual cases and/or wider ASB issues; whether they lean to strategic or operational discussions; regularity of meetings; there are rarely minutes or other records of the meetings.
- Whilst LDGs are responsible for the community safety agenda for each Constituency, SEGs currently have no clear relationship to this structure.
- The increased importance of RSLs (due to the new powers for social landlords to tackle ASB) makes it imperative that they should be fully involved in the work of Safer Estates. Regular attendance does not occur across all SEGs – some have sporadic or no attendance.
- The role of BASBU also requires clarification in relation to the Safer Estates Groups – the role is likely to vary according to the tenure mix in an area and the prevalence of ASB.





- SEGs need to understand their full role in exploring alternative solutions and problem solving – for example, in some cases young people are viewed as a major problem by residents, whereas they are merely meeting socially in open spaces while others are engaging in serious and disruptive ASB.
- A few Safer Estates Groups concentrate on adult perpetrators of ASB and do not include youth cases. It is desirable that Safer Estates should cover ASB and nuisance across the age spectrum.

5.4.6 In response to this, the BCSP report sets out:

- Functions for SEGs (see Appendix 5: Safer Estates Groups);
- A good practice toolkit to improve effectiveness – focusing initially on the Priority Neighbourhoods.

5.4.7 In addition, it states categorically that SEGs should 'operate under the direction of the relevant Local Delivery Group.' LDGs should then:

- Analyse any trends emerging to inform their policy and strategy;
- Consider the strategic and prevention issues that arise in relation to their policy objectives;
- Address any gaps or inconsistencies in the SEGs in the constituency.
- Ensure better value for money from local interventions.

## Effectiveness of SEGs

5.4.8 It therefore seems that not all SEGs are seen as working as they should and the Police in particular were concerned at the variation in performance. Whilst some are effective, others produce very few tangible outcomes. There are three key issues to be addressed to increase effectiveness:

- **Information sharing:** not all of the key partners in the Birmingham Community Safety Partnership (BCSP) have signed the SEG Agreement because there is concern that the sharing of personal information contravenes the Data Protection Act. However, with careful work and trust between partners appropriate information sharing can take place. One good example of how this can work is with Central Mediation, the organisation contracted by BASBU to work with victims and perpetrators (see Chapter 7). Client's information should be treated in the strictest confidence and only be passed on if a client gives permission to do so, as it is difficult enough to persuade people to use mediation even with it being a confidential service. However, Central Mediation are happy to provide basic details, such as whether a satisfactory conclusion has been reached, which enables partners to work together effectively.
- **Operational effectiveness and relationship with LDGs:** it should be recognised that SEGs are operational groups, working on the front-line to resolve cases of ASB. However, links with LDGs are key to ensure policy filters down and intractable cases can be passed up for resolution at a higher level.



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- **City coverage:** there are currently 30 SEGs working across the city. There is no list of SEGs as it is an evolving situation, although as consolidation work continues it is hoped that a list will be available. If SEGs are to be the key operational body for dealing with individual cases of ASB, they need to cover the whole City and be stable organisations.

## 5.5 Key Issues

5.5.1 The framework for partnership working in Birmingham is well-established, with tiers of organisations set up to tackle ASB at the different strategic and operational levels.

5.5.2 However, there are clearly areas where this can be improved. The variable effectiveness of both LDGs and SEGs has been noted, and this is in part due to confusion of roles. Whilst many argue that LDGs should take the strategic role and SEGs the operational, the example of the Erdington LDG is a persuasive argument for a different model.

5.5.3 This very successful partnership works because it considers itself operational. Whilst having access to and analysing data identifying hotspots, and so setting its own agenda, the partners then get on and deal with the issues in question. Leaving this to SEGs is less effective as they are smaller groups without the same access to funding. Perhaps a more helpful split is therefore to look at it in terms of reactive and pro-active responses:

- LDGs pro-actively analyse data and set policy, setting in train initiatives where appropriate;
- SEGs deal with cases as they arise and initiate smaller prevention projects as appropriate using local expertise.

5.5.4 The key is to empower both LDGs and SEGs to act as they see fit in their area – a fundamental element of Erdington LDGs success. However, such trust has to be justified: LDGs which do not have the excellent partnerships that Erdington has, will require greater support and guidance.

5.5.5 Part of ensuring the effectiveness of SEGs lies in addressing the concerns of coverage and information sharing. The BCSP report states that 'it is important that ASB problems in any part of the city can be referred to a Safer Estates Group to secure effective joint responses. This may require a pro-active review of coverage in each Constituency.' We endorse that view.

5.5.6 The flow of information also needs addressing: key partners should receive minutes and agendas for all meetings, as the BCSP report states.

5.5.7 There is also the sharing of confidential information. The BCSP report states that 'Care should be taken to ensure that only members representing agencies signed up to the Information Sharing Protocol participate in discussions of specific cases and named individuals.' All partners should have confidence in the system and trust that all partners will observe the protocol.

5.5.8 There is also the question of BASBU officer attendance. The arguments from BASBU that their officers are best employed at the SEG level, actively dealing with cases is a realistic one –



particularly given capacity constraints – however, there was evidence of confusion at LDG level in particular of the role BASBU should play.



## 6 The City Council

### 6.1 Introduction

6.1.1 The City Council is the joint lead partner (with West Midlands Police) in the Community Safety Partnership, and is responsible for specific aspects of the Community Safety Strategy and this role is examined in more detail in this chapter.

6.1.2 The Birmingham Anti-Social Behaviour Unit is a prime participant, but it is important to stress that tackling ASB – in a reflection of its wide definition – is spread across several departments and directorates:

- Regulatory Services (including the Environmental Crime Unit);
- Youth Offending Service;
- Youth Services;
- Housing Department.

6.1.3 The work of each of these is discussed in more detail below.

### 6.2 Birmingham Anti-Social Behaviour Unit

6.2.1 Working closely with the BCSP, and responsible for delivering some of the Birmingham Community Safety Strategy targets, is the Birmingham City Council's Anti-Social Behaviour Unit (BASBU). It is a front-line service which exists to:

- Provide support and advice to local initiatives dealing with ASB;
- Work closely with the Home Office's Anti-Social Behaviour Unit (ASBU);
- Investigate cases of ASB in partnership with other agencies such as the West Midlands Police, registered landlords and other voluntary organisations;
- Refer cases to complementary services such as Central Mediation and the 'Choices' scheme as appropriate.

6.2.2 BASBU has a £2m annual budget, which comes from sources including the Housing Revenue Account, Performance Reward Grants, Trailblazer Initiative, and Together Action Area funding for Hodge Hill.

6.2.3 Formed in May 2003 following a Best Value Review of Anti-Social Behaviour, it is therefore a relatively new service. There have been capacity issues in the past, which are now being addressed as increased funding becomes available. There are currently 36 full-time equivalent staff working at the Unit.



6.2.4 Organisational changes have meant that BASBU is now located within the Local Services Directorate, having moved from Housing on 01 January 2006. Additional funding has allowed the Unit to extend the scope of its work to address ASB in all types of property tenure. An ASB strategy is currently being developed by BASBU, which will go to partners, to set out the responses to different types of ASB.

6.2.5 A six month course has been developed with University of Birmingham which leads to a postgraduate qualification in ASB. A pilot commenced in June 2006 with Housing and BASBU officers. The intention is that all BASBU officers will take the course.

6.2.6 In October 2003, the City Council was announced as one of the first government 'trailblazers' to tackle ASB and received a grant of £250k p.a. It made a commitment to ensure that there will be:

No nuisance neighbours in Birmingham without sanction by 2005.

6.2.7 It resolved to target at least 150 households in the following 18 months. From October 2003 to March 2005, BASBU dealt with 1310 cases and 256 legal actions resulted (Table 2). The remainder of the cases were resolved without the need for legal action.

<b>Possession Orders</b>	52
<b>ASBO</b>	55
<b>Injunction</b>	77
<b>Undertakings</b>	54
<b>Committal</b>	18

6.2.8 Details of how BASBU deals with individual complaints are discussed in Chapter 7.

Table 2: Legal Interventions

### 6.3 Regulatory Services

6.3.1 Another key player in tackling ASB is Regulatory Services, with responsibilities for environmental health, trading standards and licensing issues.

6.3.2 Certain types of ASB are reported to Regulatory Services – these include:

- Environmental ASB: investigations and enforcement to tackle neighbourhood problems such as: littering, flytipping, flyposting/placarding, dog-fouling, pollution, pest control and drainage blockages.
- Noise Nuisance: including the playing of loud amplified music or loud television, continuous dog barking, DIY activities for prolonged periods or at unreasonable hours and continuous sounding car, house or commercial alarms.

6.3.3 The licensing of alcohol and entertainment venues and taxis and private hire is another tool used to tackle ASB, as part of ensuring that licencees behave responsibly. How this role can be used to deal with ASB is illustrated below in Case Study 2: The Broad Street Initiative.

6.3.4 Regulatory Services also deals with age-restricted products, the sale of which to children, particularly cigarettes, solvents, knives, alcohol and fireworks can contribute towards anti-social behaviour. The Trading Standards section undertakes the enforcement of laws to prevent their



sale. Officers use a combination of advice, fixed penalty notices, formal cautions and prosecutions to ensure compliance. Where a complaint is made that a retailer is selling age-restricted products to underage children the shop premises are visited and the owner is given verbal and written advice concerning compliance with the law. If further complaints are received after advice has been given, officers carry out unannounced test purchasing visits with the assistance of young volunteers.

- 6.3.5 During 2005/06 a total of 818 advisory visits were made to retailers and 221 test purchases were attempted. Twelve traders were prosecuted. Six sold alcohol, one sold a set of knives, one sold lighter fuel and four sold cigarettes.

## **Environmental Crime Unit (ECU)**

- 6.3.6 Within Regulatory Services sits a two-officer team charged with supporting innovation and effective joint working between partner agencies: the Environmental Crime Unit.
- 6.3.7 The Environmental Crime Unit's remit is to target the most prolific and persistent 'environmental crime' offenders and offences. This includes commercial scale fly-tipping; graffiti (including wider vandalism & criminal damage), fly-posting, vehicle abandonment and nuisance (including vehicle arson) and littering.
- 6.3.8 The ECU's work is achieved through the use and deployment of multi-agency resources and operations. In 2005/06 the Unit worked with 16 key agencies and organisations to deliver interventions and initiatives, including the Birmingham Community Safety Partnership, West Midlands Police, West Midlands Fire Service and DVLA. A list of outcomes 2005/06 is contained in Appendix 6: Environmental Crime Unit.
- 6.3.9 It is funded largely via £340,000 Neighbourhood Renewal Thematic money allocated by the Birmingham Strategic Partnership to the Birmingham Environmental Partnership.

## **6.4 Youth Services**

- 6.4.1 The Youth Service in Birmingham works with young people aged from 11 to 25 years. In contrast to YOS, it is a freely chosen service based on relationships built up with young people, with youth groups, advice and information being provided. Some of this work involves responding to complaints about ASB by going to work with young people in specific areas.
- 6.4.2 Further details of interventions undertaken by these organisations are discussed in Chapter 7.



## Case Study 2: The Broad Street Initiative

### The Problem

In 2003, a series of damning headlines and an increase in alcohol and violent crime made Broad Street stakeholders realise that something needed to be done to tackle the binge drinking and ASB that were blighting the area. A Broad Street Summit and a series of confidential meetings between stakeholders highlighted a number of problems:

- Irresponsible drinks promotions and prices;
- The numbers of visitors to the area at any one time was not known;
- No taxis in the area;
- Police out-numbered;
- Disagreements as to how to tackle the issue;
- Good, quality venues closing because of these problems.

### Solutions

In response to these issues, the City Council's Regulatory Services led on a number of actions, using the Licensing Act as a means to engage licensees, including:

- Making the City Centre an **Alcohol Restricted Area** so as not to displace the problem to Brindley Place or another entertainment area;
- Licensees signed a voluntary code stating they would have **no more irresponsible drinks promotions**. Some initially said that this was uncompetitive but could not prove that these promotions did not undermine the Licensing Act and so they agreed to comply;
- **Taxi Marshals** were piloted for twelve weeks to see if they would encourage taxis to return to the area. They were a success – people now feel safer and there has been a 40% increase in the number of taxis coming into the area. Further funding has now been secured;
- **Poster campaigns** e.g. 'Leggy at 9pm, legless at 2am', with good support from Galaxy radio;
- There are now five **Pub Watches** in the City Centre and staggered opening and closing hours;
- **Environmental improvements** e.g. deep cleansing of the area;
- Six **'No Nonsense'** Nights where the Police cracked down on ASB. These have now been scaled down to **'Be Safe'** nights where red and yellow cards are handed out to offenders;
- Work has been undertaken with **door supervisors** to ensure they are part of the solution;
- Weekly **'tasking meetings'** take place between various agencies including the Police, Environmental Services, Regulatory Services. 'Hot' premises are discussed and action taken to ensure an effective multi-agency approach

### Funding

Funding from the Community Safety Partnership has been used for many of these measures. However, in the long-term it is hoped these projects will be sustainable. For example, the newly-formed Broad Street Business Improvement District (BID) charges a levy and the total, c. £330k, is re-invested into the many of the above initiatives plus three evening street wardens. In addition, the use of taxi license fees to fund taxi marshals is being explored.

### Outcomes

In 2005/06, there was a 9.4% reduction in violent crime in the area which bucks national trends. Consultation also shows that people now feel safer on Broad Street than they did before.

### Spreading Good Practice

Learning points from the Broad Street Initiative are being rolled out, where appropriate, to other parts of the City:

- There are now over 30 alcohol restricted areas in the city. Areas are chosen if it can be demonstrated that a restriction is needed to prevent crime and disorder and if it has Police support. Size is not really an issue as both small areas and whole wards have been designated in the past;
- Every entertainment area has a Pub Watch Scheme;
- Taxi Marshals were piloted in Sutton over Christmas – ASB was reduced by 90%;
- The Licensing Act has been used positively e.g. take-away restaurants were often flashpoints for ASB but now, if they are open after 11pm, they have to demonstrate how they will tackle crime and disorder. This has deterred many from applying for licenses and so reduced the likelihood of trouble;
- Opening hours have been staggered.
- BCC has been held up as a beacon of excellence in this area.



## 6.5 Youth Offending Services (YOS)

- 6.5.1 YOS organises a range of activities to engage young people in purposeful activity and divert them from offending. Work with those who offend shows positive results and has reduced the risk of re-offending. YOS also leads initiatives to promote personal safety for young people as they are also more likely to be victims of crime and to suffer from bullying.
- 6.5.2 The recently published Joint Assessment Review states that the Birmingham Youth Offending Service partnership has been one of the top ten performing partnerships since 2002 for reducing re-offending and youth crime for young people sentenced by the Courts to community penalties. There has been a reduction in first time offending and in rates of recidivism.

## 6.6 Housing

- 6.6.1 Although BASBU has now moved from the Housing Department to Local Services Directorate, the department does still offer support to those council tenants who suffer from ASB. This includes supporting actions undertaken by BASBU – such as ASBOs – and using tenancy conditions to prevent ASB. In extreme cases, tenants can be evicted from council-owned homes.
- 6.6.2 The use of Possession Orders in tackling ASB is discussed in Chapter 7.

## 6.7 The *Respect* Agenda

- 6.7.1 The City Council has appointed the Strategic Director of Children, Young People and Families as the lead officer in terms of the *Respect* Agenda. He will head a cross-directorate steering group which will be tasked with implementing the Respect Action Plan and ensuring there is a 'joined-up' response to it.
- 6.7.2 This group was originally set up to look at the most challenging families across the city, with the aim of ensuring a co-ordinated response that made use of the breadth of interventions available. Helping such families is an important part of the Respect Action Plan, and so extending the group's remit to cover the whole plan seemed a natural progression.
- 6.7.3 The group is in the process of undertaking an audit of the actions outlined in the Plan to establish what activity is currently taking place. On the whole, many of the actions have already been implemented. However, there are some that are still being developed and others where work has yet to be started. The audit will provide an accurate overall picture and allow an analysis of where the gaps are. Once it has been completed, the Community Safety Partnership, relevant partners or departments will be tasked with leading delivery of the actions.
- 6.7.4 In terms of funding, the aspects of the Plan that are already being carried out by the City Council or partner agencies will already have funding for that. The City Council has also had access to pump-priming funding from the Home Office (such as the Together Action Area money (see below)) and more may become available in the future.





6.7.5 With regard to capacity, the audit will identify whether the necessary resources are in place to undertake each of the actions. If they are not, resource allocation will be looked at in the widest sense to establish whether resources could be distributed in a more effective way.

6.7.6 Other key priorities for the steering group are to:

- Share definitions of ASB with partner agencies and the public;
- Foster attitudes of tolerance on both sides;
- Seek clarification of the powers available for tackling ASB e.g. who can issue Parenting Orders and who will enforce them?

6.7.7 It is so far unclear from the information we have:

- How partners will be involved in this process – what is the membership of the group and how will partners be expected to participate in the tasking? There is no evidence as yet of a joined up partnership approach;
- Where does this group fit in relation to existing community safety structures, most notably the BCSP, LDGs and SEGs? Is there a danger that the work of these groups will be either diluted or duplicated?

6.7.8 There are elements to be welcomed – certainly the closer involvement of health and social care agencies. It also may be the case that a “higher level” group to co-ordinate responses to the specifics of the *Respect* agenda is needed. The Local Services and Community Safety O&S Committee will receive regular reports from this group and will seek to ensure that it does add value to existing work.

## 6.8 Localisation and Devolution

6.8.1 Alongside this centrally-based activity, a lot of community safety related action has been devolved down to the local level. Constituency Committees, Constituency Strategic Partnerships, Ward Committees and Ward Advisory Boards are all very concerned with ASB issues.

6.8.2 In addition, Hodge Hill has been designated a TOGETHER Action Area (TAA) and has therefore received some additional funding and support from the Home Office. Levels of ASB in Hodge Hill are not higher than elsewhere in the city, but the Constituency was proactive in seeking extra funding to try and tackle the problem. The outcomes of having a more focused approach to tackling ASB at a constituency level are outlined in Case Study 3.

## 6.9 Key Issues

6.9.1 Again, partnership working has come through as a main theme. Both the Broad Street Initiative and Hodge Hill TAA are good examples of what can be achieved with genuine partnership. It is to be hoped that the Council steering group working on the *Respect* agenda learns these lessons.



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- 6.9.2 Another factor in Hodge Hill's current success is its use of tasking and co-ordinating approach – regular meetings which are action focused. This echoes the approach of the Erdington LDG (Case Study 1: Erdington LDG).
- 6.9.3 Devolution and localisation inevitably came up in our discussions. The current feeling from BASBU was that this was not an appropriate time to devolve the service down to Constituency level as it was a relatively new service which had not yet reached critical mass and localisation would therefore mean:
- Loss of ability to cover absences;
  - Dispersal of expertise; and
  - Dispersal of team working which would reduce the overall ability to respond.
- 6.9.4 It was also emphasised that a key element of law enforcement is consistency and this must not be lost.
- 6.9.5 The move to deliver BASBU services in four areas – 2 or 3 constituencies each – could be considered in the future, although we acknowledge that there are several delivery models. We are also cautious of adding to the "silo" problem referred to in the Scrutiny Review of Devolution and Localisation. However, we do feel there is scope to work more closely with the Constituencies – particularly if the tasking and coordination approach used in Hodge Hill is extended. Hodge Hill has benefited from a BASBU officer physically based in Hodge Hill, but other BASBU officers have assisted – they often cannot work alone, especially if preparing a court case in a limited time.
- 6.9.6 This model of day to day management with the Constituency and BASBU dealing with professional development, with flexibility to work across Constituencies and a tasking approach, would be a good starting point for considering how to devolve responses to ASB.



### Case Study 3: Hodge Hill 'TOGETHER Action Area'

Hodge Hill was designated a 'TOGETHER Action Area' (TAA) in 2005. This meant committing to:

- Act on all types of ASB;
- Focus on the 50 worst cases of ASB in the area;
- Publicise activity on ASB, including running TOGETHER campaigns;
- Being involved in the public-facing work, including TOGETHER Direct public helpline and 'Street Leader' scheme.
- In return, Hodge Hill receives 'modest, goodwill' funding from the Home Office, TOGETHER action days where expert practitioners provide training or expertise and communications and publicity support. Part of this funding has been used to pay for the secondment of a BASBU officer to work exclusively for the Constituency.

#### Outcomes

There have been a number of successes since Hodge Hill became a TAA:

- Tasking and Co-ordinating: Weekly meetings involving BASBU, the West Midlands Police and the local Housing Team are now held to discuss all priority cases and formulate plans for the future. This ensures that action is co-ordinated and so more effective;
- Improved monitoring of ASB including the development of a Constituency ASB Activity Monitoring Form;
- The Constituency Strategic Partnership has a sub-group which covers Safer, Stronger Communities. This in-turn has a sub-group which looks at ASB. This group is being used as a 'Clearing House' to look at ASB cases and define the priorities of partner agencies so that resources are directed where needed.

#### Where next?

- The Home Office has allocated more funding for the ASB officer in Hodge Hill;
- Need to establish a more robust system of support for victims and witnesses;
- Need to review arrangements for intensive family support i.e. does Hodge Hill continue to pay additional monies to Choices, or should it go to another organisation?

#### So what?

- Being a TAA has raised the profile of tackling ASB in the Constituency;
- There have been some positive outcomes as detailed above;
- Being is a TAA provided a focus on performance and the number of legal actions taken increased – these are in line with the targets set by the city.



## 7 The Operational View

### 7.1 Introduction

7.1.1 Previous chapters have looked at how ASB is tackled from the point of view of which organisations are involved and what their priorities are. This chapter goes on to examine how ASB is dealt with at an operational level i.e. the actions that are taken when a member of the public reports an incident.

7.1.2 BASBU has four key principles for tackling ASB. Although BASBU is only one of the agencies involved, it is useful to use their principles to explain the process.

- **Detection:** Relevant bodies need to know where and how often ASB is happening in order to tackle it strategically;
- **Prevention:** Responding quickly and using early interventions such as mediation can help tackle the problem;
- **Enforcement:** Where early interventions do not work or are not suitable, enforcement action is needed, such as injunctions and Anti-Social Behaviour Orders;
- **Rehabilitation and Reintegration:** Once the ASB has ended the victims, and sometimes the perpetrators, need help to carry on with their lives.

7.1.3 The following section looks at each of these stages in detail.

### 7.2 Detection

7.2.1 The City Council has a dedicated helpline (303 1111) for residents who wish to report ASB. Trained staff are available from 8am to 8pm, Monday to Friday, to provide telephone advice and information. This line is used to report incidents other than emergencies, with the most serious (around one tenth) being referred to BASBU or Housing.

7.2.2 The helpline was set up in April 2004 and fully publicised at that time. A campaign took place over the summer, involving posters around the city, on public transport and plasma screens in GP's surgeries. Initial worries that the service may not be able to deal with an influx of calls have been superseded by concerns that residents are simply not aware of who to contact if they experience ASB.

7.2.3 It is impossible to state the exact number of callers to the Helpline from the current system. This is because it records the number of people who have dialled the 303 1111 number and select Option 1, the ASB Option. However, not all those who select this option are "genuine" ASB callers. Detailed sampling was carried out on three separate days in May and June of this year which found that only two-thirds of people who select Option 1 are calling about an ASB matter. From



this analysis it is possible to estimate that the Helpline receives around 480 calls about ASB per month.

7.2.4 Aside from the central helpline, residents can also report ASB to:

- The Police;
- Local housing team;
- Local councillors; and
- Regulatory Services.

7.2.5 Whilst the Police now provide data on the number of calls they receive about ASB (See Figure 3) statistics are not collated across the different agencies. This means that there is no clear picture of how many incidents are reported at any one time.

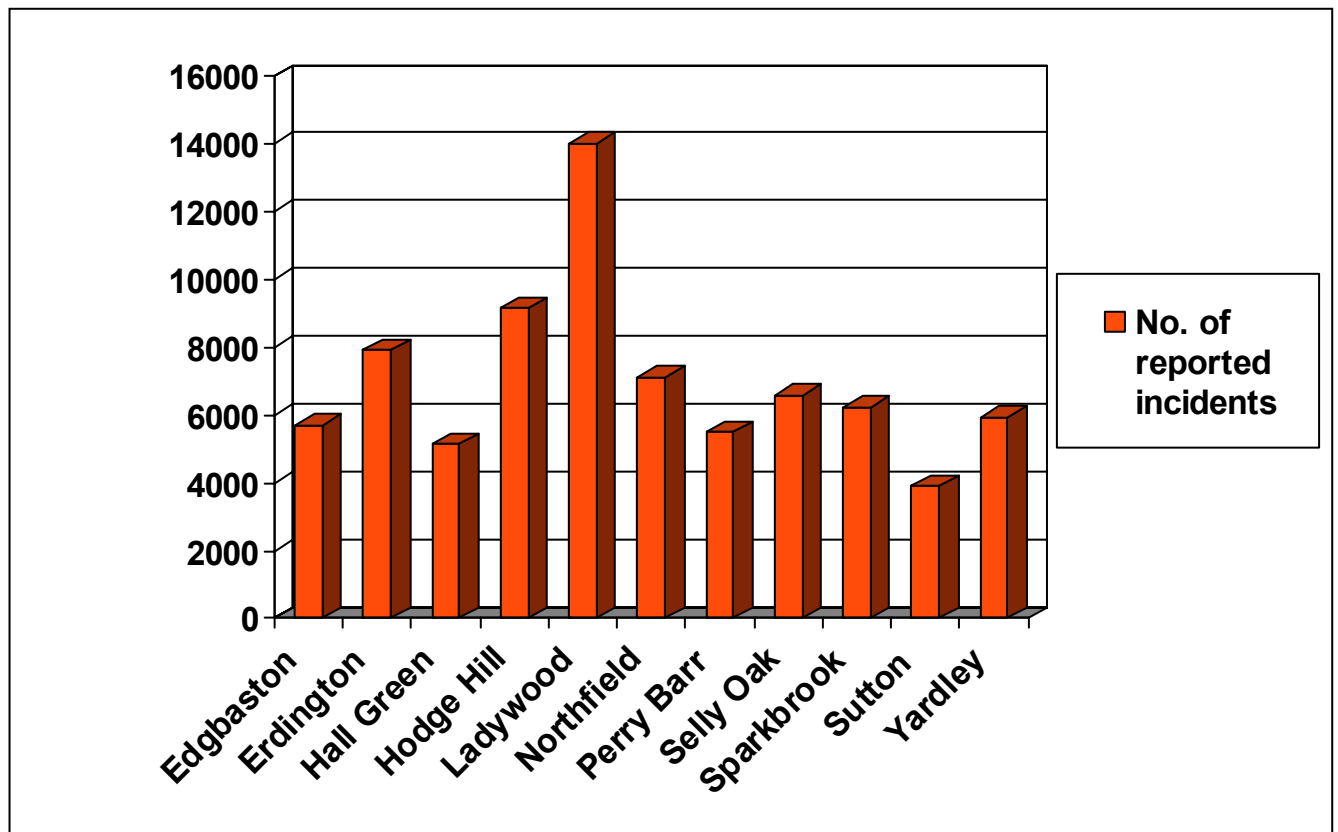


Figure 3: ASB Incidents Reported to the Police by Constituency – 2005/06 (Source: West Midlands Police)<sup>19</sup>

7.2.6 In May 2006, a new national non-emergency number was introduced to ease pressure on the 999 system by taking calls about issues like ASB. Hampshire Constabulary is the first force to use the

<sup>19</sup> These figures are based on the Constituency boundaries pre 23<sup>rd</sup> May 2006



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101 number but it will be available across England and Wales by 2008. The number will be rolled out to Birmingham in 2008.

- 7.2.7 It is unclear what effect this development will have on the Anti-Social Behaviour Helpline as it depends how it is implemented in the West Midlands. BASBU will need to agree with the Police how the calls will be picked up and diverted. The Helpline will, however, continue to exist in some form.
- 7.2.8 Despite there being many different ways to report ASB, reported incidents are likely to form the tip of the iceberg in terms of what is actually happening in some parts of the city. There are a number of reasons for this, including:
- Tolerance;
  - Belief that something will be done;
  - Fear of retribution – as commented on in the Hodge Hill research (see 3.5.5); and
  - Awareness of who to contact – this may also extend to confusion over who to contact.
- 7.2.9 Certain areas have a very low tolerance level to ASB and residents regularly inform the authorities about children playing football in the street, for example. Elsewhere, residents accept more serious instances of ASB as an unfortunate part of daily life and see little point in reporting it.
- 7.2.10 The findings of the 'Feeling the Difference'<sup>20</sup> Survey conducted by West Midlands Police illustrate this point. Hall Green Constituency<sup>21</sup> generally experiences lower levels of crime compared with other areas in the city (see Figure 3). However, its residents consistently have a higher fear of crime and disorder than elsewhere.
- 7.2.11 Tolerance levels can lead to discrepancies between data on reported crime and what is actually being committed. The agencies involved in tackling ASB have to be aware of this fact when targeting their resources.
- 7.2.12 However, it is not only a person's tolerance that affects whether they report ASB, but also whether they believe informing the authorities will actually achieve anything. Maintaining confidence is critical. Three years ago, when BASBU was first established, the City Council stated that it was going to take a hard-line on ASB and encouraged residents to report it. However, prior to this, resources were not always available which may have affected residents' belief in the Council's willingness to act. BASBU are now working to reverse this.
- 7.2.13 Both of these factors provide convincing arguments for having a pro-active service rather a purely reactive one i.e. officers would actively seek out instances of ASB, rather than waiting for it to be reported. Otherwise ASB will go undetected and the perpetrators will not be dealt with.

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<sup>20</sup> Cited in Birmingham Community Safety Partnership Birmingham Community Safety Assessment July 2005. Over three years, around 1% of the population of Birmingham have been surveyed.

<sup>21</sup> These statistics are based on Constituency boundaries pre 23<sup>rd</sup> May 2006



## 7.3 Prevention

7.3.1 Incidents that are reported to the Anti-Social Behaviour Helpline and cannot be dealt with by the staff manning it are passed on to BASBU. BASBU officers, working with other council departments and agencies, then decide on the best way to proceed. Where possible, problem behaviour is addressed through prevention strategies. Legal interventions are used only as a last resort.

### Central Mediation

7.3.2 One prevention strategy for people experiencing problems with their neighbours is to use the service provided by Central Mediation. This involves both parties discussing the issues with fully trained mediators, either separately or together. Mediators are trained not to judge and both victims and perpetrators are regarded as equals during the process. This is vital to encourage participation and reach mutually agreed conclusions.

7.3.3 BASBU has a Service Level Agreement with Central Mediation and pays them up to £112k p.a. The amount varies, depending on the number of referrals that they have had.

7.3.4 Referrals are received from BASBU, local housing teams, Regulatory Services, the Police and Registered Social Landlords (RSLs). In 2004/05, 189 mediation referrals were received, this increased to 263 in 2005/06, a rise of nearly 40%. 70% of these referrals involved council tenants and the remainder were from the private sector. Taking part in mediation is voluntary and there was a successful outcome of 82% in 2005/06.

7.3.5 Although mediation usually involves adults, it can have a role to play in cases concerning young people. It is particularly useful if mediators can talk to the parents. Difficulties can occur when a group of children is involved because unless the perpetrators can be positively identified, mediation has little chance of success.

### Case Study 4: Central Mediation

A case resolved successfully through mediation involved an elderly family and a single parent family with two young children who lived in neighbouring properties. The elderly family had rubbish thrown over a dividing fence and balls kicked at it. They also experienced shouting and screaming and children congregating at the front of the property. In an attempt to deter this behaviour, the elderly resident started videoing the children.

Following complaints to the housing team, both parties agreed to attend mediation. There was an initial visit from a mediator followed by a face to face meeting at a convenient local venue. All those involved were encouraged to speak openly and positively.

The outcome of the discussion was that the single mother did not realise rubbish was being thrown and balls being banged into the fence. She did however accept there had been screaming and shouting. She agreed to stop this behaviour from happening again if the elderly resident stopped videoing them. Both sides agreed to raise any future problems directly in a polite and non-confrontational way.



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## Choices

- 7.3.6 Another preventative measure, this time for more prolific offenders who are undergoing eviction proceedings (or just about to) is the Choices project. This is an intensive support service commissioned by the City Council and the Home Office for adults and children whose ASB causes serious problems for others.
- 7.3.7 The project has a number of objectives:
- To challenge negative behaviour and attitudes;
  - Work with families to avoid eviction;
  - Seek long-term behavioural change; and
  - Promote social inclusion and community stability.
- 7.3.8 Sessions include 1:1 support work, work with the whole family, family coaching and advocacy.
- 7.3.9 Referrals can be made to the project by various agencies including BASBU, Housing, Social Care and Health, Registered Social Landlords and the Police. However, participants need to agree to take part in the project voluntarily.
- 7.3.10 Although the Police are able to refer individuals to Choices, it was evident from our evidence gathering that not all relevant police officers are aware of the project. The question was also raised as to whether SEGs should be involved in the process in terms of having an opportunity to refer individuals to the project and getting feedback on cases in their particular area.
- 7.3.11 The Choices project was launched on 1 April 2005 as a 12 month pilot scheme. It has since been extended for a further six months. BASBU is currently in discussions with the Home Office to try and secure funding for another two years.
- 7.3.12 The Home Office has stipulated that Choices is a pilot for intervention at the later stages of a case, rather than when ASB is first committed. At an early stage, it is also much more difficult to get people to volunteer to take part in the programme. Even the threat of legal proceedings does not convince some of the benefits of taking part.
- 7.3.13 In fact, a key problem for the project has been getting referrals in. In its first year, Choices only received 39 referrals. To combat this, a referral to Choices has now become a mandatory step in the ASB procedure for dealing with people going through possession proceedings. A panel has been set up to look at all the applications and decide which of them are appropriate for the Choices programme. In addition, Choices project workers now meet with potential applicants to offer the service and explain the process. In the past, this task had been undertaken by Housing officers and many offers were refused although there is no data available as to explain why.
- 7.3.14 A recent evaluation of the of the project undertaken by the University of Birmingham found that of the 42 referrals received and accepted by 30 June 2006, five had completed their planned programme of work with the Choices team. However, in only one case was the contract concluded





with no legal actions outstanding. Of the five, the ASB had ceased or substantially reduced in four cases. In the fifth case, the tenant was evicted following prosecution for drugs offences.

- 7.3.15 Conversely, for those who chose not to engage with the project, outcomes were noticeably poor: there were four evictions, two court orders, one started a drug rehabilitation programme and there was one re-referral out of eight known outcomes.
- 7.3.16 Of the cases that were terminated before planned contract work was concluded, ASB ceased in seven out of 17 cases. In a further seven, it continued although with indications in some cases of a reduction in frequency. However, for around half of the cases, data was only available up to one month after closure. Therefore it was too early to reach any conclusions about an affect on long-term behaviour.
- 7.3.17 The evaluation concluded that clients' involvement in the project, even if it is not completed, has positive impacts in terms of reductions in the frequency and range of ASB, in the short-term. Outcomes in terms of legal enforcements are also likely to be less severe for tenants who engage with the project rather than those who do not. However, more work needs to be done to improve the collection and robustness of this impact data and examine the long-term effects.

### Case Study 5: Choices

Problems started almost immediately when a male tenant moved into a Registered Social Landlord property. This included noise, shouting, banging, screaming, frequent calls to 999 and neighbours being threatened. Possession Order (see 7.4.29) and Anti-Social Behaviour Order (ASBO) proceedings were started and the tenant was referred to Choices.

The Choices worker identified some key problems including depression not being controlled by medication, alcohol misuse and illiteracy. To deal with these issues a doctor prescribed medication, Aquarius intervention for alcohol misuse was started and a strategy to deal with illiteracy developed (to be implemented once the other measures were having an effect).

Since his referral at the end of January 2006, there have been no calls to 999 and only one incident of noise nuisance. The neighbours are satisfied and it is now likely that action on the possession order and ASBO will be suspended.

### Youth Offending Service

- 7.3.18 As stated on its website, the Youth Offending Service has one overall aim: to prevent young people offending.<sup>22</sup> Its job is to ensure that young people are systematically assessed, appropriately punished, helped and directed to change their behaviour. It also ensures that the victims of crime are appropriately compensated, through the use of Restorative Justice and Reparation, and that parents are more fully involved in dealing with their children's offending behaviour.
- 7.3.19 To be able to achieve these objectives, the Youth Offending Service:
- Engages with young offenders as early as possible to tackle offending behaviour before it becomes chronic;

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<sup>22</sup> [www.birmingham-yot.org.uk](http://www.birmingham-yot.org.uk)



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- Undertakes a systematic assessment of a young person and the factors which lead to their offending in order to devise programmes which will have the maximum effect on offending behaviour;
- Works with young people and their families to help parents ensure that their child does not re-offend; and
- Works with communities to help to instil in young people a sense of ownership and pride in where they live and a duty of care and concern for those who live around them.

7.3.20 Acceptable Behaviour Contracts and Parenting Contracts are examples of preventative measures used by the Youth Offending Service to tackle ASB and prevent re-offending. More information on these initiatives is provided in 7.3.28 and 7.3.33.

7.3.21 In 2005, out of 4500 young offenders in Birmingham, the Youth Offending Service worked with 3000 of them. Due to the nature of the Service, a pan Birmingham approach is needed. However, specific projects, like the Youth Inclusion Project (YIP), are targeted in areas with a higher crime rate. The YIP seeks to reduce offending, truancy and exclusion by providing targeted assistance and support to 13 - 18 year olds who are considered most at risk within the community.

7.3.22 The core principles of a YIP are:

- Voluntary Participation:
- Targeted Engagement of a Core Group of Young People:
- Multi Agency Identification of the Target Group:
- Interventions that focus on reducing risk factors associated with youth crime:
- Located in High Crime, High Deprivation Neighbourhoods.

7.3.23 An example of a YIP is the Kingstanding YIP, which holds referral meetings with the Police, Youth Inclusion Support Panels (see below) and Youth Offending Service, with support from schools and social services. The YIP targets the fifty most at risk young people through a variety of interventions and activities, but also picks up siblings and other young people as part of some of these interventions. Each case is tracked with re-offending monitored. Examples of interventions and activities include:

- Programmes attended around ASB for young people subject to ASBOs;
- Vehicle Crime Programmes for young people involved in vehicle crime;
- Sexual health, drugs, alcohol and healthy lifestyles workshops.

7.3.24 Another initiative to tackle ASB and prevent offending are Youth Inclusion Support Panels (YISPs). These are multi-agency planning groups that offer voluntary support services to children aged 8-13 and their families, who are at risk of becoming involved in ASB and crime. YISPs aim to ensure that young people and their families receive mainstream public services at the earliest opportunity. In this way they offer an important vehicle for tackling emerging ASB among young people.



- 7.3.25 Panels are made up of representatives from a range of agencies, including the police, schools, health and social services, and can include members of the local community. Local agencies identify young people who are behaving in ways that put them at risk of offending – for example drug misuse, mental health problems, family problems, non-attendance at school – and refer them to the panel. The panel considers the case and recommends a programme of support for the young person and their family called an Individual Support Plan (ISP).
- 7.3.26 Birmingham is one of 13 pilot areas which have received additional support to develop procedures and innovative practice, alongside a management information system. When fully evaluated and quality assured, this will provide a framework of best practice for other YISPs.
- 7.3.27 Interestingly, although much of the work undertaken by the Youth Offending Service is to do with preventing and tackling ASB, it does not have a specific performance indicator to measure it. Instead, the 14 national indicators measure outputs like the number of first-time entrants into the criminal justice system and the number of young people re-offending.

### **Acceptable Behaviour Contracts (ABCs)**

- 7.3.28 ABCs are written agreements made between young people who are committing ASB, their parents or guardians and agencies like the City Council or the Police. The ABC consists of a list of anti-social acts that the offender agrees not to commit and outlines the consequences if the contract is breached. Contracts usually last for six months but can be renewed if both parties agree. ABCs are voluntary, informal agreements and so have no legal weight but they can still be effective. They can also be cited in court as evidence in ASBO applications or in eviction or possession proceedings.
- 7.3.29 The City Council uses ABCs as a positive way to tackle ASB. In return for the perpetrator behaving well, the Youth Offending Service agrees to provide support, for example diversionary activities. The Youth Offending Service does not, however, receive any specific funding for ABCs. Therefore, if the number issued increases, the support provided may be affected.
- 7.3.30 In addition, programmes that are specifically tailored to an individual offender are more likely to be successful than generic ones. Such an approach undoubtedly costs more and would put an additional strain on resources.
- 7.3.31 The number of ABCs issued by the City Council each year is unknown as both BASBU and Housing officers initiate them and the statistics are not collated. This is set to change when YOS become routinely involved in every ABC. They will be the common denominator in all ABCs and so will keep the necessary records.
- 7.3.32 Anecdotal evidence suggests that ABCs are effective – if they weren't, there would be more ASBOs. However, there is currently no mechanism for measuring the outcomes of ABCs.



## Parenting Contracts

- 7.3.33 The parental equivalent of an ABC is a Parenting Contract. Under existing legislation, local authorities have the power to use Parenting Contracts to encourage parents to change their behaviour and help prevent their child(ren) from committing ASB. Entering into one is voluntary.
- 7.3.34 These contracts are not currently being used in Birmingham, but BASBU is exploring the idea of using them alongside ABCs, as a last warning before issuing a Parenting Order (see 7.4.23).
- 7.3.35 Manchester City Council is one local authority that is already using this measure. It encourages parents to take responsibility for their child's actions by signing a voluntary agreement setting the following standards of behaviour:
- Be there for your children;
  - Accept that you are responsible for your children and what they do;
  - Keep them under control;
  - Guide your children – teach them right from wrong;
  - Make sure they go to school;
  - Know where they are, who they are with, and what they're doing;
  - Keep them away from people who will get them into trouble.
- 7.3.36 If Parenting Contracts were introduced in Birmingham additional resources would be needed to support the families involved.

## Facilities for Young People

- 7.3.37 Many of the complaints received about ASB involve groups of young people congregating on street corners, around shops or in parks. As discussed in 3.2.9, large numbers of young people can appear intimidating, but it would be wrong to assume that they are all committing ASB. In the majority of cases they just want somewhere to get together and have nowhere else to go.
- 7.3.38 A simple solution to this problem is to give young people something to do and somewhere to congregate – a service provided by Birmingham Youth Services. In this respect, although the Youth Services do not tackle ASB directly, they do have a part to play in the process. For example, 'Beyond Midnight' is a scheme that is due to start at the end of July that will target young people between the hours of 2am and 6am. A bus run by youth workers will travel around their usual haunts, offering advice and providing activities. During the day, this resource will be used to travel to hotspots, for example areas which have a Dispersal Order (see 7.4.34).
- 7.3.39 The Youth Service does not always have the capacity to respond to specific situations in this way. Instead it has a planned programme of interventions. Resources should, however, be flexible enough to respond to seasonal or unexpected need. The service also does not have the resources



to provide detached youth workers in each area, something that has proved a success elsewhere because of their ability to go where they are most needed.

- 7.3.40 Although a 'universal service' in the sense that it covers the whole city, there is variation across the Constituencies in terms of the service that is provided. This is partly due to the fact that a third of the Youth Services' resources are externally funded and so are restricted for use in specific areas. Demand and need play a part in determining how the rest of the resources are allocated.
- 7.3.41 This difference in provision across the city, combined with the publicity surrounding activities organised for offenders, has led to the perception that the only way young people can get something to do is if they commit an offence. Without adequate marketing of the reasons why activities are put on for offenders, or increased provision for young people in general, this view is likely to remain. Ultimately, to fund either service adequately, a choice has to be made as to whether to invest in post offending or positive youth services.
- 7.3.42 Although it is impossible to say precisely how effective providing youth services are in reducing ASB, there is anecdotal evidence to say that they do work (see case study below).
- 7.3.43 The Education and Lifelong Learning O&S Committee are currently undertaking a Scrutiny Review of the Youth Service, and this touches on youth support work to address concerns about ASB. This report is due to be presented to City Council in October 2006.

### **Case Study 6: Frankley Youth Bus**

As a result of residents and business complaints about ASB in Rednal, a detached youth group charity set up an observation of the area, funded via Neighbourhood Renewal Fund.

This found large groups of young people were congregating, and that they were unhappy with the lack of provision for them. It was also discovered that there were two distinct groups in Rednal – neither of which wished to associate with the other.

Therefore a mobile youth centre was set up – a ring and ride bus was fitted with computers and a seating area to provide diversionary activities as well as a centre for information, advice and guidance, including informal counselling and signposting. The bus also parks near an astro turf pitch for football games.

The bus drives around and parks where the young people congregate. This now takes place 3 times a week with an average of 40 young people coming along per night – though there are seasonal variations.

Anecdotal evidence suggests that both residents and business owners feel incidents of ASB have dropped slightly, especially football around the streets. It is a street based youth group, so formal meetings are not attended. However, liaison work has allowed residents to see young people as more approachable and communications have improved.

Funding has come from NRF and Children in Need and money is available for another 3 years.



## 7.4 Enforcement

7.4.1 In cases where early interventions have failed or are not suitable, enforcement action is taken. Extensive media coverage of anti-social behaviour orders (ASBOs) means that this is the measure that the public most commonly associate with tackling this kind of behaviour. In fact to the lay person, it can be perceived as the only way of dealing with the problem. However, it is only one of a raft of enforcement measures available to the City Council (see Appendix 3). As Figure 4 shows, Injunctions are in fact used by the City Council more frequently than ASBOs.

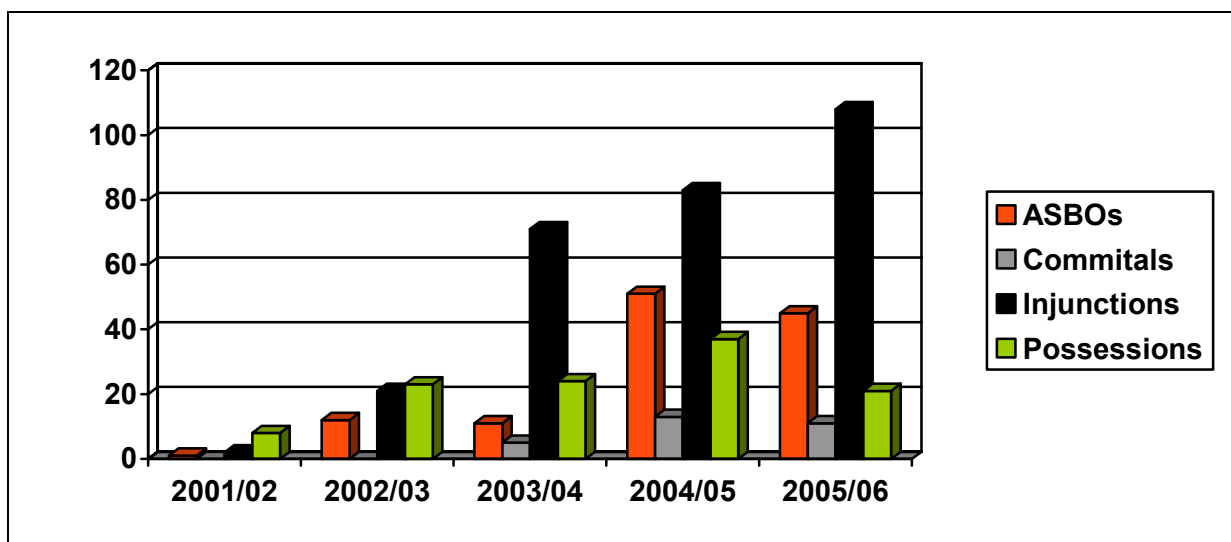


Figure 4: Number of Legal Actions Achieved (Source: BASBU)

7.4.2 Each measure should also not be regarded in isolation:

- Some are complimentary (e.g. Individual Support Orders can be issued alongside an Anti-Social Behaviour Order with the aim of improving behaviour); whilst
- Others are a natural progression from the preventative measures described above (e.g. if a Parenting Contract does not work, a Parenting Order may be used).

### Anti-Social Behaviour Orders

7.4.3 ASBOs are court orders which prohibit the perpetrator from specific anti-social behaviours. An ASBO can ban an offender from:

- Continuing the offending behaviour;
- Spending time with a particular group of friends;
- Visiting certain areas.



7.4.4 The aim of an ASBO is to protect the public from the behaviour, rather than to punish the perpetrator. An ASBO is a civil order, not a criminal penalty – this means it will not appear on an individual's criminal record. However, a breach of an ASBO is a criminal offence punishable by a fine or up to five years in prison. ASBOs are issued for a minimum of two years but prohibitions within them can be set for a shorter period.

7.4.5 One point to note is that it is a common belief that the civil standard of proof “on the balance of probabilities” is used in ASBO proceedings – in fact, the standard of proof is the higher criminal law standard—i.e., “beyond reasonable doubt”.<sup>23</sup> Similarly, breach proceedings, which could result in imprisonment, are determined by the higher criminal standard. However, hearsay evidence is permissible in some cases.

7.4.6 The City Council, Police, RSLs and Housing Associations can all apply for an ASBO to be issued.

7.4.7 Figure 5 compares the number of ASBOs issued by the Core Cities from 1 April 1999 to 30 June 2005 as reported to the Home Office by all courts.<sup>24</sup> These statistics must be viewed with caution however as different councils use different methods for counting the number of orders they issue. For example, Manchester City Council counts both interim and full orders separately whereas BASBU only counts them as one. Local authorities also started issuing ASBOs at different times e.g. the City Council did not exercise its powers in relation to ASBOs until November 2001.

Council	No. ASBOs issued
Manchester	356
Leeds	252
Nottingham	103
Liverpool	98
Birmingham	96
Bristol	74
Sheffield	58
Newcastle	33

7.4.8 The figures do, however, provide an indication as to the extent to which ASBOs are issued. This will depend on the local authority's individual policy for tackling ASB. Manchester, for example, is well known for its uncompromising approach and issues many more ASBOs than other local authorities. In comparison, Birmingham uses ASBOs in the most serious cases, trying other interventions where possible. There is no indication that ASB is committed to a greater, or lesser, extent in each of the core cities.

Figure 5: No. of ASBOs issued by the Core Cities (Source: Home Office)

7.4.9 ASBOs issued here tend not to contain a detailed list of proscribed actions. Instead the conditions are more specific and focussed so that the Police can monitor them more easily. It is important that the Police support the issue of each individual ASBO as they are the agency charged with enforcing them.

<sup>23</sup> R v Crown Court at Manchester, ex parte McCann 17 October 2002 [2002] UKHL 39

<sup>24</sup> Taken from the following website: [www.crimereduction.gov.uk](http://www.crimereduction.gov.uk)



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- 7.4.10 Leaflets can be used to inform local people of the specific conditions on the Order so that they are empowered to inform Police if they see them being breached. This does have the consequence of increasing calls to the police, who must have the resources to deal with it.
- 7.4.11 To date, the City Council has chosen to publicise specific ASBOs in this way on only three to four occasions, and only after BASBU officers have presented a convincing case. In contrast, Manchester City Council has carried out this activity frequently over the past seven years.
- 7.4.12 This action does have to be handled carefully. Timing can be important – the most effective time to do this should be carefully considered (e.g. at the start of the ASBO, or later in the two year period if compliance is an issue).
- 7.4.13 With the statistics available it is difficult to assess the effectiveness of ASBOs. BASBU does not keep its own records on repeat offenders, but according to court services, a high number of ASBOs are breached. A target to reduce the number of ASBO breaches is included in the new Children and Young People Plan.
- 7.4.14 Consultation with residents in Hodge Hill reveals differing views of how successful ASBOs are in terms of curbing ASB:
- ‘ASBOs have made a positive impact on the (Overpool) estate’
- 7.4.15 In contrast:
- ‘There are real problems with enforcing the conditions, the police can’t follow up everything and sometimes people know they can get away with not obeying the ASBO conditions’
- ‘I think it can push anti-social behaviour underground or elsewhere’ (*From Anti-social Behaviour to Civil Renewal*, David Prior et al, January 2006)
- 7.4.16 Some people have come to regard ASBOs as a status symbol. A Dispatches programme aired in April 2006, showed 100 teenagers in one town shouting ‘ASBO ‘til we die’. Whilst a prolific graffiti artist in Cotteridge, Birmingham, has changed his/her “tag” to “ASBO” after being served an order. This suggests that offenders do not always treat with them with the seriousness they deserve.
- 7.4.17 A view expressed by an elected member is that when an ASBO period comes to an end, no effort is made to see if the problem has ceased and so perpetrators just go back to behaving as they did before the ASBO was imposed. It is difficult to assess to what extent this happens as there is currently no system in place to monitor their effectiveness. If no complaints are received, it is presumed that the person in question is abiding by the conditions of the order.
- 7.4.18 The majority of ASBOs are still current as they were issued in the last for two years and they are usually issued for that length of time. BASBU are looking at developing a mechanism for monitoring whether perpetrators resume their past behaviour.





7.4.19 This evidence suggests that whilst ASBOs may be the most well-documented intervention, they are far from being the panacea the media portrays them as.

### **Individual Support Orders (ISOs)**

7.4.20 ISOs are civil orders for 10-17 year olds which impose positive conditions designed to tackle the underlying causes of a young person's ASB e.g. counselling to address substance misuse or aggressive behaviour.

7.4.21 If an ASBO is being imposed, a court is obliged to make an ISO if it takes the view that it would help prevent further ASB. The ISO lasts for up to six months and can require the person subject to the order to attend a maximum of two sessions a week. If the ASBO is discharged during the period of the ISO, the ISO will also cease.

7.4.22 The delivery of the ISO is co-ordinated by the Youth Offending Service and they act as the responsible officer for the perpetrator throughout the process.

### **Parenting Orders**

7.4.23 Parenting orders are designed to offer parents support and training to prevent their child(ren) from re-offending or committing ASB. They are issued by a Youth Court, Magistrates or Crown Court when a young person has been given an ASBO<sup>25</sup> or committed a criminal offence. They are therefore similar to an ISO, but for parents.

7.4.24 Parenting orders can consist of the following elements:

- A parenting programme designed to meet parents' individual needs to help them address their child(ren)'s misbehaviour;
- Specifying ways in which parents are required to exercise control over their child(ren)'s behaviour to address particular factors associated with their offending e.g. escorting their child(ren) to and from school every day to ensure attendance.

7.4.25 In Birmingham, parents are expected to attend eight weekly sessions in the first three months after an order has been issued. These are run by Parents for Prevention, a voluntary agency who offer parenting programmes for people subject to a Parenting Order or who ask for help on a voluntary basis.

### **Injunctions**

7.4.26 Injunctions are ways of forbidding someone from doing something, or compelling someone to do something. They can usually only be used against adults, but in some circumstances they can also be served against 16 and 17 year olds. However, this is extremely rare. Defendants do not have to

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<sup>25</sup> The Anti-Social Behaviour Act 2003 obliges the court to make a parenting order in cases where it has made an ASBO. This obligation commenced on 27 February 2004.



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be informed that an injunction is being sought against them, but for it to take effect, it must be served upon them personally.

7.4.27 In the most serious cases, injunctions can have a power of arrest attached which means that if they are breached, then the defendant can be arrested.

7.4.28 It can take between a day and a few weeks to get an injunction, depending on the severity of the case. As a lower burden of proof is needed to secure an injunction than if an ASBO is being sought, the City Council tends to use injunctions more frequently (see Figure 4). In 2004/05, 83 injunctions were achieved (as opposed to 51 ASBOs). This increased to 108 injunctions in 2005/06, compared with 45 ASBOs.

## Possession Proceedings

7.4.29 Possession Proceedings to evict council tenants are only appropriate if injunctions or ASBOs have already been tried and have failed, or are not suitable. They can also be issued when someone living in a property is in breach of the City Council's tenancy conditions. The case for evicting the tenant must be proved to the court at a full hearing. Possession proceedings for evicting tenants of private landlords is similar.

7.4.30 In total, there have been 82 successful possession proceedings since April 2001. This breaks down as follows:

2001/02	2002/03	2003/04	2004/05	2005/06
8	23	24	37	21

Figure 6: Number of Successful Possession proceedings in Birmingham (Source: BASBU)

7.4.31 Discussions around possession proceedings highlighted an inherent tension between those who advocated the Council taking a hardline in such matters and those who thought that evicting problem families simply displaces the problem elsewhere. Instead, these residents should be given as much help and support as possible to change their behaviour and stay in their homes.

7.4.32 However, it is difficult to gain public approval for such a policy. Rather than being punished, problem families are seen as getting more support than law-abiding ones and, more significantly, more help than their victims.

7.4.33 The City Council will always have a tension here in its role as a provider of social housing and with the responsibilities it has to the wider community.

## Dispersal Orders

7.4.34 Section 30 of the Anti-Social Behaviour Act 2003 enables the Police, in conjunction with local authorities, to place a Dispersal Order on a particular area where people feel threatened by groups hanging around causing intimidation and acting in an anti-social manner. These orders last for up



to six months and can cover an area as small as a cash point or as wide as a whole local authority area.

- 7.4.35 The decision to designate an area must be published in a local newspaper or by notices in the local area. The area must be clearly defined, usually by a description of the streets or roads bordering the area. Within these areas, the police and police community support officers (PCSOs) have the power to disperse groups where the relevant officer has reasonable grounds for believing that their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed intimidated, alarmed or distressed. Individuals can be directed to leave the locality and may be excluded from the area for up to 24 hours. Officers also have the power to escort under 16s home, or to a place of safety.
- 7.4.36 BASBU has only a fairly limited role in issuing Dispersal Orders. Many are put in place by the Police, in consultation with Constituency Directors.
- 7.4.37 Dispersal Orders can offer immediate respite to a particular problem. However, many have doubts on their effectiveness, believing that they simply disperse the problem elsewhere. It is also accepted that without an exit strategy to address the underlying issues, the problems persist when the order is lifted.
- 7.4.38 Consultation undertaken with young people in Hodge Hill found little support for this particular measure:

“Dispersal Orders are stupid, people can stand around in groups in their own garden but as soon as they step on to the pavement they get arrested.”

*From Anti-social Behaviour to Civil Renewal, David Prior et al (January 2006)*

- 7.4.39 This can seem to be the case when Dispersal Orders cover the area where the perpetrators live.
- 7.4.40 Young people in general feel that Dispersal Orders stigmatise them, not realising that all groups can be moved on, regardless of their age. This fact is reiterated in the new guidance which has been issued by the Respect Taskforce. Youngsters can also feel criminalised when they have not done anything wrong if one officer misuses the powers available and moves them on. Incidents like this have resulted in very negative views of Dispersal Orders.
- 7.4.41 Although the Government is keen to promote their use, it has stressed that where groups of young people are involved, constructive and purposeful activities need to be provided in conjunction with the Orders.

## **7.5 Rehabilitation and Reintegration**

- 7.5.1 As outlined in the key principles in 7.1.2, “Rehabilitation and Reintegration” is about enabling victims, and perpetrators, to carry on with their lives once the anti-social behaviour has ended.



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7.5.2 Although included in the "Prevention" and "Enforcement" sections, much of the work undertaken by the Youth Offending Service would also be relevant here. ABCs and ISOs, for example, are designed to tackle the underlying causes of a person's ASB, with the aim of preventing re-offending. Therefore, if successful, they will help the individual concerned "reintegrate" into society.

## Witness and Victim Support

7.5.3 Victims and witnesses in ASB cases will often be required to give evidence at the County or Magistrates Court. Due to their workloads, BASBU officers can only offer basic witness care, rather than be readily available and responsive throughout the life of a case and beyond.

7.5.4 A new service is therefore currently being developed for delivery as a pilot project to be launched in the autumn. Victim Support West Midlands (VSWM) will provide a comprehensive service to the victims and witnesses of ASB, offering:

- pre-trial support;
- support on the day of the trial; and
- post trial contact (to include sign posting on to other agencies where necessary).

7.5.5 Each individual will receive an individually tailored support programme with VSWM taking the responsibility away from the officers in the case.

7.5.6 The City Council has an annual target of achieving 250 Court actions in 2006/2007. It is anticipated that this would involve up to 500 witnesses, many of whom would be required to give evidence. VSWM will ensure that witnesses are aware of court procedures and will arrange pre-trial visits where necessary. VSWM will also provide support for those witnesses who are affected by ASB but whose cases are not progressed for Court action.

## 7.6 Outcomes

7.6.1 This chapter has outlined the key principles for tackling ASB to provide an insight into what happens when an incident is reported and what mechanisms are available for dealing with a complaint. There is certainly no shortage of legal devices for dealing with the problem. In fact, the Government is positively encouraging their use.

7.6.2 However, how successful are they in achieving their desired aims? This section examines outcomes from individual cases and, more generally, from initiatives and interventions.

## Individual Cases

7.6.3 Members have expressed dissatisfaction with the amount of feedback they receive specific on cases. If they do get regular updates it is due to having a good contact, rather than there being a system in place to ensure they get it. Likewise, it is their opinion that residents are also not kept



informed of progress. This can cause distress and gives the impression that nothing is being done and no-one is listening to them.

- 7.6.4 There is currently no standard in place setting out when, and how, Members and complainants should receive updates. In contrast, Nottingham City Council publishes an Anti-Social Behaviour Service Charter (see Appendix 7) that states that victims of harassment will be contacted at least once a month to have their case reviewed and receive support if required. This is one of a number of standards that include:
- Contacting the victim within 24 hours;
  - Attempting to interview the perpetrator(s) within five working days; and
  - Putting the victim in touch with other support organisations if required.
- 7.6.5 By setting out these standards, residents are aware of the service that they should receive and the Council is able to monitor whether it is meeting its targets.
- 7.6.6 BASBU does have an ASB procedure which includes response rates to three different categories of complaint (see Appendix 8). This is published on the Council website but it is not publicised elsewhere.
- 7.6.7 To close an individual case, BASBU currently writes, as a minimum, to the person who originally reported the ASB to ask them if they feel there has been a successful conclusion to their complaint. When possible they call the complainant. However, they do not always get a response. This means that whilst the case is eventually closed, after a number of failed correspondences, the real outcome is not known.
- 7.6.8 In previous years, the number of cases successfully closed by agreement with the complainant has not been recorded. They are being counted for the first time this year (2006/07). This data will provide a benchmark from which targets for improvement can be set for the coming years.
- 7.6.9 A satisfaction survey is in the process of being designed which BASBU will send out to all complainants a few weeks after the case has been closed. Housing will issue one to every fourth case. The aim of this survey is to find out how satisfied complainants have been with the process. Ascertaining their satisfaction with the outcome is not always helpful as complainants do not always get the end result they want.
- 7.6.10 Everything has been done to encourage complainants to fill in the survey: they can reply anonymously, in Freepost envelopes and will be entered into a prize draw. This is in recognition of the fact that the results will be extremely useful in terms of painting a picture of how residents view the service.

## **Initiatives and Interventions**

- 7.6.11 There does not appear to be a systematic mechanism in place for capturing the outcomes of the various interventions and initiatives used to tackle ASB. An example of where a programme has



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been evaluated is that of Choices (see 7.3.6). However, this seems to be the exception rather than the norm.

- 7.6.12 A lack of performance data makes any statistical analysis difficult. One reason given for this is the broad definition that exists for ASB (see Chapter 2). In addition, the data that is available is collected by various organisations and so getting an accurate picture of what is happening is problematic. This makes it difficult to assess how effective anti-social behaviour is being tackled.
- 7.6.13 The situation is not helped by the fact that input and output measures for all partners tend to be around funding arrangements and so only capture the short-term picture. The medium and long-term benefits, i.e. what everyone is really interested in, are not measured. A key outcome would be to measure how safe people feel, but it this is difficult to capture without continually surveying residents.
- 7.6.14 Birmingham is not the only city struggling to effectively manage its performance in this area. *Neighbourhood Crime and Anti-Social Behaviour* (Audit Commission, May 2006) highlights:
- Inconsistencies with data collection across the board;
  - Problems with data sharing;
  - Agencies recording data in different ways;
  - Data collected does not paint an accurate picture of life in individual neighbourhoods.
- 7.6.15 One reason given for the lack of performance information in Birmingham is the fact that for the past three years, BASBU has not had a bespoke IT system for capturing data on ASB. When BASBU was part of Housing, SX3 was being developed as the IT system for the whole of the department and work on other systems was stopped. However, the part of SX3 used for ASB has not been functioning properly and is now of limited use as it is focussed on Council tenancies.
- 7.6.16 A new system, Panorama is due to be introduced in late September 2006. This is system is currently used by Regulatory Services and so will aid the sharing of information. It will also provide a seamless link with the contact centre.
- 7.6.17 The Youth Offending Service has just started to use a new piece of software, Care Works, to record its performance data. This will provide more detailed information than was available before but it will only contain data collected by the service. Therefore statistics relating to ASBOs and ABCs will not be entered. It is not known how easily information can be shared between Panorama and Care Works but each database will only contain part of the story.
- 7.6.18 The West Midlands Police have recently implemented the Home Office National Standard for Incident Recording (NSIR) which sets out principles for recording incidents and definitions of ASB. Having a consistent system such as this, used across all partner agencies, would ensure that data on ASB is reliable, up-to-date, and easily accessible to other partners.



- 7.6.19 Birmingham is also not alone in not regularly evaluating its interventions. In *Neighbourhood Crime and Anti-Social Behaviour* (May 2006), the Audit Commission found that whilst resources have been targeted into problem areas across the country, there is no routine evaluation at either a national level through the Home Office or at a local level, to determine whether the schemes have actually made a difference. They also found little evidence of analysis of cost effectiveness of particular activities. In fact, many agencies were unable to demonstrate that value for money is considered when reviewing past performance or planning future activity.
- 7.6.20 The lack of this type of analysis means that agencies are unable to make informed decisions about the effectiveness of particular schemes and whether they should be stopped or expanded. The Audit Commission went as far as making one of their recommendations that local authorities should: regularly evaluate neighbourhood interventions, assessing effectiveness and value for money.
- 7.6.21 This is something that the City Council needs to take on board if it is going to be able to make informed decisions in the future about which initiatives work and which do not and whether the tax payers are getting value for money. In the past, BASBU has tried to undertake a cost analysis of legal actions with Legal Services, to work out the average cost of securing an ASBO, for example. The results were questionable – in part due to the complex nature of the City Council's recharging system. Further work should be carried to get a conclusive answer.

## Key Issues

- 7.6.22 It is evident that we do not have a clear idea of the extent of ASB in Birmingham. This is due to a number of reasons:
- There are different routes for reporting ASB – clarification, and publicity, of who to contact is needed to make the process easier for the public. The new non-emergency number may help the situation, or confuse it if it is not developed and managed properly;
  - Toleration levels and expectations – having a clear definition would help enforce consistency of approach across the constituencies, regardless of the levels of expectation. Unless the service becomes a proactive one, the tolerance levels of individual residents will continue to have a bearing on what gets reported;
  - No confidence that agencies will act – the relevant bodies need to provide a consistent service that achieves successful outcomes, which are publicised, for the public to trust them. The complainant also needs to receive feedback throughout the case so that they are aware that the issue is being dealt with and not ignored;
  - It is a reactive service – due to its size and the fact that it is still developing as a service, for the time being BASBU needs to remain a reactive service that responds to complaints. However, LDGs have the potential to take on a more proactive role. This would not only enable more cases to be identified but also preventative work to be undertaken (see case study on Erdington LDG in Chapter 5).



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- 7.6.23 In general, we found that the performance data available is inadequate in terms of providing any meaningful information on the effectiveness of particular interventions and initiatives or on the success of individual cases. Without this analysis it is impossible to tell whether ASB is being tackled in the most appropriate way or if the measures employed provide value for money. We cannot, therefore, make any judgement on the success, or otherwise of the interventions used.
- 7.6.24 Such data is also necessary to underpin future planning. For example, if the number of ABCs, ISOs and Parenting Contracts increases, so more resources will be needed to provide support. Measures need to be in place to ascertain whether these interventions are successful and if their use should be regarded as a priority. If so, the extra resources are justified.
- 7.6.25 Work therefore needs to be undertaken, by all partners, to identify appropriate performance indicators which measure outcomes. Mechanisms for capturing this information, and so evaluating particular interventions, will also need to be developed. A balance does however have to be struck between measuring what is being done and the actual "doing". Performance measures should not be created for the sake of it but because what they tell us is useful.
- 7.6.26 Another important issue is that of youth provision. Anecdotal evidence suggests that giving young people somewhere to go and something to do has an impact on the amount of ASB committed. However, it is impossible to provide such services wherever they are needed across the whole city.





## 8 Conclusions and Recommendations

### 8.1 Introduction

8.1.1 This Review sought to focus on the kinds of ASB most familiar to Birmingham residents, to assess its prevalence and the adequacy of the City Council's response.

8.1.2 Not for the first time in completing a Scrutiny Review, it has been difficult to pin down the data necessary to answer definitively some of the questions we posed at the beginning. However, it has been an interesting and informative investigation, and we hope that this report reflects that. We also hope that our exploration of the organisations and their approaches will assist Members in dealing with ASB cases in their own wards.

8.1.3 Our final conclusions and recommendations centre around three main points:

- **Partnership working:** the City Council cannot and should not "go it alone" on ASB – we have willing and extremely capable partners and these relationships should be used to the full;
- **Information sharing:** it is important that partners are able and willing to share intelligence on ASB;
- **Public confidence:** Birmingham residents should have confidence in our responses and believe that their concerns are taken seriously.

8.1.4 Finally, we will address the issues of funding and recommendations specific to the City Council.

### 8.2 Partnership working

8.2.1 We have seen very clearly what can be achieved when the key partners work together: the Broad Street Initiative and Erdington LDG being good examples. We have also explored the strategies developed to ensure partners are pulling together to achieve common goals.

#### A Vision

8.2.2 However, we heard concerns that there was no "vision" for ASB in Birmingham that all partners had signed up to and could work towards. What is meant here is not another woolly statement about how reducing ASB is good and people should respect each other – we can all agree on that. Rather, the "vision" should set a clear direction for how this is to be achieved. Both our Review and the Home Affairs Select Committee found that there is a tension between different philosophies in how to confront ASB – from hard-line zero tolerance to an emphasis on support, prevention and understanding.

8.2.3 Such tensions are inevitable, and there are certainly advantages in having a range of interventions to deploy as appropriate in different situations. However, one of the comparisons made throughout the Review was to Manchester – a core city with a higher number of ASBOs and a



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clear direction on enforcement: zero tolerance. It is argued that this focuses all involved on the same outcomes and sends a clear message to perpetrators. Manchester believes that it has been a successful strategy.

- 8.2.4 Some of our witnesses made the point that Birmingham would benefit from following this example – not in having a zero tolerance policy necessarily, but in having a clear statement on how ASB is dealt with. If this is agreed by all partners, it would allow a consistent message to be conveyed to victims and perpetrators.
- 8.2.5 This is a matter to be approached with some sensitivity – we have outlined the number of strategies which address ASB and we have no wish to add to them. We are also aware that the key to success is partnership – the Council may play a lead role in this but it should not dominate.
- 8.2.6 We therefore do not propose to say what this vision should be, but feel it is appropriate, in light of the work we have done, to state our opinion of what this vision might look like. The need to use the full range of tools available is clear – tough enforcement where appropriate but with a range of preventative and supportive measures used to maximum effect – i.e. to stop the ASB.
- 8.2.7 Such a statement would inform the ASB strategy to be drawn up by the City Council. Shaping this vision would also entail looking at two other aspects:
- An examination of definitions of ASB and whether an agreement can be reached;
  - An outcome-focused performance framework to facilitate accurate and useful data collection and targeting of resources.

## Definitions

- 8.2.8 The pros and cons of having a wide definition of ASB have been debated in Chapter 2. It is our view that the partners involved in tackling ASB in Birmingham should come together and agree a common set of definitions of ASB. We do not propose that a simple one line sentence should be agreed – that would be ultimately pointless. Instead, partners can agree a set of definitions, to be used by the different agencies according to their need.
- 8.2.9 The Home Office National Standard for Incident recording which has just been adopted by the West Midlands Police could form a basis for these categories. This outlines a set of definitions that are used to categorise different types of ASB, as shown in the table opposite.



Level 1	Level 2	Level 3	Code
Anti-Social Behaviour (ASB)	Substance Misuse	Substance Misuse (not drugs)	SMND
	Street Drinking	Street Drinking	STDR
	Begging	Begging	BEG
	Prostitution	Prostitution	PRS
	Vehicles	Abandoned – not stolen/obstruct	ABAN
		Nuisance/ inappropriate use	VNIU
	Noise Nuisance	Business or Industry	NNBI
		Persistent Alarm	NNPA
		Pubs and Clubs	NNPC
		From vehicles or other devices	NNVO
	Rowdy/ Nuisance Behaviour	Environmental Damage/ Littering	LITT
		Firework Misuse	FWMU
		Inappropriate Use of Public Space	IUPS
		Neighbours	NEIG
		Rowdy/ Inconsiderate Behaviour	RNIB
	Hoax Calls to Emergency Services	Hoax Calls to Emergency Services	HOAX
	Animal-Related Problems	Animal-Related Problems	ASBA
	Hate Incidents	Race – Not Crime	HAT1
		Religion – Not Crime	HAT2
		Sexual Orientation – Not Crime	HAT3
		Disability – Not Crime	HAT4
		Age – Not Crime	HAT5
	ASB Firearms	Non-Notifiable Crime and Incident	FANC
Malicious Communications	Non-Notifiable Crime and Incident	MALC	

Table 3: National Incident Reporting Codes, West Midlands Police



## Performance Measures

- 8.2.10 An agreed definition, or set of definitions, as set out above would enable partners to share data. From this, partners would be in a better position to agree common, meaningful, performance measures. There is a clear need to collect and share useful performance data in order that practitioners and members can better evaluate responses and focus resources.
- 8.2.11 The current measures are problematic:
- Simply measuring the number of the legal interventions gives no indication of the success of the intervention;
  - Measuring perception is highly subjective and vulnerable to distortion by other factors.
- 8.2.12 The proposal by Housing to measure the successful closure of cases is welcomed. Wider use of this indicator should be explored. There are other alternatives – measures used by other local authorities include:
- Percentage of residents surveyed who said they feel 'fairly safe' or 'very safe' during the day whilst outside in x (authority name);
  - Percentage of residents surveyed who said they feel 'fairly safe' or 'very safe' after dark whilst outside in x (authority name);
  - Percentage of victims reporting an ASB incident, who say they will report any future incidents.
- 8.2.13 We accept that some of the current performance measures are used because they are key comparators with other local authorities (e.g. the number of legal interventions). However, that should not mean Birmingham cannot agree its own which practitioners and decision-makers would find more useful. This last point is key – we do not want more performance indicators, but if there are more meaningful and targeted measures this would be to our benefit.
- 8.2.14 There are two aspects to this: firstly we need to understand whether the policies and interventions are having the desired effects and are providing value for money, secondly we need to determine whether incidents of ASB are decreasing overall – surely the ultimate objective.

## Local Delivery Groups

- 8.2.15 Partnership working at the local level is as important as at the city-wide level. The Erdington LDG demonstrates what can be achieved when this is at its most effective. We were concerned to learn that not all LDGs have these relationships. This reflects the variable effectiveness of Constituency Strategic Partnerships as discussed in the Scrutiny Review of Localisation and Devolution.
- 8.2.16 However, ASB cannot effectively be tackled without it. It is the responsibility of all partners to make these bodies work, however we see nothing wrong with Constituencies taking the lead in facilitating greater partnership working where necessary, as suggested by the Scrutiny Review of Devolution and Localisation.



- 8.2.17 Another part of the Erdington success was the strong leadership from the Chair – critical in galvanising support and action. In the case of Erdington, the Chair is also a local Councillor – and we feel that member engagement is also a key ingredient of success.
- 8.2.18 One of the characteristics of LDGs is that they are shaped by local needs and priorities and we therefore do not intend to dictate membership of LDGs. However, of the ten LDGs seven do not have ward Councillors as members. We would like to be clear that if there are no Elected Members on the LDG, it is because no Member in that Constituency has chosen to be involved, rather than because they have not been invited.
- 8.2.19 We therefore propose that the Cabinet Member work with the CSP to ask the LDGs to write to the Members in these Constituencies to offer a place to local Councillors. This would be a valuable part of their role as community champions and would help the LDGs in having the contacts and knowledge a local Councillor brings.

### **Safer Estates Groups**

- 8.2.20 Evidence was presented of the role that SEGs can play in tackling ASB, but also of the problems relating to coverage across the city and variable effectiveness.
- 8.2.21 The evaluation report conducted by the Birmingham Community Safety Partnership addresses a number of these issues and suggests a clear way forward. We endorse the findings of this evaluation – particularly that which says SEGs should work closely to priorities set by the LDG – but think that retaining a degree of flexibility is beneficial. The advantages of this were again shown in Erdington where Neighbourhood Tasking Groups have been set up in preference to a greater number of smaller SEGs. Constituencies and LDGs should have flexibility to determine what works in their area.
- 8.2.22 The CSP report into SEGs was comprehensive except in one area: that of how Member's might usefully be involved. It is the view of this Committee that membership of SEGs should also be offered to the local ward councillors. It is of course critical that these groups operate efficiently and safely, and Members involved would have to sign up to the Information Sharing Protocol.

### **The Respect Agenda**

- 8.2.23 The City Council's response to the Respect agenda, with the steering group set up under Tony Howell, emphasises the necessity of cross-directorate working in tackling ASB. This is to be welcomed and we are keen to ensure that enthusiasm to work across the organisation is extended to working with all partners involved in delivering community safety objectives.
- 8.2.24 Two aspects of this approach however are not yet clear: from where does the political direction come, and where does the political accountability lie. In order to address these, we ask the Executive to consider whether a Cabinet Committee should be set up to give the steering group a steer in terms of implementing the agenda in a way that reflects Birmingham's requirements.



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## Conclusions

1. Setting out a clear statement of how Partners intend to deal with perpetrators of ASB would help resolve the tension between different approaches.
2. Partners involved in tackling ASB in Birmingham should come together and agree a common set of definitions of ASB to be used by the different agencies according to their need.
3. There is a clear need to collect and share useful performance data in order that practitioners and Members can better evaluate responses and focus resources.
4. The effectiveness of both LDGs and SEGs is reported to be variable – though there are some examples of real success. Good partnership working is critical, as is recognising the valuable role that Elected Members can play.
5. Cross-directorate responses to the Respect Agenda are being co-ordinated by a high level officer group, however a strong political lead on this appears to be lacking.

	Recommendation	Responsibility	Completion Date
R01	That the Cabinet Member for Local Services and Community Safety works with the Birmingham CSP in putting forward the case for a vision outlining a "Multi Agency Approach for tackling ASB " as outlined in this report. This should address the conflicting philosophies in responding to ASB. The CSP response should be presented to the Local Services and Community Safety O&S Committee	Cabinet Member for Local Services and Community Safety	April 2007
R02	The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to explore how the National Standard for Incident recording of ASB might be adopted by all relevant agencies.	Cabinet Member for Local Services and Community Safety	March 2007



	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R03</b>	<p>That the Cabinet Member for Local Services and Community Safety works with the Birmingham CSP to investigate other performance measures, taking into account:</p> <ul style="list-style-type: none"> <li>• The need to understand the outcomes of interventions;</li> <li>• The need to gauge the overall reduction in the severity of incidents of ASB.</li> </ul> <p>It should be demonstrated that any new indicators agreed are useful and meaningful to practitioners, and do not create an excessive burden on agencies.</p>	Cabinet Member for Local Services and Community Safety	April 2007
<b>R04</b>	<p>Evaluations of interventions should routinely be undertaken to supplement the above performance measures where necessary e.g. the effectiveness of:</p> <ul style="list-style-type: none"> <li>• ABCs; and</li> <li>• Parenting Contracts;</li> </ul> <p>These should be jointly undertaken with other relevant agencies or authorities as required.</p>		October 2007
<b>Key Criteria</b>			
A report should be presented to the LSCS Committee on the results of the first such evaluation when appropriate. A note explaining what work has been undertaken or is underway to meet this recommendation should be presented by October 2007.			
<b>R05</b>	<p>The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to ensure that Elected Members are given the opportunity to be involved in governance structures relating to ASB (including LDGs, SEGs and other appropriate mechanisms). In these cases Members should agree to abide by the Data Protection requirements of the organisation, as all partners are obliged to do.</p>	Cabinet Member for Local Services and Community Safety	January 2007
<b>R06</b>	<p>Regular reports should be submitted to the Local Services and Community Safety O&amp;S Committee on outcomes from the Respect Agenda audit being conducted by the Respect Agenda steering group as part of the Committee's role of monitoring performance on community safety.</p>	Cabinet Member for Local Services and Community Safety.	November 2006



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	Recommendation	Responsibility	Completion Date
R07	<p>The Executive should consider the creation of a Cabinet Committee to:</p> <ul style="list-style-type: none"> <li>Facilitate corporate ownership of the Respect Agenda;</li> <li>Provide oversight and responsibility for the implementation of the Respect Agenda;</li> <li>Report on an agreed basis to the Local Services and Community Safety O&amp;S Committee.</li> </ul> <p>The membership should include observer members from each of the three Political Groups.</p>	Leader of the Council	June 2007

## 8.3 Information: Collecting and Sharing

8.3.1 Despite Section 115 of the Crime and Disorder Act making provision for the sharing of what would normally be data protected information, we heard evidence that not all partners signed up to the SEG protocol for information sharing. There are two reasons for this:

- They believe it contravenes the Data Protection Act; and
- They want to respect client confidentiality.

8.3.2 We acknowledge that client confidentiality is of extreme importance for some agencies, but we believe that the need to share information is paramount if ASB is to be tackled effectively. Work therefore needs to be done to increase the trust between relevant agencies so that they are satisfied that any data that is shared will be treated in the utmost confidence. All statutory partners need to be encouraged to sign the SEG Information Sharing Protocol.

8.3.3 Another aspect of information sharing is providing feedback on the progress of particular cases to the complainant. This extends to Members who are involved in individual cases. Evidence suggests that there is currently no systematic process for providing this information. Without such feedback it is easy to get the impression that your complaint is not being listed to or acted upon.

## Conclusions

6. The need to share information is paramount if ASB is to be tackled effectively.

	Recommendation	Responsibility	Completion Date
R08	<p>The Cabinet Member for Local Services and Community Safety should work with the Birmingham CSP to encourage all partners to sign up to the SEG Protocol for Information Sharing, which sets out the data protection provisions to protect clients.</p>	Cabinet Member for Local Services and Community Safety	January 2007





	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R09</b>	<p>BASBU should agree a process for informing both complainants and Members (where Members request such information) of the progress on individual cases. This should include:</p> <ul style="list-style-type: none"> <li>• Timescales for when feedback will be received; and</li> <li>• Ways in which feedback will be provided.</li> </ul>	Cabinet Member for Local Services and Community Safety	January 2007

## 8.4 Public Confidence

8.4.1 It has not proved possible to quantify definitively types of ASB and where it occurs due to the fact that such data is either not collected or not shared. This reflects two key characteristics of responses to ASB:

- The number of agencies involved in tackling ASB;
- The wide definition of what constitutes ASB;

8.4.2 Whatever the actual number of incidents of ASB in Birmingham, it is clear that ASB is a top concern of residents and ensuring their confidence in the process can be addressed in two ways. Firstly, ASB needs to be confronted wherever it occurs and dealt with. This starts with reporting. We are a little concerned that what is reported to who is not always clear. It may be right that different agencies deal with different types of ASB but sometimes the distinctions can be very subtle: for example noise created by a neighbour playing loud music is noise nuisance and therefore dealt with by Regulatory Services, whilst noise caused by loud arguments and shouting is a matter for BASBU.

8.4.3 Victims do not care who deals with it – what is important is that it is dealt with. Residents can report all forms of ASB to the ASB Helpline and they will be referred to BASBU or Housing, or signposted to other agencies. Similarly, the Police will pass on relevant cases to BASBU. We would not expect residents to know or particularly care about the difference. However, this confusion is reflected at Member level and clearer information to Members would facilitate the process.

8.4.4 Managing expectations is also critical to increasing customer confidence. We were impressed by Nottingham City Council's clearly set out standard (see Appendix 7) and would like to see a similar standard in operation here. This could include aspects such as response times and stipulate that feedback will be given regularly.

8.4.5 This is not just BASBU's responsibility. Regulatory Services and Housing also deal with ASB and there should be a single City Council standard explaining what should be reported where and how these will be responded to. This must be owned across the Council.



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- 8.4.6 The second part of ensuring the public have confidence in what we do is to tell them about our successes. This is not about self-congratulation, but rather to engender public confidence in what is being done and reassurance that if they report ASB, action will be taken.
- 8.4.7 This could have added value in that it could have the side-effect of reducing suspicion of those who are not actually doing anything wrong but are just hanging around the streets or parks. If residents have the confidence that any ASB is dealt with, they might be less likely to see it where it does not exist.
- 8.4.8 As a city we need to challenge the perception that all ASB is committed by young people. Current perceptions are having a profound effect on the younger generations. There is a real danger that young people will become increasingly alienated if the current situation continues. There is plenty of good work going on here already, and one of the documents brought to our attention was the "Behaviour Improvement Strategy", being developed as part of the Children and Young People's Plan. However, it was felt that this was outside the remit of this Committee, and we therefore request that the Education and Lifelong Learning O&S Committee receive this report.

## Conclusions

7. As different agencies deal with different types of ASB, reporting lines are not always clear. This should be clarified and publicised.
8. There should be a single City Council standard explaining what should be reported where and what the response times are. This must be owned across the Council.
9. As part of building confidence in what we do, success stories should be more widely publicised.

	Recommendation	Responsibility	Completion Date
R10	A clear service standard for those reporting ASB to the City Council should be set out, including: <ul style="list-style-type: none"><li>• Response times;</li><li>• How certain behaviour will be dealt with; and</li><li>• When feedback will be received.</li></ul>	Cabinet Member for Local Services and Community Safety, Housing and the Chair of the Public protection Committee	February 2007
R11	BASBU should develop an ongoing programme for updating and publicising the following: <ul style="list-style-type: none"><li>• Reporting routes;</li><li>• Successes.</li></ul>	Cabinet Member for Local Services and Community Safety	February 2007



	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R12</b>	That the Education and Lifelong Learning O&S Committee be requested to receive the Behaviour Improvement Strategy being developed as part of the Children and Young People's Plan.	Cabinet Member for Education and Lifelong Learning	June 2007

## 8.5 Funding

- 8.5.1 Whilst most of BASBU's funding is now mainstreamed, other services which help tackle ASB do use external funding streams which may only have a short lifespan. This can have a detrimental effect on public confidence in the process.
- 8.5.2 The impact of short-term funding can be felt by all ages – from young people who enjoy attending a particular scheme to adults who are beginning to see the benefits from it. The termination of successful and popular initiatives due to a lack of funding can lead to disillusionment and resentment. The result being that residents become less likely to get involved in any new initiatives because they fear they will be short-lived.
- 8.5.3 Equally, in some cases the money we get must be spent on specific projects and so the decision on what projects Birmingham gets is essentially taken elsewhere. In other words, money is spent on what we can get funding for, not necessarily what we need.
- 8.5.4 The example of Choices demonstrates this: despite at best variable success, the pilot was extended by six months when funding became available. BASBU is currently in discussions with the Home Office to try and secure funding for another two years, but we are unclear whether this model is the right vehicle for this. Other organisations, such as National Children's Homes (NCH), also undertake this sort of work, and commissioning external agencies should be considered.

## 8.6 Localisation and Devolution

- 8.6.1 The arguments against devolving BASBU have already been explored (see 6.9.3). However, we are keen to follow the line taken by the Scrutiny Review of Devolution and Localisation, which concluded that 'the City Council should maintain its policy of Devolution and Localisation, and in the light of this review move forward in ways that will make the policy work more effectively.'
- 8.6.2 In support of this the Review recommended that an Action Plan should be drawn up and that the Leader and the Chief Executive underline the permanence and importance of the policy of localisation and devolution.
- 8.6.3 Given all this, it is fitting ask for a report in 12 months time as to how BASBU are preparing for this. As emphasised in Chapter 6, we are not necessarily expecting a BASBU officer in each Constituency, rather a model that would facilitate more efficient local working, with responses to



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ASB embedded in Constituency structures and therefore joined up with other Constituency initiatives.

	<b>Recommendation</b>	<b>Responsibility</b>	<b>Completion Date</b>
<b>R13</b>	A report should be presented to the Local Services and Community Safety O&S Committee on the moves made towards devolving and localising responses to ASB.	Cabinet Member for Local Services and Community Safety	October 2007
<b>R14</b>	Progress towards achievement of these recommendations should be reported to the Local Services and Community Safety O&S Committee in March 2007.  Subsequent progress reports will be scheduled by the Committee thereafter, until all recommendations are implemented.	Cabinet Member for Local Services and Community Safety	March 2007



# Appendix 1: Witnesses

Committee Members would like to thank the following for their input into this Review:

- Alison Parsons (Head of Anti-Social Behaviour)
- Cllr Penny Holbrook, Pamela Powis, Jez Carey, Gary Willington, Carl Shields (Erdington LDG)
- Colin Stevens (Central Mediation Service)
- Dawn Roberts (Deputy Head of the Youth Offending Service)
- Ian Coghill (Director of Community Safety and Environmental Services)
- Ian Kemp (Central Birmingham Commander, West Midlands Fire Service)
- Ian McGibbon (Birmingham Anti-Social Behaviour Unit Manager)
- Jacqui Kennedy (Senior Assistant Director – Regulatory Services)
- Jayne Bench (Principal Accountant)
- Mags Cassidy, Dawn Mitchell and Stuart Radburn (Choices)
- Martyn Smith (Environmental Crime Unit Manager, Regulatory Services)
- Rob James (Constituency Director for Hodge Hill)
- Supt Tom Coughlan (West Midlands Police)
- Tony Howell (Strategic Director of Children, Young People and Families and the Council's lead on the *Respect* agenda)
- Vicky Hewitson (Project Development Manager – Community Safety Partnership)
- Yousiff Meah (Head of Birmingham Youth Services)



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## Appendix 3: Summary of Interventions

Power	Imposed by	Imposed against	Effect	Effect of breach
<b>Anti-Social Behaviour Order (ASBO)</b>	Magistrates on application of police, local authorities, RSLs or Housing Action Trusts (HATs).	Someone aged 10+ who has committed antisocial acts, where necessary to protect the public from further acts.	All acts specified in the order (on discretion of magistrate) prohibited for at least 2 years (as specified).	Criminal offence: possible 5 years imprisonment
<b>Acceptable Behaviour Contract (ABC)</b>	Police, local housing office, schools, social services.	Anyone thought to be committing ASB.	Voluntary agreement to try to curb ASB informally, avoiding the need for an ASBO	Agency may try to secure ASBO and use breach of ABC as relevant evidence.
<b>Fixed Penalty Notice (FPN)</b>	Police, CSOs, other persons accredited by the Chief Constable.	Anyone aged 16+ guilty of any of the listed offences, including drunkenness offences.	£50 fine (recently increased from £40) for most offences; £80 for more serious offences. No criminal record.	Non-payment would result in prosecution for the matter in which respect of which the notice was given.
<b>Individual Support Order (ISO)</b>	Magistrates, to accompany ASBO.	10-17 year olds who have been given an ASBO.	Aims to complement ASBO by addressing causes of behaviour. Can require attendance at 2 sessions per week for 6 months.	Criminal offence: possible level 3 fine (£1000 or £250 if child is under the age of 14 at time of conviction).
<b>Parenting Order</b>	Magistrates, to accompany ASBO or criminal conviction or else on application of YOTs	Parents of antisocial children who have refused to co-operate on a voluntary basis	Emphasis on improving parental skills through attendance at a parenting programme. Can impose other requirements.	Criminal offence possible level 3 fine (£1000).
<b>Housing Act Injunction<sup>26</sup></b>	County or High Court, on application of RSLs, HATs or local housing authorities.	A person over the age of 18 who has acted anti-socially, used premises for unlawful purposes or breached terms of tenancy.	Conduct specified in the injunction prohibited	Contempt of court: possible 2 years imprisonment / unlimited fine.
<b>Demoted tenancies</b>	Court, on application of local authorities, RSLs and HATs.	A tenant guilty of anti-social conduct or unlawful activity	Secure or assured tenancy ended and replaced with a demoted tenancy	Possible possession proceedings, resulting in eviction.
<b>Licensing Scheme</b>	Local housing authority with consent of national	Most private landlords within area specified (which must be an area	Landlords required to obtain licence to let or manage residential property in the	Criminal offence to operate without a licence where one is

<sup>26</sup> Additional powers to issue injunctions are outlined in the ASB Act 2003 and Section 222 of the Local Government Act. These injunctions can be imposed by the County Court or High Court on applications from local authorities, RSLs, HATs or any social landlord.



# Scrutiny Review of Anti-Social Behaviour

Power	Imposed by	Imposed against	Effect	Effect of breach
	authority (Secretary of State or Welsh Assembly).	with significant and persistent ASB problems)	area. Licence conditions may include need to take reasonable steps to deal with ASB of occupants and visitors.	required: possible £20,000 fine. Criminal offence to fail to comply with the terms of licence: possible level 5 fine.
<b>Dispersal Power</b>	Police officer or CSO	A group of people congregating in designated area (which must be an area with persistent ASB).	Police officer or CSO can require a group to disperse without evidence that it is causing ASB.	Refusal to follow the officer's directions to disperse is an offence: possible level 4 fine or three months imprisonment

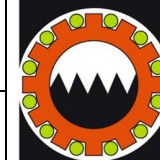
House of Commons Home Affairs Committee, Anti-Social Behaviour, Fifth Report of Session 2004-05, Volume I



# Appendix 4: LDG Membership

(Shaded boxes indicates Chairmanship of the LDG)

Constituency	BCC Constituency	BCC Housing	BCC YOS	BCC Other	Elected Member	Police	Fire Service	Health	Probation	Other
Edgbaston	Constituency Director	✓	✓	ECU Reg. Services		OCU Com'der	Divisional Officer	✓		
Erdington	✓	✓	✓	Reg. Services C, YP & F	✓	Inspector	Assistant Divisional Officer		✓	Womens Aid Connexions
Hall Green (pre-change)	Constituency Director, plus 2	✓	✓	ECU Reg. Services Youth Service	✓	DCI, Inspector	Assistant Divisional Officer	✓	✓	Druids Heath TMC Youthwise Connexions
Hodge Hill	✓	✓	✓	ECU Reg. Services Youth Service		OCU Com'der Insp. Sgt.	Assistant Divisional Officer			Victim Support Community Advocates
Ladywood	✓	✓	✓	ECU BASBU		OCU Com'der and sector Insp	Divisional Officer		✓	Aston Pride
Northfield	Constituency Director	✓		ECU Reg. Services Youth Service		Supt	Assistant Divisional Officer			Safer Neighbourhoods Project





Perry Barr	✓	✓		✓	✓	Supt	Divisional Officer	✓	✓	DAT; Neighbourhood Tasking Groups
Selly Oak	Constituency Director		✓	Reg. Services		DCI Insp. Sgt.	Assistant Divisional Officer			Guild of Students B'ham Univ. NDC Aquarius
Sutton Coldfield	✓	✓	✓	ECU	✓	DCI, Sector Insp	Assistant Divisional Officer			NF, Meer Green Business Forum
Yardley	✓			Reg. Services Youth Service		Supt. Insp. Sgt.	Divisional Officer	✓	✓	Community Representative



## Appendix 5: Safer Estates Groups (SEG)

### Recommended Measures for the Future Structure and Operation of SEGs

The report states that there should ideally be at least one SEG in each ward and not more than six for the whole Constituency. They should meet regularly every four to six weeks and will have the following functions:

- To facilitate the exchange of detailed local information on cases of anti-social behaviour;
- To discuss cases of anti-social behaviour and nuisance across the age spectrum including both adults and young people;
- To engage in joint problem solving and joint action to deal with crime, anti-social behaviour and environmental nuisance;
- To clarify the arrangements in relation to which agency is the lead on particular cases, as necessary;
- To ensure that complaints are not being made as a result of malice or discrimination;
- To ensure adequate witness support arrangements locally;
- To ensure that partners are aware of and implement agreed systems for recording action on anti-social behaviour; and
- To seek to prevent further anti-social behaviour.

CSP Review of Safer Estates Procedures and Information Exchange



## Appendix 6: Environmental Crime Unit

### Key Outcomes (2005/06)

The headline outturn for the work of the ECU [via its partner agencies and organisations] for the period April 2005 – March 2006 is summarised below:


- 1,532 Offences relating to illegal fly-posting and placarding, involving 33 criminal prosecutions and a range of Civil Court actions including 1 Injunction, 2 Undertakings and 1 Bankruptcy Petition against an offender for non payment of court imposed fines.
- 110 operational 'tours of duty', involving specialist covert surveillance officers, City Council, Environment Agency and West Midlands Police officers. The intelligence gathered from surveillance, vehicle stops, vehicle seizures, communications/telephone subscriber traces and interviews now forms the basis for enforcement operations and ongoing investigations [2006/07] against 44 waste disposal contractors.
- 1077 unlicensed, abandoned and nuisance vehicles were instantly removed and impounded as part of operation 'Cube-It' and 'TAZ' (Tow-Away Zone). The 39 days of vehicle removal were supported by the DVLA, City Council and West Midlands Police. In addition to removal of rogue vehicles, arrests were made for public order offences and 3 stolen cars were recovered.
- 30 offenders were arrested for graffiti/criminal damage offences by the West Midlands Police during 35 operational tours of duty. The operations yielded 13 further arrests for a range of other criminal offences.
- 88 litter enforcement tours of duty were delivered by City Council officers, utilising support from Police officers in relation to dealing with public order issues, promoting public reassurance and deterring street crime. 202 offenders were issued with £50 fixed penalty notices and in addition, where appropriate, verbal/written warnings issued to juveniles.
- 22 offenders identified through joint City Council, Environment Agency and West Midlands Police vehicle stop exercises operating as unlicensed waste carriers.
- ECU hosted a multi-agency conference on tackling environmental crime, with contributions from speakers from DEFRA, Home Office, Birmingham Community Safety Partnership, West Midlands Police, Environment Agency, West Midlands Fire Service, lead local authorities and ENCAMS.
- ECU supported Central Government's best practice programme that involved presentations at 6 national seminars/conferences hosted by DEFRA, Home Office, DVLA and ENCAMS, and provided 'expert practitioner' support to online graffiti sessions hosted by the Home Office (Anti-Social Behaviour Unit).

Report to Birmingham Environmental Partnership - Environmental Crime Unit – Activity Report (2005-06)



# Appendix 7: Nottingham City Council's Standards

## Our Anti Social Behaviour Service Charter


We will work in partnership with other Departments and organisations to provide an effective, customer focussed anti-social behaviour service

We recognise that anti-social behaviour is a serious problem which undermines the quality of life for individuals, families and communities. We have a major role to play in tackling anti-social behaviour. We will use the full range of powers and resources in seeking to ensure that every member of the community is able to have quiet enjoyment of their home and neighbourhood.

**If you are a victim of harassment we will:**

- Contact you within 24 hours
- Attempt to interview the perpetrator(s) within 5 working days (subject to your agreement)
- Provide you with security measures if you need them
- Contact you at least once a month to review your case with you and provide you with other support
- Put you in touch with other support organisations, if required
- Work with others to take action against perpetrators (subject to your agreement)

Support and information is available in languages other than English if required

**If you are affected by anti-social behaviour/neighbour dispute we will:**

- Interview you within 5 working days (sooner if the matter is urgent)
- Interview perpetrators within 10 working days (subject to your agreement)
- Offer you mediation if this is appropriate
- Use all the measures we can to deal with the perpetrators of anti-social behaviour
- Work with others to take action against perpetrators
- Contact you at least once a month to review the case
- For serious anti-social behaviour, action we may take could include;
  - Court injunctions (some with power of arrest)
  - Serving Notice Of Seeking Possession
  - Eviction for persistent perpetrators
  - Anti-Social Behaviour Orders
  - Acceptable Behaviour Contracts

This information is available in large print and different languages upon request

Published on Nottingham City Council's website: [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)



## Appendix 8: Summary of ASB Procedure

### Dealing with Complaints:

#### Receiving a Complaint

A complaint of ASB does not have to be made in writing, it can be made in person, online, over the telephone and in writing.

#### Classifying Complaints

Complaints are classified into 3 categories:

- Category C – Non urgent e.g. Domestic noise, neighbour disputes, parking complaints and other minor tenancy breaches
- Category B – Serious e.g. serious tenancy breaches, extreme noise, threats or threatening behaviour, intimidation from groups
- Category C – Very Serious e.g. Harassment on grounds of race, sex, sexuality or disability, actual violence and serious criminal activity such as dealing of class A drugs.

#### Opening a Case

Basic details will be taken from each complainant at the first opportunity this includes:

- Date case opened
- Name, address and telephone number of complainant
- Name(s) and address of alleged victim
- Name(s) and address of alleged perpetrator if known
- Brief details of nature of complaint
- How complaint was received
- Category of Complaint
- Type of complaint (eg Racial Harassment, neighbour dispute etc)

Initial response times will vary dependant on the classification as follows:

- Category C – 10 working days
- Category B – 5 working days
- Category A – within 24 hours/1 working day



## **Investigation Process**

During the investigation the officer investigating will endeavour to deliver a solution to the problems reported. This may include visiting all parties and interviewing them and advising, suggesting alternative actions or issuing warning both verbal and written.

All contacts undertaken by officers will be recorded.

Where appropriate other agencies will be contacted. The involvement of other agencies will depend on the nature and complexity of the case.

## **Monitoring Progress/Record Keeping**

Where additional evidence is required it may be necessary to issue diary sheets to witnesses or victims of ASB. No person should be expected to keep diary sheets for more than two weeks without an assessment of the information provided on them being taken. If a case does require legal action to resolve it, it may be necessary to keep diary sheets for the whole period of time the case is open, but the witness should be kept fully up to date during this time.

All cases should be reviewed fortnightly.

*Summary of Anti-Social Behaviour Procedure – An Employee Guide, Birmingham City Council – Housing Department*