

Report to Scrutiny Commission

Neighbourhood Scrutiny Commission
Date of Commission meeting: 4th October 2022

Dealing with Complex and High Risk Anti-Social Behaviour

Report of the Director of Social Care and Early Help



Useful information

■ Ward(s) affected: All

■ Report authors:

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1. Purpose of report

- 1.1 To provide the Commission with an overview of the work of the Crime & Anti-Social Behaviour Unit (CrASBU); outlining how complex, high-risk anti-social behaviour (ASB) cases are managed in the City.
- 1.2 To provide the Commission with information on how the Changing Futures programme works alongside CrASBU/Community Safety.
- 1.3 To provide the Commission an update on the transfer of ASB management from tenancy management to Community Safety.

2. Summary

- 2.1 The Council's Crime and Anti-Social Behaviour Unit (CrASBU) deal with complex and high-risk cases of Anti-Social Behaviour (ASB) across all tenures. They also deal with all reports of ASB from residents and tenants in private sector housing from initial report to high level investigations and legal action. Due to the nature of this work CrASBU has accumulated specialist knowledge of dealing with ASB. The type of case that CrASBU deals with includes issues that can relate to mental health, substance misuse, domestic violence, and knife crime.
- 2.2 The Council's Tenancy Management Service within the Housing Division also have a responsibility to ensure that Leicester City Council tenants adhere to responsibilities and obligations outlined within the Conditions of Tenancy. Currently, Housing Services deal with low to medium reported ASB incidents which primarily involve Leicester City Council housing stock. This work is due to transfer over to CrASBU/Community Safety in late 2022. Where cases are assessed as complex and/or high risk they are referred to CrASBU. This report considers the work of CrASBU.
- 2.3 The Housing Division will shortly transfer the management of all ASB cases to Community Safety to ensure seamless and consistent case management and earlier identification of emerging ASB and intervention.
- 2.4 CrASBU deal with ASB referrals from the Council's Housing Division, partner agencies, residents, landlords and businesses.

- 2.5 The Council's CrASBU team deal with matters that cause an individual (or individuals) harassment, alarm and distress through ASB. The team address ASB through a range of mechanisms including legal sanctions such as Civil Injunctions, Possession Proceedings and Closure Orders.
- 2.6 Over the course of the last three years, the work of the team has increased significantly in terms of the complex nature of the reported ASB. This was particularly evident during the COVID-19 lockdown period where residents were much more alert to, and affected by, the behaviour of their neighbours.
- 2.7 Processes such as complex decision-making meetings (CDMM) and complex individual management meetings (CIMM) continue to provide a fair and reasoned approach ensuring that decisions made can be evidenced and all options considered.
- 2.8 CrASBU refer cases to the Changing Futures programme where an individual or set of individuals meet the criteria for Changing Futures support. Changing Futures is supported by CrASBU to carry out enforcement work (such as civil injunctions or Closure Orders) on cases where a legal sanction is required, such as aggressive begging.
- 2.9 This report provides a comprehensive overview of the performance of the team together with the information on the outcomes achieved.

3. Recommendations

- 3.1 To note and comment on the work reflected in this report
- 3.2 To identify any additional steps that can be taken to strengthen outcomes.

4. Report

- 4.1 The Council's Crime and Anti-Social Behaviour Unit (CrASBU) deal with complex and high-risk cases of Anti-Social Behaviour (ASB) across all tenures.
- 4.2 Anti-Social Behaviour is defined as conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person. Conduct capable of causing nuisance and annoyance to a person in relation to that person's occupation of residential premises.
- 4.3 They also deal with all reports of ASB from residents and tenants in private sector housing from initial report to high level investigations and legal action.

- 4.4 Due to the nature of this work CrASBU has accumulated specialist knowledge of dealing with ASB. The type of case that CrASBU deals with includes issues that can relate to mental health, substance misuse, domestic violence, and knife crime.
- 4.5 The Council's Tenancy Management Service within the Housing Division also have a responsibility to ensure that Leicester City Council tenants adhere to responsibilities and obligations outlined within the Conditions of Tenancy. Housing Services deal with low to medium reported ASB incidents which primarily involve Leicester City Council housing stock. Where cases are assessed as complex and/or high risk they are referred to CrASBU. This report focuses on the work of CrASBU.
- 4.6 From late 2022 Community Safety will manage all ASB reports involving council tenancies. Neighbourhood Housing Officers currently manage low level aspects of ASB reported but this work will transfer over to Community Safety with an additional 4 FTE officers.
- 4.7 By having all ASB in one place it will allow for seamless transfer from low level to emerging higher risk or complex and ensure earlier identification of problematic cases.

CrASBU Team Structure

- 4.8 The team structure for CrASBU is provided below. There are 6 x FTE posts with one of these providing enforcement support to Changing Futures (previously Street Lifestyle Enforcement Team).

Karen Manville – Head of Service

Caroline Green – Service Manager

Team Manager – Vacant

6 FTE CrASBU officers + 1 FTE Enforcement Officer (Changing Futures)

Planned late 2022 4 FTE ASB Neighbourhood Officers

- 4.9 CrASBU is based on the first floor at Mansfield House Police Station (MHPS) as part of Leicester City Council's Community Safety Hub. Staff spend a proportion of their time at MHPS, some working from home and some at locations such as police stations. This flexibility in terms of agile working provides staff with an opportunity to offer advice and guidance to partners on emerging anti-social behaviour cases.
- 4.10 Staff, partners and members of the public can contact CrASBU via a duty desk. Officers are available each weekday, during business hours to respond to enquiries and can be contacted a number of ways but usually through a generic email address - crasbu@leicester.gov.uk. The team receive emails directly from members of the public, members, police officers, probation and via customer services.
- 4.11 CrASBU aim to respond to every enquiry within 10 working days and risk-assess every enquiry on the day it comes in (with the exception of weekends). Every response offers access to support services, such as Victim First and the team always ask for feedback to help improve the service.
- 4.12 The team respond to an average of 152 enquiries per month and ensure each one is appropriately recorded, and risk assessed accordingly, alerting partners agencies where necessary.
- 4.13 Every case is recorded and either advice is given and an appropriate signpost to alternative agency is provided, such as to contact the Noise Team, Police, City Warden, etc, or the case is allocated to an officer for casework.
- 4.14 Where a case is signposted, CrASBU may provide information leaflets containing useful contact details for the relevant agencies and these are passed to the customer.
- 4.15 CrASBU also use standardised letters for routine signpost cases, such as enquiries about alley gating or street lifestyle issues.
- 4.16 Working alongside CrASBU and also based at Mansfield House Police Station within the Community Safety Hub is the Changing Futures Programme.
- 4.17 Changing Futures is a £2.6 million government funded over 3 years engaging with people facing multiple disadvantages including, women, particularly sex workers, people experiencing homelessness, people who have had contact with Criminal Justice System in previous 12 months, those with dual diagnosis (co-occurring mental illness and substance misuse) and complex mental health issues.
- 4.18 The team includes intensive support workers as well as seconded police officers, drug and alcohol workers, social workers and lived experience workers.
- 4.19 CrASBU will refer cases to Changing Futures to support tenancy sustainment and will also carry out enforcement work required on individuals referred to the programme.

4.15 Workflow and legal Cases:

| Workflow summary 2019/2020/2021 | | | | | | |
|---|-------------------|------------------|-------------------|------------------|-------------------|----------------------|
| Rolling workflow summary 2020 | 2020 | Annual total SRs | 2021 | Annual total SRs | 2022 | Running annual total |
| Total number of cases January | 238 | 2145 | 97 | 1783 | 142 | 142 |
| Total number of cases in February | 98 | | 118 | | 148 | 290 |
| Total number of cases in March | 124 | | 157 | | 105 | 395 |
| Total number of cases in April | 182 | | 136 | | 122 | 517 |
| Total number of cases in May | 145 | | 124 | | 179 | 696 |
| Total number of cases in June | 197 | | 180 | | 215 | 911 |
| Total number of cases in July | 228 | | 191 | | 164 | 1075 |
| Total number of cases in August | 204 | | 155 | | 206 | 1281 |
| Total number of cases in September | 188 | | 180 | | | |
| Total number of cases in October | 151 | | 166 | | | |
| Total number of cases in November | 108 | | 168 | | | |
| Total number of cases in December | 102 | | 111 | | | |
| Average monthly number of new cases/enquiries | 164 cases a month | | 148 cases a month | | 152 cases a month | |

5. Interventions

5.1 CrASBU use a number of strategies to determine how a case should be managed effectively whilst considering a number of factors, including, vulnerability, risk to individuals and community as well as corporately.

5.2 Complex Individual Management Meeting (CIMM)

- Where it is concluded that no corporate decision is required but more information is needed, and risk needs to be shared a CIMM is convened.
- A CIMM allows CrASBU to organise a multi-agency meeting to gather and share information to inform next steps.
- The CIMM process is predominantly used for single people causing significant problems in and around their tenancy but can be used for a family or a group of people. It is used where a clearer picture of the presenting problems and the possible reasons attributing to the behaviour is required.

- CrASBU prepare a report and convene a multi-agency meeting usually involving Housing, Police, Probation, Turning Point, mental health services, PAVE (proactive vulnerability enforcement team) STAR and any other agencies that are involved.
- Following a CIMM a further meeting can be arranged and/or a legal action plan will be developed that may or may not lead to a CDMM.

5.3 **Corporate Decision-Making Meeting (CDMM).**

- A CDMM is convened when a corporate decision is required because there are complicating factors such as described above. It is only the most high risk and complex cases that are considered for CDMM.
- A report is produced by the lead CrASBU officer which details the history of the case, a chronology of incidents, intervention and actions along with an options document to guide the decision makers as to the most appropriate sanction. An equalities act assessment and a legal action justification report are also included.
- The report is presented to Heads of Service within Housing and Community Safety and Protection (as decision makers) and depending on who is going to be affected by the decision, representatives from homeless services and Children's Services are in attendance.
- Those present are invited to ask questions and offer advice before the decision makers sum up and make representations about the most proportionate action to be taken considering all the facts of the case.
- This process is deemed fair and reasonable and ensures all decisions are taken proportionately.

5.4 **Current complex case snap shot (high intensity work accounting for a large number of Officer time often involving legal work)**

| Complex case snapshot as of 20/09/2022 | |
|--|----|
| Total number of live Housing Referrals | 36 |
| Total number of case in Legal | 3 |
| Total number of cases pending Legal action | 5 |

- 5.5 CrASBU use a range of legal remedies, often as a last resort where no other intervention has worked and the anti-social behaviour is so serious that only a legal sanction can be considered. Where CrASBU are considering legal action against a tenant strong evidence is required and this is often collected from those affected including neighbours.
- 5.6 For CrASBU to take a case to court the team must produce evidence, and this comes in the form of written statements. CrASBU gather evidence from those affected and work with them to draft statements of evidence to put before the court.
- 5.7 Often, the team will require those that have provided a statement to be available to come to court to give that evidence to a Judge or Magistrate to help them decide if a legal sanction should be granted. Officers always offer support to those that provide evidence for a legal case.
- 5.8 Legal powers available include:
- i. Injunction – requires the person to comply with the terms of the injunction or face imprisonment.
 - ii. Closure Order (including partial Closure Order) – granted in the Magistrates Court for up to 3 months and requires the tenant to immediately leave their property thus giving immediate respite to neighbours and victims.
 - iii. Possession proceedings including the use of the Absolute Ground for Possession – possession proceedings where the absolute ground for possession is not available, require the court to make a finding that it is reasonable to grant possession whereas proceedings based on the Absolute Ground make it mandatory for the court to order possession where the Ground is proven in a criminal court.
 - iv. Demotion Order – Officers ask the court to consider removing secure tenancy rights for 12 months in an effort to support behavioural change and allow the tenant to remain in their property.
 - v. Criminal Behaviour Order (CBO) – Officers sometimes work with the Police where a tenant or a person connected to the tenant has been convicted of a criminal offence to obtain a CBO that criminally requires a person to behave in a certain way.
 - vi. Community Protection Notices (CPN) – a less serious sanction but can lead to a criminal conviction and/or a fine if breached, officers use this sanction for lower level behaviour or whilst developing a legal case.
 - vii. Various other sanctions including: Cease and Desist letter, warning letter, acceptable behaviour contract. These are aimed at controlling the behaviour whilst engaging with the perpetrators and developing a case.

6. Community Trigger (also known as ASB Case Review)

- i. The Community Trigger was introduced as part of the Crime and ASB Act 2014 and it gives victims and communities the ability to demand a review of their case where they are not satisfied with the responses from agencies to their complaints.
- ii. The Community Trigger is a statutory requirement and whilst there is a criteria to request a review there is also a timeline to review the case and make recommendations. Not all applications meet the threshold for a review and where applications are declined, reasons are made clear alongside advice and guidance.
- iii. Currently CrASBU carry out case reviews on behalf of the authority and these reports along with recommendations are reviewed and agreed upon at Director level.
- iv. CrASBU has received 12 such requests in 2022 of which 5 have been accepted for full case reviews and the remaining signposted through to more appropriate services.
- v. Where individuals wish to appeal against the outcome of the case review, they have the right to ask another authority across Leicestershire or Rutland to review the case. In 2022 there have been no such appeals.

| Community Triggers | 2022 | Number accepted | Number declined |
|--------------------|-----------|-----------------|-----------------|
| | January | 1 | 0 |
| | February | 0 | 0 |
| | March | 1 | 0 |
| | April | 0 | 1 |
| | May | 0 | 1 |
| | June | 1 | 2 |
| | July | 0 | 1 |
| | August | 1 | 2 |
| | September | 1 | 0 |
| | October | | |
| | November | | |
| | December | | |

7. Development of the Service

- 7.1 CrASBU invest in sharing best practice, experiences and problem solving complex and stuck cases by coming together on a weekly basis.
- 7.2 The team use a peer review process where officers share a case that they are working on and discuss with colleagues to help problem solve complexities within the case. The "Signs of Safety" model is used to support any decision making and officers always risk assess the status of the case each time.

- 7.3 Peer review is of particular help and support to newer members of staff and allows them to feel supported and ask probing questions in a safe environment. The team is in the process of inviting partners to peer reviews and hope to extend the process out to other departments across the Council.
- 7.4 The Head of Service recently attended a peer review as part of a planned observation and provided positive feedback to the Service Manager. The use of a Signs of safety approach to the review enabled useful next steps for the member of staff presenting the case.
- 7.5 The service continues to develop, as new and different demands are brought to the attention of the team. The team would welcome any views from Commission in terms of how the team's work can be further improved.

5. Financial, legal, and other implications

5.1 Financial implications

There are no direct financial implications arising from this report.

Amy Oliver, Interim Head of Finance

5.2 Legal implications

There are no specific legal implications arising from this report.

Jeremy Rainbow – Principal Lawyer (Litigation) – x. 371435

5.3 Climate Change and Carbon Reduction implications

There are no significant climate change implications associated with this report.

Aidan Davis, Sustainability Officer, Ext 37 2284

5.4 Equalities Implications

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

Whilst there are no direct equality implications arising from this report as it is for noting, it is important to ensure equality considerations are embedded throughout the work of the Crime & Anti-Social Behaviour Unit (CrASBU), as demonstrated through the attached case studies and to ensure that all relevant protected characteristics are addressed as appropriate and mitigating actions put in place to identify any areas needing further support.

Sukhi Biring, Equalities Officer, 454 4175

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

Section 17 Crime & Disorder Act: implications with regards to the duty of local authorities to consider the impact of their decisions and actions on crime and disorder in the local area.

Caroline Green
Service Manager
Community Safety and Protection
4540251

6. Background information and other papers:

Changing Futures presentation

7. Summary of appendices:

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

No

10. If a key decision please explain reason