

Developing a 'one service' approach to ASB and Nuisance reduction

Rachel Field – Team Leader (Environmental Protection)

rachelfield@kettering.gov.uk

01536 534366

Bill Field - Team Leader (Environmental and Parking
Wardens)

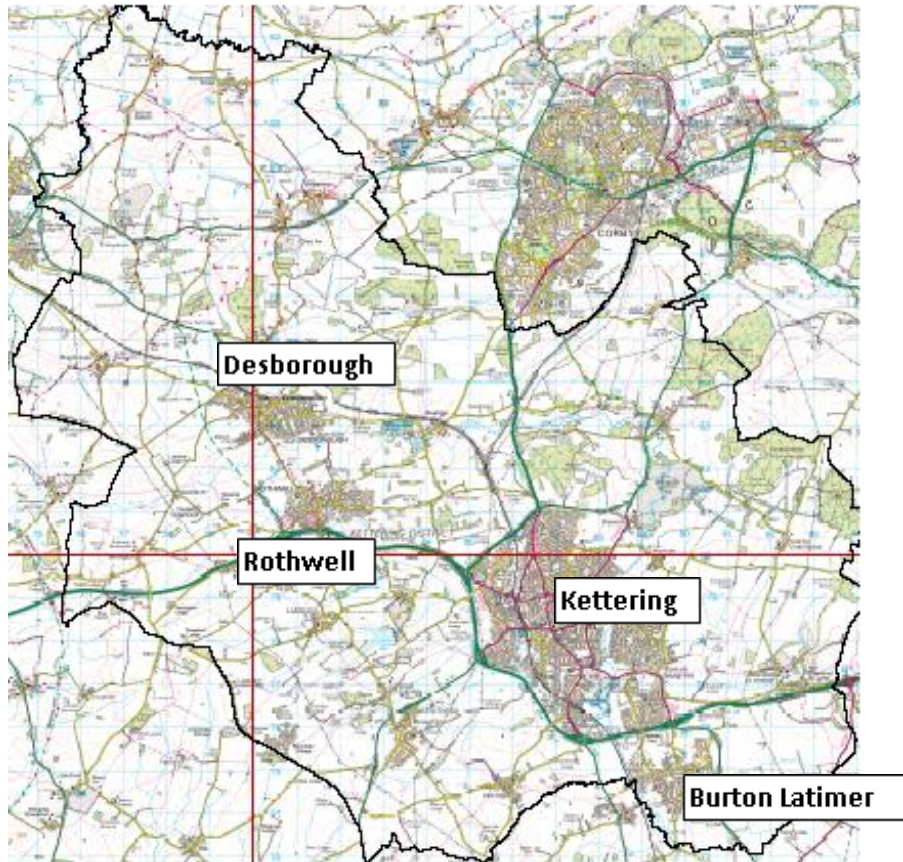
billfield@kettering.gov.uk

01536 532438

We will cover

- Our district
- The need for change
- Our team
- How we use the ASB powers
- Learning points
- Case studies
- PSPO – street drinkers, beggars, homelessness

Our District



- Semi-rural authority
- Mix of market towns and villages
- Population of Borough approx. 90k
- Kettering town largest at approx. 50k
- In 2017/18 5000+ EH service requests

Need for Change

- Pilkington case 2007
- Askew case 2010
- ASBO badge of honour
- Silo working – traditional powers not working
- Partners with different priorities
- Existing system not victim focused
- New legislation introduced

ASB Powers

- Anti-Social Behaviour Crime and Policing Act 2014 given royal assent on 13th March 2014
- Joint responsibility between partners to tackle ASB - Police, Local Authorities, NHS, others
- Government aim to “put(ting) victims first and quicker to implement so that victims get respite from anti-social behaviour faster” after much criticism of ASBO badge of honour
- Powers available
 1. Civil Injunction
 2. Criminal behaviour order (on any conviction not just ASB related)
 3. Dispersal powers
 4. Community Protection Notices and Orders
 5. Public Space Protection Order
 6. Closure of Premises
- Section 44 gives equal responsibility to others in control i.e. property owners, landlords etc., not just tenants – direct action

One Team Approach

Mix of EH, policy and Housing Staff located within different teams –flexible “one team” approach

Environmental Protection – 4 FTE

Nuisance and anti-social behaviour, contaminated land, air quality and environmental permitting, planning and licensing responses

Environment and Parking Wardens – 8FTE

Environmental crime, accumulations, paid for pest control service, KBC owned and residential zone parking enforcement

Community Safety Officer – 1.5 FTE

Strategic/policy ASB

KBC Housing ASB Manager – 1FTE plus 3 Neighbourhood Managers

Tenancy management

Embracing ASB Powers

- No right answer – limited specific case law
“community” definition
number of complaints, households etc.
- Flexible toolkit approach - outcome focused, legislation available, overlap
- Approach will change with experience and outcomes
- Back to basics – who’s been affected, how, who’s responsible, solutions/options
- More detective skills/officer judgement – initial higher workload but more victim focused

Embracing ASB Powers

- Burden of proof
 - Civil - balance of probabilities
 - Criminal - beyond all reasonable doubt
- Evidence – relate to burden of proof required
 - to witness or not to witness, self evident
 - death by diary sheet
 - other evidence – anecdotal, statements, photos, noise recordings, body worn video

Embracing ASB Powers

- Partnership working
 - HASBAG – Police, Council, RSL's, YOS etc.
 - ECINS – record action taken, see what others are doing
 - Ownership of problems – silo working no longer an option – community trigger - overlapping issues

Example – Police issued section 1 ASB injunction for verbal abuse/swearing and loud music in the street and at home address supported by evidence and statements from KBC officers and residents

Barriers of Using ASB

- Culture shift – “not my job”, short term workload higher, longer term gain can be overlooked
- Ever decreasing resources can reinforce silo working
- Getting partners on board – taking the lead, different agendas...still an issue
- Court time – ASB powers designed to be quick, Court time limited
- Confidence – dip your toe in, no appeal against first stage Community Protection Warning's, overlap with other powers
- Team structure and delegation – EH/Planning/Housing/Community Safety

KBC Use of ASB

- Noise – cockerels, dogs, music, raised voices, comings and goings “drug related”
- Dust control from construction site
- Mud on the road from construction site
- Traditional section 215 issues – overgrown gardens, pigeon colonies
- Open burning of waste – domestic and commercial, farms
- Cannabis odour in communal areas – KBC owned properties
- Japanese knotweed

KBC Use of ASB

- Dog control

Dog on dog attack, Dog PSPO (covering fouling, dog exclusion areas, dogs on leads etc.)

- Accumulations
- Replace Litter Clearance Notices
- Nuisance vehicles
- Nuisance pets.

High compliance rate – in 3rd quarter of 2017/18 we sent 38 CPWs and served 6 CPNs - 85% compliance rate

CBO's post conviction

- Statutory noise nuisance EPA section 80 notice
- Breach of Community Protection Notice – noise
- Street drinking/begging

Case Studies



Party house in terraced street with large front gardens – late night gatherings, people noise, music

Drugs people traffic – comings and goings all hours, frequent in street/doorstep arguments

Narrow footpath to front of houses – dark, one exit

Racial element – occupants complained of where not same ethnic origin as rest of street – corroborating evidence important

Pet rabbits gone feral – later issue

Case Studies

- Initial CPW then CPN served for noise to both landlord and tenant – applied to all occupants/visitors – music and people noise
- EPA section 80 Notice served on tenant for noise – “shall serve”
- 6 breaches witnessed by officers, residents statements and pictures too
- Noise making equipment seized under breach of CPN – choice of EPA seizure too – look at specific powers, timescales
- Prosecution for breaches of both Notices– found guilty in absence, £7500 fine
- CBO application granted– restriction of occupation of property to mother and children between 9pm and 8am, restricted further nuisance behaviour – breach 5 years imprisonment
- Partnership working with Police essential – drugs issues, occupants had history of violence, Police intel vital, supporting statements for CBO, supported seizure, community reassurance
- Rabbits – not in original CPN as were then in hutches, developed into rapidly expanding feral rabbit colony –were included in CBO but no powers of seizure so consider options – natural law took over

Case Studies



Persistent problem premises

Secured under sections 29-32 Local Government (Miscellaneous Provisions) Act 1982 legislation on a number of occasions.

Case Studies



- This is result achieved using “ASB powers.”

Case Studies



- A town centre property being used by street drinkers and for drug use.

Case Studies



- The land owner on receiving the CPWN looked at the legislation with his legal advisors and guess what?

Tackling Street Drinkers/Homelessness

Kettering's PSPO – (Public Space Protection Order)
implemented to address public concerns in and around
town centre

- Drinking
- Begging
- Nuisance vehicles
- Skateboarding
- Foul and abusive language
- “Chugging”

KBC's PSPO

- Soft touch introduction, education and awareness
- Warnings issued at the start of the enforcement process.
- FPN's issued for breach.
- Court action for those who either refused to pay or continued to breach.
- 9 Criminal Behaviour Orders issued on persistent offenders with more to follow.
- Body worn camera evidence has been key

Sharing Experiences

Legal

Changing behaviours

Public spaces protection orders can be used to reduce anti-social behaviour such as begging and street drinking

Bill Field,
team leader
(environment and
parking wardens),
Kettering BC



Kettering, like many other towns, has seen a rise in homelessness in its centre in recent years, accompanied by an increase in the frequency of incidents of begging. Kettering Borough Council's homelessness project, Turning Point, has engaged daily with all those sleeping rough, providing them with ID and rent deposit funds so that they can secure room rents, as well as advising them on how to access temporary accommodation. A good proportion of those sleeping rough and begging have been moved into more permanent accommodation, found a job or been provided with NHS support.

In addition, a public spaces protection order (PSPO) covering the town centre and adjacent residential areas to the north and east came into force in July last year. Police and council wardens have been working together to enforce the order to reduce incidents of anti-social behaviour, such as street drinking and begging.

PSPOs were created by the Anti-social Behaviour, Crime and Policing Act 2014. They are designed to deal with nuisances or problems in a particular area that can adversely affect the local community's quality of life. A PSPO imposes conditions on how an area can be used, with sanctions attached to those responsible for certain forms of antisocial behaviour (see box right). Fixed penalty notice fines are £80, if paid within 10 days; otherwise, the fine is £100 if paid within 14 days, and in court, the fine is up to £1,000.

The Kettering PSPO is set to remain in place for three years and allows Northamptonshire police and authorised local authority officers to manage the following:

- Control of commercial or charity collection or soliciting for money in the street.
- Consumption of alcohol in the street.
- Those under 18 in the area 11pm-6am.
- Driving or using a car in an anti-social manner.
- Obstructing the highway/or loitering.
- Anti-social parking.
- Use of skateboards, bicycles and scooters.
- Unauthorised distribution of printed



material/leaflets.

- Begging on the street.
- Roil and abusive language.

Sergeant Scott Little of the Safer Community Team says that the police and the council have worked closely since the PSPO was introduced in Kettering; they have conducted several joint patrols in the areas covered, backed up by the new powers.

Shirley Plenderleth, head of public services at Kettering Borough Council, says: 'The council and Northamptonshire police are trying to improve the quality of life for residents, businesses and visitors to the town. The PSPO gives powers of enforcement that allow us to tackle effectively issues that are particularly relevant to Kettering town centre.'

Criminal behaviour orders (CBOs), which can be issued for future breaches of PSPOs, will also help prevent behaviour such as begging and street drinking, since they carry the threat of a prison sentence for reoffenders.'

Since the PSPO's launch, more than 20 fixed penalty notices (FPNs) have been issued, all of which were to those caught street drinking or begging in the town centre. All recipients were warned about their behaviour before the FPNs were issued. One is due to appear in court for the same issues and refusing to pay the FPN.

In March, Northampton magistrates

convicted nine people of breaching the Kettering town centre PSPO and refusing to pay the £100 fixed penalty notice. One defendant pleaded guilty in court. Eight were given a CBO prohibiting them from consuming alcohol in a public place anywhere in the borough of Kettering; some were also ordered not to beg or solicit money. In the other case the application for a CBO was turned down, because the person concerned had moved away. Nevertheless, all nine were fined and ordered to pay costs, the total being £7,899.

It is thought that this is the most CBOs issued at once on the back of convictions of this nature.

More information about the Kettering town centre PSPO can be found at www.kettering.gov.uk/publicspacesprotectionorder

How do PSPOs work

Public spaces protection orders (PSPOs) can prohibit certain activities or require specific things to be done. A PSPO could be issued to help keep dogs under control in a public place or it could prohibit the consumption of alcohol in a specific place. Failure to comply with the order can result in a fine or a fixed penalty notice.

When deciding whether an order should be issued, the local authority must consider whether the behaviour is having a detrimental effect and whether the effect is of such a persistent and serious nature as to justify a notice.

A PSPO can be made to apply to all people or be limited to certain people. It can also be restricted to specific times.

It can last no longer than three years but can be renewed if necessary.

Since the PSPO's launch, more than 20 fixed penalty notices have been issued

Summary

- No right answer
- Victim and solutions focused
- Be open minded to other options
- Consider evidential burden of proof
- Work with your partners
- Use your professional network – share ideas, successes and learning points
- Dip your toe in

Thanks for listening - Any questions?