



COMMUNITY COUNCIL LIAISON SUB-COMMITTEE – 21ST JULY 2004

SUBJECT: ANTI SOCIAL BEHAVIOUR

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To inform members of the policies, procedures and initiatives that Caerphilly county borough council and its partner agencies have adopted to tackle anti-social behaviour.

2. SUMMARY

- 2.1 A number of interventions are possible to tackle anti-social behaviour, including tenancy enforcement in the case of council housing and Registered Social Landlords, the use of Acceptable Behaviour Contracts (ABCs) and Anti-Social Behaviour Orders (ASBO's). Such interventions are at what might be termed at the "hard" end of the spectrum and are enforcement related. In addition to this approach, support packages are available to help people modify their anti-social behaviour. This report concentrates on the use of ABCs and ASBOs.

3. LINKS TO STRATEGY

- 3.1 Community safety, the prevention and detection of crime and disorder and the reduction of the fear of crime are key aims of the Council.

As such they play a major contribution to the corporate strategy of-

- Health and Social Care – improvements in the health, safety and well-being of the community
- Living Environment – Improvement to Peoples Environment.

4. THE REPORT

- 4.1 The Crime and Disorder Act 1998 defines anti social behaviour as, "behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not of the same household as the perpetrator." The Act introduced Anti-social Behaviour Orders (ASBOs)
- 4.2 An ASBO is a Community Order, applied for in the Magistrates Court acting under its civil jurisdiction, and is available against anyone over the age of 10 years who behaves in an anti-social manner.
- 4.3 An ASBO is a civil remedy akin to an injunction that imposes restrictions on a person's behaviour. It is prescriptive and cannot be used to force someone to do something; rather an

ASBO would be worded, for instance, requiring a person not to use abusive language or not to visit a certain area.

- 4.4 An ASBO lasts for a minimum of two years and, although it is in itself a civil order, breach of an ASBO is a criminal offence carrying a maximum penalty of five years imprisonment.
- 4.5 In addition to the local authority and the local police, British Transport Police and registered social landlords (housing associations) can also apply for an ASBO.
- 4.6 Whereas previously ASBO's were confined to the local authority area where they were granted and perhaps to a neighbouring authority if appropriate, ASBO's can now apply to the whole of England and Wales.
- 4.7 The power to make interim orders, having the same conditions as a proposed ASBO, has been given to the Courts to allow the restrictions to be imposed quickly pending a full hearing and determination as to whether or not an ASBO should be granted.
- 4.8 ASBO's would normally be applied for and granted by the Magistrates Court acting in its civil capacity. However the new legislation gives the authority the power to apply for an ASBO to be joined to proceedings in the County Court if such proceedings are already under way.
- 4.9 The Magistrates can now impose an ASBO where a person is convicted of a criminal offence in addition to the sentence imposed in respect of that offence or in addition to a conditional discharge. In such cases the Court must be satisfied that the offender has acted in an anti-social manner and that an order is necessary to protect the public from further anti-social acts.
- 4.10 In addition to ASBOs, Acceptable Behaviour Contracts (ABCs) are used to seek to modify the behaviour of those individuals committing acts of anti-social behaviour. ABCs are not legally binding but are voluntary agreements where an individual is asked to sign a "contract" undertaking not to commit further acts of anti-social behaviour. The exact wording of the ABC is tailored to cover the specific types of anti-social behaviour perpetrated by the individual. While breach of an ABC is not an offence it is further evidence that the individual concerned has been confronted with their anti-social behaviour, agreed to stop and failed to do so. A process is in operation in the county borough to deal with individuals who commit acts of anti social behaviour and this is described below.
- 4.11 **The Four Strikes and You're Out system** has been developed and operated in partnership with Gwent police. The ABC/ASBO system is operated via the police Crime and Disorder Reduction Unit based at Newbridge Police Station and the Crime and Disorder Reduction Officers (CADRO) based at each sectional police station. A referral may be made via operation police officer, the local authority Community Safety Unit (Assistant Community Safety Officer (ASB)), from Area Housing Offices or other sources. The system operates as follows:

Initial referral/report - details are logged and recorded

2nd referral/report - warning letter sent to offender or parents of offender in the case of juveniles

3rd referral/report - visit to home by CADRO plus final warning (possible Public Housing action re tenancy enforcement)

4th referral/report - Problem solving group called by the CADRO, this will include the Youth Offending Team, Schools Welfare, Probation (adult), Social Services, Community Safety

Officer and local Area Housing Officer as appropriate.

- 4.12 At this stage an ABC may be considered appropriate and the conditions are agreed by the problem solving group. The offender is invited to sign an ABC. In the case of juveniles the Youth Offending Team offer advice and support to both the offender and if necessary to his/her parents.
- 4.13 ASBO Referral - Should the person continue to behave in an anti-social manner he/she is be referred to the ASBO Review Panel.
- 4.14 Core membership of the ASBO Review Panel consists of the local authority Community Safety Officer, the Assistant Community Safety Officer (ASB), the Gwent Police Sergeant at the Crime and Disorder Reduction Unit, Public Sector Housing Manager, local authority solicitor and Youth Offending Team Anti-social Behaviour Officer. Other partners and/or officers attend the Review Panel on a case by case basis.
- 4.15 There are currently 7 full ASBOs in force in the county borough. Of these, one was attached to a criminal conviction; three were applied for by the local authority on behalf of the Partnership; and three have been obtained by a Housing Association after consultation with the police and local authority. There are a further three Interim ASBOs in force, applied for by the council with a further three applications with the court for full ASBOs to be heard along with the determination of the Interim ASBOs. A further ASBO application is awaiting a hearing and two other cases are under preparation.
- 4.16 In the year 2003/04 72 warning letters were issued and 24 ABCs were in operation. In the last year 24 problem solving meetings have been held. 22 cases have been referred to the ASBO Review Panel and of those 12 are currently under review and/or being monitored.
- 4.17 The process referred to above involves Community Safety, local authority Housing, police , YOT and other agencies working closely together. As the process has evolved it has been refined and we are now seeing cases being referred and dealt with much more effectively than was hitherto the case.

5. FINANCIAL IMPLICATIONS

- 5.1 No additional financial implications are foreseen.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. RECOMMENDATIONS

- 7.1 That the contents of this report be noted.

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