

TACKLING ANTI-SOCIAL BEHAVIOUR IN DYFED-POWYS

Introduction

In its Annual Report for 2019-2020 the Dyfed-Powys Police and Crime Panel made a commitment to publish a report on Anti-Social Behaviour in the Dyfed-Powys force area.

The purpose of this report is to consider:

- What is Anti-Social Behaviour
- What the Police and Crime Plan for Dyfed-Powys says about Anti-Social Behaviour
- The level of Anti-Social Behaviour in Dyfed-Powys
- How the Commissioner seeks to address the issue
- The perception that people living in Dyfed-Powys have of Anti-Social behaviour in their area

It must be stressed that the purpose of this report is not to consider operational decisions of the Chief Constable or the role of local authorities in tackling Anti-Social Behaviour.

What is Anti-Social Behaviour

Anti-Social Behaviour (ASB) is defined as 'behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person' (Anti-Social Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011).

Obviously therefore the legal definition of Anti-Social Behaviour encompasses a wide range of behaviour from what is described as low level 'non-criminal' conduct to behaviour which potentially amounts to a serious crime.

This vagueness gives rise to considerable cause for concern.

As Baroness Newlove of Warrington, the former Victims' Commissioner for England and Wales stated in a report published in April 2019:

"I find it infuriating and quite frankly disrespectful to hear ASB being referred to as 'low level crime'. That description illustrates very neatly how ASB is often treated as a series of isolated incidents, rather than taking into account the cumulative effect that it has on its victims.

Even the expression "anti-social behaviour" woefully plays down the impact of the crime. For me, anti-social behaviour is a neighbour's son's 21st birthday party getting boisterous in the early hours of the morning. Yes, inconsiderate, but a one-off and life moves on.

What I am talking about is "anti-social abuse". This is sustained and remorseless bullying and harassment. With victims feeling distressed and unsafe in their homes, which should be their place of sanctuary."

What does the Police and Crime Plan for Dyfed-Powys say about Anti-Social Behaviour?

The Police and Crime Plan seeks to address the issue of Anti-Social Behaviour in several ways, including:

- Taking a preventative approach to reducing and deterring crime and ASB
- Commissioning and promoting a range of crime prevention projects
- Investing in an appropriate CCTV infrastructure and providing an effective, co-ordinated, and timely response to ASB
- Promoting collaborative problem-solving approaches to tackling crime, ASB and other preventable demand

How much Anti-Social Behaviour is there in Dyfed-Powys?

In a report presented to the Police and Crime Panel on the 21st February 2020 the Police and Crime Commissioner referred to data provided by Dyfed-Powys Police which demonstrated a 16% reduction in ASB incidents across the force area during the first quarter of 2019/2020 and a 20% reduction in the second quarter. However, this still means 10,365 ASB incidents were reported during the 12 months ending in September 2019

The Commissioner recognised, however, that such data of ASB incidents may not give the full picture. Therefore Dyfed-Powys Police also captures data where ASB issues occur within other crimes or incidents through use of 'qualifiers' in the data. The Commissioner's report went on to show that this data demonstrated *"a reduction of 2,535 in total ASB incidents recorded during 2018 and 2019 calendar years. For the period from May 2018 (when the qualifiers were introduced) until end of December 2019, the total number of incidents closed with an ASB qualifier was 2,366. It is therefore evident that the apparent reduction in ASB incidents may not be totally reflective of activity."*

Nevertheless, based upon the data contained in the 2018 crime survey for England and Wales, Dyfed-Powys compares favourably with the rest of the country.

How the Commissioner seeks to address the issue

It must be stressed at this point that the Police and Crime Commissioner has no direct control over operational policing in Dyfed-Powys. That is the role of the Chief Constable. In the context of tackling Anti-Social Behaviour, the Commissioner has the following main roles:

- Setting priorities through the Police and Crime Plan
- Holding the Chief Constable to account for his delivery of an efficient and effective police force
- Commissioning non-police services
- Working with partner agencies

- Investing to assist the police to perform their role

We have already seen that the Police and Crime Plan seeks to address the issue of Anti-Social Behaviour through setting a number of key objectives.

The Commissioner's main avenue for holding the Chief Constable to account is through the public forum of the Policing Accountability Board. Members of the Police and Crime Panel routinely observe the proceedings of the Board and are satisfied that the Commissioner holds the Chief Constable to account in a robust, but appropriate way. The issue of Anti-Social Behaviour was a focus of the Accountability Board meeting in November 2019 but also forms part of other force performance data routinely scrutinised by the Commissioner. The Commissioner also scrutinises the work of the Chief Constable at private Policing Board meetings. The issue of Anti-Social Behaviour featured in the Policing Board meeting in December 2019, when it focussed on the issue of Neighbourhood Policing Teams.

In recognition of the overlap between crime and ASB, the Commissioner has expanded the role of Goleudy, the commissioned service which provides a first point of contact for victims of crime in Dyfed-Powys, to include supporting victims of ASB. This expanded service has been funded from the Commissioner's core budget as victims of ASB are not eligible for Ministry of Justice grant funding. In his report to the Police and Crime Panel in February 2020 the Commissioner acknowledged that the level of ASB referrals to Goleudy was very low (less than 1% of the total) and that this was cause for concern which has led to additional steps being taken to accurately assess victims needs

Tackling Anti-Social Behaviour is not just an issue for the Police. Other 'blue light' services, local authorities and other national agencies also have a key role. The Commissioner engages fully in the work of the Community Safety Partnerships across the force area and proactively works in partnership with those other agencies. He also scrutinises how well Dyfed-Powys Police itself works in collaboration with partner agencies.

The Commissioner controls a substantial budget made up of grants from the UK and Welsh Governments and the local precept. Whilst most of this budget is inevitably spent upon funding Dyfed-Powys Police, the Commissioner does have scope to utilise some of it in other ways. This can include funding commissioned services such as Goleudy, providing grants to community groups to help tackle ASB or investing in infrastructure or equipment. The Commissioner's most substantial investment has been to install CCTV in several town centres. The Police and Crime Panel is undertaking a separate piece of work in respect of this investment and therefore it is not proposed in this report to examine its effect upon ASB in Dyfed-Powys, although it is widely believed to be having a positive impact.

What is the perception of people living in Dyfed-Powys?

Data from the crime survey for England and Wales shows that the public perception in Dyfed-Powys of having witnessed or been a victim of ASB is reducing and is lower than the national average.

In the preparation of this report, the Police and Crime panel undertook a public survey and members of the public were invited to attend Panel meetings in Aberaeron and Carmarthen to recount their experiences and to answer questions from Panel members.

Although the number of responses to the survey were too low to be of statistical significance, they nevertheless gave a useful indication of how those who responded felt about ASB. Similarly, the three members of the public who appeared before the Police and Crime Panel were able to give highly personal accounts of how ASB affected them and those close to them. This afforded Panel members the opportunity to drill down into examples of ASB experienced by ordinary people and the impact upon their lives.

Whilst the level of returns to our survey was disappointing at 149, the comments and in some cases the cries for help of individual respondents made for compelling reading. This ties in with Baroness Newlove's comments quoted earlier about the cumulative and distressing impact of ASB and the blight that it can have on individual victims and their communities.

From anti-social driving through residential areas to aggressive begging; from the effects of excess in the night-time economy to groups of young people in search of entertainment and the hazards of irresponsible dog owners, the comments are similar:

'I am victim of ongoing harassment and intimidation campaign. The perpetrator is clever and has lied to the police, making false allegations....The situation has damaged my mental health to the extent of suicide crisis team have been involved.'

'Gangs of youths congregate at the back entrance (to the pub) screaming, fighting and those who have cars are sat blasting music and revving their engines for what feels like a lifetime when they are leaving the pub!'

'As someone living in an area where anti-social behaviour is rife, I feel let down badly by the way the local authority has dealt with the problem.'

'We need community policing to stop car idiots...'

These compelling personal testimonies often include references to several agencies and emphasise the importance of multi-agency working and of proactive engagement on the part of the Force and the Commissioner with the Community Safety Partnerships referred to earlier. So, overall, in the light of the above, it is clear that, while the headline statistics on ASB in Dyfed Powys may be favourable, for those who live with its consequences on a daily basis, its effects can be profound and detrimental to health and wellbeing.

Community Trigger

In this context, it is relevant to consider the effectiveness of the 'Community Trigger.' The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of Anti-Social Behaviour are to be addressed.

This includes the Community Trigger (also known as the ASB Case Review), which gives victims of persistent Anti-Social Behaviour reported to any of the main responsible agencies (such as the local authority, police, housing provider) the right to request a multi-agency case review of their case where a local threshold is met.

Agencies, including local authorities, the police, local health teams and registered providers of social housing have a duty to undertake a case review when someone requests one and their case meets a locally defined threshold. Each area chooses a lead agency to manage the process - this is usually the local authority or the police.

How the 'Community Trigger' works

The mechanism for carrying out the case review is set locally. Complaints may either come directly from the victims of Anti-Social Behaviour or from a third party (with the victim's consent), such as a family member, friend or local elected representative (a councillor, MS or MP).

The victim may be an individual, a business or a community group. Each local area sets a threshold, which must be met for the trigger to be used. The threshold must include:

- the frequency of complaints
- effectiveness of the response
- potential harm to the victim or victims making the complaint

The threshold is about the incidents reported, not whether the agency responded. The threshold should be no higher than three complaints, but agencies may choose to set a lower threshold. If the qualifying complaints are submitted, a case review must then be held to determine the adequacy of the agency responses

Back in April 2019, the outgoing Victims' Commissioner Baroness Newlove published the last report of her term in office, focussed on ASB. It included the following recommendations pertinent to the Community Trigger process:

- A statutory requirement for Local Authorities, Police and Crime Commissioners and Police Forces to provide accurate information on the Community Trigger on their websites
- Empower victims of ASB by informing them about their entitlement to activate the Community Trigger when responding to the second complaint within a six-month period (ie - before they meet the threshold of three complaints)
- A statutory requirement for Local Authorities to measure and monitor ASB cases and the use and outcomes of the Community Trigger and report them annually on their website
- A statutory requirement for agencies to respond to recommended actions from the Community Trigger (including providing full reasons when recommendations cannot be actioned) and monitor progress in ASB resolution.
- Community Trigger investigations and panel meetings to be chaired by an appropriately trained independent lead. Community Trigger meetings should not be chaired by the agencies responsible for investigating the original ASB complaints

- Currently, if a victim does not agree with the outcome of a Community Trigger, PCCs can act as arbitrator but many choose not to. An independent local arbitrator for Community Trigger appeals should be appointed within each local authority area to deal with escalated complaints about the Community Trigger
- Victims of ASB must be given the opportunity to attend and tell the Community Trigger panel in person about their experience of ASB and the effect it has had on them.

Both this final report from Baroness Newlove and early indications from the new Victims' Commissioner, Dame Vera Baird QC, highlight the potential role that PCCs could play in coordinating the multi-agency process and acting as final arbitrators of the Community Trigger.

However, the number of Community Triggers in Dyfed Powys is low, with only one in 2018 and one in 2019. An additional two in 2019 were proposed; one victim was provided with the application but chose not to return it and another who returned application did not meet the criteria for a trigger process. Whilst the process has recently been reviewed by Dyfed-Powys Police and partner agencies, at present the agencies involved are reluctant to take on the administration of the process due to lack of resources. This means that CaHRU are responsible for administration of the triggers, which follows the process below:

The Dyfed-Powys Police website currently contains only outline guidance regarding the Trigger and the Commissioner has recommended that this be updated with more comprehensive information. The application process is also published on the Dewis website - <https://www.dewis.wales/the-place-for-wellbeing-in-wales> and an online application is being produced to link with the new Single Online Home Platform for Police Forces. The process will be published on Local Authority websites with guidance for the public.

In preparing this report, I have reviewed how the issue of ASB is dealt with on the Commissioner's website and the websites of other commissioners. Whilst there are many good aspects to how the Commissioner's website addresses ASB, I do feel there are examples of good practice elsewhere which should be considered. In particular I was impressed with the clarity and accessibility of the website for the Police and Crime Commissioner for South Wales - <http://www.southwalescommissioner.org.uk/en/our-work/anti-social-behaviour/>

The current appeal process for Community Triggers will essentially be a desktop review and will not involve hearings or meetings with the victims, which falls well short of the recommendations of Baroness Newlove. The role of the PCC will be to consider due process and ensure that the Dyfed-Powys Anti-Social Behaviour Steering Group has properly and effectively undertaken a review. In considering a community trigger escalation, the PCC can either:

1. Uphold the appeal and refer the case back to the Dyfed-Powys Anti-Social Behaviour Steering Group asking them to consider a particular process, policy or protocol not previously considered or
2. Determine that the Dyfed-Powys Anti-Social Behaviour Steering Group has reviewed the case, considering all relevant policies, process and protocols satisfactorily in line with its Community Trigger procedure.

There is no further escalation of an appeal at this point for the individual, the PCC's decision is final. However, the PCC has endorsed a recommendation for the appointment of a Community Trigger

Officer or Ombudsman by the Home Office, who would then have oversight of the process undertaken by both the Force and the OPCC.

Conclusions

The Panel acknowledges the work undertaken by the Commissioner and his office to address Anti-Social Behaviour issues, which includes.

- allowing frequent opportunities for the public to raise awareness of Anti-Social Behaviour and its effect on individuals and communities
- engaging pro-actively with partners
- appropriately commissioning support services such as Goleudy
- and the innovative deployment of the Proceeds of Crime Funds

Through these steps the Commissioner has demonstrated a commitment to addressing ASB in communities across the Force area.

Despite the current low level of Community Trigger referrals in Dyfed-Powys, I believe that the Commissioner's function as appellant body for the process does allow ASB victims a voice to ensure they are treated appropriately, when they feel that they haven't received the adequate level of service provision .

Recommendations

- 1) The Commissioner's commitment to the roll out of CCTV for community reassurance and to combat criminality, including incidents of Anti-Social Behaviour, is a matter of public record. Without wishing to pre-empt the work of my panel colleagues on the CCTV sub-group, I recommend that an assessment be made of the impact of that investment on combatting ASB, to help prioritise deployment of resources in this area in the future
- 2) Whilst acknowledging the commitment shown by the Commissioner to ensure, via his office's website, social media and communications activities, that members of the public are equipped with information regarding the support services available to them, should they become a victim of ASB, I recommend a regular review and audit of this work be undertaken, so as to ensure that such information continues to be effective, accessible and user friendly
- 3) I recognise the importance of the Commissioner's role as appellant body for victims of ASB but it would be appropriate for that role to be emphasised more in communications work, reminding members of the public of their rights and how to exercise them
- 4) Whilst recognising the considerable amount of work already being done in relation to the Community Trigger, I recommend that the Commissioner engage pro-actively with the Police and partner agencies in order to improve the effectiveness of the Community Trigger in Dyfed-Powys, in line with the recommendations of the former and current Victims' Commissioner.