

ASB Connect

'CONNECTING' PRACTITIONERS TACKLING ANTI-SOCIAL BEHAVIOUR AND ITS CAUSES

IN THIS ISSUE

Theresa May / Lord Henley
Newquay Safe Partnership 3
United Estates of Wythenshawe 5
Tenants Supporting Tenants 6
Neighbourhood Resolution Panel 7
Gang Injunctions 8
ASB Charter for Housing 10
Mandatory Possession Power 11
Legal Update 12
Action Updates 14 & 15

Welcome

Welcome to the first issue of 'ASB Connect', sharing effective practice to prevent and reduce ASB.

This newsletter is brought to you by the ASB Actionline and the Home Office Crime and Anti-social Behaviour Reduction Unit.

We start by introducing Lord Henley, the new Minister for Crime Prevention and Anti-Social Behaviour Reduction.

We feature 'localism' in action by looking at 'community engagement' in Manchester, South Wales, Sheffield and Northampton.

We also interview an ex-tenant representative (page 4) and show how he has worked tirelessly to engage with his local agencies.

If you have any examples of effective practice for the next issue of ASB Connect or any feedback on this issue, please email us at ASBConnect@bss.org. Feel free to forward ASB Connect to your colleagues.

To subscribe please contact the [ASB Actionline](http://ASBActionline.org) on 0870 220 2000 or email ASBConnect@bss.org

FOLLOW US

The Home Office ASB Actionline is now on **Twitter**.

For regular effective practice updates, join today and follow [@ASBActionline](https://twitter.com/ASBActionline)

Community engagement - 'Tenants Supporting Tenants'

Hafod Housing Association make tenants an integral part of their approach to tackling anti-social behaviour **P6**

Neighbourhood Resolution Panels

Providing restorative justice in Sheffield **P7**

The case for proportionality

Two recent cases (Pinnock & Powell/Hall/Frisby) and their impact on housing law in relation to possession proceedings and human rights **P12**



HOME SECRETARY THERESA MAY LAUNCHES ASB CONNECT

I am pleased to launch this first edition of ASB Connect.

ASB Connect will serve as a key support to professionals. The newsletter is a practical illustration of the sharing of effective practice that will help professionals improve their response to victims and communities.

The Government has made it clear that reducing ASB is core business for the police and their local partners. Alongside supporting those professionals by highlighting effective practice, we are also setting out proposals for more effective powers, and making more data available to the public. ASB incidents are recorded on police.uk crime maps, and incident data is now published alongside annual criminal statistics.

We recognise however that reducing this destructive problem in parts of our communities requires, fundamentally, local

solutions from practitioners and residents in local areas. The solutions cannot come from above.

We want to free professionals and local communities to do what they know will work. That is why we want to help create an environment in which professionals are self-reliant and confident in using good practice in tackling and reducing ASB in communities – without waiting for central direction.

The launch of ASB Connect is a step in that direction. I hope that it will encourage you to share your examples of effective practice in reducing anti-social behaviour with the ASB Actionline so that they can be shared with your colleagues. Your examples could show effective practice of the formal tools and powers as well as innovative approaches adopted by communities in resolving ASB problems.

ASB Connect will also be a useful supplement to the ASB Actionline Twitter account: [@ASBActionline](https://twitter.com/ASBActionline). The twitter account is another way that professionals can access examples of effective practice in 'real' time when they are out and about in the communities they serve.

New minister at the Home Office

I want to welcome Lord Henley as the new Minister of State for Crime Prevention and Anti-Social Behaviour Reduction. Lord Henley replaces Baroness Browning who, unfortunately, has had to step down on health grounds.

I want to thank Baroness Browning for her contribution to Government.

In her time at the Home Office, Baroness Browning took forward work to help prevent crime and reduce anti-social behaviour in our communities and played a vital role in taking our plans to reform policing and give greater





accountability to the public through the Lords. I wish her the very best for the future.

In his new role, Lord Henley's brief will also include the drugs strategy, licensing and community activism.

Lord Henley is an experienced member of the Government, having entered the House of Lords in 1977 and served in a number of front-bench positions in previous Conservative Governments.

I am pleased to welcome Lord Henley and look forward to working with him to deliver our key priorities.

PRACTITIONER FOCUS

ASB CONSULTATION

The Home Office Crime and Anti-social Behaviour (ASB) Reduction Unit continue to study the numerous responses to the recently concluded ASB consultation.

The objectives of the consultation were to produce fewer tools with more flexibility, a quicker less expensive process, prevent criminal behaviour where possible and rehabilitate criminal behaviour where it has already been prosecuted. There is also a move to give power back to local communities to ensure action is taken.

"I want to free professionals to do what they know will work in their area, and ensure they are accountable to the communities they serve rather than bureaucrats in Whitehall." **(Home Secretary Theresa May)**

As it stands we currently have a vast range of options for addressing ASB, in essence a tool for every problem. The Home Office review of the current system found that it is confusing for some practitioners, and means that they only use the tools or powers with which they are most familiar. As a result many tools were left unused in various areas around the country.



Practitioners in Oldham discuss the proposals

Looking briefly, the proposals include:

- repealing the ASBO and other court orders for individuals and replacing them with new tools that bring together restrictions

OUTLINE PROPOSALS

Existing system	Proposed changes
ASBO on conviction	'Criminal Behaviour Order' - available on conviction for any criminal offence, and including both prohibitions and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences.
ASBO	'Crime Prevention Injunction' - a purely civil order with a civil burden of proof, making it much quicker and easier to obtain. The injunction would also have prohibitions and support attached, and a range of civil sanctions for breach.
Interim ASBO	
ASB Injunction	
Individual Support Order (ISO)	
Intervention Order	
Crack House Closure Order	Community Protection Order (Level 2) - a local authority/police power to restrict use of a place or apply to the courts to close a property linked with persistent anti-social behaviour.
Premises Closure Order	
Brothel Closure Order	
Designated Public Place Order	
Special Interim Management Order	
Gating Order	Community Protection Order (Level 1) - a notice issued by a practitioner to stop persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance, or other sanctions where relevant (e.g. the seizure of noise-making equipment).
Dog Control Order	
Litter Clearing Notice	
Noise Abatement Notice	
Graffiti/Defacement Removal Notice	
Direction to Leave	Police 'Direction' power - a power to direct any individual causing or likely to cause crime or disorder away from a particular place, and to confiscate related items.
Dispersal Order	

on future behaviour and support to address underlying problems;

- ensuring there are powerful incentives for perpetrators to stop behaving anti-socially;
- bringing together many of the existing tools for dealing with place-specific ASB;
- bringing together existing police dispersal powers for ASB into a single police power;





- making the informal and out-of-court tools for dealing with ASB more rehabilitative and restorative; and
- introducing a Community Trigger that gives victims and communities the right to require agencies to deal with persistent ASB.

The consultation closed on 17th May and the Home Office is now considering the thousands of responses it received from ASB practitioners and members of the public and will publish its own response in due course.

In the meantime, until any new legislation is introduced, all current tools and powers for tackling and reducing ASB remain in force and should continue to be used where appropriate. We strongly advise you to continue to follow your own policies, tackling offenders and protecting vulnerable people using the current range of tools and powers until such time that there is a change in legislation.

If you have any questions on using the existing toolkit please contact us at the ASB Actionline on **0870 220 2000**.

PRACTITIONER FOCUS

Newquay Safe Partnership - making an impact on alcohol related ASB

Following alcohol-related anti-social behaviour (ASB) and the tragic death of two young men in Cornwall, Cornwall Council held an urgent multi-agency meeting to address the concerns of residents.

agencies while they address the residents concerns. The projects that the Newquay Safe Partnership has initiated go beyond the basic support package that is usually adopted.

photo courtesy of Beverly Hill, Cornwall



2008 saw the introduction of the Exodus Scheme, which offers under 18s alcohol-free entertainment in a different 'top club' every night and various discounts to daytime activities. In addition to this, the local and British Transport Police will again run Operation Brunel where they meet and greet young visitors to the area by delivering a very real safety message, raising awareness of the issues surrounding ASB and alcohol.

The Newquay Safe Partnership brings together numerous organisations including Cornwall Council, Devon and Cornwall Police, Cornwall and Isles of Scilly NHS, the Local Safeguarding Children Board, Newquay Town Council, Tourism Newquay, Cornwall Drug and Alcohol Action Team (DAAT), Newquay Associations of Licensed Premises (NALP), Newquay Chamber of Commerce and Tourism (NCCT), Newquay Town and Parish Plan Group and most importantly the local Newquay Town Residents' Association and other local Newquay resident associations.

Newquay also employs the 'No ID, No Newquay' policy which sees anyone who appears to be under the age of 21 questioned for identification. Many of the schemes and initiatives Newquay have implemented not only tackle the problem of ASB and the night time economy, but they go further, offering diversionary activities where possible and also assisting when youths succumb to the excesses of alcohol.

This group, who have worked together for the last two years, is seen as a unique solution to a unique problem. The numerous projects they have initiated are for the sole purpose of addressing the issues that surround the very popular coastal town's night time economy.



photo courtesy of Beverly Hill, Cornwall

The church-operated Street Pastors are supporting the emergency services and other partners again this summer and it is planned that the street marshals will work alongside them too. They provide high visibility pastoral support at key times throughout the week to anyone in need of help or advice. This scheme sees the community playing a vital role supporting

They do this by offering guidance and support in a Street Safe portacabin which offers minor medical attention, between the weekend hours of 10pm and 3am. The staff are provided by Devon and Cornwall Police and Westcountry Ambulance Service.





The staff are provided by Devon and Cornwall Police and Westcountry Ambulance Service. The Street Safe mobile unit can pick up injured individuals anywhere in central Newquay and take them back to the portacabin for treatment. The nature of this scheme prevents these individuals from having to be transported to Truro's Royal Cornwall Hospital Trust's A&E for treatment, in effect, keeping ambulances and paramedics free for medical emergencies.

The partnership, having forged a close working relationship with the Newquay Town Residents' Association, the Chairman warmly thanked the partners saying, "we are extremely grateful for the positive steps being put in place to bring respect back to the wonderful resort in which we reside and are sure that we will regain the reputation of being a top class holiday destination for all to enjoy. The tide has turned and the prospects are looking brighter for our town. Well done the Newquay Safe Team."

Newquay Safe team have gone from strength to strength and continue in their quest to quash ASB. Beverly Hill, Communications Specialist at Cornwall Council informed us that in the upcoming year Newquay will look to focus on: parents who provide their children with alcohol, people who buy alcohol for under 18s and under age drinkers using fake ID to try to buy alcohol or access clubs and bars.

"Parents found delivering their under age children with alcohol will again be reminded of the law and the need to be responsible parents, even if it makes them unpopular with their children. We are working with Diageo this year to address proxy purchases and will be operating a campaign asking people to let us know if they see people buying alcohol for children." (Beverly Hill)

60 second interview: John Baker - Ex-Resident Director, Poplar HARCA

What is your current role?

Someone described me recently as 'a community activist'. If we think of the logical opposite, this is probably true! I'm a trustee for the new Tower Hamlets Council for Voluntary Service, serve on the local area partnership and I'm a 'community stakeholder' on the Poplar and Limehouse Health Network.

How did you become a Resident Director on Poplar HARCA's board, and how long were you in post for?

Some residents sought a 'clear voice' to represent them, and invited me to stand for election as that voice. After four years, just as I felt confident about housing and neighbourhood management, it was time to make way.

What did you do prior to these roles?

I was 65 when I started as a director, so a lifetime of studies (life sciences and medicine mostly) and a variety of work (communications mostly) were behind me by then.

Are you a believer in punishment or prevention?

History emphasises that a successful society must have both, so the real issue is how we strike an optimal balance between them. Punishment always signals

society's failure as well as an individual's culpability and seems a poor path to redemption. Count me on the side of prevention!

What has been your greatest achievement to date/what are your proudest moments in your career?

In a world where there's much unfulfilled need, how could I claim any achievements at all? But I'm certainly proud of having proposed the first Family Intervention Project to be emplaced by a HA as part of its ASB work. I was also proud when the project won a 'Guardian Award for Public Service' last year. Perhaps the most memorable moment came when Poplar HARCA's evaluation of the FIP team's first year showed all objectives fully met – no evictions, no ASBOs, no court procedures, and considerable costs savings. Long may this vital work continue!

What is the driving force behind your determination / what is your greatest motivation behind your actions?

Somebody must speak out for justice and for everybody's chance to be rewarded in lives where offending has no place. Why not me?

If you hadn't gone down this career path, what do you wish you could be doing?

Sometimes I crave a 'proper' job, if only for the regular rest it might offer! But mostly, I'm content the way things are!

When you are not working, what is your favourite pastime?

Listening, reading, working in my workshop – and playing with the cat!

Do you have any words of wisdom for the readers of ASB Connect?

Pragmatism rather than wisdom. 'Prevention is the most enduring cure' and in the end, it's cheaper too!



United Estates of Wythenshawe

United Estates of Wythenshawe (UEW) is a community-led, large scale social enterprise based at the heart of Benchill on the Wythenshawe Estate in south Manchester.

UEW provide a safe (secure) base for a number of community led businesses and also help campaign on a broad range of inner city issues and concerns.

At present the United Estates of Wythenshawe (UEW) is a collection of 14 micro businesses all run by local people from the Wythenshawe estate; including, a professional quality gymnasium, a dance and performing arts studio, a cinema, a café, hand car wash and professional sound recording studio. UEW also provide office space for a local security company, a landscape gardening business and a white goods repair service.

The UEW is constantly evolving and developing new ideas; UEW is run by local people which means they are reflective of and responsive to the real needs and concerns of the local area. UEW is highly adaptable, often acting as an 'ideas forum' for local people.

Labelled as "probably the most maverick social enterprise in the country" the UEW was set up in 1996 as a youth club for kids that don't go to youth clubs.

But the UEW is not a youth club in the traditional sense. The team behind the UEW realised that traditional youth clubs were not able to connect with inner city youths so they set about finding role models from within the estate (a boxing coach, a football coach) and began developing a vandalised Methodist

Church into a modern youth facility.

As demonstrated above the UEW also provides a number of other services that benefit the whole community from a women only gym to a community shop and a hand car wash to name but a few. All the services are run by local people and any surplus money is transferred to the UEW sponsorship scheme for the benefit of local people.

So how does a former owner of a door staff employment agency get involved with something like this? Here at ASB Connect we asked Greg Davis, founder and development director of the UEW to tell us more about the project.

Greg was inspired to change the fortunes of youths in his area after seeing a large group of kids vandalising the Brownley Green Methodist Church in Benchill.

"I was upset by their actions and shouted them down. On inspection of the Church building I was upset to see how badly damaged/ vandalised the Church had become. The local kids obviously had NO respect for the building and even less for the Minister and parishioners using the Church. Realising that the culture of inner cities had changed since my childhood I

set about contacting the people on the estate that I knew had a rapport with the local kids, these people turned out to be the local pub landlord, the boss of the local taxi company, the local boxing coach etc. I invited these 'local estate leaders' to join me in re-imagining the youth club."

The UEW is seen by many in the community as "a safe haven in an area that can sometimes contain troubled waters." They are a different type of community enterprise, one that is "constantly looking out for and developing new ideas and home grown solutions to what could become local problems."

Greg is very proud that the service reaches those youths who are hard to reach and is able to make a real difference with them. The UEW buildings have never been vandalised or broken into and the youths who attend the UEW are those who are exposed to the many pressures of inner city life, peer pressure and ASB. Yet within the UEW they are polite, hard working and a pleasure to be with.

Clearly when you hear how much Greg enjoys his time at the UEW and is able to overcome challenges and obstacles you realise that the UEW is a unique youth centred enterprise without looking, smelling or feeling like a traditional youth club.

The team at UEW have come to the attention of the Government and have been visited by the PM twice. Greg's hope is if what they do at the UEW is seen by others it will then be translated to other areas of the country. Greg concluded that the UEW could not have been possible without "understanding and accepting that over the past 30 years inner cities have developed their own particular culture." He also added that it is equally important to "recognise the value, the skills and the talents of the indigenous street leaders."



photo courtesy of Greg Davis, UEW

Tenants Supporting Tenants: Hafod Housing Association, South Wales

‘Tenants Supporting Tenants’ is an initiative developed by Hafod Housing Association to make tenants an integral part of tackling anti-social behaviour (ASB). The initiative aims are to:

- give tenants greater trust in the Association tackling ASB;

- provide support to victims of ASB;
- enable tenants to monitor ASB work;
- involve tenants in reviewing ASB policies and procedures.

The Background

Hafod Housing Association is a well established association which manages 4000 properties across South-East Wales. A dedicated ASB team was set up in 2007. The team was successful in resolving many nuisance cases but there was frustration in some areas where the team didn't have the trust of residents to deal with similar cases. The team felt unable to achieve the co-operation of residents to tackle the nuisance.

The ASB team found the solution when they invited residents, who were unsure over the Association's ability to successfully intervene, to meet a resident who had successfully worked with Hafod Housing Association to obtain an ASBO in a local nuisance case. It became apparent that the assurances from the resident comforted the unsure residents.

As a direct result of the meeting, residents suffering from ASB had a greater belief in the Association's ability to tackle ASB. The residents realised they were not alone; others had experienced the same fears, worries and lack of confidence as they did. The number of tenants reporting ASB increased.

A mentoring service for residents suffering from ASB was created. As a result of the success, Hafod Housing Association set up 'Tenants Supporting Tenants' in 2009.

Trust

In some areas, residents who experienced neighbour nuisance but didn't know about the Association's powers to help tackle it had a natural distrust in their ability to resolve problems. The initiative allows previous victims or witnesses to mentor residents who are currently experiencing ASB.

Using 'mentoring' tenants who have worked successfully with the Association has developed a new confidence amongst

other wavering tenants.

Victim Support

Being the victim of ASB can be a lonely, depressing feeling. Hafod Housing Association felt that support from other residents would be valued as much as support from its staff. Therefore victim support plays a big part in the initiative. By bringing together victims of ASB and mentoring tenants, residents feel more supported and less isolated. They often feel the same, have experienced the same problems and have successfully tackled the problems leading to a better quality of life.

"Tenants supporting tenants shows that involving residents in tackling ASB can have so many positive impacts." (Liz Magness, ASB Co-ordinator)

Performance Monitoring

Residents who are involved with 'Tenants Supporting Tenants' take part in reviewing the Association's performance. Involving service users in the review process has provided the Association with meaningful and constructive input to help it tackle

ASB effectively.

Reviewing Policies & Procedures

The residents involved with the initiative also have the opportunity to take part in the reviews of the Association's ASB policies and procedures to ensure they are both relevant and reflect the needs of their residents.

Moving Forward

Hafod Housing Association is committed to continue to involve residents at an early stage of ASB to both prevent and help such problems escalate. This includes involving residents in approaches taken to tackle ASB to check that actions are effective.

"We will continue to work with residents to develop confidence so that communities/residents feel empowered to tackle ASB in partnership with ourselves and other agencies. We want to move away from residents feeling that they are victims to feeling that they are part of the solution." (Christopher Davies, Service Improvement Co-ordinator)



photo courtesy of Richard McQuillan, Hafod Housing Association

Neighbourhood Resolution Panels - providing restorative justice in Sheffield

Sheffield now has a new way of tackling crime and re-offending. Neighbourhood Resolution Panels or Community Justice Panels as they are known in Sheffield, bring victims and wrongdoers together to resolve conflict and harm caused by anti-social behaviour (ASB) and crime.

The Panels encourage wrongdoers to acknowledge the impact of what they have done and make amends to the victim and the wider community by apologising and engaging in reparative work.

What types of problems do the Panels deal with?

Neighbourhood Resolution Panels deal with crime and ASB, including:

- crime or ASB that is not serious enough to prosecute or be subject to a more formal out-of-court disposal;
- low-level criminal offences that have or will receive a formal out-of-court disposal (for example minor criminal damage or public disorder) but which the work of the Panel could complement by agreeing for additional reparative activity to be undertaken by the offender; and
- nuisance neighbour offences and other housing disputes.

Neighbourhood Resolution Panels are not a soft option as they make the offender face up to the impact of what they have done.

How does the process work in Sheffield?

1. Everyone involved agrees to take part in the Panel.
2. The wrongdoer must admit that they have caused harm.
3. Each party can bring a supporter with them.
4. All participants are given the opportunity to speak, and through a structured discussion, the participants come to an agreement about the best way to resolve the problem.

5. At the conclusion of the Panel, the victim and wrongdoer sign a Community Justice Agreement.

Community Justice Agreements

A Community Justice Agreement is an agreement signed by all parties to ensure the problem behaviour does not happen again.

The agreement is signed by the victim and wrongdoer and ensures that the points of view of all parties has been heard and recorded.

Agreements can include certain conditions, such as doing some work in the community that the panel agrees will be effective in making amends.

What happens if the Community Justice Agreement is broken?

The original referring agency can deal with the matter in another way, for example, an eviction notice or court appearance. It can also be referred back to the panel and a further meeting held.

Does taking part in the Panel mean a criminal record?

If the problem referred to the Panel is a criminal offence, details of this offence will be recorded on South Yorkshire Police systems in line with the requirement for recording crime and incidents. This is not regarded as a criminal conviction.

Facilitators

The facilitators are local volunteers who have received training in Restorative Justice, and completed a three day Conference Facilitator training course accredited by the International Institute for Restorative Practice (IIRP).

What is Restorative Justice?

Restorative Justice works to resolve conflict and repair harm. It encourages people

who have caused harm in some way to acknowledge the impact of what they have done, and gives them an opportunity to do something to make amends.

It offers people who have suffered harm the opportunity to have their harm or loss acknowledged, and for something to be done to compensate for it. Conflict between people is inevitable, but when it occurs, Restorative Justice can help to restore the balance in a just and fair way. Because it gets to the bottom of the problem and tries to resolve it, it is more likely to prevent it happening again.

Ministry of Justice

The Ministry of Justice has recently invited expressions of interest to test Neighbourhood Resolution Panels. This forms part of wider work to devolve criminal justice to a local level and give victims and communities a vital say in how justice is delivered.

In the Green Paper 'Breaking the Cycle', the Ministry of Justice consulted on plans to test the effectiveness of Neighbourhood Justice Panels. Responses received reaffirmed the Government's commitment to test the Panel approach, and we are now inviting expressions of interest from local areas under the new name of Neighbourhood Resolution Panels.

If your area is interested in taking up this approach, please download 'Testing Neighbourhood Resolution Panels A specification to inform expressions of interest' below.



Testing Neighbourhood Resolution Panels
Ministry of Justice, July 2011

[Download](#)

A specification to inform expressions of interest

Injunctions to prevent gang-related violence (s.47 Policing and Crime Act 2009)

January 31st 2011 saw the commencement of the 'Gang Injunction' introduced by Part 4 of the Policing and Crime Act 2009 to prevent gang related violence. Where an individual is either involved in gang-related violence or is at risk from it this civil tool allows the police or local authority to apply to a county court (or high court) for an injunction, imposing a range of prohibitions and requirements. The government is currently working on introducing gang injunctions for under 18s by the end of the year.

A gang injunction aims:

- to prevent the respondent from engaging in, or encouraging or assisting, gang related violence; and/or
- to protect the respondent from gang related violence.

Gang injunctions aim to break down violent gang culture, prevent the violent behaviour of gang members escalating and engage gang members in positive activities to assist them in leaving the gang. Home Office minister James Brokenshire said that gang injunctions would be a useful tool in certain cases *"to break gang culture. This is a very different tool than an ASBO. This is a targeted tool to deal with serious gang violence."*

During the 2009 Act's passage through Parliament, it was made clear that gang injunctions are only intended to be used to prevent violence related to gangs. It is imperative that all applications must focus on gang-related violence rather than, for example, acts of anti-social behaviour (ASB), acquisitive crime or drug dealing involving gangs.

For those who are looking to secure a gang injunction, the voluntary data collection form has now been uploaded on the Home Office website, which we

are encouraging all gang injunction applicants to complete.

<http://www.homeoffice.gov.uk/publications/crime/tackling-knife-crime-together/data-collection-form>

Statutory guidance was published last year and is available to download here.

<http://www.official-documents.gov.uk/document/other/9780108509599/9780108509599.asp>

SOUTHWARK GANG INJUNCTION

The London Borough of Southwark successfully obtained the first gang injunction using the new legislation on 24th February 2011. Injunctions have subsequently been obtained in a number of other areas, including the London Boroughs of Newham and Enfield, and Bristol.

Southwark's injunction was granted against an 18 year old Peckham gang member whose violent gang activity had escalated. It was felt that gang tension had increased in the Peckham area and this new power would help both the individual and the community.

The individual was considered to have status and respect in the local gang hierarchy. This was due to his grime/gangster rap videos that described real violence and were filmed on Peckham Housing Estates and then posted onto YouTube. Through his lyrics he encouraged the stabbing and shooting of rival gang members and promoted the gang's criminal activity. Up to 100,000 people viewed and downloaded these videos. A youth was even attacked on a bus because he was listening to the defendant's music.

Effective action was required to disrupt the gang activity and protect the

community. The police and Southwark ASB Unit gathered detailed evidence which satisfied His Honour Judge Ellis at Croydon County Court that a twelve month Gang Injunction was necessary. The Court was satisfied that the respondent had engaged in, encouraged or assisted gang related violence.

The following conditions were imposed (with power of arrest attached):

1. Not to congregate or loiter with more than two persons in any public place in Southwark.
2. An exclusion zone covering Peckham Estates.
3. Associating with named gang members in a public place in Southwark.
4. Prohibited from assaulting, threatening, abusing, or insulting any person in the London Borough of Southwark.
5. Producing or marketing any musical material or being in any music video which encourages or is likely to encourage violence against any person.

The individual also received a positive requirement to work with a Gang Mentor to pursue an exit strategy from his gang lifestyle. This includes assistance with obtaining a college place, re-housing and positive leisure activities. A gang injunction is not simply designed to punish the offender, it is also a way of showing an individual that there is a way out of the gang and back into the wider community.

The community has benefited from the removal of an influential gang leader from the area. His music videos and offensive lyrics are also no longer a daily problem for residents.

Southwark would like to continue this work and are now looking at gang injunctions for a group of individuals.

Blackpool's Anti-Social Behaviour Risk Assessment Conference (ASBRAC) process

Last year Blackpool went live with a risk assessment process called ASBRAC. The process identifies victims of ASB whose lives are seriously disrupted through fear and intimidation.

ASBRAC allows all relevant agencies to examine individual cases together. This ensures all partners share information and create unified action plans. ASBRAC's core principle is the safety and well being of victims. Blackpool believes this "is crucial to achieving safety and reducing repeat victimisation". The ASBRAC process ensures that victims have a clear voice and are given the support they need.

Victims are initially assessed using the risk assessment matrix. An individual is referred to ASBRAC if they are at risk of harm, deterioration of health, mental or emotional distress, or have an inability to carry out their daily routine because of fear and intimidation.

These high risk cases are brought to the monthly ASBRAC meeting, the purpose of which is:

- to share information to increase the safety and wellbeing of the victim;
- to share information leading to identifying and taking action against the perpetrators;
- to agree and implement a case management plan that provides professional support to those at risk and reduces the risk of harm and disruption to victims; and
- to improve agency accountability and support for staff involved in these cases.

Between June 2010 and February 2011 9 ASBRACs have been held. As part of this:

- 62 high risk cases have had comprehensive action plans put in place.
- 33 cases have either been resolved or resolved to a level where there is no longer risk of harm to the victim.

Cases dealt with via ASBRAC are complex and require combinations of interventions in order to achieve success. Success has been achieved by ensuring the right services provide the right interventions and the right support to the victim. One recent success saw the first Premises Closure Orders in Blackpool. The police had received many serious complaints about two privately rented properties. These ranged from drunken parties and criminal damage to public drinking and neighbour abuse.

As a result of the NPT, residents and neighbours giving evidence and statements, the Court ordered that the properties be closed for six weeks. The properties were boarded up with the details of the orders posted on the doors. The residents of the properties – two families, one consisting of two adults and seven children and one consisting of two adults and three children – have now moved out. Two teenagers from the families were also served with ASBOs.

The Orders prevented them from using any threatening, insulting, abusive or disorderly words or behaviour that is likely to cause harassment, alarm or distress to anyone. They are also prevented from entering an area of Blackpool surrounding their previous homes.

A neighbour whose life had been blighted by the behaviour said, "living near these families has been hell, they were aggressive and often made neighbours feel intimidated. The street has been blissfully quiet since they left, you can hear a pin drop. I'm so happy action has been taken for those who want to live in peace".

Measures are now in place to ensure the welfare of the families, including housing and support from Blackpool's Family Intervention Project.

Blackpool have stated that, "this action should send a clear message to private landlords that they can no longer ignore tenants who are causing serious ASB in the community and, if they do, they will lose significant revenue following a closure order."

PUBLICATIONS



More effective responses to ASB

Home Office February 2011

[Download](#)

The consultation document informs practitioners of the proposed new ASB tools and powers. Consultation ended 17th May.



Statutory Guidance: Injunctions to Prevent Gang-Related Violence

Home Office December 2010

[Download](#)

Essential guidance for police and LAs tackling issues related to gang-related violence.

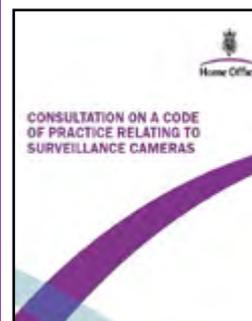


A new mandatory power of possession for ASB: Consultation

CLG August 2011

[Download](#)

Seeks views on the detail and practicalities of a new mandatory power of possession to enable landlords to take swifter action.



Consultation on a code of practice relating to surveillance cameras

Home Office March 2011

[Download](#)

Key issues and proposals surrounding the overt use of surveillance cameras. Consultation ended 25th May.



Our vision for safe and active communities

A report by Baroness Newlove March 2011

[Download](#)

Baroness Newlove's findings regarding our approach to activism and tackling neighbourhood crime.

RESPECT - ASB Charter for Housing

The Respect – ASB Charter for Housing (the Charter) was launched at the CIH Conference in Harrogate on Wednesday 22nd June 2011.

The Charter replaces the Respect Standard for Housing Management (the Standard) which was introduced by the government in 2006. Essentially, the Charter is an updated version of the Standard and was developed through a wide consultation process.

One major difference being that the Charter is now sector owned and was developed by CIH, SLCNG and Housemark.

The original Standard was introduced to assist Social Landlords to tackle ASB and was developed through established good practice by landlords and their partners. The Standard, which was voluntary for landlords to adopt, was made up of six core commitments and a series of building blocks. Over 500 signatories signed up to the Standard.

CIH, SLCNG and Housemark led the wide

consultation to update the Standard. The 'Respect' name was retained due to it being widely recognised and highly regarded by landlords and tenants. The Charter is focused on landlords' ASB services and remains voluntary.

The aim of the Charter is to improve ASB services, and consists of seven core commitments and a series of building blocks.

The seven core commitments are:

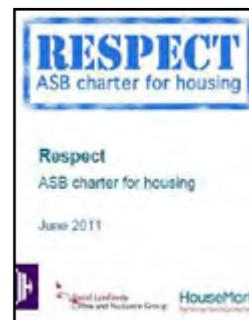
1. Demonstrating leadership and strategic commitment.
2. Providing an accessible and accountable service.
3. Taking swift action to protect communities.
4. Adopting a supportive approach to working with victims and witnesses.
5. Encouraging individual and community responsibility.
6. Having a clear focus on prevention and

early intervention.

7. Ensuring a value for money approach is embedded in the service.

The Charter uses a self-assessment method and allows landlords to use the core commitments and the building blocks to develop their services.

Landlords do not need to meet all the Charter's core commitments and building blocks, landlords can adapt the framework to reflect local circumstances and priorities.



RESPECT: ASB charter for housing

CIH, SLCNG, HouseMark June 2011

[Download](#)

The sector-owned replacement for the Respect Standard for Housing Management.

Domestic Violence protection orders - COMMENCE

The pilot schemes for Domestic Violence Protection Orders commenced on 30th June 2011.

A Domestic Violence Protection Order can prohibit an individual from specified addresses, even from their own home for between 14 and 28 days.

The Process

The Crime and Security Act 2010 allows an authorised officer who has reasonable grounds for believing that an individual who is 18 years old or over has been violent towards, or has threatened violence against an associated person, to issue a domestic violence protection notice. An associated person is defined by section 62 of the Family Law Act 1996 and includes cohabitants, former cohabitants and relatives. If a notice has been issued, a constable must apply for a domestic violence protection order. This

application must be made by complaint to a magistrates' court and must be heard by the court not later than 48 hours after the notice was served.

The court may make a domestic violence protection order if two conditions are met:

- The first condition is that the court is satisfied on the balance of probabilities that the individual has been violent towards, or has threatened violence towards, an associated person.
- The second condition is that the court thinks that making the domestic violence protection order is necessary to protect that person from violence or a threat of violence by the individual.

Domestic Violence Protection Orders can be issued even where the person for whose protection it is made does not consent to the making of the order.

If the individual lives in premises which are also lived in by the person they have been violent or threatened violence towards, the domestic violence protection order may also contain provision to exclude the individual from the premises.

The Domestic Violence Protection Order may be in force for a period of 14 to 28 days.

The Pilot Schemes

The pilot schemes last for 12 months from 30th June 2011 and end on 29th June 2012 in the following police areas:

- The Greater Manchester police areas of Oldham, South Manchester and the Metropolitan Division.
- The West Mercia police area of South Worcestershire.
- The Wiltshire police area.

Strengthening Landlords' Power for Possession for Anti-social Behaviour - Consultation

On 3rd August 2011, the Housing Minister, Grant Shapps launched a public consultation on proposals to introduce a new mandatory route to possession, to speed up the eviction process where serious, housing-related anti-social behaviour (ASB) had already been proven in another court.

On 15th August 2011, Grant Shapps announced that this consultation was being extended to include proposals to broaden the existing discretionary power of possession for criminality and ASB to include offences of the sort seen in the recent disorder committed beyond the locality of the property.

The consultation, which is closely linked to the Home Office's review of the current tools and powers for tackling anti-social behaviour, seeks views on details of the proposal from ASB frontline practitioners as well as victims and witnesses of ASB.

The consultation runs until 7th November 2011 and is available on the DCLG website at:

<http://www.communities.gov.uk/publications/housing/antisocialbehaviourconsult>

A new mandatory power of possession

The proposal is that the mandatory power for possession will be triggered for the following offences:

- a conviction for a serious offence related to housing, including violence against neighbours, drug dealing and criminal damage;
- breach of an injunction for anti-social

behaviour obtained by a landlord; and

- closing of a premises under a closure order – such as a home used for drug dealing.

Where one of these 'triggers' had occurred, the landlord could choose to apply for possession under the proposed new mandatory power, rather than on discretionary grounds. The court would be required to grant possession, provided the landlord had followed the correct procedure, subject to Human Rights challenges.

The main aim of the mandatory power for possession proposal is to fast track the current possession process for serious and persistent anti-social behaviour – evidence suggests that on average it currently takes over 7 months from the landlord applying for a possession order to a decision by the court.

A mandatory power for possession should mean that the court will only to establish that one of the 'triggers' for awarding possession had occurred rather than needing to reconsider all the facts of the case. We think that means that there's a much better chance of the landlord being awarded possession in a single short hearing, rather than having to wait for months for a trial which could last for several days.

Extending the discretionary ground for possession

Under existing legislation, landlords already have the power to seek to evict tenants where they or members of their family are responsible for criminal or anti-social behaviour that affects their neighbours or local community. This new proposal would widen the grounds on which landlords can seek to evict tenants to include where they or members of their household have been convicted of the sort of criminality seen in the recent rioting, wherever that took place.

The consultation proposes that a landlord will be able to seek possession of a property where a tenant or member of their household had been convicted of violence against property (including criminal damage and offences such as arson), violence against persons at a scene of violent disorder or theft linked to violent disorder. There would in these circumstances be no requirement that the offence had been committed in the locality of the dwelling house. The court will need to be satisfied that it is reasonable to grant possession.

Implementation

These proposals would require primary legislation which the Government plan to introduce alongside the legislative changes required to implement the wider reforms of ASB tools and powers.



A new mandatory power of possession for ASB: Consultation

CLG August 2011

[Download](#)

This consultation seeks views on the detail and practicalities of a new mandatory power of possession to enable landlords to take swifter action

The Case for Proportionality

Manchester City Council v Pinnock [2011] 1 All ER 285

Hounslow v Powell, Leeds CC v Hall, Birmingham CC v Frisby [2011] UKSC 8

ASB Housing Solicitors consider two recent Supreme Court decisions that have made a significant impact on the world of housing law in relation to possession proceedings and their relationship with Human Rights.

THE CASES

Manchester City Council v Pinnock [2011] 1 All ER 285

Hounslow v Powell, Leeds CC v Hall, Birmingham CC v Frisby [2011] UKSC 8.

All of the cases considered by the Supreme Court involved non-secure tenants (including non-secure, introductory and demoted tenancies) of local authorities. The Supreme Court's judgments have significant implications for landlords seeking to terminate these sorts of tenancies.

In summary it has been held that whenever a court considers a claim for possession by a local authority landlord and the tenant raises an Article 8 or 'proportionality' defence, the court is entitled to consider whether that decision is proportionate. In the light of this, it would therefore be good practice for social landlords to carry out a 'Proportionality Review' of their decision to pursue possession proceedings.

This article will briefly consider what 'proportionality' is, what a review of proportionality might look like, and what to expect if a tenant raises a 'proportionality defence' at court.

What is 'proportionality'?

The principle of proportionality is the idea that an action should not be more severe than is necessary to achieve a 'legitimate aim'.

Proportionality in a housing context is a balancing act between two 'rights'; the landlord's legal right to possession against the tenant's right to respect for his home. These two rights will not be accorded equal weight by the court.

The Supreme Court has made clear that where a local authority landlord has an unqualified right of possession in domestic law there will be strong presumption that it is justified in seeking possession. It is however possible that there could be cases where the court would consider that it would not be proportionate to make a possession order.

The 'Proportionality Review'

As a matter of good practice therefore landlords should ask

themselves the following questions and consider providing the tenant with an opportunity to respond, before initiating possession proceedings:

A standard form for a review of proportionality may address the following issues

1. What is the occupier's status?
2. Do we have an automatic right to possession?
3. What is the basis for our seeking possession?
4. What evidence is there?
5. What policies are we aiming to further in seeking possession?
6. What do we know about the occupier's personal circumstances?
7. Does the occupier have an argument to stay in the property that would outweigh my reasons for seeking possession?

The Proportionality Defence at Court

The County Court Judge needs only to consider proportionality if it is raised by the occupier. Such a defence must be 'seriously arguable'. It will be a high threshold and only in the rarest of cases will it succeed. It is only likely to be relevant issue in respect of occupiers who are vulnerable as a result of mental illness, physical or learning disability, poor health or fragility, although vulnerability alone is unlikely to meet the high threshold.

The court in Barber for example referred to 'life threatening or life-changing' events, such as a risk of suicide is likely if a possession order was made.

The Court will be concerned with the occupier's personal circumstances. Any factual disputes (for example allegations of anti-social behaviour) do not need to be determined for the purpose of showing a decision to be 'proportionate' but the Court will be able to make limited findings of fact to help deal with proportionality arguments.





What happens if the tenant's Proportionality Defence succeeds?

If the Proportionality Defence were to succeed, the Court could:

- grant of an extended period between the hearing and a date for possession;
- suspend the order for possession on the happening of an event; and
- strike out the possession claim altogether.

The Court has still not addressed the question as to what status a person would have if the Defence succeeded and the claim was struck out. Would they get a new tenancy? Is it a tenancy which survives until the circumstances which weighed in the occupier's favour have dissolved (for example a disabled child leaving home)? Does the occupier stay as a 'tolerated trespasser'?

FRANK CAMPAIGN

In October the Government are re-launching the campaign to promote the FRANK drugs information and advice service. The 2010 Drug Strategy made a clear commitment to continuing the FRANK service which specifically addresses the objective to reduce demand, by preventing people from taking drugs in the first place. With the aim of extending the campaign to a wider audience we envisage a situation in which local delivery partners such as yourselves will be able to engage in the campaign directly or simply promote it further by showing your support. The 3 key elements are outlined below;

- A FRANK campaign page will be developed on the Home Office website which will be a key resource for partners who are looking for further information on the campaign. The page will include details of how to order the campaign support materials that are currently being developed. The suite of materials is likely to include information booklets for young people and parents as well as campaign posters and merchandise.
- Developments to the FRANK website will make it more interactive, encouraging those who use the service to share their stories and experiences via the site. Using real life experiences is an excellent way to reinforce factual risk messages. We'd be grateful for your support in encouraging young people and parents who you may work with to interact with FRANK in this way.
- The campaigns PR element will focus predominantly on parents although some will also be targeted at young people. The PR work will rely on those who are willing to speak and share publicly their stories. Therefore do get in touch if you think you might be able to help us identify suitable case studies.

If you would like to be kept up dated with FRANK campaign developments and/or would like to directly support the campaign please get in touch with Amie Whittle at the Home Office directly (Amie.Whittle@homeoffice.gsi.gov.uk)

CDRP/CSP SURVEY UPDATE

We would like to take this opportunity to thank our readership for previously supplying the quarterly statistical data for the CDRP/CSP survey.

The survey enabled the Home Office to develop a national picture regarding the use of ASB tools and powers. It also allowed areas to benchmark their use of ASBOs etc against other areas. Although the data collected was useful for management information and was validated by CSP chairs the Government is keen to move on from the centrally driven targets of the past. Giving practitioners the freedom to address local problems in innovative ways without the worry that this work would not be reflected in any statistical data collected for their area.

The CDRP/CSP data formed part of the package of information that was made available to the public, to ensure that they were fully informed about what was and is being done locally to make their communities safer. This information could be misinterpreted and members of the public may have been lead to believe that their area was not doing as much as another area to tackle ASB simply by looking at the figures.

The Government feels that there now needs to be a move away from centrally collated statistics towards reducing central bureaucracy and making local services accountable to the community that they serve. Local people want to see the local services that they trust and rely upon taking direction not from central Government, but from the community itself.

The ASB Actionline has received a number of calls and emails regarding the CDRP/CSP ASB tools and powers survey. We would like to confirm that the survey has now ceased and will no longer be requested by ourselves.

You can view all previous historical data on our archived website [here](#). You can view the full dataset on the archived Home Office website [here](#).

ASB ACTIONLINE

Fast, free, easy-to-follow advice every working day for practitioners tackling and preventing anti-social behaviour

0870 220 2000

actionline@bss.org

Home Office Website

Twitter - @ASBACTIONLINE

FROM THE EDITOR

Dear reader

We would like to thank you for your suggestions and offers of content during the past year. They are very much appreciated and allow us to see just how effectively and creatively you are working. Please keep them coming.

To those who have not had their input personally acknowledged, we apologise.

We look forward to hearing from you more throughout the rest of 2011 and into 2012.

Editor, ASB Connect
ASBConnect@bss.org

ACTION UPDATES

NORTHAMPTON - JUNIOR COMMUNITY WARDENS

Noella Crump (Northampton's Partnership Coordinator) piloted a primary school based project in an area that was experiencing crime and anti-social behaviour (ASB).

Northampton Borough Council worked with several other partners in a pilot project that aimed to raise awareness amongst the children around issues such as ASB, the environment, fire safety and what working as a 'community' can achieve.

The project ran for 11 weeks and sessions were delivered by a different partner each week either in the classroom or as a field trip. Sessions ranged from tips on personal safety right through to a field trip to the local CCTV centre. In the session covering ASB the children were encouraged to think about what ASB is and how it can affect people's lives. At the end of this session the children were asked to imagine that they were an elderly person who was suffering ASB from a group of youths. They were asked, how do you feel, are you happy there and do you think the youths know what they are doing? The returned worksheets showed that the children had a good grasp of what had been discussed and also had a better understanding of how ASB affects victims.

The children also enjoyed a visit to the Saints rugby ground and an informative talk from a local Residents' Association highlighting to them what a local community can do when, like the Saints, they work together as a team. The children were shown where the community had carried out clean-up days and the Wildlife Trust also raised awareness around wildlife in the locality. Fire safety was highlighted with a trip to a working fire station.

As a conclusion to the pilot the children attended a graduation ceremony held in the Great Hall in Northampton's Guildhall. Here, they were presented with certificates by the Portfolio holder for Communities and Deputy Leader of the Council, Cllr

Paul Varnsberry and Assistant Chief Officer of Northants Police, Linda Chalker.

Noella Crump has had such positive feedback from parents, pupils and the school involved that she has been asked to roll the Junior Community Wardens project out to a further 4 schools. They have worked with Northants Police to secure funding for this academic year and there is now a waiting list of 5 more schools for the next academic year.

This project was designed to "benefit the local community by raising the group's awareness around the issues covered and the effects they can have on the community as a whole." Noella added, "the hope is that this is proactive working as opposed to reactive. By raising the children's awareness, we are hopeful that they will think about what they are doing and grow to be good citizens."

SALIX HOMES - SALFORD - 'RESTORATIVE CONFERENCE' FOR NEIGHBOURS

Salix Homes were recently approached by one of their tenants complaining about their neighbour who was scraping chairs across the floor and banging doors constantly. Officers went out to meet the complainant and their neighbour. The accused then advised that the complainant often played their music loudly which disturbed them. Salix Officers ascertained from their visit that, what was prevalent in this case was a clash of lifestyles and suggested a Restorative Conference.

During the conference both parties were asked the same questions and given an equal opportunity to explain why their neighbour's actions had disturbed their quality of life. The complainant suggested that their neighbour could purchase some rubber pads for their furniture and use WD40 on the doors. This was agreed to in return that the other play music at a reasonable volume. Both parties were in agreement with the terms they had stipulated themselves and these were subsequently written into the agreement.

In addition to this both parties agreed that if they have any issues in the future they would approach one another and discuss it, but were advised that they still had the support of Salix Homes. No further complaints from either party have been made and Salix Homes have been able to close the case.

CENTRAL BEDFORDSHIRE - MOTORCYCLE RELATED ANTI-SOCIAL BEHAVIOUR (ASB)

The Local Authority in Houghton Regis, Bedfordshire had an issue with youths causing motorcycle related ASB resulting in nuisance and danger to residents, danger to the young people and a huge cost on resources as it resulted in the Police Helicopter being used on many occasions.





As a result agencies worked together to call a meeting with the young people involved and set up a project for them to attend Xers in Luton. They attended at weekends to learn how to carry out motorcycle maintenance and have track days.

A condition of being part of the project was that they didn't cause ASB while working with the project. They applied for funding for protective clothing, the cost of attending Xers and towards a couple of motorbikes kept at Xers facility. When the project ended the youths managed to gain funding for another set of sessions. One of the original group has gained employment with Xers and another two are now mentors for other young people joining.

CHICHESTER - COMMUNITY RESOLUTION - GRAFFITI

A new way of tackling ASB has already shown signs of making a difference in Chichester. Sussex Police recently arrested an 18-year-old man after he was caught spraying graffiti in Chichester. Chichester District Council and Sussex Police had been tracking the graffiti and were soon able to link his tag to a number of different locations across the city.

Rather than charge the man, Chichester District Council and Sussex Police agreed to use the Community Resolution process as a way forward. The young man spent time with Graffiti Solutions, who are employed by Chichester District Council to remove graffiti from across the district. He was able to see how hard it is to remove graffiti and how much time and money it takes to clear it. They spend two days a week tackling this type of crime, costing the taxpayer around £27,000 a year throughout the district. He also advised the district council on how to identify and interpret different types of graffiti across the district. This provided a unique insight into why this type of crime occurs.

"I didn't realise how much time, effort and money went into removing graffiti," said the young man. "I also didn't consider that what I viewed as art, others viewed as vandalism. This stopped me from putting graffiti on buildings and I am now trying to give something back through local community projects." Piers Taylor, Community Safety Officer at Chichester District Council, was impressed at the impact the Community Resolution made: *"We don't expect Community Resolution to work in every case, but we have seen a real difference with this young man who genuinely wanted to make amends and put something back in to his community. He thought his graffiti was quite good, but didn't realise that we receive calls every day from people reporting this as a crime. He also didn't realise that we monitor it as closely as we do."*

Cllr John Connor, Chichester District Council's Cabinet Member for Environment and Community Safety, says: *"This is a great example of how this new approach can work. The young man has seen*

first hand the amount of time, effort, and money that is invested in keeping our district safe, clean, and tidy. Not only has he got involved in the clear up process, but he has now become involved in other community projects that we are working on." Commenting on the success of the scheme PC Alex Johnston of Chichester City Centre NPT says: *"When I first questioned the young man he showed genuine remorse for his actions and he wanted to give something back to the community in recompense for the damage he had caused."*

To tell us about projects or initiatives running in your area, or alternatively for more information about those mentioned here contact us on 0870 220 2000 or via ASBConnect@bss.org

101

The Home Office have recently confirmed that 101 will be adopted by every police force in England by early 2012.

The first phase of six forces is now 'live'. People living in these areas can now call 101 to get through to the police when it's less urgent than 999.

The second stage of the roll-out started in September, with seven more forces adopting 101 as their non-emergency number.

Further information regarding 101 can be found on the Home Office website and will be featured in the next ASB Connect newsletter.

SHARE YOUR EXPERIENCES

If you would like to have your scheme, initiative or project featured in ASB Connect please get in touch.

Alternatively if you have dealt with a complex or interesting ASB case we would also like to hear from you.

**0870 220 2000
ASBConnect@bss.org
Twitter - @ASBACTONLINE**

October 2011
For further information
ASB Actionline 0870 220 2000
Website
Follow us on Twitter -
@ASBACTIONLINE