

Public Space – Anti-Social Behaviour (ASB) in Hackney

Public Consultation

July 2017

Public Consultation on Public Space Anti-Social Behaviour (ASB) in Hackney

Introduction

Hackney Council is consulting with residents, businesses, visitors to Hackney and other key stakeholders on its approach to public space Anti-Social Behaviour (ASB), to determine whether they think the approach is correct and whether there are opportunities to do things differently.

ASB covers many types of behaviour. However, this consultation is focussed on those types of ASB that are often linked to support needs, for example, some types of on-street anti-social drinking, begging or ASB associated with sex work. The Council already thinks carefully about this, working in partnership with the police, support services and the third sector to tackle not just ASB but its causes. We want to ensure we are getting the balance right between effectively responding to ASB (and the impact it has on victims) and supporting vulnerable individuals and getting them the support that they need.

Following the consultation, the Council will develop a Public Space ASB Enforcement Strategy that will guide how the Council prioritises the deployment of its resources and the measures we adopt to reduce ASB and the impact it has on residents, businesses and visitors.

Why we are consulting

Hackney Council is committed to tackling ASB and to ensuring that our public spaces are safe and pleasant for all our residents.

The Council's enforcement services are currently being restructured and a new integrated enforcement service will be incrementally implemented over the summer. We therefore want to review our current approach to ASB in order to produce a new Public Space ASB enforcement strategy.

ASB covers a wide range of different activities and different circumstances that require different

responses. In this consultation however, we are focussing on those types of ASB that are often linked to other underlying support needs, (for example, substance misuse or mental health). The focus on these behaviours is not to suggest that other types of ASB aren't equally important (or that ASB is only associated with underlying support needs). We want to ensure that we are effectively responding to ASB, rather than pushing problems elsewhere or underground, whilst making sure we are not causing greater harm. Addressing the underlying causes of ASB also means that we can be more effective in protecting residents from ASB in the long-term.

We already think carefully about this – but we think it is important to involve you in that discussion, to hear your views and learn from your experience and perspective.

What we know about Anti-Social Behaviour (ASB) in the borough

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

Police data

ASB is not clearly defined under Home Office crime counting rules which makes analysis of ASB data challenging. Furthermore what causes harm and distress to one person might not affect another person in the same way.

Based on police data of calls to the police, Hackney saw a consistent five year downward trend in ASB to the end of the 14/15 financial year. The 14/15 financial year alone saw an 18% reduction in calls. However when comparing the period from January 2015 to December 2015, with the same period in 2016, it shows an increase of 23% in calls to the police in respect of ASB.

The key types of ASB as reported by residents to the police were:

- Drunken and rowdy behaviour
- People congregating and being anti-social/ threatening

- Begging
- Public urination
- Public defecation
- Noise
- Drug taking
- ASB related to street prostitution

This data, based on calls to the police about ASB, has the advantage of being high in volume and recorded irrespective of the action taken. However, we are aware that not all concerns about ASB are reported this way.

Hackney Council will therefore collect as wide a range of ASB related data and information as possible from our own sources. This includes information raised at Ward Forums, Tenant and Resident Association meetings and intelligence from other Council staff.

As part of reforms to our enforcement service, we are improving the way we collect this information in order to develop a more detailed picture of what is going on in the borough.

ASB – Online residents survey

A survey of residents' views of ASB was conducted between 4 January and 10 February 2016. The survey used the Council's online "Hackney Matters" residents' panel and received 383 responses.

In terms of types of ASB of greatest concern; noise was "top of the mind", when unprompted, for a third of residents with night time being the biggest issue. Other highlighted concerns included loud music, drunken people on the street, aggressive/intimidating behaviour and people urinating in the street.

When prompted specifically by questions, people begging for money in the street, sitting quietly with a sign and/or container, scored 3.87 on a scale of 1-10 (10 being a high concern), where as people begging for money on the street by approaching people/shouting scored 6.28 (one of the highest behaviours of concern).

Litter and debris from night time activities such as bottles, vomit and excrement also scored highly as a concern for local residents.

In terms of how often residents experienced and reported different types of ASB, litter and debris were experienced most but rarely reported, aggressive begging was experienced at a higher level but not reported, noise at night (particularly from neighbours) was experienced and reported at higher levels.

What is and isn't the focus of this Consultation

The focus of this consultation is on ASB where it is often linked to underlying support needs (for example, some types of on-street anti-social drinking, begging or ASB associated with sex work). The reason for this is that this type of behaviour can sometimes represent some of the trickiest and most sensitive types of behaviour to respond to.

This does not mean that Hackney Council doesn't take other types of ASB seriously. For example, our evidence shows that some of the behaviour residents are most concerned about is noise (which can include noisy neighbours or noise from building works or the night time economy) and behaviours linked to the Night Time Economy (for example, people urinating in the street or being rowdy and inconsiderate on their way back from a night out – as well as more serious activities which can be linked to alcohol or drug consumption).

While these are not the main focus of this consultation:

- As part of Hackney's Licensing Policy review, we have collected lots of information about the relationship between ASB, crime and the NTE. In addition to reviewing our licensing policy, we will also be using this information to formalise our strategy for managing the NTE.
- As part of our enforcement restructure we are looking to improve our response to noise complaints.

ASB on Estates

ASB on Hackney managed estates is primarily dealt with by Hackney Housing's ASB team. However following recent reforms to our enforcement services, this team can now request assistance from

the Council’s enforcement officers. In addition, we are improving the way information is shared between these two departments to ensure a coordinated approach.

ASB on estates can cover a range of different issues, however where it relates to ASB of the kind set out below, a similar approach will be adopted, albeit with the response coordinated by Hackney Housing.

ASB that is the focus of this consultation

As a Council, it is important that we do all we can to ensure that residents, businesses and those working or visiting the borough do not have to suffer the consequences of ASB which can have a significant impact on the quality of life of victims.

This includes ensuring that we are using the enforcement tools available to us as effectively as possible. However, where ASB is associated with underlying support needs, careful thought is required to ensure we are not inadvertently causing greater harm, for example, by putting vulnerable people at risk, unnecessarily criminalising individuals (making it harder for the underlying causes to be addressed) or simply displacing ASB elsewhere.

This is particularly the case with certain types of ASB such as begging, some types of on street substance misuse or ASB associated with street prostitution.

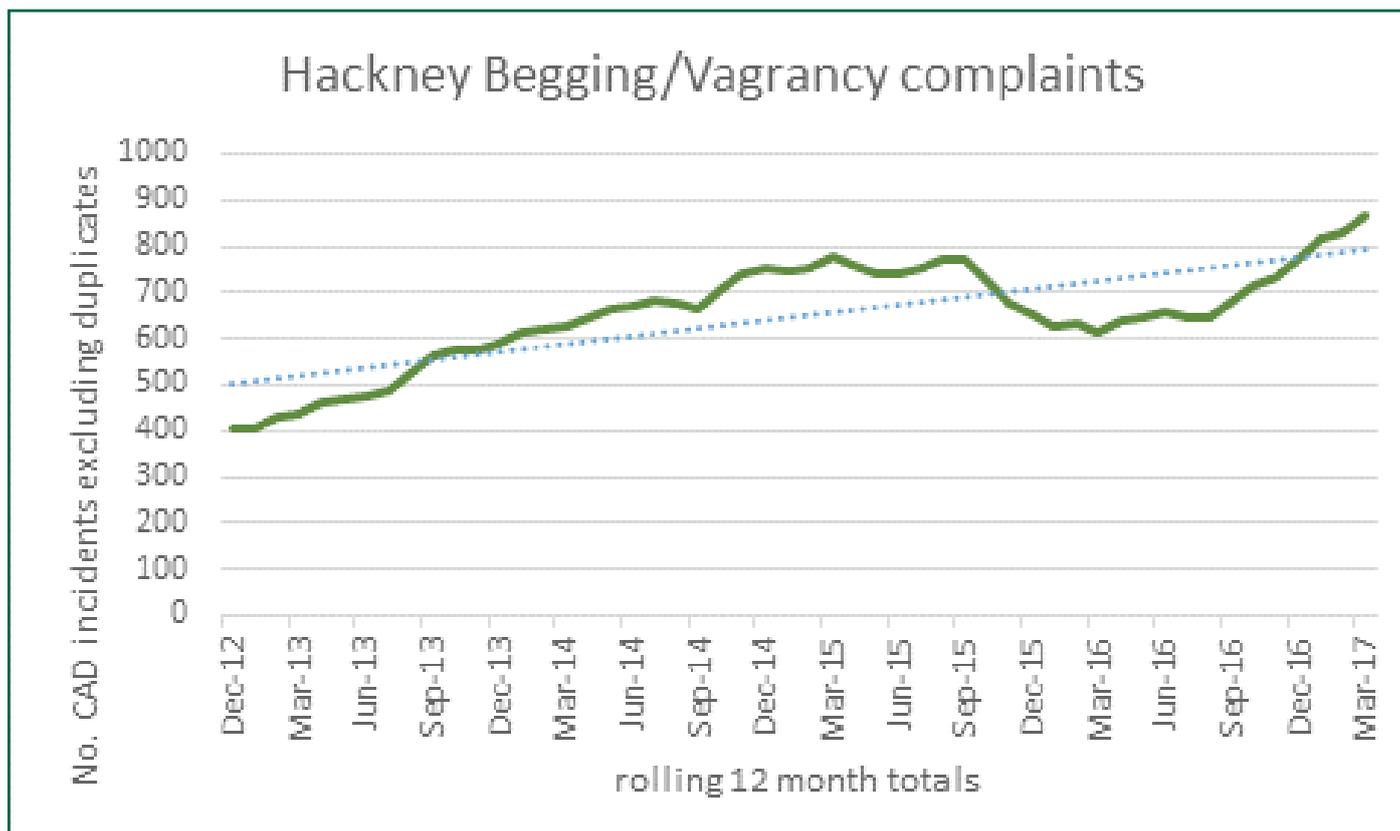
This should not detract from the impact persistent ASB can have on residents nor imply that action should not be taken – rather it suggests that careful thought is required to determine the correct and most effective approach.

Begging

Police call data shows there has been an increase in complaints about begging / vagrancy to the police between December 2012 and March 2017 (NB: the “rolling 12” figure shows the call data for the last 12 months. We understand from the police that there was a data error in January 2016 that impacted on the data recorded for that month).

The approach taken by Hackney Council is one of support first with enforcement measures taken as a last resort. Where enforcement action is taken, this should be in conjunction with continued offers of support.

It is important that a distinction is made between those who are begging and those who are rough



sleeping. Some of the most visible members of the street population who are present on the streets to beg, are in fact securely housed. Where there is related drug or alcohol dependency, we offer an outreach service and access to support for addictions.

We offer support (as set out in our Rough Sleepers Strategy 2016 - 2018) to all those who find themselves rough sleeping, whether they are begging or not, to access substance misuse services, emergency and interim accommodation and outreach services to help them find settled accommodation.

How will we apply this in practice?

Our experience shows that concerns about begging often cluster in “hotspot” areas and that in order to have an impact, a concerted, targeted approach between support services, the Council and the police is required.

Our approach in these circumstances is to adopt a tiered approach, starting with increasing the amount of targeted outreach in the relevant area. If the issue continues to persist however we would seek to progress towards enforcement, preceded by warnings – whilst maintaining offers of support throughout.

Such targeted action can be resource intensive, and as such will be targeted based on what the available data is telling us.

Some of the most persistent, and difficult to resolve, instances of ASB can involve a combination of activities which can have a real impact on residents, particularly when concentrated in one area over a period of time – for example, combinations of varying degrees of drug-taking, littering, begging, leaving of needles or other drugs paraphernalia, anti-social street drinking combined with intimidating behaviour.

Again the focus in these circumstances is on outreach and support in the first instance. However, if an individual isn't engaging with services, the approach is to escalate to enforcement (preceded by warnings), with a continuing offer of support. For example, some enforcement powers would

include positive conditions requiring engagement with support services.

The Street Users Outreach Meeting (SUOM) is a forum that exists to coordinate the outreach, support and enforcement activities of a range of agencies and strategic partners in respect to serious and/or persistent cases of drink and/or drug related ASB that requires a multi-agency response.

As part of any enforcement process a formal mechanism will be in place for determining that enforcement is appropriate and proportionate based on a clear auditable evidence trail. In these cases an individual case management action plan and matrix will be drawn up recording all outreach and engagement taken by all agencies, including the SUOM, in Hackney.

Aggressive begging

Distinctions are often drawn anecdotally between begging and aggressive begging, with suggestions sometimes made that only the latter should be enforced against.

We are not proposing to include a distinction between begging and aggressive begging within our policy that specifically restricts enforcement action in relation to aggressive begging. While begging constitutes an offence under section 3 of the Vagrancy Act 1824, aggressive begging is not a term that is defined in legislation. As such we are concerned that applying such a term would involve a subjective assessment of behaviour risking potential inconsistency of approach.

Alternative giving scheme

We would like to adopt an alternative-giving scheme for Hackney which gives people a way to donate to a voluntary sector fund that can support vulnerable people who are begging. We are aware that a number of local authorities have adopted similar schemes recently .

Any such scheme would be accompanied by a campaign to raise awareness about the scheme and also educate resident and visitors about the best way to effectively help. This would be carefully designed to ensure that it did not demonise beggars.

ASB associated with sex work

Working with our partners we have developed a Standard Operation Procedure (SOP) setting out how the Council's Community Safety Team, Hackney Police and relevant support agencies will approach ASB related to street based sex-working. The focus of the SOP is on partnership working and support, our approach is both about maximising safeguarding opportunities for sex workers and providing protection to local residents.

We are aware that ASB associated with on street sex working can cause daily misery to residents. Street based sex work is concentrated in Hackney in two distinct areas, and associated ASB can have a significant impact on local residents. That ASB can include kerb-crawlers propositioning local residents for sex, noise, drunkenness, discarding of used condoms, drug paraphernalia and urination in residential doorways, alleyways and gardens. However, those engaged in sex work can be some of our most vulnerable residents and as such any response requires careful consideration to make sure we are not placing them at increased risk.

Briefly, in relation to enforcement, the primary focus of action is targeted at kerb crawling. Where kerb crawlers do not have a pre-existing record, they are diverted to a "Stop and Think" diversion course run by the Council Community Safety Team and aimed at securing behavioural change. Since 31 October 2014, 55 kerb crawlers have been arrested of which 24 have so far attended the Stop and Think course. The feedback from participants has been positive suggesting the course has led to a change in perception and behaviour. To date there haven't been any further offences of this nature committed in Hackney by those who have attended the course (however it should be noted that this is a relatively small sample).

In relation to sex workers, Hackney Council prioritises supportive action to help them to access health and other services, and provide the best opportunities to move on to a less risky lifestyle. No enforcement action is taken in relation to sex work itself. However, where there are persistent instances of ASB associated with sex work enforcement action may be taken as a last resort – but this is undertaken within a broader context of support,

coordinated via the SUOM, a multi-agency group made up of representatives from Hackney Council, the Police and support agencies.

Targeting our response

The Council has recently brought together a range of different services involved in tackling ASB and providing re-assurance to residents. As a result we are increasing the number of uniformed enforcement staff from 15 wardens within the previous services to 28 Enforcement Officers and Senior Enforcement Officers.

While we are expanding our enforcement service, this is against a challenging backdrop of serving a borough of 269,009 people in the face of increasing budget constraints within the Council and partner organisations, such as the Police. As such it is important that we prioritise where and how we target our resources.

The enforcement officers will be tasked through a process that looks at current and emerging patterns of ASB across the borough, competing demands and priorities and posts accordingly.

Information is key

As part of the enforcement restructure we are developing an intelligence database in order to:

- Better understand the circumstances of ASB;
- Improve our ability to measure outcomes and effectiveness of initiatives;
- Improve our understanding of the background and characteristics of those involved with of ASB in order to better target preventative action; and
- Ensure we are targeting our resources in the most effective way possible.

Available enforcement powers

Enforcement Powers

Not all of the powers set out below are powers that can be applied by the Council – some of them are only available to our partner organisations – for example, dispersal orders can only be authorised

by the police. However, for completeness, and to reflect that our approach to ASB is to adopt a partnership approach, we have set out the full list of powers above.

Anti-Social Behaviour Crime and Policing Act 2014

The 2014 Act came into effect on 20 October 2014. The Act has replaced nineteen separate powers for tackling ASB with six new ones, specifically:

Civil Injunctions: the police, Council and certain other specified bodies can apply to the court for an injunction prohibiting the person committing ASB from doing so. It can also include positive conditions requiring the person to address the underlying causes of the ASB. Breach can be punished by up to 2 years prison or an unlimited fine.

Community Protection Notices (CPNs): notice requiring the person to stop the ASB (preceded by written warning) or to take positive steps to address the behaviour. Can be issued by the police, Council officers and social landlords if designated by the Council. Breach can be punished by a fixed penalty notice (FPN) of £100 or if enforced through the courts, up to a level 4 fine (for individuals) or £20,000 (for businesses).

Public Space Protection Orders (PSPOs): orders issued by Councils and designed to “make public spaces more welcoming to the majority of law abiding people” by prohibiting certain activities (e.g. drinking) or placing conditions on them (e.g. dogs must be on a lead). These can be blanket restrictions / conditions or can be targeted against certain behaviours by certain groups at certain times. Breach can be punished by an FPN of £100 or if enforced through the courts, up to a level 3 fine (£1000). The Council has no current plans to introduce a PSPO.

Closure Order: notice, issued by the Police or Council, requiring the closure of a premise that is causing nuisance or disorder, for up to 48 hours, or on application to the court, and on a stricter test, up to 6 months. Breach of the 48 hour notice is punishable by up to 3 months in prison, breach of a 6 month order is punishable by up to 6 months

in prison, or in either case, an unlimited fine.

Criminal Behaviour Orders (CBOs): order issued by a criminal court on conviction for an offence requiring the offender to stop ASB or imposing positive requirements to address underlying causes. Must be applied for by the Crown Prosecution Service on its own initiative or at the request of the police or the Council. Breach is a criminal offence punishable by 6 months imprisonment or a fine or both.

Dispersal Orders: order requiring a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours. Can only be issued by the police. Failure to comply can result in up to a level 4 fine (£2,500) and / or up to 3 months imprisonment.

The new powers were designed to allow greater flexibility in dealing with ASB. It was recognised that they would work best if complemented by partnership working, information sharing and early and informal interventions in advance of imposition.

Public Space Protection Orders (PSPO)

In addition to sensitivities around the types of ASB enforced against, concerns are sometimes expressed in relation to specific types of powers, for example, Public Space Protection Orders (PSPOs). A number of local authorities have adopted PSPOs covering a wide range of different behaviours and invoking varying levels of controversy.

Under the transitional provisions of the 2014 Act, two existing powers will automatically transition to PSPOs in October 2017 with exactly the same powers to tackle specific issues as they have now. These two orders are:

A Designated Public Place Order (DPPPO) which was adopted across the borough by the Council in March 2010 following a consultation with residents in which 63% were in favour of its adoption. It provides the Police and Council Officers with the ability to ask those drinking alcohol in a public place and engaged in ASB to stop drinking and if necessary confiscate their alcohol.

The number of calls to the police by members of the public complaining about street drinking has drastically reduced since the DPPO was introduced and is shown below:

Financial Year	Number of calls
09/10	609
10/11	342
12/13	46
13/14	61
14/15	109
15/16	64

Dog Control Orders – Hackney currently has four Dog Control Orders (for further information, visit www.hackney.gov.uk/dog-control-orders).

Hackney Council is not proposing to make any changes to these orders at this time. These powers will therefore transition into PSPOs with no change to their existing terms. However, we may consider revising the PSPO successor to the Dog Control Orders in future as part of our broader consideration of our approach to park management.

PSPOs are powers that can be introduced to deal with a particular nuisance or problem in a defined area that are detrimental to the local community's quality of life. This is done by imposing conditions that apply to everyone when in that locality with the aim of stopping ASB in that area. They can cover a number of different activities. Since the 2014 Act came into effect a number of local authorities have adopted PSPOs covering a wide range of different behaviours which have at times proved controversial.

There are currently no plans to adopt any new PSPOs. If we receive requests from residents or the

police to consider a PSPO, for example due to a rise in ASB in an area, we will look at the evidence and, if we think it could help, will make sure we consult with residents and key stakeholders before any measures are introduced.

Who do we want to hear from?

The consultation is open to all, but we would particularly encourage local people, businesses and visitors to Hackney to respond. We would particularly welcome responses from stakeholders responding on behalf of particular groups impacted by a Public Space ASB Enforcement strategy.

How can you take part?



- You can complete a questionnaire online at consultation.hackney.gov.uk
- Return your completed questionnaire by **24 September** to **Consultation Team, Hackney Town Hall, Mare street, London E8 1EA**
- For more information, email: consultation@hackney.gov.uk or phone: **020 8356 3170** to request paper copies of the consultation documents.

What happens next?

The feedback from the consultation will inform the development of a Public Space ASB Strategy. The strategy will guide how will guide how the Council prioritises the deployment of its resources to reduce ASB and the impact it has on residents, businesses and visitors.