

COMMUNITIES SCRUTINY PANEL

DATE	31 st January 2022
REPORT OF	Joanne Hewson, Deputy Chief Executive and Executive Director of Children Services, People, Health and Care
SUBJECT	Anti-Social Behaviour / NEL Youth Justice Model
STATUS	OPEN

CONTRIBUTION TO OUR AIMS

This report contributes to the Council's strategic aims; four outcomes which benefit the people in North East Lincolnshire, namely

- Feel Safe and are Safe.
- Enjoy Good Health and Well-being.
- Benefit from Sustainable Communities.
- Enjoy and benefit from a Strong Economy.

The Council as a responsible authority has duties under the Crime and Disorder Act 1998 to take an active role in reducing crime and disorder in the local area as part of the statutory Community Safety Partnership (CSP) arrangements.

Having effective and robust arrangements in place to tackle anti-social behaviour, supporting victims, and assisting in bringing perpetrators to justice through multi-agency enforcement activity is paramount to creating an environment where residents 'Feel safe and are safe' and 'enjoy good health and well-being'.

EXECUTIVE SUMMARY

This report gives an overview of the current local arrangements in relation to the detection and prevention of anti-social behaviour and youth crime. It also shows the depth of the partnership arrangements to ensure young people are not drawn into a world of threat, risk and harm.

MATTER(S) FOR CONSIDERATION

This report provides the Communities Scrutiny Panel with an understanding of the tools available under the ASB Crime and Policing Act 2014, including how this is further developed within the North East Lincolnshire Youth Justice model to develop a non-punitive, whole family approach to slow down the criminal journey of the child and add support where vulnerabilities are identified. The Committee is asked to note the current approach and progress.

1. BACKGROUND AND ISSUES

ASB Provision in North East Lincolnshire

- 1.1 Anti-Social Behaviour (ASB) remains the most reported significant concern year on year when surveys such as the Joint Strategic Intelligence Assessment (JSIA) are conducted within North East Lincolnshire. In fact, over recent years the actual level of ASB has reduced but the fear of ASB remains a concern for many people. ASB is a priority for the Community Safety Partnership (CSP).
- 1.2 The NELC Anti-Social Behaviour Team work very closely with Humberside Police Neighbourhood Policing Teams and with Social Housing providers to provide joined up, shared and more effective responses, both to victims of ASB and to deal with the perpetrators effectively and appropriately.
- 1.3 **ASB Enforcement tools and options**
- 1.4 Historically, prosecution or court orders were the usual way that offenders were dealt with. Whilst this is still often necessary and appropriate it is now recognised that other routes such as mediation, diversion of young offenders and consideration of the needs and wishes of victims can achieve much more significant and long-term results.
- 1.5 In every single case reported to the NELC ASB Team, the victim or person reporting will receive a personal response from an ASB Coordinator. All ASB Coordinators have geographical responsibility for several ward areas so this ensures that victims of ASB receive a continuity of service and know that in most cases there will be a single point of contact for them to deal with.
- 1.6 The starting point for every case is to seek speedy initial response and, in many cases early intervention and identification of issues, which leads to a resolution with no further issues or reported ASB. For this reason, there is a focus within the ASB team to make early contact with the victim in every case, ideally on the same day as the report is received or within 24 hours.
- 1.7 The views of the victim are always sought in the first place, this is whether they are seeking formal enforcement, informal contact or mediation with the perpetrators who are often close neighbours, or in some cases the victim wishes no action be taken but requests the incident to be recorded.
- 1.8 Differing approaches are taken depending on whether the perpetrator is an adult or young person. If an adult then the ASB Crime & Policing Act 2014 options are followed, where a young person is concerned then there is an agreed process, known as the "Stepped Approach to Criminal Justice NEL" A diagram of this process is attached to this report.
- 1.9 All enforcement by the ASB Team is governed by the Anti-Social Behaviour, Crime & Policing Act 2014, the tools/options used are as below. The ASB Team use a highly effective case management system called Pentagull. This ensures detailed recording which allows effective sharing of information internally and externally across all key stakeholders. This system also utilises a risk management tool which mirrors the system used by Humberside Police so ensures that ASB cases are graded appropriately according to risk and vulnerability.

1.10 Community Protection Warnings (CPW) (Adults Only)

- 1.11 This is the first formal step which can, if incidents affecting the community continue, lead to the issue of a Community Protection Notice (CPN). If there is a breach of the CPN then the perpetrator can receive a £100 penalty Charge Notice (PCN) and if no payment is received, then this can lead to prosecution by NELC Legal Services Team.

1.12 Civil Injunction

- 1.13 The injunction is the replacement for the old civil Anti-Social Behaviour Order (ASBO) This is a civil order sought at the County Court, the only drawback about the Civil Injunction is that this is not prosecuted by the Crown Prosecution Service and there can be significant delays getting cases to court and significant legal expenses. This is still though a valid tool, and its use will be considered judiciously in appropriate cases.

1.14 Criminal Behaviour Order (CBO)

- 1.15 This order is the replacement for the previous Anti-Social Behaviour Order and can be imposed at the Magistrates Court on conviction for any criminal offence. This is sought by the Crown Prosecution Service on behalf of the Police. CBOs cannot be applied for by local authorities

1.16 House Closure Order

- 1.17 Where there are significant issues of anti-social behaviour then a local authority or Police Service can apply for a full or partial house closure order. If granted, then a house may be closed for three months and extended up to a maximum of 6 months. This has been used by the NELC ASB Team, it is a rarely used option due to the severity of the consequences for the occupant and the reluctance to grant at Court unless there is very significant and long running evidence that there has been previous joint working with social housing providers and private landlords to address tenancy related ASB.

1.18 Public Spaces Protection Orders

- 1.19 There are a number of PSPO areas within North East Lincolnshire, there are seven ward areas where there are restrictions on the consumption of alcohol when accompanied by anti-social behaviour (This is not though a no drinking zone restriction and the act cannot be used in this way).
- 1.20 There are also several newer PSPO areas to address issues of ASB and motor vehicle related ASB. These cover Grimsby & Cleethorpes town centres and several public parks.
- 1.21 Enforcement of all PSPO's is by Humberside Police Officers or PCSO's but the NELC ASB Team prepare any penalty charge notices or in the case of failure to pay they prepare prosecution files. Prosecution for such failures is by North East Lincolnshire Council Legal Services Department.

1.22 CCTV and Rapid Deployment Cameras (RDC's)

1.23 The ASB team manage and deploy a number of rapid deployment cameras, which are tasked utilising intelligence and crime statistics. There is always a greater demand than availability and the deployment is done according to identified risk and priority where there are concerns about public or personal safety. Humberside Police do not deploy cameras for this purpose unlike in the past and most cameras are installed following requests from Police.

1.24 There are currently 21 serviceable cameras, there are also a further two owned by Lincolnshire Housing Partnership (LHP) which are operated via the ASB Team. As a part of the Safer Streets initiative a further 5 RDC's were purchased for the West Marsh ward, also 2 Dome Cameras for a fixed location and 3 Automatic Number Plate Recognition Camera (ANPR) cameras have also been purchased as part of the Safer Streets initiative.

1.25 Community Trigger

1.26 Part 6, Schedule 4 of the Anti-social Behaviour, Crime and Policing Act 2014 requires the relevant bodies in a local government area to have an ASB Case Review Procedure, also known as the "Community Trigger". For this purpose, North East Lincolnshire Council is the relevant body, and the Anti-Social Behaviour Team is responsible for coordinating and administering the ASB Case Review procedure on behalf of the Community Safety Partnership (CSP).

1.27 The agreed local procedure authorised through the CSP sets out the actions taken when a victim of anti-social behaviour requests an ASB Case Review. For the purposes of the local procedure "Anti-social Behaviour" means behaviour causing harassment, alarm or distress to members or any member of the public, it does not include behaviour which is regarded as nuisance or annoyance. The aim is to offer a 'safety net' for applicants and to help avoid individuals being passed between agencies without resolution. An applicant who has experienced ASB, or another person acting on behalf of the applicant such as a carer or family member, Member of Parliament, or councillor. The applicant can be an individual of any age, a business or a community group.

1.28 The ASB Case Review threshold is met when:

- a) an application for an ASB Case Review is made; and
- b) at least three qualifying complaints have been made about the Anti-Social Behaviour to which the application relates, and no effective action has been taken to address the behaviour.

1.29 A complaint of anti-social behaviour could be made to the same or different organisations such as: Humberside Police, North East Lincolnshire Council or North East Lincolnshire Registered Housing Providers; Lincolnshire Housing Partnership or Longhurst Group.

1.30 A complaint about anti-social behaviour is a qualifying complaint if:

- (a) the complaint is made within the period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- (b) the application for an ASB Case Review is made within the period of six months beginning with the date on which the complaint is made.

1.31 Each of the individual qualifying complaints must have been reported within one month of each incident occurring.

If part (b) is not met, the review panel will also consider the following when determining if the ASB Case Review threshold is met.

- the persistence of the Anti-Social behaviour, and:
- the harm or potential harm caused by the Anti-Social behaviour, and:
- the adequacy of the response from agencies

1.32 **Youth Related ASB.**

1.33 A significant amount of ASB reported to the ASB Team involves youth perpetrators, this is one area where there has been a very significant shift in ethos and a recognition of the long-term benefit of diversion to reduce criminalisation of young people. This follows the national guidance of child first, offender second, utilising a whole family approach from the Youth Justice Board (YJB), a section of the Ministry of Justice (MoJ).

1.34 Young people in North East Lincolnshire have historically been responsible for over 50% of all ASB, whilst only around 10% of all crime, resulting in the fact that young people are more likely to commit ASB than a criminal offence. To ensure that young people are dealt with in a fair and restorative manner NEL has a youth justice model that shows the journey of a child through the justice system, however allowing for trigger points at any point to risk assess their vulnerability, which then becomes the primary concern.

1.35 **Targeted Youth Engagement.**

The Young and Safe targeted youth engagement team (street based) have developed an offer of holistic engagement with all children across NEL. They operate daily 1800hrs – 2200hrs detached patrols across the borough ensuring children are safe. They operate joint delivery of positive activities with organisations in the voluntary sector in key areas, such as East and West Marsh at both the Shalom and West Marsh Community Centre. For a more targeted approach, during weekends Humberside Police and Youth Workers work jointly on:-

Operation Python - to reduce crime and ASB

Operation PRIAM – to reduce vulnerability linked to exploitation and missing from home and care.

1.36 The Street-Based Team also conduct welfare visits to our most at risk young people and undertake missing debriefs and preventative visits, supporting young people and their families. They also provide positive activities linking in with workers and agencies to reduce the risk of vulnerable young people going missing. This holistic approach has won previous Home Office Tilley awards (problem-oriented policing) in its approach.

1.37 In respect to the joined up working arrangements with the VCS organisations across the borough, NELC head of Young and Safe has set up a Youth Engagement Alliance, a monthly meeting for all VCS managers to attend to look at collective delivery and risk and ensure that we have an extensive offer for all wards in NEL. This to also assist in the development of the Horizon Youth Zone, continue the valuable consultation work with young people around branding and allow for much needed internal and external pathways to be developed, offering long term sustainability both to the Youth Zone, but also the network of existing organisations.

1.38 The Anti-Social Behaviour Youth Panel.

1.39 The multi-agency ASB Panel is chaired by the ASB Team Manager and considers young people referred in who have come to attention regarding anti-social behaviour in the community. On receipt of a referral all partners are asked to check their systems so that no important information is missed, including family issues or vulnerabilities.

1.40 This innovative approach allows the case to be discussed with several professionals and the correct interventions put into place, this is usually an Acceptable Behaviour Contract (ABC), this either being jointly with the Police where enforcement is needed, with a youth worker where there are diversionary activities needed or with support for the family where hidden harm is recognised through aspects such as poor parental mental health, substance misuse and domestic abuse. Where this is recognised a referral into Early Help or Children's Social Care is submitted, dependent on the thresholds of need of that child. Referrals are also submitted to the Operational Vulnerabilities Meeting (OVM) and Multi Agency Child Exploitation (MACE) where any form of exploitation is identified.

1.41 There is now a very close working relationship between the ASB Team and the Street Based Team which has led to a much more professional and effective service, both to the public and to the young people being engaged on ABC's.

1.42 Diversion policy.

1.43 North East Lincolnshire Out of court disposal team was moved out of the youth offending service in October 2017 and into Prevention and Early Help. By October 2018 the new diversion policy was agreed by all key stakeholders, and it introduced a new young person's workbook allowing a family plan approach as opposed to just working with the young person.

1.44 The new diversion offer was written following research and training by the Centre for Justice Innovation and 2 years of profiling young people who kept returning into youth justice. The research enabled professionals to analyse themes and patterns of these young people and see what the commonalities were when the young people were entering the justice system in the first place.

1.45 These were identified as a lack of attachment and poor relationships with a main caregiver, poor educational experience, health needs being unmet and lack of positive activities in their life. In addition to this, the need to remove the

criminal experience was identified as a very real reason they may return to crime following intervention.

1.46 The workbook was also reviewed by a speech and language therapist once it was completed to ensure the workbook became the Voice of the Child and it was suitable for any age or ability due to scaling, pictures, writing, emojis, pages for communication using craft and creativity. These have been reviewed by young people.

1.47 The purpose of the policy is to avoid criminalising young people who have offended at home and school, offended due to being criminally or sexually exploited or being a young person that has displayed harmful sexualised behaviour due to them being sexually exploited themselves. The Harmful Sexual Behaviour Panel works with this team, and they work victim first in a most of these cases.

1.48 Out of Court and Statutory Youth Offending Service.

1.49 This now follows national guidance from the Youth Justice Board around severity of offending and previous offending history to determine what order a young person receives. This will be an initial Youth Conditional Caution, then into the court arena, where a young person may receive a referral order, a youth rehabilitation order, intensive support, or a custodial sentence.

1.50 Next steps.

- For all aspects of the NEL Youth Justice Model to be HMIP inspection ready
- To further develop the NEL Youth Engagement Alliance
- To assist in the continuing development of the Youth Zone
- To develop a model of outreach support to young people suffering poor mental health and issues relating to substance misuse. This a joint project with the CCG and funded by the NHS.

1.51 Performance data – Q1 2021 – Q2 2022 (18 months data)

Anti Social Behaviour North East Lincolnshire				
	2020 Q1/2	2021 Q1/2	Difference no	Difference %
All Anti Social Behaviour	2306	2376	70	3.0%
Youth Related ASB	813	936	123	13.0%
% Youth related to all ASB	36.0%	40.0%	4.0%	4.0%
U18s suspected of committing crime in North East Lincolnshire				
	2019 Q1 - 2020 Q2	2020 Q1 - 2021 Q2		
Suspected Youth Crime	2682	2199	483	18%
% suspected youth to all	7.6%	7.4%		0.2%
National Performance Measures Youth Offending Service				
	Jan - Dec 2019	Jan - Dec 2020		
First time entrants	24	23	1	4%
	Jan 18 - Mar 18	Jan 19 - Mar 19		
Re Offending Binary rate	44%	60%	16	16%
Re Offending Frequency rate	4.27	6.58	2.31	35%
	July 19 - June 20	July 20 - July 21		
Custody rates	7	3	4	57%

1.52 ASB team performance data calendar year 2021

- 33 young people referred to ASB panel
- 200 cases opened
- 203 cases closed
- 56 current open cases on Pentagall
- 14 Community Protection Warnings issued
- 7 Community Protection Notices issued
- 7 Fixed Penalty Notices issued
- 6 Community Triggers initiated.

2. RISKS AND OPPORTUNITIES

2.1 The above detail describes the local offer within North East Lincolnshire which enables fast and effective partnership prevention and detection of crime and disorder. The model stringently follows national guidance and legislation and always utilises risk assessments, both of cases and that of the individual perpetrator, allowing for consideration of intervention but also support whereby vulnerabilities are identified.

2.2 The opportunities are clearly within fast, proactive and effective partnership investigations, ultimately achieving excellent outcomes for both victim and perpetrator. In relation to young people the opportunities are vast in that at every trigger point an assessment is developed to reduce the impact of criminalisation and support provided to our most vulnerable, including those children in care. This non punitive model is fully endorsed by central government.

2.3 NEL youth justice services are awaiting an impending Her Majesty's Inspectorate of Probation (HMIP) inspection. All levels of justice within this document clearly articulate what is needed to increase the number of young people NOT entering the justice system. A measure of success across the nation.

3. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

3.1 The failure to effectively tackle and reduce anti-social behaviour in North East Lincolnshire may cause reputational issues for the Council and wider agencies resulting in a lack of community confidence and reluctance for businesses to invest in the area. Positive Communications are considered where appropriate to demonstrate the success of the multi-agency arrangements.

3.2 The failure to effectively reduce the levels of youth crime and disorder may have a negative impact on the result of any inspection. As stated NEL youth justice services are awaiting an HMIP inspection. The intention is to gain "outstanding" by clearly articulating the measures in place to support our children, allowing them to grow in a supportive environment and not be drawn into a life of crime through exploitation. If these principles are not followed the HMIP outcome could have a negative effect on the reputation of NELC and the broader Youth Partnership Board.

4. FINANCIAL CONSIDERATIONS

There are no financial implications within this model

5. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

The North East Lincolnshire Youth Justice Model intrinsically considers opportunities and implications for children and young people in the Borough. In addition, a Partnership Protocol is in place that specifically considers children looked after as part of our corporate parenting responsibilities.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There is no direct climate change or environmental implications arising from this report.

7. MONITORING COMMENTS

In the opinion of the author, this report does not contain recommended changes to policy or resources (people, finance or physical assets). As a result no monitoring comments have been sought from the Council's Monitoring Officer (Chief Legal Officer), Section 151 Officer (Director of Finance) or Strategic Workforce Lead.

8. WARD IMPLICATIONS

This is a borough wide provision.

9. BACKGROUND PAPERS

There are no background papers regarding this report

10. CONTACT OFFICER(S)

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