

### Overview of Oxford City Council approach to tackling antisocial behaviour

#### 1.0 Antisocial Behaviour in the Public Realm

1. Antisocial behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can impact an individual or the wider community.
2. Antisocial behaviour can include litter and vandalism, public drunkenness, aggressive dogs, and noisy or abusive neighbours. Such a range of behaviours means that responsibility for dealing with antisocial behaviour has historically been shared among agencies, particularly the police and the local authority.
3. Oxford City Council is committed to reducing antisocial behaviour and building stronger cohesive communities. Working with partner agencies and communities, the Council takes a stand against antisocial behaviour, moving away from the situation where people have to tolerate problems to one where everyone enjoys the highest quality of life and work together to tackle problems.
4. The Crime and Disorder Act 1998 imposed duties on local authorities to work with other agencies, most notably the police, to manage crime and disorder in their areas. The aim of the act was to better co-ordinate the efforts of agencies and to commence a process of transferring responsibility for dealing with low level, crime, nuisance and antisocial behaviour from the police to local authorities.
5. Since that time there has been legislation which has given new responsibilities, duties and powers to local authorities. There has also been a trend to bring together various duties and powers under disparate legislation under new powers commonly referred to antisocial behaviour controls. A current example is that the previous Orders regarding the control of alcohol in public places are now replaced with Public Space Protection Orders. A summary of the council's engagement on this work is set out in Appendix 4.

#### The Legal Framework for CPNs

6. The Government introduced the Antisocial Behaviour, Crime and Policing Act 2014 which brought new powers into force to enable the police, councils, social landlords and other agencies to tackle antisocial behaviour, and enable victims and communities to feel safe in their own homes and neighbourhoods.

7. These new powers replaced by-laws and powers that historically had been used to deal with relatively low level issues in communities. The overall objective was simpler, more effective powers to tackle antisocial behaviour.
8. The purpose of the 2014 legislation was to:
  - Focus the response to antisocial behaviour on the needs of victims
  - Ensure victims are at the heart of the local response, whereas they previously had been made to feel helpless and bounced from one agency to the next
  - Put in place a uniform, streamlined and quicker to implement set of controls
  - Empower communities to tackle antisocial behaviour by delegating decision-making about what is considered acceptable to the local level
9. The Act greatly expanded law enforcement powers in addressing antisocial behaviour. The stated aim was to put victims first by enabling frontline agencies to more rapidly implement powers that would give victims respite from anti-social behaviour faster.

#### **Process for serving a CPN against antisocial behaviour**

10. A community protection notice can be issued where responsible authorities have met the legal tests associated with the powers.

These include reasonable grounds to be satisfied that the conduct is:

- having a detrimental effect on the quality of life of those in the locality
  - persistent or continuing in nature
  - unreasonable
11. Before a CPN can be issued, the person, business or organisation suspected of causing the problem is given a written warning called a Community Protection Warning (CPW) that advises the intended recipient that the police or local authority requires them to cease antisocial behaviours. It can include positive requirements, such as keep an area tidy or attend a support group.

The notice will list the following requirements:

- to stop doing something specified and/or to do some specified action
  - to take reasonable steps to achieve a specified result - this will be aimed at either preventing the effect of the unacceptable conduct continuing, or preventing the likelihood of it recurring
12. The CPW states that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning must also detail that a breach of a CPN is a criminal offence.

13. Failure to comply with the warning can lead to the issue of a CPN. A breach of the CPN can result in a Fixed Penalty Notice and/or prosecution in the Magistrates Court, and gives the Council the power to take remedial action to resolve the problem.
14. Only the Magistrates Court can fine a person for breaching a CPN.
15. An appeal against a CPN or its terms can be made to the body responsible for fining a person—the Magistrates' Court—within 21 days of issue.

*For information, the Council's Antisocial Behaviour Policy in paragraph 4.3 provides guidance to the approach to be taken in addressing antisocial behaviours. Further guidance is set out in the Corporate Enforcement Policy, and a relevant section is reproduced in Appendix 5 for convenience.*

### **Process for serving a CPN against antisocial behaviour by street homeless people**

16. Both of these policies stress the need for enforcement to be appropriate, proportionate and used as a last resort.
17. Both of these policies also stress that the Council must not shy from its responsibilities to maintain community safety and must treat all sections of the community, including those who are committing antisocial behaviour, equally. The policies rightly require that officers reflect on the vulnerabilities and needs of individuals when taking enforcement decisions.

## **2.0 Community safety concerns shared by residents and businesses**

18. The Council's Antisocial Behaviour Service receives over 5,500 contacts a year via its generic email address, [saferoxford@oxford.gov.uk](mailto:saferoxford@oxford.gov.uk)
19. An increasing number of these are complaints relating to the public realm in the city centre and East Oxford. The types of community protection cases involved include discarded or unaccompanied items, obstruction and drug paraphernalia. Antisocial behaviour cases regularly include drug use and dealing, begging, alcohol-related disorder and rowdy behaviour.
20. All cases are dealt with in accordance with the Council's Corporate Enforcement Policy and, in cases involving rough sleepers, through liaison with homelessness and other services. In all cases, regardless of whether the person has secure housing or has been identified as homeless, officers try to ascertain whether a person has any vulnerability, including physical or mental health concerns,

whether children are affected by the case, the individual's housing status, and any risky behaviours.

21. It is in the best interests of the Council to understand these issues in order to find the right solution. This solution is often found in extra support, not exclusively enforcement, or a combination of both.

### **3.0 The most frequent issues encountered in the public realm and how those issues are resolved**

22. The Council legally has a lead role in addressing anti-social behaviour such as public disorder, rowdy behaviour, drug use, and alcohol-fueled behaviour in a public place.
23. Council officers work with external partners to address behaviours, relying on enforcement powers such as City Centre PSPO, CPNs, and those provided by the Environmental Protection Act 1990.
24. At first, council officers follow established Council policies acting informally. Issues are often dealt with at this stage, meaning the Council is able to avoid the need for recourse to enforcement powers.

#### **Community safety issues relating to begging**

25. The police believe that there are significant links between begging and drug abuse and dealing in the City, some of it associated with so-called 'County Lines' gang activity. This involves organised crime gangs from the metropolitan cities targeting street homeless in provincial cities and supplying them with Class A drugs for use and for dealing.
26. The issue is compounded by increasing evidence of Child Drugs Exploitation (CDE) where the organised crime gangs target minors to help distribute the Class A drugs around the city.
27. As a high priority public protection issue, Thames Valley Police and Oxford City Council have been working jointly through the Street Wise project to seek to disrupt this linkage between begging and drugs.

#### The TVP/Oxford City Council Street Wise initiative

28. The Street Wise initiative uses a three-strike approach to begging offences, where the police believe there is a connection to drugs. On a first offence, the person is advised and referred to support agencies. On the second offence, a Community Protection Warning is given with support service advice. On the third offence, the nature of the offence determines whether the person will be prosecuted under the Vagrancy Act, Public Spaces Protection Order, or a Community Protection Notice issued. The latter would be used if there were

wider community protection concerns to address (for example, if the begging was associated with the inappropriate disposal of drug paraphernalia and the risks to public health that entails).

29. Such begging can also be associated with the visible taking of Class A drugs in public spaces which causes alarm to the public using those spaces. Sometimes, there have been reports of visible drug injection to particular parts of an individual's body involving indecent exposure and resulting in persons becoming unconscious in the public space, necessitating attendance by the ambulance services to protect the individual's health.

#### **Discarded or unattended items**

30. Between September and mid-October 2017 Thames Valley Police received 37 calls from the public concerning unattended items in Oxford. Due to security concerns these are treated with caution and absorb significant police time and cause disruption to life in the city.
31. The Council's Street Cleaning Team regularly deals with unattended items that have been discarded or left in the street. This is in accordance with our local authority duty to keep the streets clean and tidy. The Council's Street Cleaning Team makes judgements about whether discard items can be disposed of or are unattended but wanted belongings.
32. Where items are assessed as unattended personal belongings by Street Cleaning Team member, they are tidied up to facilitate street cleaning activities and subsequently monitored. If the items remain untouched in the same place for more than a few days, suggesting that they have been abandoned and are no longer needed or used, they are stored elsewhere, using powers under the Refuse Amenities Act or CPNs. These belongings can be retrieved by their owner(s) at any time shortly after the removal.

#### **Obstruction causing a hazard or denial of a public service**

33. During the past two years, there have been a small number of cases involving people sleeping rough or storing their possessions in places that cause a hazard or stop other members of society from exercising their rights.
34. These cases have involved the blockage of fire escape routes in occupied buildings, the repurposing of bus shelters as a place to sleep throughout daytime hours, and the storage of possessions on busy pavements with high footfalls that has created difficulties for the public, who have had to walk into the road of busy streets.

#### **Anti-social behaviour relating to alcohol and substance abuse and misuse**

- 35.** In a small number of cases, persons engaging in antisocial behaviour relating to alcohol and substance misuse ignore informal interventions. Where all other appropriate and informal approaches are exhausted a CPN is served.
- 36.** It is a requirement of the legislation that the person in receipt of the notice is made aware of the sanctions that may be applied by a magistrate's court if they do not comply with the terms of the notice.
- 37.** This requirement is sometimes misunderstood as the Council seeking to apply a financial penalty to the recipient of the notice. The Council's aim is reasonable compliance and the Council itself does not have the power to levy a penalty. That would be a matter for the courts in the event of their successful prosecution of persons. The courts would take into account relevant Home Office guidance on penalties, and this emphasises that they are supposed to exercise all due consideration for the reasonable likelihood of obtaining the levied amount from the individual based on their particular situation(s).