

To: Cabinet
Date: 10 November 2021
Report of: Scrutiny Committee
Title of Report: Anti-Social Behaviour Policy

Summary and recommendations	
Purpose of report:	To present Scrutiny Committee recommendations concerning the Cabinet Anti-Social Behaviour Policy report
Key decision:	Yes
Scrutiny Lead Member:	Councillor Liz Wade, Chair of the Scrutiny Committee
Cabinet Member:	Councillor Louise Upton, Cabinet Member for a Safer, Healthier Oxford
Corporate Priority:	Support Thriving Communities
Policy Framework:	Council Strategy 2020-24
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 02 November 2021, the Scrutiny Committee considered the Cabinet Anti-Social Behaviour Policy 2022-25 report.
2. The Panel would like to thank Councillor Louise Upton, Cabinet Member for a Safer, Healthier Oxford, for attending the meeting and presenting the report, and Richard Adams, Community Safety Service Manager, for authoring the report and supporting the meeting in responding to questions.

Summary and recommendations

3. Councillor Louise Upton, Cabinet Member for a Safer, Healthier Oxford introduced the report, noting that anti-social behaviour (ASB) could blight lives if unchecked and the Council had a responsibility to challenge it both in relation to its own housing stock as well as the wider community. This was a responsibility carried out in close partnership with other agencies. The policy set out what the Council could do and, as importantly, what it could not. It also set out what complainants might expect and was expected of complainants. ASB often had its root causes in deep seated difficulties for those involved and officers were trained to take proper account of that and to respond accordingly.
4. Richard Adams, Community Safety Service Manager, said the Council had a statutory duty to provide a policy, to review it regularly and to investigate certain matters. The Council played a leading role in addressing ASB as a Responsible Authority of the Community Safety Partnership in the City, notably but not exclusively in relation to Council property and its tenants. The last 18 months had seen a sharp decline in the incidence of ASB but as Covid restrictions had eased, so the incidence had increased and was now at a higher level than pre-pandemic. While there was an unequivocal responsibility to deal with ASB in Council properties there was no equivalent responsibility in relation to private rented property, however this was not to say that the Council would not offer appropriate support in such cases as, indeed, it often did. He noted that complaints about noise was one matter which the Council was bound to investigate irrespective of its source (subject to the limitations set out in the policy). The ASB team, through its partnership working, connected with a host of programmes, initiatives and activities to address the challenges and behaviours that may be experienced by those exhibiting ASB. The covering report and the policy itself avoided explicit references to them however as they were so many and various.
5. The Committee's responses to the report were many and various, addressing issues including the suitability of the Policy's underlying principles, the relationship between the Council and those for whom the ASB service is run, issues around invasive data collection by members of the public, the efficacy of verbal warnings, the wider issues around eviction on the basis of ASB and the extent of proposed Public Space Protection Orders on Port Meadow.
6. The Committee makes a number of recommendations, suggesting amendments to both the proposed Anti-Social Behaviour Policy and Procedure. It is suggested that these amendments largely make more explicit for the public the Council's existing position and approach, but also bring greater clarity around complex issues.

Anti-Social Behaviour Policy Amendments

7. The Committee recommends that two amendments are made to the Anti-Social Behaviour Policy document. It was impressed firmly on the Committee that the Council recognises that there is more to managing ASB than focusing narrowly on stopping particular incidences. The Committee concurs with the view expressed that behind ASB is a perpetrator, someone who often has challenges of their own, which may make them more prone to engaging in ASB. To focus on

the ASB itself and to neglect the underlying causes is to treat the symptom rather than the disease and is, in the long run, ineffective. The Committee welcomes the news regarding the amount of training their officers have in managing potentially contributory issues such as alcohol or drug abuse, mental health problems or debt, and that the ASB team works closely with partners in the Community Safety Partnership to ensure suitable interventions are made to address the issues driving ASB. This being the case, it is felt by the Committee that it would be appropriate if in the Policy principle three were amended to add 'and holistically', so for the amended text to read "Anti-social behaviour will be addressed firmly, fairly, proportionately and holistically".

8. Secondly, the Committee noted with a little discomfort reference in the Policy to 'customers'. Tonally, it was uncomfortable with the linkage between the Council offering a statutory service and a commercial enterprise. It suggested, for example, that Principle 5 – 'We will deliver a high quality customer service' – would be better phrased as 'We will deliver a high quality service for citizens'. Some discussion was held over whether residents would be preferable, but ultimately the view of the Committee was that the Council provides services for individuals who are not its residents, and therefore citizens is more reflective of what it does. The example given here is not the only reference in the Policy to 'customers', and as it may not make sense on every occasion simply to substitute 'citizens' instead, the Committee recommends that these references be reworded appropriately on the basis of the Council's relationship with 'citizens' rather than 'customers'.

1) Recommendation 1: That the Council amends the Anti-Social Behaviour Policy 2022-25 as follows:

- i) **Principle three to read "Anti-social behaviour will be addressed firmly, fairly, proportionately and holistically"**
- ii) **That reference throughout the document to 'customers' is reworded around 'citizens'**

Anti-Social Behaviour Procedure Amendments

9. The Committee also makes five recommendations for amendments to the Anti-Social Behaviour Procedure. The first two are both outworkings of the point made above about the Council's approach being holistic.
10. The first point noted by the Committee is the absence of reference in the Procedure document to diversionary activity being provided by the Council. It is recognised that the Procedure document is one which seeks to explain how the Council will manage a case of ASB once it has been reported and that diversionary activity may not fall neatly within this definition. However, the Committee is aware that the Procedure document is also a public document which explains the Council's approach more generally. The Council invests both time and money in providing positive activities which help to divert young people

especially from ASB, Youth Ambition, for example, and the Blueprint project in partnership with the rest of the Community Safety Partnership members. The importance of conveying the Council's commitment to preventative activity to members of the public is felt to outweigh the inclusion of something slightly out of the main scope of the document. The Committee would like to see, therefore, a paragraph or section talking specifically about the diversionary activity it undertakes.

11. Secondly, ss. 6.4 – 6.9 of the Procedure discuss issues around ASB-related possession proceedings for Council tenants. The Committee welcomes reference to taking possession being a last resort, which is in line with the overall commitment to taking the minimum level of intervention suitable to the particular case. However, the Procedure document is liable to be read by members of the public who may currently be suffering ASB and for whom eviction of the perpetrator may be highly desirable. This is a completely understandable position, and the Committee's view is that it would be beneficial if the Council were to explain in greater detail why it takes a contrary view.
12. Thirdly, speaking in relation to enforcement remedies s. 7.4 of the Procedure document states that 'All complex cases that involve homeless people, or may bring a significant amount of media attention on the Council will be signed off at a senior level, Head of Service or above'. In discussion, the Committee raised particular concern for people with mental health conditions in supported accommodation on the basis of their particular vulnerability. A number of amendments were explored by the Committee, with many facing practical challenges around officers being unaware of key information, or having too broad a scope meaning Heads of Service would be overburdened. The Committee's own preferred option was to add a category of 'vulnerably housed' to the list requiring senior level sign off, but it would welcome a more suitable alternative if one could be identified.
13. Fourth, the Committee absolutely understands the need for investigations to evidence led, and that evidence will often have to be supplied by the victims of the ASB and not collected by officers. It is concerned, however, that awareness of the rules around personal data collection has not increased at anywhere near the pace as availability of affordable monitoring equipment, be it doorbell cameras, CCTV, audio equipment or dashcams. Operation of recording equipment brings under the GDPR regulations duties on the data controller, which carry a legal risk if not adhered to.¹ In addition, misuse of such equipment can have the consequence of inflaming disputes in non-legal ways also. The Committee's view is that the Council relies on evidence gathered by residents to run an effective ASB service, but that there is a risk that evidence gathering can become deliberately or inadvertently invasive. There is value, therefore, in addressing this the Procedure document so that individuals engaged in evidence gathering do so in an informed manner and understand the rights, responsibilities and risks involved.

¹ For example, in *Woolley & Woolley v Akbar or Akram* a neighbour was awarded £17,000 for failures to comply with GDPR regulations relating to audio and visual recording equipment.

14. Lastly, in the Procedure ‘racist or offensive graffiti’ is identified as a ‘Category 1’ issue, for which it says that the Council will act within three days. In reality, the Council recognises the multiple negative effects of such graffiti being present in the public sphere and consequently holds itself to a higher standard – to remove such graffiti within 24 hours. The Committee suggests that the public should be aware of the Council’s unwillingness to tolerate racist graffiti, as expressed by this increased priority, and the Council’s current 24 hour standard should be included within the Procedure.

2) Recommendation 2: That the Council amends its Anti-Social Behaviour Procedure 2022-25 as follows:

- i) to include a paragraph on the diversionary activities the Council itself provides or in partnership to prevent anti-social behaviour**
- ii) to note negative impacts associated with anti-social behaviour-related evictions to explain the Council’s commitment to using this power as a last resort**
- iii) to alter s. 7.4 so it reads “All complex cases that involve homeless or vulnerably housed people”**
- iv) to address issues around invasive evidence gathering, and link to best practice guidance**
- v) to reference the Council’s commitment to removing racist graffiti within 24 hours**

Further Consideration

15. The Scrutiny Committee is unlikely to consider this item directly again during the civic year.

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Cabinet response to recommendations of the Scrutiny Committee made on 02/11/2021 concerning the Cabinet Anti-Social Behaviour Policy 2022-25 report

Provided by the Cabinet Member for a Safer, Healthier Oxford, Councillor Louise Upton

Recommendation	Agree?	Comment
<p>1) That the Council amends the Anti-Social Behaviour Policy 2022-25 as follows:</p> <p>i) Principle three to read “Anti-social behaviour will be addressed firmly, fairly, proportionately and holistically”</p> <p>ii) That reference throughout the document to ‘customers’ is reworded around ‘citizens’</p>	<p>Yes</p> <p>Yes</p>	
<p>2) That the Council amends its Anti-Social Behaviour Procedure 2022-25 as follows:</p> <p>i) to include a paragraph on the diversionary activities the Council itself provides or in partnership to prevent anti-social behaviour</p> <p>ii) to address issues around invasive evidence gathering, and link to best practice guidance</p> <p>iii) to note negative impacts associated with anti-social behaviour-related evictions, and reference the Council’s commitment to using this power as a last resort</p> <p>iv) to alter s. 7.4 so it reads “All complex cases that involve homeless or vulnerably housed people”</p> <p>v) to reference the Council’s commitment to removing racist graffiti within 24 hours</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	

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