

CABINET MEMBER FOR SAFE AND ATTRACTIVE NEIGHBOURHOODS

**Venue: Town Hall,
Moorgate Street,
Rotherham
S60 2TH**

Date: Monday, 9th January, 2012

Time: 10.00 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972 (as amended March 2006).
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of meetings held on 31st October and 28th November, 2011 (see Minute Book dated 14th December, 2011)
4. Home Office Consultation - Police Powers to Promote and Maintain Public Order (Pages 1 - 37)
5. Respect ASB Charter for Housing (Pages 38 - 69)
6. Exclusion of the Press and Public
Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part I of Schedule 12A to the Local Government Act 1972.
7. Disposal of Ridgeway Medical Centre, East Herringthorpe (Pages 70 - 75)
(Exempt under Paragraph 3 of the Act – information relating to the financial or business affairs of any person (including the Council))
8. Update - Petition - Greenwood Crescent (Pages 76 - 82)
(Exempt under Paragraph 2 of the Act - information likely to reveal the identity of an individual)
9. Housing Rent Increase 2012-13 (Pages 83 - 88)
(Exempt under Paragraph 3 of the Act - information relating to the financial or business affairs of any person (including the Council))

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:-	Cabinet Member for Safe & Attractive Neighbourhoods
2.	Date:-	9th January 2012
3.	Title:-	Home Office Consultation: ‘Police powers to promote and maintain public order’
4.	Directorate:-	Neighbourhood & Adult Services

5. Summary

This report informs Members of the current Home Office consultation on ‘Police powers to promote and maintain public order’ (Appendix ‘A’) including proposals to extend powers of curfew and require the removal of face coverings in certain circumstances for the prevention and reduction of crime and disorder.

The consultation paper asks consultees to consider and respond to twenty two key questions. Further details on these, together with a draft response are outlined in the report.

The deadline for response to the consultation is Friday 13th January 2012.

In line with corporate reporting protocols on Government consultations this consultation requires Cabinet Member and associated Scrutiny consideration.

The draft response was presented to Overview and Scrutiny Management Board on 16th December 2011 and the additions made to the original draft response resulting from the input of the board are shown in underlined text within the draft response to the specific consultation questions.

Views expressed by the Cabinet Member for Safe & Attractive Neighbourhoods will be included in the consultation response before it is made available to the Home Office before the 13th January deadline.

6. Recommendations

- **It is recommended that, following consideration of the report and the associated government consultation, the Cabinet Member for Safe and Attractive Neighbourhoods approves the response on behalf of the Council.**

7. Proposals and Details

The Government, partly in response to the widespread disorder witnessed in August 2011, is reviewing police powers to protect the public and property. A consultation has been launched focussing on three areas of police powers:

1. the effect of the word 'insulting' in section 5 of the Public Order Act 1986
2. new powers to request removal of face coverings; and
3. new powers to impose curfews

The consultation welcomes views from anyone with an interest in public order policing in England and Wales. Public consultation will close on Friday 13 January 2012.

1. Use of the word 'insulting' in Section 5, Public Order Act 1986

The aim of this part of the consultation is to consider the value of the word 'insulting' in section 5, whether it is consistent with the right to freedom of expression and the risks of removing it from section 5. The government is considering the impact of removing the word 'insulting' from section 5 in response to civil liberty and faith group concerns that the word criminalises free speech.

Current Legal Position

Section 5 makes a summary only offence, with the maximum penalty being a fine not exceeding £1000, to:

- Use threatening, abusive or insulting words or behaviour, or disorderly behaviour, or display any writing, sign or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.
- An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.

It is a defence for the accused to prove:

- that they had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or
- that they were inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or that their conduct was reasonable.

It should be noted that by virtue of section 31(1) (c) of the Crime and Disorder Act 1998, section 5 is capable of being charged as a discrete racially or religiously aggravated offence. An offence is racially or religiously aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
- the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

Racially or religiously aggravated section 5 is a summary only offence, with the maximum penalty being a fine not exceeding level 4 on the standard scale (£2500).

The Debate

Human Rights organisations such as Justice and Liberty, as well as the Joint Committee on Human Rights (JCHR), have argued that section 5 of the Public Order Act gives the police wide discretion to decide what language or behaviour is threatening, abusive or insulting and that “language or behaviour which is merely insulting should never be criminalised in this way”.

Arguments for repealing the reference to ‘insulting’ words and behaviour in section 5 are based on the view that removing this strand of the offence would affect only the most low-level cases. It is unlikely to decriminalise serious, distressing and disruptive conduct which would be captured by the ‘abusive’ and ‘threatening’ limbs of section 5 or by alternative provisions such as section 2 of the Protection from Harassment 1997 or section 4A of the Public Order Act 1986 (intentional harassment, alarm or distress).

Arguments opposing reform have rested on questioning a presumption that ‘insulting’ behaviours are necessarily of a lesser order than ‘abusive’ behaviours; questioning whether the removal of ‘insulting’ might impact adversely on targeting hate crime and understanding whether it would be interpreted by the courts as a lowering of the threshold for disrespectful behaviour.

Consultation questions and draft response;

Question 1: Do you think there is a clear difference between ‘insulting’ words and behaviour and ‘abusive’ words and behaviour?

Draft Response: *No. We do not consider that there is a clear, significant and definable difference. The two terms cover the same situations. A victim may consider ‘insulting’ words to be abusive. There is a clear overlap and ultimately it should be for a court to decide.*

Question 2: In your experience, are ‘insulting’ words and behaviour less serious than ‘abusive’ words and behaviour.

Draft Response: *We believe that insulting words can often be more offensive than abusive words as they often strike to the heart of beliefs, cultures and lifestyle. We do not feel that there is a significant difference between ‘insulting’ and ‘abusive’ to regard them as separate and certainly not a difference which could be defined in practice.*

Question 3: In your view, does having ‘insulting’ words and behaviour as a criminal offence restrict people from expressing themselves freely?

Draft Response: *No. People can express themselves without personally insulting other people. Removing insulting words from the offence could open the door to insults becoming acceptable and an Equality Impact Assessment would quickly determine the effect on many different individuals and groups.*

Question 4: In your view, would removal of the word ‘insulting’ from section 5 have any particular impact on specific groups?

Draft Response: *Yes. It could affect many groups, identified by their culture, ethnicity, sexual orientation or even their hobbies. Individuals and groups who are different or who have chosen to belong to a particular group should not be expected to suffer from bigoted personal comments.*

Question 5: If you do have concerns about the word ‘insulting’ remaining in section 5, can you explain if this is due to interpretation of the word or the actual legislation?

Draft Response: *We do not have any concerns about the word ‘insulting’ remaining in section 5.*

Question 6: In your opinion, is the ‘reasonableness’ defence for ‘insulting’ (which is a statutory defence in section 5) an adequate safeguard against misuse?

Draft Response: *Yes.*

Question 7: In your opinion, is guidance to police officers clear on when insulting behaviour constitutes an offence and an arrest should be made and is it sufficiently clear to ensure consistency of decisions?

Draft Response: *Police officers are trained and given appropriate guidance to be able to distinguish between an offence having taken place or not. Beyond that, we consider that it is impossible to be clear and unambiguous because guidance cannot cover all eventualities and the individual police officer – and his/her senior officer – must use their discretion in each specific circumstance.*

Question 8: Do you think that the threshold for arrest under section 5 is set at the right level?

Draft Response: *Yes.*

2. Powers to Require the Removal of Face Coverings

The aim of the consultation on face coverings is to seek views on supplementing existing provisions for demanding the removal of face coverings in section 60AA of the Criminal Justice and Public Order Act 1994 to strengthen the response both to threat and actual disorder.

Current Legal Position

Section 60/60AA of the Criminal Justice and Public Order Act 1994 enables officers at the rank of inspector or above to put a section 60 authorisation in place if he/she believes there is a threat of serious violence, that people are carrying offensive weapons or likely to commit an offence. Section 60 enables police to search people without reasonable grounds for suspicion for offensive weapons, and require the removal (or seizure) of masks, scarves etc. that the police reasonably believe are being worn to conceal identity.

Under section 60AA, the officer exercising the power must reasonably believe that someone is wearing an item wholly or mainly for the purpose of concealing identity. There is no power to stop and search for disguises. Guidance provides that where there may be religious sensitivities about ordering the removal of face or head coverings, the officer

should permit the item to be removed out of public view. Where possible, the item should be removed in the presence of an officer of the same sex as the person.

An authorisation may only be given in writing, specifying the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. This shall be no longer than appears reasonably necessary to prevent or seek to prevent the commission of offences and may not exceed 24 hours.

The government is proposing changes to legislation following a Prime Ministerial announcement to give police the discretion to remove face coverings 'under any circumstances' as long as there was reasonable suspicion of criminal activity. This would remove the limitation to specific geographic locations and time periods.

This consultation seeks views on the practicalities of strengthening existing powers: whether this means allowing police officers on the street to use their discretion to require removal of face coverings without seeking written permission from a higher rank and what exactly the threshold for the new power should be. This would prevent build-up of disorder; provide an effective deterrent to criminal activity; and accelerate the response to crime. Input is also sought on safeguards to ensure that the new powers are used appropriately.

Consultation questions and draft response

Question 1: In what circumstances would it be appropriate to require removal of face coverings without prior authorisation by a senior officer?

Draft Response: *We believe that the recent incidents of disorder experienced in some parts of the country raises serious questions about the current powers available to the police in respect of the removal of face coverings. It was clear that a large number of those taking part in the disturbances had taken steps to conceal their identity by covering their faces. Although the current powers are appropriate under normal circumstances, we believe that in light of recent events the police should be given greater discretion, without the current written authority, to search for and request the removal of face coverings where they consider there is an immediate risk of serious public disorder and in order to prevent/reduce the impact of that disorder. We think that it would be beneficial if it was made clear what the criteria was for making the request, although we do accept that such guidance would not necessarily meet all cases.*

Question 2: What should be the trigger under the new power if authorisation by a senior officer is not being sought?

Draft Response: *It is our view that professional judgement of the police should be a significant factor in this. Use of the power should be considered at an early stage where there is evidence to indicate through the formation and importantly, the behaviour, of groups/gangs the potential for serious public disorder. We would see the proportionate use of the power as a preventative measure, which if taken early, could reduce the opportunity for organised groups to form for the purpose of causing serious public disorder. Although the current powers refer to 'written' authorisation being obtained, we feel that based on evidence, verbal senior officer authority could be quickly obtained in most circumstances. We also think that where there is a clear and immediate risk of crime and/or serious public disorder, the decision to require removal of a face covering should be available to the police officer dealing with the situation, without the need to refer to a senior officer. In any case, a record should be made and retained of the detail and the reason for the request.*

Question 3: Do you think that wider powers to demand removal of face coverings may interfere with individual freedoms?

Draft Response: *As with any power its use must be proportionate to the situation at the time. With most enforcement powers there is the potential of interfering with individual freedom. This proposed extended power is no different and should be used proportionately. The reason for requiring the removal of face coverings should be clear at the time of making the request and should be able to stand up to any subsequent challenge. The issue of religion and the removal of face coverings is an area where the police can come into conflict with communities but we believe that there is already in place sufficient guidance to enable the police to address this in a way that minimises any offence or embarrassment.*

Question 4: Do you think that guidance, training and monitoring could help to ensure consistency of officers' decisions? Please give examples.

Draft Response: *The police do have guidance already in respect of the power to require the removal of face coverings and the affect that it can have on some religious groups. The potential for the abuse of such a power generally does exist and we would not want to see its abuse or disproportionate use in the same way as previous 'stop and search' powers. Examples of when the power can be used should be made clear to police officers through training and development and it is also important that the use of such a power is monitored in order to minimise the risk of disproportionate use.*

Question 5: Do you think that penalties for a refusal to comply with a demand to remove a face covering should be made more stringent? (Currently offenders are liable to imprisonment for a term not exceeding one month or to a fine not exceeding £1000 or both).

Draft Response: *We feel that the current level of penalties are appropriate.*

Question 6: In your view, should officers be required to explain the reason for the demand to remove face coverings?

Draft Response: *Yes. See response to Question 3.*

Question 7: Do you think that officers should be required to conduct the identification in reasonable privacy, if requested, even though it might cause a delay in the response?

Draft Response: *As a general rule yes, but only where this is possible and practical.*

3. Power to Impose Curfews

The aim of this part of the consultation is to seek views on whether the police should have additional powers to impose curfews to prevent disorder or criminality, and on the oversight arrangements and safeguards that would be required to ensure the use of any new powers was necessary and proportionate.

Current Legal Position

Sections 30-32 of the Anti-social behaviour Act 2003 enable the police, with the consent of the relevant local authority to designate an area as a 'Dispersal Zone', thus directing an individual or group to leave a zone and not return within 24 hours if an officer has reasonable grounds to believe that their behaviour is likely to result in a member of the public being harassed, intimidated, alarmed or distressed.

Section 27 of the Violent Crime Reduction Act 2006 also provides a power to direct an individual aged 10 or over to leave an area and not return for up to 48 hours if an officer believes their presence is likely to contribute to alcohol related crime and disorder. This includes the power to take a person under the age of 16 to their home address, or to a recognised place of safety.

Following disturbances in August, the Prime Minister announced that the Government would look at 'the use of existing dispersal powers and whether any wider power of curfew is necessary'.

Current police curfew powers are limited to the power to impose a curfew on an individual as a condition of police bail.

Conditional Cautioning

A conditional caution is an out-of-court disposal for low-level offences, which is available for adults and currently being piloted in five areas for young people. The conditions that can currently be attached must be rehabilitative or reparative (although a punitive, financial penalty condition is available in five pilot areas). These conditions could include restrictions, such as a curfew, if that were deemed appropriate to help rehabilitate an offender or make good the harm they had caused.

Attaching a curfew to a conditional caution could nip low-level or emerging criminality in the bud by restricting an offender's movements at times when they were most likely to commit further offences. This could be particularly helpful as a way of getting a young person's behaviour back on track – for instance where groups of peers are a factor in the offending.

Consultation questions and draft response

Question 1: What are your views on the proposal to give the police a limited, general power to impose curfews?

Draft Response: Based on the information provided in the consultation document we could not support the principle of the police having a limited general power to impose a curfew. There is a need for further clarity as the proposal is vague in respect of the proposal for judicial oversight: (Page 14 – "We would envisage prior judicial approval being required, with arrangements permitting subsequent validation in circumstances where that was not possible") and more thought needs to be given and communicated as to what this would actually mean before a fully informed response could be made. We consider that current powers available to the police are sufficient if the need is identified early and prompt action taken. Such a power should be proportionate and only be used in exceptional circumstances and in order to prevent serious public disorder and criminal damage to buildings and property. This is a significant factor as any such power could fall within the boundaries of Article 8 (Right to respect for private and family life) and Article 10

(Right to freedom of expression) of the Human Rights Act 1998. Any use of such a power should be intelligence led and that intelligence should be subject of detailed audit.

Question 2: Do you think there should be limits on the geographical scope and duration of such a curfew power? If so, what do you think would be appropriate limits?

Draft Response: We strongly feel that the power should only be used in specific locations where evidence of potential serious public disorder has been identified through the intelligence process and only for such a time as the threat exists and not beyond. Any general curfew once in place should be subject of regular review by senior police officers.

Question 3: What do you think would be an appropriate sanction for breach of an instruction to leave a curfew zone?

Draft Response: The power to arrest any individual refusing to comply with an instruction to leave a curfew zone after being directed to do so should be the ultimate sanction.

Question 4: What are your views of the proposal to make a curfew one of the recognised rehabilitative options for a conditional caution?

Draft Response: We believe that this form of 'out of court' conditional cautioning could have significant benefits especially for young people who are just starting to show signs of becoming involved in low level criminality, particularly in respect of gang membership. We do however have reservations about the ability of the police to enforce such curfews. Every effort should be made to steer our young people away from criminal activity at an early stage and this form of conditional cautioning would be seen as 'nipping' their low level or emerging criminality 'in the bud' by restricting their movements at times when they are most likely to commit offences. The use of such a power should always be proportionate to the problem and be subject of regular review by a senior police officer.

Question 5: In what circumstances might a curfew be an appropriate response to low-level offending?

Draft Response: Where it has been identified that an offender is on the 'cusp' of more serious criminality and to minimise the influence of 'peer group pressure' and the attraction of gang membership.

Question 6: Are there other powers you think would help the police take a more preventative approach to local crime, particularly youth crime? If so, what are they?

Draft Response: Every opportunity should be taken to address youth offending through early and preventative intervention. The earlier these issues are addressed the better and we feel that the proportionate use of out of court conditional cautioning for low level young offenders should be taken at every opportunity and should be used in conjunction with existing restorative justice models.

Question 7: What role should parents play in preventing local youth crime? How could they be encouraged to do so?

Parents and families are the main influence on a child's development and there is compelling evidence on the importance of effective parenting for outcomes for children, and young people.

Providing intensive parenting and family support for families with multiple problems often succeeds when everything else has failed, whilst delivering impressive savings in local service costs.

Draft Response: *Local authorities and the wider Community Safety Partnerships should give consideration to the introduction of Family Recovery Programmes that are in place already and working successfully in some areas.*

8. Finance

None identified.

9. Risks and Uncertainties

This consultation document relates to the amendment of police powers. Any changes to those powers resulting from the consultation would apply nationally.

It is possible that the proposals will have an impact on equality issues in relation to age, disability, gender, race or sexual orientation. The Government is inviting views on any equality-related issues that may be associated with legislative change and comments on mitigating actions.

10. Policy and Performance Agenda Implications

There is clear linkage between the proposals in this consultation document and the objectives within the RMBC Corporate Plan – Helping to create safe and healthy communities, People feel safe where they live, Anti-social behaviour and crime is reduced, and that People from different backgrounds get on well together.

11. Background Papers and Consultation

- Consultation on police powers to promote and maintain public order (Home Office)
- Public Order Act 1986
- Crime & Disorder Act 1998
- Anti-Social Behaviour Act 2003
- Protection from Harassment 1997

RMBC Legal Services
 Community Safety Unit
 Area Partnerships
 ASB Officers
 Community Protection/Environmental Health
 Children & Young People's Services/Youth Offending Service
 South Yorkshire Probation Trust

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CONSULTATION ON POLICE POWERS TO PROMOTE AND MAINTAIN PUBLIC ORDER



Home Office

October 2011



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Introduction

The Government has a responsibility to give the police the powers they need to protect the public and property so that communities and law-abiding citizens can live in peace and security. This is particularly important in the wake of the widespread disorder witnessed in August. In considering any new powers, we must balance the duty of the Government to protect the public with the need to protect individual civil liberties.

This consultation seeks input on three areas of police powers which the Government is committed to reviewing: the effect of the word ‘insulting’ in section 5 of the Public Order Act 1986; new powers to request removal of face coverings; and new powers to impose curfews. We welcome your views on any or all of the parts of the consultation depending upon your area of interest, expertise and activity.

The first part of the consultation addresses concerns about the word ‘insulting’ in **section 5 of the Public Order Act 1986**. Civil liberties and faith groups have long campaigned for removal of the word ‘insulting’ on the grounds that it criminalises free speech. The Government has made a commitment to restore the rights to non-violent protest. However, we want to gain a better understanding of the significance of the word ‘insulting’ and the protection it offers to groups targeted by hate crime. We want to assess the potential impact of reform on the ability of the police to deal with disorder, particularly behaviour such as swearing at police officers and burning poppies on Remembrance Day. We also want to examine the threshold for arrest and whether legislative change or further guidance on the interpretation of the law is the way forward.

The second part of the consultation aims to progress the commitment made by the Prime Minister following the recent disorder in respect of new powers to request the **removal of face coverings**. After the ransacking and arson by looters wearing masks to conceal identification, the Government announced that the police would be given extended powers to demand the removal of face coverings under any circumstances, where there was reasonable

suspicion of criminal activity. The consultation document invites comments on the implementation of this commitment.

The third part of the consultation seeks views on whether the police need wider **powers of curfew** to deal with serious disorder and crime, in situations where existing dispersal powers may be insufficient to protect the public. There are particular questions around proportionality and practicality where we would value the views of key partners and members of the public. We are consulting on whether and how there is scope for new policies in this area.

Details of how you can respond to the consultation can be found in Chapter 4 of this document. We hope that you will engage in the consultation process and look forward to receiving your views.

Summary information

OPENING DATE: THURSDAY 13 OCTOBER 2011

CLOSING DATE: FRIDAY 13 JANUARY 2012

SCOPE OF THE CONSULTATION

This consultation welcomes views from all with an interest in public order policing and community safety in England and Wales, including members of the public, on three areas of police powers:

- i) the use of the word ‘insulting’ in section 5 of the Public Order Act 1986;
- ii) how police powers to remove face coverings under section 60AA of the Criminal Justice and Public Order Act 1994 should be extended, and;
- iii) whether the police need wider powers of curfew to deal with serious disorder and crime.

HOW TO RESPOND

You can choose to address any or all of the sections of the consultation, depending upon your specific area of expertise and interest.

You can complete the online form at <http://www.homeofficesurveys.homeoffice.gov.uk/v.asp?i=41428bwhlr>. Alternatively, you can copy and paste the questions in the pdf on to a Word document and send your response by email to PolicePowers@homeoffice.gsi.gov.uk, or by post to Police Powers Consultation, Public Order Unit, 5th Floor, Fry, Home Office, 2 Marsham Street, London SW1P 4DF.

You should contact the address given above if you require a copy of this consultation paper in any other format, e.g. Braille, large font, audio.

A summary of responses will be published before or alongside any further action.

IMPACT OF OPTIONS

The Government is interested to hear from community and faith groups and criminal justice professionals where any direct and indirect costs may arise as a result of these proposals. Impact assessments will be prepared and will draw on information provided.

EQUALITY

It is possible that proposals outlined in the consultation or that arise as a consequence, will have an impact on equality issues in relation to age, disability, gender, race or sexual orientation. The Government invites views on any equality-related issues that may be associated with legislative change and comments on mitigating actions.

CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies. Furthermore, information provided, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, among other things, with obligations of confidence.

In light of this, it would be helpful if you could explain to us why you regard the information you have provided to be confidential. If we receive a request for disclosure of the information, we will take full account of your explanation but we cannot give assurance that confidentiality can be maintained in all circumstances. Please ensure that your response is marked clearly if you wish your response and name to be kept confidential. Confidential responses will be included in any statistical summary of numbers of comments received and views expressed. The Home Office will process your personal data in accordance with the Data Protection Act; in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Chapter 1: Section 5 of the Public Order Act 1986

OBJECTIVE

- 1.1 The aim of this part of the consultation is to consider the value of the word ‘insulting’ in section 5, whether it is consistent with the right to freedom of expression and the risks of removing it from section 5.

BACKGROUND

SECTION 5 OF THE PUBLIC ORDER ACT 1986

Section 5 makes it an offence to:

- Use threatening, abusive or insulting words or behaviour, or disorderly behaviour, or display any writing, sign or other visible representation which is threatening, abusive or insulting, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.
- An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the writing, sign or other visible representation is displayed, by a person inside a dwelling and the other person is also inside that or another dwelling.
- It is a defence for the accused to prove –
 - that they had no reason to believe that there was any person within hearing or sight who was likely to be caused harassment, alarm or distress, or
 - that they were inside a dwelling and had no reason to believe that the words or behaviour used, or the writing, sign or other visible representation displayed, would be heard or seen by a person outside that or any other dwelling, or
 - that their conduct was reasonable.

Section 5 is a summary only offence with the maximum penalty being a fine not exceeding level 3 on the standard scale (£1000).

It should be noted that by virtue of section 31(1)(c) of the Crime and Disorder Act 1998, section 5 is capable of being charged as a discrete **racially or religiously aggravated offence**. An offence is racially or religiously aggravated if:

- at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial or religious group; or
- the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

Racially or religiously aggravated section 5 is a summary only offence, with the maximum penalty being a fine not exceeding level 4 on the standard scale (£2500).

THE SECTION 5 DEBATE

- 1.2 Human Rights organisations such as Justice and Liberty, as well as the Joint Committee on Human Rights (JCHR), have argued that section 5 of the Public Order Act gives the police wide discretion to decide what language or behaviour is threatening, abusive or insulting and that

“language or behaviour which is merely insulting should never be criminalised in this way”.

- 1.3 There have been some well-publicised cases where Christian preachers have been arrested under section 5 for expressing their religious beliefs, although charges were withdrawn before the cases reached the courts. In another case,

hoteliers were prosecuted in connection with a religious discussion with a Muslim guest.

- 1.4 Arguments for repealing the reference to ‘insulting’ words and behaviour in section 5 are based on the view that removing this strand (‘limb’) of the offence would affect only the most low-level cases. It is unlikely to decriminalise serious, distressing and disruptive conduct which would be captured by the ‘abusive’ and ‘threatening’ limbs of section 5 or by alternative provisions such as section 2 of the Protection from Harassment 1997 or section 4A of the Public Order Act 1986 (intentional harassment, alarm or distress).
- 1.5 Arguments opposing reform have rested on questioning a presumption that ‘insulting’ behaviours are necessarily of a lesser order than ‘abusive’ behaviours; questioning whether the removal of ‘insulting’ might impact adversely on targeting hate crime and understanding whether it would be interpreted by the courts as a lowering of the threshold for disrespectful behaviour.
- 1.6 There is also a question over whether concerns around section 5 should be focused on the law itself or the interpretation of the law and, to that end, the Association of Chief Police Officers (ACPO) issued revised guidance (Keeping the Peace) to police officers in December 2010 to help them deal more effectively with section 5 cases and give due consideration to freedom of expression issues.
- 1.7 ACPO guidance characterises the constituent elements of section 5 as **action** (using threatening, abusive or insulting, or disorderly words or behaviour), **awareness** (that the words or behaviour may be threatening, abusive or insulting, or disorderly) and **impact** (being within the sight or hearing of someone likely to be caused harassment, alarm or distress).

LEGISLATION/CASE LAW

- 1.8 It is important to distinguish between section 4A and section 5 of the Public Order Act 1986. Section 4A creates the distinct offence of intentional harassment, alarm or distress. Under section 4A, a person is guilty of an offence if he/she uses threatening, abusive or insulting words or behaviour, or disorderly behaviour with **intent** to cause a person harassment, alarm or distress, unless objectively reasonable. Section 4A has a higher threshold than section 5 under which a person is guilty of an offence if he/she uses threatening, abusive or insulting words or behaviour, or disorderly behaviour which is likely to cause a person harassment, alarm or distress, unless objectively reasonable. In this case **awareness** of the impact is sufficient, in contrast to section 4A where intention is required.
- 1.9 Article 10 of the European Convention on Human Rights protects the right of freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. Article 10 is not an unqualified right. It states that the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 1.10 In *Percy v DPP* (2001) it was held that section 5 satisfies the necessary balance between the right to freedom of expression and the right of others not to be insulted and distressed. It was also held that it is conduct or behaviour which is gratuitous and calculated to insult that is the subject of the

offence rather than the public expression of an offensive message or opinion. ACPO guidance clarifies that the key is to distinguish between the message or opinion being communicated and the manner in which it is conveyed.

1.11 In *DPP v Orum* (1989), the courts were clear that a police officer is capable of being ‘a person likely to be caused harassment, alarm or distress’ by ‘threatening, abusive or insulting words or behaviour’ for the purposes of section 5 of the Public Order Act 1986. However, it clarified that police officers are expected to display a degree of fortitude and magistrates may take into account the familiarity which police officers have with the words and conduct typically seen in incidents of disorderly conduct.

POLICY CONSIDERATIONS

1.12 The consultation aims to consider five key aspects of the use of the word ‘insulting’:

- **Relevance:** the significance of ‘insulting’ as a discrete example of offending behaviour and whether the ‘threatening’ and ‘abusive’ limbs of section 5 could cover most conduct that merits criminalisation.
- **Balance:** whether the word ‘insulting’ in section 5 provides a proportionate response and satisfies the necessary balance between the right to freedom of expression and the right of others to not be harassed, alarmed or distressed. This includes considering whether the threshold for arrest is set at the right level.
- **Impact:** of removal of ‘insulting’ on racially and religiously aggravated offences (see Background section for details) and the ability of the police to tackle hate crime and disorder.
- **Scope:** the breadth or range of ‘insulting’ and its usefulness in capturing low level public disorder, e.g. swearing at police officers.
- **Interpretation:** whether safeguards, such as the ‘reasonableness’ defence and guidance to police officers, are adequate to address concerns.

SECTION 5 CASE STUDIES

The following are examples of unsuccessful section 5 cases. It should be noted that offenders are charged under section 5 without specifying the actual 'limb' of the offence that is being invoked which makes it difficult to assess the impact of removing the word 'insulting'. It is also not clear whether prosecutions, where they were initiated, relied specifically on the word 'insulting'.

'GAY' POLICE HORSE

In 2006, a student at Oxford University, asked a mounted police officer if he realised his horse was gay during a night out with friends after his final exams. He was arrested under section 5 of the Public Order Act for making homophobic remarks after he refused to pay an £80 fine and spent a night in a police cell before charges were dropped.

SCIENTOLOGY PROTESTER

City of London police charged a teenager under section 5 for demonstrating outside the London Headquarters of the Church of Scientology in May 2008 with a placard which said, "Scientology is not a religion, it is a dangerous cult". Charges were dropped when the Crown Prosecution Service ruled the word 'cult' was neither 'abusive or insulting' and no further action would be taken.

CHRISTIAN HOTELIERS

Christian hoteliers were accused of asking a Muslim guest if she was a murderer and a terrorist because she was wearing a 'hijab' at their hotel in December 2009. The court was told that the husband called the Prophet Muhammad a murderer and a warlord while his wife said that the Islamic dress represented oppression and was a form of bondage. The couple denied this version of events and claimed they were told by the guest that Jesus was a minor prophet and that the Bible was untrue. After a two-day trial, the district judge dismissed the case on the basis that the account of the prosecution witness could not be relied on.

CHRISTIAN STREET PREACHER

In April 2010, a Christian street preacher was arrested and charged with a public-order offence when he told a passer-by and a gay police community support officer that, as a Christian, he believed homosexuality was one of a number of sins that go against the word of God. The Crown Prosecution Service dropped the case before it went to court on the grounds that there was insufficient evidence to provide a realistic prospect of conviction.

There are cases where people have been successfully prosecuted under section 5. The 'poppy burning' case overleaf relied specifically upon the 'insulting' aspect of the offence, and the conviction of the accused was upheld at appeal. This case challenges the presumption that 'insulting' behaviours are by their nature of lesser concern than 'abusive' behaviours.

HH: A STREET PREACHER

In a street demonstration in Bournemouth in October 2001, HH a preacher, held up a sign displaying the words "Jesus Gives Peace, Jesus is Alive, Stop Immorality, Stop Homosexuality, Stop Lesbianism, Jesus is Lord". A group gathered and some people were angry and distressed. Police officers attended the scene and asked HH to take the sign down and leave the area. HH was charged, fined and convicted with an offence under section 5. He died before his appeal was heard, and the Divisional Court dismissed the appeal in January 2004. The justices were of the opinion that the words on the sign were insulting and caused distress to persons who were present and that the defendant was aware of that fact.

LUTON ANTI-WAR PROTESTERS

Anti-war protesters shouted “terrorists” and held placards saying “Anglian Soldiers Go To Hell” and “Butchers of Basra” as 200 soldiers marched through Luton town centre to mark their return from Iraq. The protesters were held for public order offences. In finding the accused guilty, the judge said: “I have no doubt it is abusive and insulting to tell soldiers to go to hell and to call soldiers murderers, rapists and baby killers. It is not just insulting to the soldiers, but to the citizens of Luton who were out on the streets that day to honour and welcome soldiers home. ...The fact that they say they did not intend their remarks to be insulting does not amount to defence in law. They were fully aware that shocking phrases in such circumstances would inevitably cause distress. ...But this went beyond putting a point across, it crossed the threshold of legitimate protest and provoked and caused distress.” The judge passed a 2 year conditional discharge on each of the five men and ordered them to pay £500 costs.

THE POPPY BURNERS

A member of Muslims Against Crusades (MAC) and another individual were found guilty of a “calculated and deliberate” insult to the dead and those who mourn them when he burned two large plastic poppies during a two-minute silence on 11 November 2010. According to the judge, “It insults the memory of the dead. It insults those that commemorate the dead. It insults those who have lost loved ones. It insults those who use this occasion publicly to show their gratitude for lives sacrificed. ...In the circumstance that occurred in this case, invoking the criminal law to interfere with freedom of expression is proportionate. The defence of reasonableness does not prevail here.”

Chapter 2: Powers to require removal of face coverings

OBJECTIVE

- 2.1 The aim of the consultation on face coverings is to seek views on supplementing existing provisions for demanding the removal of face coverings in section 60AA of the Criminal Justice and Public Order Act 1994 to strengthen the response both to threat and actual disorder.

BACKGROUND

SECTION 60/60AA OF THE CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

Section 60/60AA: If an officer of or above the rank of inspector reasonably believes there is a threat of serious violence or that people are carrying offensive weapons, he/she may put a section 60 authorisation in place. This means that police can search people without requiring reasonable suspicion for offensive weapons, and require the removal (or seizure) of masks, scarves etc. that the police reasonably believe are being worn to conceal identity.

Section 60AA: Alternatively, if an officer of or above the rank of inspector reasonably believes that people are likely to commit offences in the area, he/she may put a section 60AA authorisation in place which allows the police to require the removal of (or seizure) of masks, scarves etc. that they reasonably believe are being worn to conceal identity.

Under section 60AA the officer exercising the power must reasonably believe that someone is wearing an item wholly or mainly for the purpose of concealing identity, not simply because it does, in fact, disguise their identity. There is also a power to seize such items where the officer believes that a person intends to wear them for this purpose. There is no power to stop and search for disguises. Guidance provides that where there may be religious sensitivities about ordering the removal of face or head coverings, the officer should permit the item to be removed out of public view. Where practicable, the item should be removed in the presence of an officer of the same sex as the person and out of sight of anyone of the opposite sex.

Authority under section 60AA for a constable to require the removal of disguises and to seize them may be given if the authorising officer reasonably believes that activities may take place in any locality in the officer's police area that are likely to involve the commission of offences and it is expedient to use these powers to prevent or control these activities. This must have an objective basis, for example: intelligence or relevant information, such as a history of antagonism and violence between particular groups; reports that individuals are regularly carrying weapons in a particular locality; or previous incidents of crimes being committed while wearing face coverings to conceal identity.

An authorisation under section 60AA may only be given by an officer of the rank of inspector or above, in writing, specifying the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. The period authorised shall be no longer than appears reasonably necessary to prevent, or seek to prevent the commission of offences. It may not exceed 24 hours. An inspector who gives an authorisation must, as soon as practicable, inform an officer of or above the rank of superintendent. This officer may direct that the authorisation shall be extended for a further 24 hours, if considered necessary.

A person who fails to remove an item when required to do so by a constable is liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale (£1000) or both.

REMOVAL OF FACE COVERINGS: THE NEED FOR NEW POWERS

- 2.2 In his statement before an emergency session of Parliament gathered to debate responses to the riots, the Prime Minister explained that currently the police can only remove face masks in a specific geographical location and for a limited time. He announced that he would give police the discretion to remove face coverings “under any circumstances” as long as there was reasonable suspicion of criminal activity. The Home Secretary also stated, “I am willing to consider powers which would ban known hooligans from rallies and marches and I will look into the powers the police already have to force the removal of face coverings and balaclavas. If the police need more help to do their work, I will not hesitate in granting it to them.”
- 2.3 Currently officers can demand removal of face coverings in accordance with an authorisation from a senior officer (under section 60AA) which specifies the location and time period for the exercise of the power. This can cause bureaucratic delays and can hinder police response to mass disorder.
- 2.4 The proposal to give new powers for removal of face coverings is not about race, religion or creed or depriving particular groups of their cultural identity. It is about giving officers the tools they need to identify anyone who may be a suspect or offender in a crime.
- 2.5 This consultation seeks views on the practicalities of strengthening existing powers: whether this means allowing police officers on the street to use their discretion to require removal of face coverings without seeking written permission from a higher rank and what exactly the threshold for the new power should be. This would prevent build-up of disorder; provide an effective deterrent to criminal activity; and accelerate the response to crime. Input is also sought on safeguards to ensure that the new powers are used appropriately.

POLICY CONSIDERATIONS

- 2.6 The consultation aims to consider five key aspects of the use of new powers to remove face coverings:
- **Scope:** how new powers should be framed to allow officers to request removal of face coverings without authorisation by a senior officer.
 - **Trigger:** whether reasonable suspicion of criminal activity should be the trigger for the new power.
 - **Balance:** how to ensure that the new powers are proportionate and balanced with civil liberties.
 - **Safeguards:** whether and how guidance/ training, monitoring and privacy provisions would ensure that the powers are used sensibly and sensitively.
 - **Penalties:** whether penalties for non-compliance should be made tougher.

Chapter 3: Power to impose curfews

OBJECTIVE

- 3.1 To seek the views of key partners and members of the public on whether the police should have additional powers to impose curfews to prevent disorder or criminality, and on the oversight arrangements and safeguards that would be required to ensure the use of any new powers was necessary and proportionate.

BACKGROUND

- 3.2 Following the disturbances in August, the Prime Minister announced that the Government would look at ‘the use of existing dispersal powers and whether any wider power of curfew is necessary’. This is part of a concerted programme of work across Government to address issues highlighted by those events which includes work on gangs, problem families and police tactics. In taking that programme forward, we want to take the opportunity to look not just at the disturbances themselves, but also at the underlying causes, and to identify areas where there is scope for a preventative approach to protecting the public. This approach extends to our exploration of potential new powers.
- 3.3 The police currently have a range of powers to disperse individuals or groups on the grounds of crime or anti-social behaviour, and to take unaccompanied children home or to a safe place.

DISPERSAL POWERS UNDER THE ANTI- SOCIAL BEHAVIOUR ACT 2003 AND THE VIOLENT CRIME REDUCTION ACT 2006

The dispersal powers accorded to the police include:

- The power to designate¹ an area as a ‘Dispersal Zone’, with the consent of the relevant local authority, and to direct an individual or group to leave that zone and not return for up to 24 hours, if an officer has reasonable grounds for believing that their presence or behaviour has resulted, or is likely to result in a member of the public being harassed, intimidated, alarmed or distressed; and
- The power to direct² an individual aged 10 or over to leave any area and not return for up to 48 hours, if an officer believes their presence is likely to contribute to alcohol-related crime and disorder and that it is necessary to give that direction to remove or reduce the likelihood of that crime and disorder occurring. This includes the power to take a person under the age of 16 home, or to a recognised place of safety, once they have been issued with a direction to leave an area.

¹ Under sections 30-32 of the Anti-social Behaviour Act 2003

² Under section 27 of the Violent Crime Reduction Act 2006

3.4 Aside from the Civil Contingencies Act 2004 (which gives powers to Government rather than the police), current police curfew powers are limited to the power to impose a curfew on an individual as a condition of police bail. The previous government also gave Chief Constables and local authorities the power to impose a localised curfew on children under the age of 16, with the Home Secretary's consent. However, this power (called the 'Local Child Curfew Scheme') was never used, and it was repealed in the Policing and Crime Act 2009.

3.5 We have already looked at the existing police dispersal powers as part of the wider Home Office review of anti-social behaviour legislation, and found that they can be confusing, bureaucratic and slow to take effect, with many local authorities requiring a public consultation before a 'Dispersal Zone' can be introduced. We consulted earlier this year on a proposal to streamline those powers into a single 'Direction Power', which would remove the requirement to designate a 'Dispersal Zone' in advance, at the same time as focussing on an individual or group's actual behaviour as opposed to their mere presence (which is part of the current test). We will be bringing forward more detailed policy later in the autumn, as part of our package of more effective measures to deal with anti-social behaviour.

CURFEWS

3.6 The disturbances that took place across England in August showed the serious impact that public disorder and criminality can have on victims, neighbourhoods and businesses, something that was reflected in the tough sentences that have been handed down to those involved. The Government is committed to ensuring that the police have all the powers they need to protect and reassure the public, and to prevent damage to communities and property in the future.

3.7 There may be circumstances in which a curfew – keeping people off the streets altogether –

could be more useful to the police than even a streamlined power to disperse people once a problem has started to develop. For example, dispersal powers are not suitable for dealing with large numbers of people, as the officer in question must record his or her grounds for use in each instance. A curfew could also be useful in stopping people travelling into an area to cause problems, as seems to have been the case with a significant proportion of offenders involved in the recent disturbances. Perhaps more importantly, given that 45% of juveniles charged for offences linked to the disorder had no prior cautions or convictions, curfew powers could be a powerful tool to prevent the criminalisation of young people – both in cases of violent disorder, and more broadly – which has a huge long-term impact on their life chances.

3.8 There appears to be some public support for the use of curfews, both in relation to the recent disorder and to deal with wider issues of crime and anti-social behaviour. For example, 82% of respondents in a recent poll on police powers said they would support the use of curfews in dealing with rioters³. Previous to that, a survey in 2008 found that 88% of parents would welcome a 9pm curfew for young children, and 85% would support a 10pm curfew for children under the age of 16⁴.

3.9 However, the introduction of new powers that could potentially be used to place restrictions on people's freedom of movement is not a step the Government would ever take lightly, and we believe any new curfew powers would need to balance the following principles:

- **Speed** – the need for the police to act swiftly to protect the public.
- **Proportionality** – any restrictions on individuals' movements would need to be proportionate to the potential harm, or the criminality involved.

³ YouGov, August 2011

⁴ YouGov, July 2008

- **Professional discretion** – operational decisions on the use of any new curfew powers should be a matter for the police alone.
- **Oversight** – use of any new powers should be subject to oversight and strict safeguards.
- **Prevention** – the objective of using any new curfew powers should be, to prevent crime and disorder.

3.10 We are therefore seeking the views of partners and the public on whether additional police curfew powers could be useful and justified, and particularly on a limited, general curfew power. We are also keen to explore whether there are additional powers that could help the police take a more preventative approach to crime, especially youth crime.

LIMITED GENERAL CURFEW

3.11 The aim of a general police curfew power would be to give the police an operational tool to keep members of the public off the streets in a given location, for a given period, in order to prevent or address serious disorder. This could be used instead of dispersal powers in situations that could potentially involve large numbers of people (either likely to offend, or at risk of harm), or where the police needed to empty an area of people quickly for safety and security reasons.

POLICY CONSIDERATIONS

3.12 Our proposal would be for an operational police power to keep people off the streets in a limited geographical area, for a limited period, when this is judged necessary in order to protect the public from serious disorder. The decision would be taken by a senior police officer based on credible intelligence of a serious threat of such disorder in that place and at that time. We are mindful that tests around necessity and proportionality will need to be enshrined in law. This consultation aims to consider the following key aspects of such a proposed new power:

- **Scope:** We are clear that a curfew should operate only over a clearly defined geographic area and for a clearly-defined length of time. We are interested in views on what should be the maximum area and length of time.
- **Seniority of decision-making:** The decision must be taken by a police officer of appropriate seniority and we are interested in views on what rank this might be; we think Superintendent rank or above might be suitable.
- **Oversight and checks and balances:** There would need to be independent oversight of the use of such a power, and we would envisage prior judicial approval being required, with arrangements permitting subsequent validation in circumstances where that was not possible. The Police and Crime Commissioner might also need to be informed in order to have the opportunity to challenge or question the need for a curfew (but would not be involved in the operational decision to impose one).
- **Notice:** It would be necessary to give appropriate notice to people within the curfew zone and to make arrangements for those who needed to be outside for justifiable reasons (for example, emergency workers).
- **Breach:** In the interests of avoiding unnecessary criminalisation, we do not propose making being outdoors in a curfew zone an offence. However, as with current dispersal powers, we are considering whether it should be a criminal offence to breach a subsequent instruction from the police to leave the area. We are interested in views on what might be an appropriate sanction, and what would constitute a deterrent effect.

PREVENTION

3.13 The Government has a responsibility to protect the public from harm. It also has a special responsibility to keep young people safe, and to stop them jeopardising their own life chances. The evidence suggests that the average age of a first offence is 15 and that the earlier someone starts offending, the more likely they are to go

on to a long criminal career. It also tells us that offending by young people often takes place in a group, and that certain factors, such as alcohol, drug use and time spent out of adult supervision are all associated with a greater risk of offending. We are therefore keen to hear views on whether there are additional powers that could help the police nip offending – particularly localised youth offending – in the bud without criminalising people unnecessarily.

- 3.14 One example would be to make a curfew one of the conditions that could be attached to a **conditional caution**. A conditional caution is an out-of-court disposal for low-level offences, which is available for adults and currently being piloted in five areas for young people. The conditions that can currently be attached must be rehabilitative or reparative (although a punitive, financial penalty condition is available in five pilot areas). These conditions could include restrictions, such as a curfew, if that were deemed appropriate to help rehabilitate an offender or make good the harm they had caused. Attaching a curfew to a conditional caution could nip low-level or emerging criminality in the bud by restricting an offender's movements at times when they were most likely to commit further offences. This could be particularly helpful as a way of getting a young person's behaviour back on track – for instance where groups of peers are a factor in the offending.

POLICY CONSIDERATIONS

- 3.15 We propose making a curfew one of the recognised options for rehabilitative conditions that can be attached to a caution. It would be important for this to be proportionate, appropriate and achievable and must not prevent an offender accessing their home, place of work or places of religious worship or education, or otherwise inappropriately disrupt the necessities of their daily life. We do not think it would be appropriate to impose this kind of curfew for public protection purposes where the public

interest is likely to demand a prosecution (and in many cases the public interest will continue to require a prosecution in court). The consultation aims to consider the following key aspects of such a proposal:

- **Scope:** A curfew attached to a conditional caution would be proposed for particular times within a clearly defined period, and we are interested in what these might be. A police officer or prosecutor could, for instance, propose a curfew of four consecutive Friday nights in a situation where a person had engaged in criminal behaviour at those times.
- **Culpability and consent:** As with all conditional cautions, the offender would need to admit the offence and agree to accept a conditional caution and the proposed conditions (including a curfew). The conditional caution must also be signed to indicate that the offender understands what they are committing to.
- **Addressing risk and offending behaviour:** In considering whether a conditional caution is appropriate, the police officer or prosecutor would need to take into account the risk of re-offending presented by the offender and consider any curfew arrangements that might be appropriate to address them.
- **Breach:** If the curfew was breached, it is very likely that the offender would be prosecuted in court for the original offence. We would welcome views on the implications of this, particularly for young people.

- 3.16 The use of a curfew as part of a conditional caution would not require primary legislation, but the Code of Practice published by the Secretary of State for Justice and guidance issued by the Director of Public Prosecutions would need to be amended to make clear that a curfew was an option available to police officers and prosecutors.

- 3.17 There may be other powers that could help the police take a more preventative approach to

local crime or youth crime, and we are keen to hear views from practitioners and members of the public as to what they might be. Parents also have a clear role in being responsible for their children's whereabouts and behaviour, and we would also be interested in views on ways of encouraging them to play their part in preventing youth crime.

Chapter 4: Consultation questions

You can respond to any or all of the sections in the consultation. The closing date for all three parts of the consultation is Friday 13 January 2012.

You can complete the online form at <http://www.homeofficesurveys.homeoffice.gov.uk/v.asp?i=41428bwhlr>. Alternatively, you can copy and paste the questions in the pdf on to a Word document and send your response by email to PolicePowers@homeoffice.gsi.gov.uk, or by post to Police Powers Consultation, Public Order Unit, 5th Floor, Fry, Home Office, 2 Marsham Street, London SW1P 4DF.

Please give reasons for your answers and examples or details of experience where possible. You do not need to restrict your answers to the boxes, more substantive replies can be provided in the form of a Word document.

Please state whether you are responding as an individual or whether you are representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents; the basis of your experience; and where applicable, how the views of members were collated.

Name (optional)

Role (optional)

Organisation

Additional information

QUESTIONS ON SECTION 5 OF THE PUBLIC ORDER ACT

1. Do you think there is a clear difference between 'insulting' words and behaviour and 'abusive' words and behaviour? Please give examples.

2. In your experience, are ‘insulting’ words and behaviours less serious than ‘abusive’ words and behaviours. Please give examples.

3. In your view, does having ‘insulting’ words and behaviour as a criminal offence restrict people from expressing themselves freely?

4. In your view, would removal of the word ‘insulting’ from section 5 have any particular impact on specific groups? Please give examples.

5. If you do have concerns about the word ‘insulting’ remaining in section 5, can you explain if this is due to interpretation of the word or the actual legislation?

6. In your opinion, is the ‘reasonableness’ defence for ‘insulting’ (which is a statutory defence in section 5) an adequate safeguard against misuse?

7. In your opinion, is guidance to police officers clear on when insulting behaviour constitutes an offence and an arrest should be made and is it sufficiently clear to ensure consistency of decisions?

8. Do you think that the threshold for arrest under section 5 is set at the right level?

9. Please provide any additional comments in the box below.

QUESTIONS ON POWERS TO REMOVE FACE COVERINGS

1. In what circumstances would it be appropriate to require removal of face coverings without prior authorisation by a senior officer?

2. What should be the trigger under the new power if authorisation by a senior officer is not being sought?

3. Do you think that wider powers to demand removal of face coverings may interfere with individual freedoms?

4. Do you think that guidance, training and monitoring could help to ensure consistency of officers' decisions? Please give examples.

5. Do you think that penalties for a refusal to comply with a demand to remove a face covering should be made more stringent? (currently offenders are liable to imprisonment for a term not exceeding one month or to a fine not exceeding £1000 or both).

6. In your view, should officers be required to explain the reason for the demand to remove face coverings?

7. Do you think that officers should be required to conduct the identification in reasonable privacy, if requested, even though it might cause a delay in the response?

8. Please provide additional comments in the box below.

QUESTIONS ON POWERS TO IMPOSE CURFEWS

1. What are your views on the proposal to give the police a limited, general power to impose curfews?

2. Do you think there should be limits on the geographical scope and duration of such a curfew power? If so, what do you think would be appropriate limits?

3. What do you think would be an appropriate sanction for breach of an instruction to leave a curfew zone?

4. What are your views of the proposal to make a curfew one of the recognised rehabilitative options for a conditional caution?

5. In what circumstances might a curfew be an appropriate response to low-level offending?

6. Are there other powers you think would help the police take a more preventative approach to local crime, particularly youth crime? If so, what are they?

7. What role should parents play in preventing local youth crime? How could they be encouraged to do so?

8. Please provide additional comments in the box below.

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office.

He does not process your response to this consultation.

The Co-ordinator can be emailed at:
Adam.McArdle2@homeoffice.gsi.gov.uk

or alternatively write to him at:
Adam McArdle, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
Better Regulation Team
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF



Home Office

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe & Attractive Neighbourhoods
2.	Date:	9th January 2012
3.	Title:	Respect ASB Charter for Housing
4.	Programme Area:	Neighbourhoods and Adult Services

5. Summary

The purpose of this report is to inform the Cabinet Member for Safe and Attractive Neighbourhoods of the publication on 22nd June 2011 of the 'Respect ASB Charter for Housing', and seeks approval for RMBC to sign up to this standard and commence an assessment of the service we provide against the criteria set out in it.

This is a voluntary standard and is essentially an update and replacement of the previous 'Respect Standard for Housing Management - 2006' that RMBC, the then 2010 Rotherham Ltd and the Rotherham Federation of Tenants and Residents (RotherFed) signed up to in 2007.

At present, RMBC like all landlords is required to adhere to the Tennant Services Authority's (TSA) Neighbourhood and Community Standard and to have developed a local standard with their tenants to identify and agree locally defined outcomes and priorities. Compliance with the TSA standard exists in RMBC and there is no conflict between the requirements of the TSA and those of the Respect ASB Charter for Housing and as a council, we are confident in our ability to successfully work with partners and stakeholders to meet all objectives.

By re-signing to the updated charter RMBC will be reaffirming its commitment to our tenants to put tackling anti-social behaviour (ASB) at the heart of what we do and importantly, provides an opportunity to promote the good work that is already taking place across the borough.

Tackling ASB and improving the quality of life within our communities is a key priority of RMBC and the Safer Rotherham Partnership. The new Respect Standard provides a set of key activities that social landlords should carry out to tackle ASB effectively and help build strong and safe communities.

6. Recommendations

- **That a full assessment is carried out of the services we provide against the criteria set out in the charter**
- **That RMBC sign up to the new 'Respect – ASB Charter for Housing' in partnership with 'RotherFed'**

7. Proposals and Details

In 2007 the council, the then 2010 Rotherham Limited and 'RotherFed' signed up to the government's 'Respect Standard for Housing Management 2006'. In doing so we made a public commitment to do everything we reasonably can to tackle ASB and develop a culture of respect in the neighbourhoods we work with.

The Respect Standard for Housing Management was part of a wider national 'Respect' agenda - a cross-government strategy to tackle bad behaviour and nurture good to create a modern culture of respect.

In January 2011, ownership of the standard passed to the Chartered Institute of Housing (CIH), with support from the Social Landlords Crime & Nuisance Group and 'HouseMark'.

On 22nd June 2011 the CIH launched a new 'Respect – ASB Charter for Housing' (Appendix 'A'). This voluntary charter was created by housing professionals in consultation with residents and commits landlords to provide a high quality service to prevent and deal with ASB. It puts an even higher priority on tackling ASB in order to protect vulnerable tenants and improve the lives of people resident in social housing.

The charter has been developed through wide consultation, continues to be voluntary and is essentially an updating of the previous standard. It is not intended to be a wider community safety charter; it is about the provision, by landlords, of ASB services.

The charter aims to be outcome focused and not prescriptive or process driven. Its purpose is to improve ASB services and consists of seven core commitments:

- Demonstrating leadership and strategic commitment
- Providing an accessible and accountable service
- Taking swift action to protect communities
- Adopting a supportive approach to working with victims and witnesses
- Encouraging individual and community responsibility
- Having a clear focus on prevention and early intervention
- Ensuring a value for money approach is embedded in the service

These commitments are supported by a series of 44 'building blocks' based on sector good practice.

The Respect Standard for Housing management that it replaces was built around the following six core commitments:

- Accountability, leadership, and commitment
- Empowering and reassuring residents
- Prevention and early intervention
- Tailored services for residents and provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti-social behaviour

It will be seen that there are clear similarities between the core commitments and there would not be a requirement for any significant change of overall approach in re-signing to the updated charter.

In developing the charter the CIH acknowledged that there will be a wide range of diverse organisations who will want to sign up to it and as such, not all of the Commitments and Building Blocks will be appropriate. It is intended to be a framework for landlords to use and adapt to local circumstances and priorities. The aim is for landlords to work with tenants to understand what issues are important to them, and work towards ultimately achieving this.

Signing the Charter simply requires a commitment from the landlord. It does not require full compliance at this time.

An initial gap analysis carried out against the criteria within the Charter shows there are more strengths than areas for development for RMBC (Appendix 'B'). This is to be expected as it was created from the former 'Respect Standard for Housing Management' which has been progressively developed since RMBC/2010 signed up to in 2007.

Benefits

A robust cross partnership structure to tackle ASB is in place and progress has been made in reducing the overall number of reported incidents in recent years. Activity to tackle ASB in Rotherham is driven by a partnership Priority Group and there is in place a recently agreed ASB Strategy supported by a detailed action plan and the council's statutory ASB Policy & Procedures document. Performance is monitored by the Safer Rotherham Partnership through the Joint Action Group.

As a result of the structures already in place it is not envisaged that there will be any additional practical, operational or resource implications associated with re-signing the charter. Re-signing the charter would:

- Reaffirm to our tenants our commitment to provide a high quality ASB service and our accountability for its delivery.
- Ensure there was in place an updated and on going self assessment framework for improvement, tailored to local needs and priorities.
- Provide a set of standards that could be shared and developed with partners, potentially leading to improved service delivery.
- Provide an opportunity for the reintegrated Housing Service to re-assess its response to ASB against the criteria within the updated charter.
- Offer the opportunity to obtain external accreditation through 'HouseMark' and the 'Social Landlords Crime & Nuisance Group Accreditation Service, although this is not a requirement of re-signing the charter.

The localism agenda and elements of the building blocks that make up the Charter ensures that how the council engages tenants to develop and scrutinise the Charter will be key to its overall success.

A joint re-signing of the Charter with 'RotherFed' would show commitment to the principal and also through working with them to develop an action plan which reflects local and customer priorities.

To date a total of 196 Local Authorities and other social landlords have signed up to the new charter, with over 25 organisations having achieved external accreditation.

A list of frequently asked questions in respect of the new charter is shown at Appendix 'C'

8. Finance

There are no foreseen additional financial implications associated with this proposal. Activity to tackle ASB is resourced through existing council and partner budgets and tightly managed external funding streams.

9. Risks and Uncertainties

Tackling ASB and improving the quality of life within our communities is a key priority of RMBC and the Safer Rotherham Partnership. The new Respect standard provides a set of key activities that social landlords should carry out to tackle ASB effectively and help build strong and safe communities.

There is a risk of raising and then failing to meet the expectation of tenants after publically reaffirming the council's commitment to provide a high quality ASB service and accountability for its delivery.

10. Policy and Performance Agenda Implications

There is clear linkage between how, as a partnership, Rotherham tackles ASB and the objectives within the RMBC Corporate Plan – Helping to create safe and healthy communities, People feel safe where they live, Anti-social behaviour and crime is reduced, People from different backgrounds get on well together. Improving the environment, Clean streets.

11. Background Papers and Consultation

- Respect – ASB Charter for Housing (June 2011)
- Respect Standard for Housing Management (August 2006)

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Respect

ASB charter for housing

June 2011



Introduction

CIH, SLCNG and HouseMark are pleased to introduce 'Respect – ASB Charter for Housing', the sector-owned replacement for the Respect Standard for Housing Management.

Introduced by the government in 2006, the original Standard played an important role in driving up performance in both preventing and effectively tackling anti-social behaviour (ASB). Over 500 signatories are a clear testimony to its success over the last five years. ASB continues to be a key issue for landlords, tenants and communities, and when the housing minister announced in January 2011 that the Standard would be passed from government to sector ownership, CIH, SLCNG and HouseMark were delighted to be asked to take up the baton.

The resulting Charter has been developed through wide consultation, and is essentially an updating of the Standard. Indeed, following the consultation process it was decided to retain the 'Respect' name, it being well-recognised and understood within the sector. The Charter continues to be voluntary, and is a key part of the new, co-regulatory approach within housing. It should be noted that the Charter is **not** intended to be a wider community safety charter – it is about landlords' ASB services. However, the importance of partnership working in improving outcomes for service users is acknowledged throughout the Charter.

Scope of the Charter

The Charter aims to be outcome-focused and not prescriptive or process-driven. Its purpose is to improve ASB services, and consists of seven core commitments:

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

These commitments are supported by a series of building blocks based on sector good practice.

By signing up to the Charter, landlords are making public their commitment to provide a high quality ASB service, and their accountability to tenants for its delivery. Smaller landlords with fewer resources may need to take a proportionate view of the commitments and building blocks within the Charter, whilst maintaining their key focus on outcomes for tenants. The Charter will continue to be based on a self-assessment approach and can be used as a framework for improvement, tailored to local needs and priorities.

This Charter is intended for landlords, but it will be important for them to then consult with their tenants about what this means, locally, for them and for the services they expect from their landlord. It was very important that tenants were involved in the development of the Charter. Representatives from both TPAS and TAROE were on the steering group.

The remainder of this document sets out the Charter itself. Information on how to sign up to the Charter and a list of current signatories can be found at www.cih.org/respectstandard.

A note on language

Several key words recur throughout the Charter and should be interpreted in their widest possible sense as indicated below:

“**Tenant**” includes all types of potential tenants, existing tenants, residents, leaseholders, etc.

“**Landlord**” refers to housing associations, stock retaining local authorities and (where appropriate) their ALMOs.

“**Complainant**” is the person reporting the ASB to the landlord.

“**Victim**” includes any person affected by the ASB.

“**Witness**” refers to any person who has seen or heard the ASB complained of; it includes but is not restricted to individuals providing evidence in support of formal enforcement action(s).

“**Perpetrator**” refers to individuals found to be responsible for committing anti-social acts or for permitting or encouraging such acts.

ASB Commitments	Building Blocks
<p>1. We demonstrate leadership and strategic commitment</p> <p>(There is strong leadership, corporate commitment and accountability about preventing and tackling ASB. This is embedded throughout our business and across key partners)</p>	<p>1.1 Our values, aims and objectives are reinforced by our approach to ASB and this approach is subject to ongoing ratification, assessment and review by both us and our tenants.</p> <p>1.2 Tackling ASB is a core strategic and operational business activity and we will ensure that we commit sufficient capacity and resources to tackle ASB effectively.</p> <p>1.3 We provide relevant training, capacity-building and support across all levels of the organisation (including staff, tenants, the governing body and relevant partners) that supports the delivery of a targeted action/service improvement plan for ASB.</p> <p>1.4 We clearly communicate to all tenants that ASB will not be tolerated. Our staff and contractors are supported to identify and report incidents where they have been subject to or have observed ASB.</p> <p>1.5 We proactively engage with relevant partners to support a joined-up approach to tackling the root causes of ASB and promoting positive behaviours.</p> <p>1.6 We have performance management frameworks in place to report, monitor and review ASB performance. These include challenging performance targets and are also reflected in service plans at a team and individual level. Our ASB targets are subject to regular review and demonstrate year-on-year improvement.</p> <p>1.7 Information on our performance against ASB targets is readily available and shared across the organisation to drive continuous improvement. It is regularly reported to our senior management, our governing body, partner agencies and our tenants.</p>
<p>2. We provide an accessible and accountable service</p> <p>(All our tenants can easily report ASB and access the service. Tenants are provided with useful and timely information and are actively encouraged to influence how we deliver the service)</p>	<p>2.1 All of our tenants can easily access our ASB services.</p> <p>2.2 We collect information which helps us to understand local demographics and the overall profile of our tenants. We use this information to tailor how the service is delivered to individuals and to demonstrate equality in service provision.</p> <p>2.3 We provide clear information which sets out what the service is, how it is delivered and how it can be tailored to meet local needs. All information about our services can be made available in a variety of formats, and translated into relevant community languages on request.</p> <p>2.4 There is a range of ways for our tenants, including marginalised groups, to be involved in shaping the service. We do this routinely and systematically to support continued service improvements.</p> <p>2.5 We publicise what we and our partners have done to tackle ASB in our communities - both our enforcement activity and the activities we do to prevent ASB occurring. Our approach balances the need to protect communities and build confidence that ASB will not be tolerated.</p>

ASB Commitments	Building Blocks
	<p>2.6 We take seriously all complaints about the services we provide. This is demonstrated in our overall approach to handling complaints which are regularly monitored against targets and contribute to the process of continual learning.</p> <p>2.7 We regularly assess satisfaction with the ASB services and gather feedback on what we could do to improve them. We publicise survey results and customer feedback to our tenants.</p> <p>2.8 We have mechanisms in place to allow our tenants to assess how we are performing. We provide our tenants with regular, robust and appropriate information in a format which has been agreed with them. Tenants are encouraged and empowered to hold us to account about the delivery and performance of our ASB services.</p>
<p>3. We take swift action to protect communities</p> <p>(We take prompt, appropriate and decisive action to deal with ASB before it escalates. In doing so, we adopt a problem-solving approach and have regard to the full range of tools and legal powers available)</p>	<p>3.1 Our staff are fully aware of the range of tools and powers available to them and our partner organisations, and know how to use them appropriately in accordance with our published policies and procedures.</p> <p>3.2 We apply consistent and robust processes for managing ASB cases.</p> <p>3.3 The actions that we take to tackle ASB are carefully considered and are proportionate to the effects of the behaviour on individuals, communities and the environment.</p> <p>3.4 We have a proactive approach to gathering evidence and utilise a variety of available sources (i.e. multi-agency, non-housing management staff and contractors) to support action to tackle ASB.</p> <p>3.5 We have strong working relationships locally and strategic links with partners (including local authority, police, and court services); we use these to investigate and tackle ASB.</p> <p>3.6 We act swiftly when a perpetrator fails to engage with support provision and their behaviour does not improve.</p> <p>3.7 We close cases appropriately, in a timely manner and, where possible, in consultation with the complainant.</p>
<p>4. We adopt a supportive approach to working with victims and witnesses</p> <p>(Our approach to case working demonstrates a strong focus on identifying and minimising risk)</p>	<p>4.1 Our management of ASB cases demonstrates a clear focus on protecting people from harm and on supporting victims and witnesses.</p> <p>4.2 We have appropriate measures in place to identify and respond to both the risk to and vulnerability of victims and witnesses, including repeat victimisation.</p> <p>4.3 Our staff are aware of and know how to access the support that is available to assess the needs of victims and witnesses on a case-by-case basis, particularly where victims and witnesses are vulnerable.</p> <p>4.4 We agree action plans with complainants, update them regularly on the progress of their case and inform them directly of all key developments.</p>

ASB Commitments	Building Blocks
	<p>4.5 We ensure that individuals attending court are supported and we liaise with the courts where necessary to minimise any distress and any associated risks.</p>
<p>5. We encourage individual and community responsibility (We work with community groups and partners to promote tolerance and responsibility amongst our tenants and the wider community)</p>	<p>5.1 We can provide evidence of our work with tenants, tenant groups and leaders, and partner organisations to promote tolerance, balancing individuals' liberties with their impact on others and the community (e.g. good neighbourhood agreements, tenants engaging in mediation, and restorative justice schemes).</p> <p>5.2 We encourage and facilitate community involvement among tenants, including how individuals can support other members of their community to help us and our partners tackle ASB issues.</p> <p>5.3 We take steps to find out about and effectively meet our tenants' expectations of our ASB service.</p> <p>5.4 Where appropriate and safe, we encourage 'self-help' options to resolve more minor nuisance issues (e.g. encouraging complainants to talk to perpetrators, seeking to resolve the issue amicably and without recourse to the landlord).</p>
<p>6. We have a clear focus on prevention and early intervention (The preventative measures we use are tailored towards the needs of our tenants and their families. We also provide, whether directly or via our partners, effective support to enable perpetrators to change their behaviour)</p>	<p>6.1 Our policies for allocations and lettings contribute to preventing ASB and nuisance, and promoting neighbourhood sustainability.</p> <p>6.2 Our tenancy agreements set out clearly what we mean by ASB, the standards of behaviour we expect of all tenants and the sanctions that we may apply to those who behave in an anti-social manner. We reinforce these key messages at tenancy sign-up and set them out in publicity that is available to our tenants.</p> <p>6.3 We proactively engage with partners to address the causes of ASB and to reduce the opportunities for it (e.g. through the appropriate provision of services such as warden patrols, CCTV and/or other measures).</p> <p>6.4 We work with our tenants and with partner agencies to identify ASB 'hotspots' and use the information to target resources.</p> <p>6.5 We use a range of early intervention techniques to prevent ASB from escalating.</p> <p>6.6 We proactively engage with our tenants and with partner agencies to provide diversionary activities (e.g. facilities for young people) and to evaluate their impact.</p> <p>6.7 Our staff are able to access services to provide support to vulnerable individuals.</p>

ASB Commitments	Building Blocks
<p>7. We ensure that a value for money approach is embedded in our service</p> <p>(We can demonstrate a strong focus in securing efficiency and effectiveness by balancing cost and quality)</p>	<p>7.1 Value for money is understood and embedded in our work; it is part of our performance management framework, determines resource allocation and is widely communicated to staff who are encouraged to identify value for money opportunities. Resources are used effectively and efficiently.</p> <p>7.2 We understand the cost of the ASB service, including elements such as staffing costs, responding to ASB incidents (e.g. criminal damage, graffiti, fly-tipping) and of making use of various ASB tools.</p> <p>7.3 We know how we are performing in delivering our ASB service, and how satisfied service users are. Costs, performance and satisfaction are benchmarked against comparative providers and demonstrate value for money.</p> <p>7.4 There is an evidence-based approach to budget-setting and this is linked to the annual service improvement plan.</p> <p>7.5 We know whether we are getting value for money for procured services (e.g. mediation, support services, professional witness services) and we have, where appropriate, undertaken joint procurement and considered shared services.</p> <p>7.6 Through tenant scrutiny arrangements, tenants are provided with appropriate information on comparative service costs, performance and satisfaction, enabling evidence-based value for money judgements to be made. Consultation on changes to the service includes a cost-benefit analysis, so tenants can make informed value for money choices.</p>

Information on how to sign up to the Charter and a list of current signatories can be found at www.cih.org/respectstandard



Respect ASB Charter for Housing Gap Analysis

1. We demonstrate leadership and strategic commitment

(There is strong leadership, corporate commitment and accountability about preventing and tackling ASB. This is embedded throughout our business and across key partners)

Building Block	Evidence of compliance / gaps / action required
<p>1.1 Our values, aims and objectives are reinforced by our approach to ASB and this approach is subject to ongoing ratification, assessment and review by both us and our tenants.</p>	<p>There is top level leadership & support for tackling ASB, the objectives are shared by partner organisations (Community Strategy).</p> <p>Corporate Plan: Helping to create safe and healthy communities, improving the environment & ensuring care and protection are available to those who need it most</p> <p>N&AS Service Plan: Ensuring ASB and Crime is reduced and people feel safe where they live, People are able to live in decent affordable homes of their choice & vulnerable people are protected from abuse</p> <p>ASB Strategy & ASB Policy revised 2010</p> <p>The are allied/integrated policies e.g. Enviro Crime, Domestic Violence, Hate Crime, Allocations etc. The SNT Structure in Place including Strategic JAG, NAG and operational SNT has been in place since 2006.</p> <p>ASB Priority Group & ASB Housemark KPI's are reported & monitored monthly</p> <p>Respect Standards for Housing Management Reports have been provided to the Board/Sustainable Communities Committee since 2007/8 and Reported to the Rotherfed Board</p> <p>ASB Service Improvement Group and ASB Victim Focus groups are held to learn from the customers experience and drive performance.</p> <p>PACTS set local priorities which are reviewed often the following month</p> <p><u>Actions</u></p> <ul style="list-style-type: none"> • Best practice suggests the ASB Policy & Strategy should be reviewed annually, it will require a full review once the governments ASB review and new tools and powers are announced. The current tool kit will be in force until 2013. • Sign up to the new ASB Charter and agree localised plan with the tenants.

	<ul style="list-style-type: none"> • Establish scrutiny mechanism and report quarterly performance, produce an annual report.
<p>1.2 Tackling ASB is a core strategic and operational business activity and we will ensure that we commit sufficient capacity and resources to tackle ASB effectively.</p>	<p>The restructure of N&AS will free Housing Champions from the generic role to concentrate on ASB & Tenancy & Estate Management duties. Incorporating the ASB Officers into the neighbourhood teams will improve access and closer working with the Housing Champions. Locality based teams multi agency teams will provide effective services through greater integration. The commitment to implementing CIVICA is a significant financial investment which will improve work flows and support for front line officers. The Pilot to extend the Out of Hours Noise service will improve accessibility and action on the number one type of ASB. Proposals to extend enforcement powers to front line Housing officers will significantly increase the number of front line capable of taking action such as serving abatement notices.</p> <p><u>Gaps/Actions</u></p> <ul style="list-style-type: none"> • Implementing CIVICA • Develop Tenancy & Estate Management Process to support front line staff & develop the IT to match the processes. This will either be done as part of the introduction of CIVICA or if the T&EM module has a low priority it will have to be developed on Northgate and migrated across. • Extension of the out of hours nuisance service as agreed by the ASB priority Group in October 2011 • Introduce the South Tyneside Model for enforcement
<p>1.3 We provide relevant training, capacity-building and support across all levels of the organisation (including staff, tenants, the governing body and relevant partners) that supports the delivery of a targeted action/service</p>	<p>Front line staff have received ASB training periodically from consultants, the ASB Team and Legal services, training on the core indicators core indicators and ASB function was last repeated in October/November 2010 and January 2011. Awareness sessions have also been provided to the ASB SIG and community volunteers in 2010/11. Training needs to be annual and ongoing</p> <p><u>Gaps/Action</u></p> <ul style="list-style-type: none"> • A modular programme of ASB training is required for the Housing Champions & CSA's

improvement plan for ASB.	<p>consisting.</p> <ul style="list-style-type: none"> • Members and those involved in governance & co-regulation will need capacity building training. • Eyes and Ears refresher training is required for partners especially the R&M Contractors. The training should be provided to resident groups as part of the localism agenda and commitment 5
1.4 We clearly communicate to all tenants that ASB will not be tolerated. Our staff and contractors are supported to identify and report incidents where they have been subject to or have observed ASB.	<p>The tenancy agreement includes a clause. The H&S strategy has be revised giving clear guidance on the support that will be given. A violence towards staff process has been developed on the Northgate.</p> <p>Gap /Action</p> <ul style="list-style-type: none"> • Posters are required in reception points and interview rooms
1.5 We proactively engage with relevant partners to support a joined-up approach to tackling the root causes of ASB and promoting positive behaviours.	<p>Strong SNT partnerships have existed in Rotherham since 2006. In 2008 Audit commission identified the SNT partnership as being strong and listed it as good practice. Front line staff refer cases to the supporting agencies such as the NH Trust and locality teams, FIP etc.</p>
1.6 We have performance management frameworks in place to report, monitor and review ASB performance. These include challenging performance targets and are also reflected in service plans at a team and individual level. Our ASB targets are subject to regular review and demonstrate year-on-year improvement.	<p>RMBC is a member of the Housemark ASB benchmarking club. Performance is measured and targets are set against the data. Recent outcomes include the revised satisfaction survey.</p> <p>Four Housemark indicators are reported monthly HM30 (number and type of cases) HM31 & HM32 satisfaction with case handling & outcome and HM33 the number of cases closed resolved and unresolved. The information is also circulated to Tara's.</p> <p>Core and voluntary Respect indicators are measured they were supplied quarterly to the Sustainable. Reports are still issued to Rotherfed.</p> <p>Reports identify the type, length of case, ASB by area, diversity type and satisfaction.</p> <p>Performance clinics /ASB reviews are held with the Area Managers. Performance is drilled down further in individual front line officers 1-2-1's PDR's and annual targets reflect the business plan and improvement plan Objectives. Targets are regularly reviewed.</p> <p>There are also a number of Local offer services standards that have been set with tenants, this includes times scales for responding to ASB. The number of LO's need reducing to be meaningful.</p>

	<p>The ASB Priority Action Group also reports performance on a suite KPI's to the JAG</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Review the LO's and reduce the number to a manageable number. • The length of time a case is open is a current weakness, it needs to become an internal indicator alongside 8 week reviews. Releasing HC's from generic duties should make this a reasonable internal management target.
<p>1.7 Information on our performance against ASB targets is readily available and shared across the organisation to drive continuous improvement. It is regularly reported to our senior management, our governing body, partner agencies and our tenants.</p>	<p>Performance on HM30-HM33 is reported monthly along with the LO indicators. HM30-33 is issued to AHP's & TARA's on a monthly basis. Quarterly reports were submitted to the Sustainable Communities Board.</p> <p>Gap /Action</p> <ul style="list-style-type: none"> • Quarterly performance to be reported to through an agreed scrutiny mechanism • Performance to be reported on the internet, intranet & at least annually in the Tenant News letter
<p>Commitment 2 We provide an accessible and accountable service (All our tenants can easily report ASB and access the service. Tenants are provided with useful and timely information and are actively encouraged to influence how we deliver the service)</p>	
<p>2.1 All of our tenants can easily access our ASB services.</p>	<p>There are multi-channels to access the service, usage of the channels is monitored on the HM30 report to identify emerging trends. Satisfaction with access is monitored and benchmarked it is currently on par with the 2009/10 top quartile performance. The introduction of the 0300 100 2010 contact centre has improved accessibility. ASB can be reported through the website. Usage by non-tenants indicates a wide level of awareness how and where ASB can be reported. aware that they can report Proactive estate programmes such as estate walkabouts and Tenancy Verification have increased access to the service. Mobile working has increased the time spent on the estates The ASB Officers provide an out of Hours service & the out of hours noise team is about to be</p>

	<p>expanded as a pilot. A tenancy sign up DVD is issued on sign up; this includes a section on ASB.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Roll out of the multi-tenure 101 number • Assess the out of hours noise team pilot • Customer Contact manager to benchmark the use alternative channels to contact the service • Re-launch the eyes and ears and every contact counts programmes
<p>2.2 We collect information which helps us to understand local demographics and the overall profile of our tenants. We use this information to tailor how the service is delivered to individuals and to demonstrate equality in service provision.</p>	<p>The Checking our records programme means we now hold information on over 80% of customers. This continues to grow with the First Contact Team conducting telephone calls. It will grow further with the introduction of CIVICA with its in built CRM.</p> <p>The checking our records data defines how the service contacts the customer, although it is not as easy to extract or well used as it could be. The introduction of CIVICA will drive performance on this issue.</p> <p>Northgate extracts diversity data from the data base allowing both victims and perpetrators to be profiled. This has resulted in Diversity training programmes on issues such as mental health and Domestic Violence.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Introduction of CIVICA & its CRM will allow improved access by automatically identifying the preferred means of access
<p>2.3 We provide clear information which sets out what the service is, how it is delivered and how it can be tailored to meet local needs. All information about our services can be made available in a variety of formats, and translated into relevant community languages on request.</p>	<p>The ASB Policy & Strategy has been published and is on the internet, ASB Customer Leaflets have been developed with customers. Translation services are available.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Involve tenants in checking the website, published information to make sure it's easy to understand/use. • ASB leaflets will require refreshing although the cost of refreshing may dictate doing this after the government has completed its review.

<p>2.4 There is a range of ways for our tenants, including marginalised groups, to be involved in shaping the service. We do this routinely and systematically to support continued service improvements</p>	<p>The Key player data base is used to engage tenants and leaseholders in developing the service. The database identifies the subject areas residents wish to engage in and how they wish to participate . The ASB Service Improvement Group is a group of tenants who monitor performance and act as a focus group to develop ASB service. ASB customer focus groups are held with customers whose cases have recently been closed. The feedback is used to develop the service.</p> <p>Traditional TARAs exist on estates, supported by the Rotherfed umbrella Organisation. Two community of interest TARA's for the Deaf and residents from a BME back ground were established approximately 18months to two years ago.</p> <p>Area Housing panels monitor performance and are engaged in shaping services through the Golden 7 initiative.</p> <p>PACTs identify local priorities and hold the ST partners to account for tackling local ASB and crime issues.</p> <p>The local offer group acts in a monitoring role</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • The existing models do not fit with the anticipated co-regulation model. A review of resident involvement and Area Housing Panels is currently being undertaken . The findings should be used to develop a robust scrutiny model.
<p>2.5 We publicise what we and our partners have done to tackle ASB in our communities - both our enforcement activity and the activities we do to prevent ASB occurring. Our approach balances the need to protect communities and build confidence that ASB will not be tolerated.</p>	<p>Crime and ASB cases are reported to the press this is designed to promote positive action, send a clear message and build confidence that RMBC will act . Round Your place is also used to feature cases and actions. Round your place is also used to take a “you said we did approach” .</p> <p>PACTs and Area Assembly meetings are presented with a monthly update on progress/ performance on community issues</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Improve the website to include the outline of cases by Area Assembly & present to both the PACTs and AA's along the lines of you said we did.
<p>2.6 We take seriously all complaints about the services we provide. This is demonstrated in our overall approach</p>	<p>All dissatisfied cases can be identified by type, location, diversity strand, investigating officer etc. Links to the case and satisfaction survey can identify what went wrong.</p> <p>There is a robust corporate complaints procedure and monitoring in place. However the current</p>

<p>to handling complaints which are regularly monitored against targets and contribute to the process of continual learning.</p>	<p>complaints database does not allow ASB cases to be easily extracted and analysed.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Review the database to easily identify learning from lessons
<p>2.7 We regularly assess satisfaction with the ASB services and gather feedback on what we could do to improve them. We publicise survey results and customer feedback to our tenants.</p>	<p>Closed case satisfaction surveys are issued with a prepaid envelope, they are backed up with phone calls from the customer contact centre.</p> <p>An ASB Closed Case Customer Focus group is held with the victims of ASB and is used to identify the customers experience and improve the service.</p> <p>The ASB Service Improvement Group acts as a service improvement focus group.</p> <p>Housemark produce a STAR survey that can be used to replace the STATUS survey</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Consider sending Perpetrator surveys to closed RESOLVED cases to identify what made the difference • Consider using the STAR survey.
<p>2.8 We have mechanisms in place to allow our tenants to assess how we are performing. We provide our tenants with regular, robust and appropriate information in a format which has been agreed with them. Tenants are encouraged and empowered to hold us to account about the delivery and performance of our ASB services.</p>	<p>The ASB Service Improvement Group and volunteers have undergone a training programme on tools and powers, Respect Standard and performance indicators. The group has been effective in identifying improvements but is not representative of the tenants as a whole. Monthly performance is presented to the AHP's, Performance reports are presented to the ASB SIG and Rotherfed.</p> <p>PACT's are held in the SNT areas</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Develop a team of mystery shoppers to reality check ASB services • Develop training programme through Rotherfed • Widen range of engagement methods to include focus groups with communities of interest • Develop tenant scrutiny in line with the Localism Bill (The problem is it seems to change on a frequent basis!!) This could be achieved through the review of the AHP's or establishing Challenge Panels possibly based on the five TSA themes (Berneslai Homes), using the existing council scrutiny panels or Rotherfed.

<p>Commitment 3 We take swift action to protect communities (We take prompt, appropriate and decisive action to deal with ASB before it escalates. In doing so, we adopt a problem-solving approach and have regard to the full range of tools and legal powers available)</p>	
<p>3.1 Our staff are fully aware of the range of tools and powers available to them and our partner organisations, and know how to use them appropriately in accordance with our published policies and procedures.</p>	<p>Training has been provided by the ASBU and Legal services on the tools available. However, the powers of audience were not delegated to the ALMO meaning all HC's will require refresher training if they are to take enforcement action beyond the service of a NSP.</p> <p>Procedures are in place for Demoted tenancies and extending Introductory Tenancies (ITs). Reports are in place to ensure that breaches by ITs are identified at the earliest opportunity and appropriate action taken. Reminder reports highlight all IT's reaching their anniversary 10 weeks before the anniversary date to ensure that appropriate action is taken where there is evidence of ASB . The reports are linked to the process to extend IT's on the intranet.</p> <p>Re-deploying the ASBO's to the neighbourhood teams and locality working will provide greater support to the housing champions.</p> <p>The CPU stats show a use of a wide range of ASB tools and powers.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Refresher training on enforcement action is required especially if the rights of audience are granted and if the South Tyneside model is adopted. • Training will be required on the new tools and powers before they are implemented in 2013.
<p>3.2 We apply consistent and robust processes for managing ASB cases.</p>	<p>There is an ASB process manual in place, although it will require a review to take into account the governments review of ASB. Processes need to be transferred to NIMBUS and made more accessible. All letters need to be reviewed to ensure a standard approach across the borough. Referrals made to the ASBO's have to meet a threshold test. There is a weakness in the way that cases referred to the ASBO are then transferred onto a new case number denying front line officers in the neighbourhood Team access to the case, this is a significant weakness.</p> <p>Processes are in place enabling fast tracking of legal action (e.g. pursuing interim injunctions at short notice), including breaches of existing orders.</p>

	<p>The use of Action Plans and victim and witness support vulnerability matrix are central to good case management, it would drive performance if a more systematic way of monitoring their use and effectiveness can be introduced.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Provide Improved scripts for the CSA's so that informed decision can be made at the earliest possible stage. • Review and transfer processes to NIMBUS • Northgate to be updated and ASBO's to use the same Northgate case number • Develop the IT to monitor use of action plans and vulnerability matrix • Introduce ASB case conferences where vulnerability is high. This could be part of the NAG. • Introduce 8 week case reviews where cases have not been closed or referred to the ASBOs • Introduce a community harm statement
<p>3.3 The actions that we take to tackle ASB are carefully considered and are proportionate to the effects of the behaviour on individuals, communities and the environment.</p>	<p>Eviction is the last resort. All cases requiring further action are referred to the CPU. Emphasis is placed on prevention and early intervention to resolve ASB. This can be demonstrated through the recorded actions which show the vast majority of actions taken are early intervention and prevention</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • <u>Benchmark best practice and introduce a process/proforma to ensure compliance with the DDA</u>
<p>3.4 We have a proactive approach to gathering evidence and utilise a variety of available sources (i.e. multi-agency, non-housing management staff and contractors) to support action to tackle ASB.</p>	<p>Cameras are supplied to victims of ASB. All noise cases are referred onto FLARE and DAT recording equipment is used by the CPU where appropriate. The Out of hour's noise team is used to gather evidence and take action out of hours.</p> <p>Proactive programmes such as Tenancy Verification and Estate walkabouts identify ASB & tenancy breaches out on the estates. The Every Contact Counts partnership scheme is used to proactively identify ASB and vulnerability to ASB.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Re-launch the Every Contact Counts Scheme • Provide Eyes and Ears training to contractors and partners
<p>3.5 We have strong working relationships locally and strategic links</p>	<p>There is strong evidence to support this building block including Community Strategy, corporate plan, N&AS Service Improvement Plan the SNT frame work. NAG hot spots, links to the Community</p>

<p>with partners (including local authority, police, and court services); we use these to investigate and tackle ASB.</p>	<p>Protection Unit use of the EPA, stat nuisance, joint visits, co-ordinated patrols, FIP, Safe guarding adult and children procedures etc. Strong SNT partnership arrangements mean that ASB cases are discussed and referred to appropriate agencies via the local SNTS (add SNT terms of ref)</p>
<p>3.6 We act swiftly when a perpetrator fails to engage with support provision and their behaviour does not improve.</p>	<p>Introductory tenancies are closely monitored. Cases with the ASBOs are only returned to the Neighbourhood Teams after considerable monitoring this is to ensure compliance, breaches of orders are immediately responded to. In terms of low level ASB, the current Northgate system is a weakness because it does not have built in prompts to take action , CIVCA will deliver this prompting action at each stage. Gap/Action</p> <ul style="list-style-type: none"> • Implement CIVICA
<p>3.7 We close cases appropriately, in a timely manner and, where possible, in consultation with the complainant.</p>	<p>The procedure for closing cases is centralised, neighbourhood teams close the case, resulting in a weekly closed case report which leads to the issuing of a case closed letter and satisfaction survey. The process requires all cases to be closed in consultation with the customer, this process is monitored by the satisfaction survey .Reports monitor the length of time cases are open and the action taken, managers cross tabulate reports and ensure cases are closed as soon as reasonably possible. Gap/Action</p> <ul style="list-style-type: none"> • Consider introducing a perpetrator survey to identify what actions resulted in a resolved case.
<p>Commitment 4 We adopt a supportive approach to working with victims and witnesses (Our approach to case working demonstrates a strong focus on identifying and minimising risk)</p>	
<p>4.1 Our management of ASB cases demonstrates a clear focus on protecting people from harm and on supporting victims and witnesses.</p>	<p>The ASB process management document emphasises the importance of protecting customers from harm. The ASB acknowledgement letter introduces the victim to the victim support service including a victim of Crime leaflet. Victim and witness support Vulnerability matrix are completed and used to form action plans, they are shared with SY Police/ SNT partners. Safe guarding Adult and Children Procedures are in place . The safer Homes Scheme provides target hardening service including sanctuary rooms to victims of Domestic Violence and harassment. Hate Crime and Domestic Violence Policies are in place cases are also referred centrally, MARAC cases conferences are held.</p>

	<p>Gap/Action</p> <ul style="list-style-type: none"> • Produce an “If it does not look right” procedure guide for visiting HC’s based on the Berneslai homes best practice example. • Embed the use of vulnerability matrix by introducing automated monitoring of their use and impact. • Investigate building the risk assessment into the earliest stage of the process i.e. the matrix being completed on receipt of the call at the Customer contact centre.
<p>4.2 We have appropriate measures in place to identify and respond to both the risk to and vulnerability of victims and witnesses, including repeat victimisation.</p>	<p>As above plus there is a local offer standard to contact witnesses and victims no less than once every fortnight to keep the customer informed of the progress of the case. Performance on the indicator is poor at approximately 60%. This in part is due to case input, and the system recording all Respect standard ASB in the same way e.g. Litter cases are included and the customers may not want to be contacted. It would be better to differentiate between types of reported ASB and for the system to prompt. CIVICA can prompt and should allow differentiation between cases.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Implement CIVICA
<p>4.3 Our staff are aware of and know how to access the support that is available to assess the needs of victims and witnesses on a case-by-case basis, particularly where victims and witnesses are vulnerable.</p>	<p>There have been periodic training programmes by the FIP, Tenancy Support Officers and Safeguarding. A vulnerability programme was also developed in the spring of 2011. However there needs to be an ongoing programme of refresher training</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Deliver a refresher vulnerability/safeguarding training module for front line officers
<p>4.4 We agree action plans with complainants, update them regularly on the progress of their case and inform them directly of all key developments</p>	<p>Action plans are used. However monitoring of their use would be improved by automated reporting. CIVICA will prompt the use of action plans.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Develop Northgate to monitor action plans & implement CIVICA
<p>4.5 We ensure that individuals attending court are supported and we</p>	<p>Protocols are in place with the courts, ASBO attend court with witnesses. Witnesses are allowed to visit the courts before the case to adjust. Witness transport can be arranged and support given in the</p>

liaise with the courts where necessary to minimise any distress and any associated risks.	form of letting the witness see what comments have been made about them before entering court and it being a shock . Gap/Action <ul style="list-style-type: none"> • Review witness protection procedures
Commitment 5 We encourage individual and community responsibility (We work with community groups and partners to promote tolerance and responsibility amongst our tenants and the wider community)	
5.1 We can provide evidence of our work with tenants, tenant groups and leaders, and partner organisations to promote tolerance, balancing individuals" liberties with their impact on others and the community (e.g. good neighbourhood agreements, tenants engaging in mediation, and restorative justice schemes).	Community Payback schemes have been used in the past but are underutilised at present. There was an extensive summer Reparation Schemes in 2011. There are Good neighbour Agreements at Birksholt , Chesterhill Avenue and Beeversleigh The Golden 7 Project, based on the seven diversity strands is being implemented by the 7 Area Housing Panels. The projects are helping to build tolerance and interaction between diversity strands. Community Clear ups are arranged through the AHP's AA's and partners. Neighbourhood Watch is promoted. Tenant groups have helped develop Local Letting policies. Gap/Action <ul style="list-style-type: none"> • Identify Community payback Schemes and develop with probation services. • Promote and support further GNA's
5.2 We encourage and facilitate community involvement among tenants, including how individuals can support other members of their community to help us and our partners tackle ASB issues.	As above Gap/Action <ul style="list-style-type: none"> • Encourage a discussion on what a good neighbour looks like and incorporate into the revised tenancy agreement and on the website. • Consider training tenant community representatives as mediators.
5.3 We take steps to find out about and effectively meet our tenants" expectations of our ASB service	Case Action Plans are included in the process but there is no convincing proof they are used in all reasonable circumstance. Case action plans are essential to good case management and meeting the customer's aspirations. Gap/Action <ul style="list-style-type: none"> • The implementation of CIVICA will prompt and drive performance.

<p>5.4 Where appropriate and safe, we encourage „self-help“ options to resolve more minor nuisance issues (e.g. encouraging complainants to talk to perpetrators, seeking to resolve the issue amicably and without recourse to the landlord).</p>	<p>This is not an option that front line staff always consider. The ASB SIG have given a tentative go ahead to develop this approach but a concerned that it is used in appropriate cases only.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Discuss techniques for self resolution with the tenant . This will require training. • Use a problem solving approach where neighbours are having a disagreement rather than ASB being perpetrated. • First Contact officers to be honest with tenants about the need to resolve certain issues themselves and avoid engaging in behaviour which can only lead to conflict escalating. This should include not labelling all issues reported as ASB as ASB because this may raise expectations that intervention will take place when it may not be appropriate or necessary. • Introduce a call template and guidance note to support the above.
<p>Commitment 6. We have a clear focus on prevention and early intervention (The preventative measures we use are tailored towards the needs of our tenants and their families. We also provide, whether directly or via our partners, effective support to enable perpetrators to change their behaviour)</p>	
<p>6.1 Our policies for allocations and lettings contribute to preventing ASB and nuisance, and promoting neighbourhood sustainability.</p>	<p>Local lettings Policies have been in place for 5 years, they are reviewed annually. The Allocation policy was revised in July 2011, the policy strengthens local lettings and supports vulnerability and sustaining neighbourhood’s e.g. This would allow for vulnerable tenants to be blocked from applying for properties if the location may increase their vulnerability.</p> <p>When properties are let the tenant is advised about acceptable conduct and issued with a DVD identifying rights and responsibilities. A follow up Houseproud visit is made within 4 weeks to check compliance and assist with any new tenancy issues. A Speak up DVD was used in the past for vulnerable tenants with learning difficulties, this appears to have fallen out of use, probably because it was played on the DVD recorders in the interview rooms.</p> <p>All new tenancies are Introductory Tenancies. Reports are in place that monitor ASB by IT’s on a monthly basis and ten weeks prior to the anniversary of the IT to ensure that appropriate action is taken and IT’s engaging in ASB do not automatically become secure tenants. The Ten week report is linked to the Extension of Introductory Tenancy process to ensure that front line officers have the knowledge and capacity to successfully apply for an extension.</p> <p>Gap/Action:</p>

	<ul style="list-style-type: none"> • Review the use of the Speak Up DVD and improved ways for vulnerable tenants to access the ASB service.
<p>6.2 Our tenancy agreements set out clearly what we mean by ASB, the standards of behaviour we expect of all tenants and the sanctions that we may apply to those who behave in an anti-social manner. We reinforce these key messages at tenancy sign-up and set them out in publicity that is available to our tenants.</p>	<p>The tenancy agreement was last reviewed in January 2010 it clearly sets out what constitutes a breach of ASB along with what sanctions are available. The sign up process including DVD reinforces what is expected of the customer. Best practice suggests that it should be reviewed annually, however pending legislation on tenancies and ASB means that would be prudent to wait for the changes to be made.</p> <p>Gap/Action:</p> <ul style="list-style-type: none"> • Review the tenancy agreement and implement changes once new legislation has been published.
<p>6.3 We proactively engage with partners to address the causes of ASB and to reduce the opportunities for it (e.g. through the appropriate provision of services such as warden patrols, CCTV and/or other measures).</p>	<p>There is strong evidence to support this building block.</p> <p>The Decent Homes standard in Rotherham incorporated secure by design doors and windows. The initial programme involved consultation with the police and partners and followed the principal of section 17 of the CDA 1998. There is an ongoing high security communal door programme, and from 2011/12 a door renewal programme for individual flats, both programmes are prioritised. The various programmes have resulted in a significant drop in burglaries in council dwellings.</p> <p>The Safer Homes scheme provides target hardening for victims of Domestic violence and harassment. Dome Hawkes and other mobile CCTV is used by the Area Assemblies to detect and deter ASAB and Crime.</p> <p>Mediation services are provided through MERO. The Family Intervention Programme works with the most Challenging families. Referral processes are in place with partners to deal with issues such as drug and alcohol abuse and mental health issues.</p> <p>Pro-active interventions for young people include; Youth out reach work, the Crucial Crew, Ask Miss Dorothy , PYPPOs linked to schools, ASBOs attending schools and giving awareness raising sessions.</p> <p>The SNT family use intelligence to pro-actively target ASB hot spots and prolific offender's patrols by</p>

	<p>wardens, PCSOs and others are targeted in hotspot areas and to address individual ASB cases. Impact days are held targeting community priorities. Locality working means that appropriate professionals such as Probation officers are on hand to respond to cases. Referrals can be made to the FIP, and support agencies.</p>
<p>6.4 We work with our tenants and with partner agencies to identify ASB „hotspots“ and use the information to target resources.</p>	<p>There is strong evidence to support this building block. ASB host spots are targeted through the SNT framework. At a strategic level the JISA gives an overall view informing the JAG and SNAs. SNT partners refer ASB through to the SYP CIU which allows the service to map patterns of crime and ASB allowing intelligence driven intervention and preventative work. Based on this intelligence and community priorities from the PACT's the SNT's each have three geographical hot spots. Performance is fed back to the PACT's The NAGs target prolific offenders based on partners and community intelligence.</p>
<p>6.5 We use a range of early intervention techniques to prevent ASB from escalating.</p>	<p>The vast majority of actions are classed as early intervention and prevention, the actions are monitored as part of the suite of Respect indicators. These include Warning letters, ABC's, mediation, Tenancy Verification Estate walkabouts, and partners applying Every Contact Counts. There is a protocol that guarantees youth intervention provision for all young people issued with an ABC.</p>
<p>6.6 We proactively engage with our tenants and with partner agencies to provide diversionary activities (e.g. facilities for young people) and to evaluate their impact.</p>	<p>The Resident Engagement Champions, Area assembly Teams, Area Housing Panels, Rotherfed and SNT partners all pro-actively engage with tenants to provide diversionary activities. This has included the provision of play facilities. The FAWKES project is a good example of pro-active multi-agency working and youth diversion. In addition see 6.3</p>
<p>6.7 Our staff are able to access services to provide support to vulnerable individuals</p>	<p>There are processes in place to refer vulnerable individuals to support service e.g. Alcohol and Drug abuse services and vulnerable persons garden scheme. Introductory tenancies and extending IT's are used to engage introductory tenants in support programmes. Staff have attended safeguarding training. Training was also provided by the Tenancy Support Officers before the service was closed and Supporting People referral manual issued to front line staff. It would however make sense to have refresher training.</p>

	<p>Gap/Action</p> <ul style="list-style-type: none"> • Provide modular vulnerability/safeguarding training to front line officers to both recognise and refer vulnerable customers to appropriate agencies
<p>Commitment 7. We ensure that a value for money approach is embedded in our service (We can demonstrate a strong focus in securing efficiency and effectiveness by balancing cost and quality)</p>	
<p>7.1 Value for money is understood and embedded in our work; it is part of our performance management framework, determines resource allocation and is widely communicated to staff who are encouraged to identify value for money opportunities. Resources are used effectively and efficiently.</p>	<p>Infoview provides a last effective action report from Northgate, this helps to identify what actions work. It is, however, crude and can be improved with the introduction of CIVICA. Reports identify work loads and investigating officer satisfaction and case resolution rates. Community payback and Reparation schemes are used to supplement the Estates service and deliver community priorities, but they can be developed further to work alongside the two R&M contractors. Consideration is also being given to the South Tyneside Model of enforcement, implementing this will significantly increase the number of front line staff with the power to take enforcement action.</p> <p>Gap/Action</p> <ul style="list-style-type: none"> • Include VFM in 1-2-1's and make sure staff understand how they are helping to deliver the councils VFM strategy • Re-launch the staff suggestion scheme to identify efficiency savings/VFM • Develop Community Payback programmes with the contractors • Review and where appropriate implement the South Tyneside Enforcement Model.
<p>7.2 We understand the cost of the ASB service, including elements such as staffing costs, responding to ASB incidents (e.g. criminal damage, graffiti, fly-tipping) and of making use of various ASB tools.</p>	<p>Staffing costs are known and formula to calculate has been agreed with Housemark. The cost will have to be revisited once the restructure has been completed. The general cost of phone calls, letters, mileage etc is known to the business but the cost of individual actions and processes are not. The implementation of CIVICA will help in part but there will need to be analysis of the cost of each processes e.g. the cost of an ABC, which will then need to be compared against what actions are known to be effective. Some partners, like the FIP have a nationally recognised breakdown of costs and can estimate the saving to the community of successful FIP intervention.</p>

	<p>Gap/Action:</p> <ul style="list-style-type: none"> • Review staffing costs once the restructure has been complete • Implement CIVICA • Benchmark processes for measuring cost and review processes and costs in line with best practice.
<p>7.3 We know how we are performing in delivering our ASB service, and how satisfied service users are. Costs, performance and satisfaction are benchmarked against comparative providers and demonstrate value for money.</p>	<p>Revised satisfaction surveys provide performance measures against the Respect core indicators and a number of discretionary indicators. This includes satisfaction by case handling, outcome, and type of ASB, area, officer and diversity strands. The performance is benchmarked through Housemark. There are cost figures but as described in 7.2 these are purely staffing costs. There is a need to establish a common process to measure cost</p> <p>Gap/Action: see 7.2</p>
<p>7.4 There is an evidence-based approach to budget-setting and this is linked to the annual service improvement plan.</p>	<p>The restructure is aligned to the Corporate Plan and N&AS Service Improvement Plan & the Customer contact Strategy. Reintegration of the ALMO is releasing approximately £1million per annum to customer priorities. Prior to integration the New Operating Model introduced Mobile increasing the amount of time the Champions are out on their patch.</p>
<p>7.5 We know whether we are getting value for money for procured services (e.g. mediation, support services, professional witness services) and we have, where appropriate, undertaken joint procurement and considered shared services.</p>	<p>AT present services are procured through RBT representing VFM. Mediation is delivered through MERO, the budget was reduced on the last review, and the number of cases appears relatively small compared to the number of cases that could potentially use the service. ASBOs act as professional witnesses.</p> <p>Gap/Action:</p> <ul style="list-style-type: none"> • Review the mediation service. • Consider training staff in mediation techniques
<p>7.6 Through tenant scrutiny arrangements, tenants are provided with appropriate information on comparative service costs, performance and satisfaction,</p>	<p>This is an area of weakness, although satisfaction rates exist, the information on cost and ability to compare is weak. The framework for tenant scrutiny is not as strong as envisaged by the TSA or Localism Bill.</p>

enabling evidence-based value for money judgements to be made. Consultation on changes to the service includes a cost-benefit analysis, so tenants can make informed value for money choices.

Gap/Action:

- As 7.2
- Introduce options for tenant scrutiny

Respect – ASB Charter for Housing Frequently Asked Questions

How do we sign up to the Charter?

Signing up to the charter is by self-assessment and is easy. Just complete all the details on the [online form](#) and submit it to us electronically. We will send you an email confirmation immediately on receipt of the form. We will follow this up with your certificate which you will receive by email within 5 working days.

What do we get?

We will issue you with a certificate which you can copy and display around your organisation. We will also send you an electronic version of the new Respect - ASB Charter for Housing logo.

How can we use the logo?

That is up to you. For example, you may want to include it on your letterheads, website, newsletters etc to demonstrate your ongoing commitment to tackle ASB.

Do we need to meet all of the Charter's Commitments and Building Blocks?

No, the Charter is intended to be a framework for you to use and adapt to your local circumstances and priorities. We recognise that there will be a wide range of diverse organisations who will want to sign up to the Charter and, as such, not all of the Commitments and Building Blocks will be appropriate. The aim is for you to work with your tenants to understand what issues are important to them, and work towards ultimately achieving this.

Do we need to re-sign up if we are already signed up to the former Respect Standard for Housing Management?

Yes. Although you will recognise quite a lot of the old Respect Standard for Housing Management in the new Charter, there are a lot of different things in here too - including two completely new commitments. Also, the focus has completely changed from the old Standard - the Charter is now owned by you rather than delivered to you by government. By [re-signing](#) you are reaffirming your commitment to your tenants to put tackling ASB at the heart of what you

do - re-signing provides a good opportunity to promote the great things you are already doing too.

Can we sign up in partnership with other organisations?

Yes, it is entirely up to you whether you sign up individually or with partners. Just make it clear how you want us to present this information on your certificate.

Can we get external accreditation of our sign-up to the Charter?

Yes - the HouseMark and SLCNG ASB Accreditation service does exactly that - it provides an external, critical challenge of your self-assessment against the Charter, and verifies independently whether you are meeting the Commitments and Building Blocks. Support can also be provided to help get you there. More than 25 organisations have already achieved ASB Accreditation.

[HouseMark and SLCNG ASB Accreditation service](#)

How long is our sign-up to the Charter valid for?

The Charter will be valid on an on-going basis unless there is a fundamental need to change it significantly. We aim to work with you to ensure that the Charter remains up-to-date, outcome focused and relevant so we may tweak it from time to time. However, there will be no requirement to re-sign again following minor changes.

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