SUMMARY

1. Anti-Social Behaviour Annual Update

The Council's Community Safety Team use National Legislation and County-Wide Policies and Procedures when dealing with Anti-Social Behaviour (ASB). The team works alongside numerous partner agencies, particularly the Neighbourhood Policing Team based at Boston Police Station.

The Council's two ASB Officers widely utilise the powers contained within the Anti-Social Behaviour, Crime & Policing Act 2014 (see background papers for link to legislation), guided by the Safer Lincolnshire Partnership Strategy's ‘Intervention and Incremental Approach Policy and Procedure 2015’ when dealing with ASB and other non-criminal offences. The approach normally has 4 stages. Statistics throughout this report have been provided against each stage for ASB enforcement and PSPO enforcement.

- ASB enforcement statistics for the period 1st April 2018 – 31st March 2019 and in comparison with the previous year, 1st April 2017 – 31st March 2018, are set out within Appendix 1, a summary is provided below:

  i. Stage 1 ASB Advice Letter:

     - 2018-19 - 85 letters issued
     - 2017-18 – 77 letters issued

  ii. Stage 2 ASB Warning Letter:
iii. Stage 3 Acceptable Behaviour Agreement:
   - 2018-19 - 1 ABA
   - 2017-18 – 8 ABA’s

iv. Stage 4 Civil Injunction:
   - 2018-19 - 3 granted by the Court
   - 2017-18 – 3 granted by the Court

For over 18’s –

i. Stage 3 CPNW – 12 Community Protection Notice Warnings

ii. Stage 4 CPN - 3 Community Protection Notices

The procedure for over 18’s using CPNW’s commenced in 2018. Therefore, no comparison date for the previous year.

The Public Space Protection Order (PSPO) for alcohol incremental approach also has four stages, PSPO enforcement statistics for the period 1st April 2018 – 31st March 2019 and in comparison with the previous year, 1st April 2017 – 31st March 2018 are set out within Appendix 2, a summary is provided below.

v. Stage 1 PSPO Advice Letter:
   - 2018-19 – 141 letters issued
   - 2017-18 – 130 letters issued

vi. Stage 2 PSPO Warning Letter:
   - 2018-19 - 20 letters issued
   - 2017-18 – 4 letters issued

vii. Stage 3 Community Protection Notice Warning (CPW):
   - 2018-19 - 6 letters issued
viii. Stage 4 Community Protection Notice (CPN):

- 2018-19 - 1 letters issued
- 2017-18 – 0 letters issued

Breach of PSPO (refused a request by an authorised officer to desist from drinking alcohol within the designated area or leave the area):

Fixed Penalty Notice (FPN):

- 2018-19 - 0 FPN’s issued
- 2017-18 – 1 FPN issued

FPNs can be used for breaching the Order.

**RECOMMENDATIONS**

- That members review, comment, and challenge the information presented within the report and its appendices. That the committee makes any recommendations to cabinet that it feels appropriate.

- That members take up the offer from Inspector 123 Fran Harrod to shadow the Police on patrol to see what Policing in the town centre looks like.

**REASONS FOR RECOMMENDATIONS**

- To enable members to review, comment, and challenge the information presented.

- To give members a better insight of how the Neighbourhood Policing team operates.
REPORT

1 Background - ASB

1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) commenced on 20 October 2014. All of the powers set out within the Act, except Civil Injunctions, came into force on this date.

1.2 The Act can be accessed at:

http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted

1.3 As a partner to Safer Lincolnshire’s incremental policy approach to dealing with ASB, local authorities and the Police normally adopt a four stage process; however, one or more of the stages can be dispensed with depending on the severity of the ASB to hand.

- Stage 1 is normally an ASB Advice letter, generated by the Police or local authority and issued by the local authority. This can be delivered by a Police Community Support Officer (PCSO) or a Council ASB Officer to the perpetrators home address. This is usually issued to first time ASB perpetrators.

- Stage 2 is normally an ASB Warning Letter, again this is generated by the Police or local authority. A Stage 2 is normally given to second time ASB offenders within a 6 month period, or given for more serious offences of ASB. This is normally delivered by a Police officer to the perpetrators home address.

- Stage 3 for under 18’s is normally an Acceptable Behaviour Agreement (ABA). The perpetrator is invited in (with their parent/guardian) to discuss their behaviour with a council ASB Officer and a Police Officer, normally the ASB Police Co-ordinator for Boston. An ABA is a voluntary agreement that the perpetrator can agree to sign. ABA’s have a number of conditions that perpetrators are asked to agree to help stop their ASB. The agreement normally lasts for six months and is reviewed every six weeks. Perpetrators can be offered support mechanisms from a range of organisations including but not being limited to the Early Help Team, Youth Offending Service or Addaction. The additional support is usually voluntary but can help the young people and families manage behaviour. For adults it is a Community Protection Notice Warning Letter (CPNW) which can also be generated by the Police or local authority. A CPNW can be used against an individual or a business if their behaviour or actions are having a detrimental effect on the local community.
Stage 4 normally involves seeking a Civil Injunction for U18’s. If all previous steps have failed and the perpetrator continues to commit ASB, a court file is prepared by the ASB Officer, approved by senior officers in accordance with the Council’s Scheme of Delegation and referred to Lincolnshire County Council’s Legal Services Team. Cases are presented to a Court that makes any ruling it considers appropriate. A Civil Injunction can be granted for up to a year for anyone up to the age of 18 with anyone over 18 facing anything up to an indefinite Order. Injunctive conditions are sought following discussion at an Anti-Social Behaviour Risk Assessment Conference (ASBRAC*) and the Youth Offending Service. Conditions sought are designed to support and deter the person from committing further ASB and usually include a curfew, an agreement to not involve themselves in ASB, specification of ‘no go’ areas and a ‘non-association with other people’ requirement whom have been identified in ASB alongside them. When dealing with serious ASB of a persistent nature, a power of arrest can also be applied for.

A Community Protection Notice (CPN) is used for anyone 18 and over who have breached the conditions of their CPNW and can be for an indefinite period of time or until the requested conditions have been complied with. These are also used for individual perpetrators or businesses if their behaviour or actions continue following a CPNW and they have a detrimental effect on the local community.

For breaches of CPN’s the Police or local authority may seek to get a Criminal Behaviour Order (CBO) against the person or local business. The conditions will often mirror those of the CPN and any breach of the order is a criminal offence. A CBO can be made for an indefinite period of time.

*ASBRAC is attended by Local Authority, Police, Fire & Rescue, Housing Associations, Addaction, Framework, P3, Early Help & the Youth Offending Service.

1.4 ASB enforcement statistics for the period 1st April 2018 – 31st March 2019 are set out within Appendix 1.

2 Public Space Protection Order (PSPO) (Alcohol)

2.1 BBC’s Public Space Protection Order (in relation to Alcohol) commenced on Monday 12th January 2015 and has been extended until 11th January 2021. The effect of the Order is to prohibit the consumption of alcohol within the PSPO area and to require specified things to be done by person/s consuming alcohol in that area.

The Order applies to all persons within the area, whether resident or otherwise, at all times. Pursuant to section 63 of the Act, where a Police Officer, Community Support Officer or other Authorised Person
requires that a person desists from consuming alcohol (or the item reasonably believed to be alcohol), or surrender the alcohol (or item which is reasonably believed to be alcohol) and the person fails to do so, that person shall be committing an offence.

A person who fails, without reasonable excuse to comply with a requirement imposed on him or her by a Police Officer, Community Support Officer or other Authorised Person commits an offence and is liable; i. - on summary conviction to a fine not exceeding £500; ii. - to a fixed penalty notice not exceeding £100 (if the fixed penalty has not been paid within 14 days following the date of the notice, that person may be convicted of an offence as set out at point i above).

A Police Officer, Community Support Officer or other Authorised Person may dispose of anything surrendered pursuant to the Order as they see fit’. 

2.2 The process of enforcing the PSPO is very similar to the incremental approach used when dealing with other forms of ASB:

- Stage 1 is a PSPO Advice letter, triggered by the Police and posted to the perpetrator by the Council’s ASB Officer. This is usually issued to first time PSPO perpetrators.

- Stage 2 is a PSPO Warning Letter, again this is triggered by the Police. This is given to second time PSPO offenders within a 6 month period. This is normally delivered by the Police to the perpetrators home address.

- Stage 3 is a Community Protection Warning Letter (CPW). The CPW is generated by the Council following a report from the Police that determines a perpetrator has been asked to surrender alcohol for a third time. The CPW is served by a Council ASB officer and signed by the perpetrator.

- Stage 4 is a Community Protection Notice (CPN). The CPN is generated by the Council following a report from the Police that determines a perpetrator has been asked to surrender alcohol for a fourth time and is in breach of their CPW. The CPN is served by a Council ASB officer and signed by the perpetrator.

2.3 A Fixed Penalty Notice may be issued when a perpetrator refuses or desists from drinking alcohol, or any liquid considered to be alcohol, fails to hand over alcohol, or any liquid considered to be alcohol when instructed to by an authorised officer, or fails leave the designated zone when requested to do so by an authorised officer. The FPN is hand served by a Council ASB Officer.
2.4 PSPO enforcement statistics for the period 1st April 2018 – 31st March 2019 are set out within Appendix 2. Of particular note in respect of PSPO enforcement is that only 20 PSPO Warning Letters were served as a consequence of the 141 Advice Letters. Whilst Warning Letters could be served post March 2019 for repeat offences, the significant majority of those subject to warnings heed them accordingly.

2.5 The Community Safety Team have spoken with the outgoing and recent incoming Neighbourhood Police Team Inspectors regarding the lack of referrals in quarter 4. See appendix 3.

3 Conclusion

3.1 Whilst the statistics set out within Appendices 1 and 2 provide members with volume metrics, what they do not demonstrate is the breadth of issues and the variable time that cases can take to bring to satisfactory conclusions, officers will be in attendance at the meeting to answer questions from the Committee and can talk through examples if requested to do so.

APPENDICES

Appendices are listed below and attached to the back of the report:

| APPENDIX 1 | ASB Report 2018/19 |
| APPENDIX 2 | PSPO Report 2018/19 |
| APPENDIX 3 | Email response from Inspector 123 Fran Harrod |

FINANCIAL IMPLICATIONS

There are no financial implications associated with receiving this report.

LEGAL IMPLICATIONS

There are no legal implications associated with receiving this report.

ANY OTHER IMPLICATIONS

None
CONSULTATION

Statutory Crime & Disorder Annual Review

Madam Chairman’s briefing, held on 15th July, with regard to the draft papers for the committee meeting being held on 30th July.

Madam Chairman asked a question with regards to the PSPO (Alcohol) Stats (Appendix 2 of this report) requesting that the Police be questioned on why there has been no referral requests from the Police for the PSPO (Alcohol) letters to be issued since November 2018.

Appendix 3 – Email response from Inspector 123 Fran Harrod (Boston Neighbourhood Police Team) to the question raised above including an invitation from Inspector Harrod offering any elected member a chance to go on patrol with the Police to see what Policing in the town centre looks like.

If any member would like to take up the offer from Inspector Harrod please contact a member of the Community Safety team directly and we can organise this your behalf.

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

<table>
<thead>
<tr>
<th>Document title</th>
<th>Where the document can be viewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutory guidance for frontline professionals</td>
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CHRONOLOGICAL HISTORY OF THIS REPORT

This report has not previously been considered by another Council Committee.
### Appendix 1 - Anti-Social Behaviour Stats – 1st April 2018 – 31st March 2019

<table>
<thead>
<tr>
<th>Month</th>
<th>ASB Advice</th>
<th>ASB Warning</th>
<th>ABA</th>
<th>CPNW</th>
<th>CPN</th>
<th>Civil Injunction</th>
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**Totals:**
- ASB Advice: 85
- ASB Warning: 22
- ABA: 1
- CPNW: 14
- CPN: 3
- Civil Injunction: 3
## Anti-Social Behaviour Stats – 1st April 2017 – 31st March 2018

<table>
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<tr>
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<th>ASB Warning</th>
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**Totals:**
- ASB Advice: 77
- ASB Warning: 25
- ABA: 8
- Civil Injunction: 3
### Appendix 2 - Public Space Protection Order (Alcohol) – 1st April 2018 – 31st March 2019

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**Totals:**
- PSPO Advice: 141
- PSPO Warning: 20
- CPW: 6
- CPN: 1
- FPN: 0
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**Totals:**
- PSPO Advice: 130
- PSPO Warning: 4
- CPW: 2
- CPN: 0
- FPN: 1
PSPO Stats - 17/18 Vs 18/19

Number Issued

Stage of Enforcement

PSPO Advise
PSPO Warning
CPNW
CPN
FPN

2017/18
2018/19
Appendix 3 – Email response from Inspector 123 Fran Harrod

From: Harrod, Francesca <francesca.harrod@lincs.pnn.police.uk>
Sent: 17 July 2019 16:22
To: Peter Hunn <Peter.Hunn@boston.gov.uk>; Ian Dunn <Ian.Dunn@boston.gov.uk>
Cc: Robinson, David <David.Robinson@lincs.pnn.police.uk>; Dickinson, Matthew <Matthew.Dickinson@lincs.pnn.police.uk>
Subject: FW: ASB / PSPO Annual Review

Hi Pete,

Thank you for the report, I have read it and considered Appendix 2. The question that stands out to me is subtly different, i.e., why were the amount of referrals in June, July, August and September so high, and for the months before and after it, so low.

For the benefit of the chair (as I know you personally are well aware) at the end of May 2019 I took on the role as Boston Neighbourhood Policing Inspector on the secondment of the substantive post holder, Insp. Andy Morrice to the Home Office. Prior to this appointment I had a 3 year ‘break’ working a response shift as Inspector, but had previously been both PC and Sgt on Boston neighbourhood policing team. Thus I am in a fortunate position knowing the broad history behind the issue and the joint work undertaken since 2009, when I joined the dept.

This said, I am therefore not personally versed in the detail of work undertaken during this reporting period. As such I have contacted Andy with the same question, who tells me that during the summer months last year PCSOS Brahmbhatt and Holland had a real purge, and I believe we have reaped rewards from this.

I have interrogated our incident recording system (NSPIS) and found that thus far in 2019 there have been 11 incidents reported to police by the public about street drinking. I have gone further, and looked under the general code for drunken behaviour to see if any more were hidden amongst what is a significantly broader heading. There were 6. A typical day might see up to c. 100 calls for service in our area, thus it makes up a very small proportion of what the public are reporting to us. Effective reporting gives us the ability to effectively target our resources. This comes with the caveat that there is no retrospective power to deal with a street drinker. We must catch them in the act; often by the time the officer walks from one side of the town to the other to attend the report, they have finished up and moved on.

I have spoken with those walking the beat, all day, every day. They tell me that when they encounter a street drinker through their own proactivity (as opposed to being sent to a report called in by the public), they have, with very few exceptions, found that person to be homeless. Thus referring them for warning letters etc. is not viable or appropriate. They and our Community Cohesion Officer have conducted a significant amount of work referring these
people on for help, and in many cases empowering people (where they wish too, and are not British) to go home. We are currently have a homeless Romanian man with drink and mental health issues about to take advantage of this, albeit he appears to have sorted himself out and we have not seen him on the streets in the last two weeks.

Since my return to the team I have not found a street drinker in my own patrols of the town centre, making that my specific objective on a number of occasions. I am not saying that street drinking is completely eradicated, as clearly it does still happen, and probably always will to some degree. However, we have come a very long way indeed from when powers were first granted to address the issue.

I would very much like to offer any elected member the opportunity to come out with us on patrol, and see what policing in the town centre (or indeed any other part of the borough) looks like. This can easily be facilitated through the Ride Along scheme and candidates only need to fill out a simple vetting form prior. Previous Cllrs Raven and Ransome have done so, and found it of great benefit. It gives a useful perspective on what policing the town is truly like (warts and all, it is a normal working day and not sanitised for anyone’s benefit). Elected members can then build upon this knowledge and offer informed solutions to their constituent’s as they problem solve in their wards.

I return from leave on 5th August; please let me know how the meeting went – I am very sorry to miss it.

Regards,
Fran.

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From: Peter Hunn [mailto:Peter.Hunn@boston.gov.uk]
Sent: 16 July 2019 09:38
To: Harrod, Francesca
Subject: ASB / PSPO Annual Review

Good Morning Fran,

It was Madam Chairman’s (Judith Skinners) briefing last night with regard to the Environment & Performance Committee being held on the 30th July.

The only question at this stage which has come out from the Chair’s briefing is with regard to the PSPO (Alcohol) Stats, please see the graph at Appendix 2 of the report. The question to the police from the committee chair is; “Why has there been no referrals / requests from the police for PSPO Letters to be issued from November 2018 up to now?”

Is this something you are able to answer before you go on leave please?

Regards
Pete