



REPORT TO:	Environment & Performance Committee
DATE:	7 September 2021
SUBJECT:	Crime & Disorder Annual Review/ASB/PSPO (Alcohol) Statistics 2020/21
KEY DECISION:	<i>(Only applies to Executive Decisions - Yes/No. If not relevant state N/A)</i>
PORTFOLIO HOLDER:	Councillor Paul Skinner
REPORT AUTHOR:	Ian Dunn – Anti-Social Behaviour Officer
WARD(S) AFFECTED:	All in the borough
EXEMPT REPORT?	No

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.

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- ASB enforcement statistics for the period 1st April 2020 – 31st March 2021 and in comparison with the previous year, 1st April 2019 – 31st March 2020, are set out within

Appendix 1, a summary is provided below:

- i. Stage1 ASB Advice Letter:
 - 2020-21 – **70** Letters Issued
 - 2019-20 – **61** Letters issued
- ii. Stage 2 ASB Warning Letter:
 - 2020-21 – **31** Letters issued
 - 2019-20 – **80** Letters issued
- iii. Stage 3 Acceptable Behaviour Agreement:
 - 2020-21 – **3** ABA's
 - 2019-20 – **17** ABA's
- iv. Stage 4 Civil Injunction:
 - 2020-21 – **0** granted by the Court
 - 2019-20 – **9** granted by the Court

For over 18's –

- v. Stage 3 CPNW:
 - 2020-21 – **0** Community Protection Notice Warnings
 - 2019-20 - **2** Community Protection Notice Warnings
- vi. Stage 4 CPN:
 - 2020-21 - **0** Community Protection Notices
 - 2019-20 - **0** Community Protection Notices

with the previous year, 1st April 2019 – 31st March 2020 are set out within **Appendix 2**, a summary is provided below.

- i. Stage1 PSPO Advice Letter:
 - 2020-21 – **99** letters issued
 - 2019-20 – **57** letters issued

- ii. Stage 2 PSPO Warning Letter:
 - 2020-21 – **15** letters issued
 - 2019-20 – **7** letters issued

- iii. Stage 3 Community Protection Notice Warning (CPW):
 - 2020-21 – **8** letters issued
 - 2019-20 – **1** letters issued

- iv. Stage 4 Community Protection Notice (CPN):
 - 2020-21 – **0** letters issued
 - 2019-20 – **0** letter 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):

- 2020-21 – **0** FPN's issued
- 2019-20 – **0** FPN's 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.

REASONS FOR RECOMMENDATIONS

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

OTHER OPTIONS CONSIDERED

None.

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.

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, We Are With You, Framework, mental Health Service sand Futures4Me*

- 1.4 ASB enforcement statistics for the period 1st April 2020 – 31st March 2021 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 a second time until 11th January 2024. 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 2020 – 31st March 2021 are set out within **Appendix 2**.

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.

FINANCIAL IMPLICATIONS

There are no financial implications associated with receiving this report.

LEGAL IMPLICATIONS

There are no legal implications associated with receiving this report.

RISK IMPLICATIONS

There are no risk implications associated with receiving this report.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change and environmental implications associated with receiving this report.

EQUALITY AND SAFEGUARDING IMPLICATIONS

There are no equality and safeguarding implications associated with receiving this report.

OTHER IMPLICATIONS

There are no other implications associated with receiving this report.

CONSULTATION

Statutory Crime & Disorder Annual Review

APPENDICES

(If none then insert the word 'None' and delete the below text/boxes).

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

APPENDIX A	ASB Report 2020/21
APPENDIX B	PSPO Report 2020/21

BACKGROUND PAPERS

(If none then insert the working 'No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.' Also delete the below text/boxes.)

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals	http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted

CHRONOLOGICAL HISTORY OF THIS REPORT

(If none then insert the wording 'A report on this item has not been previously considered by a Council body'. Also delete the below text/boxes.)

Name of body	Date

REPORT APPROVAL

Report author:	Name and full contact details
Signed off by:	Name and full contact details
Approved for publication:	Name of Councillor (if required)

FINANCE PROFORMA

PROFORMA FOR APPROVAL OF THE RELEASE OF RESOURCES

(CAPITAL AND REVENUE BUDGETS)

FROM:

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS
IN RESPECT OF THE ATTACHED

REPORT:

REPORT DATE:

OPTION 1	£ Year 1 2020/21	£ Year 2 2021/22	£ Year 3 2022/23	£ Year 4 2023/24	£ Year 5 2024/25
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Revenue

Total Revenue Cost

Funding required:

Total capital cost £

Revenue cost £

Considered by:

Enter committee here

Enter Council or
Cabinet/Executive here

Date:

Financial Services Comments

Risk

Procurement

Value for Money Efficiency

This FP is valid for 3 months from FP date	If this FP is no longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.

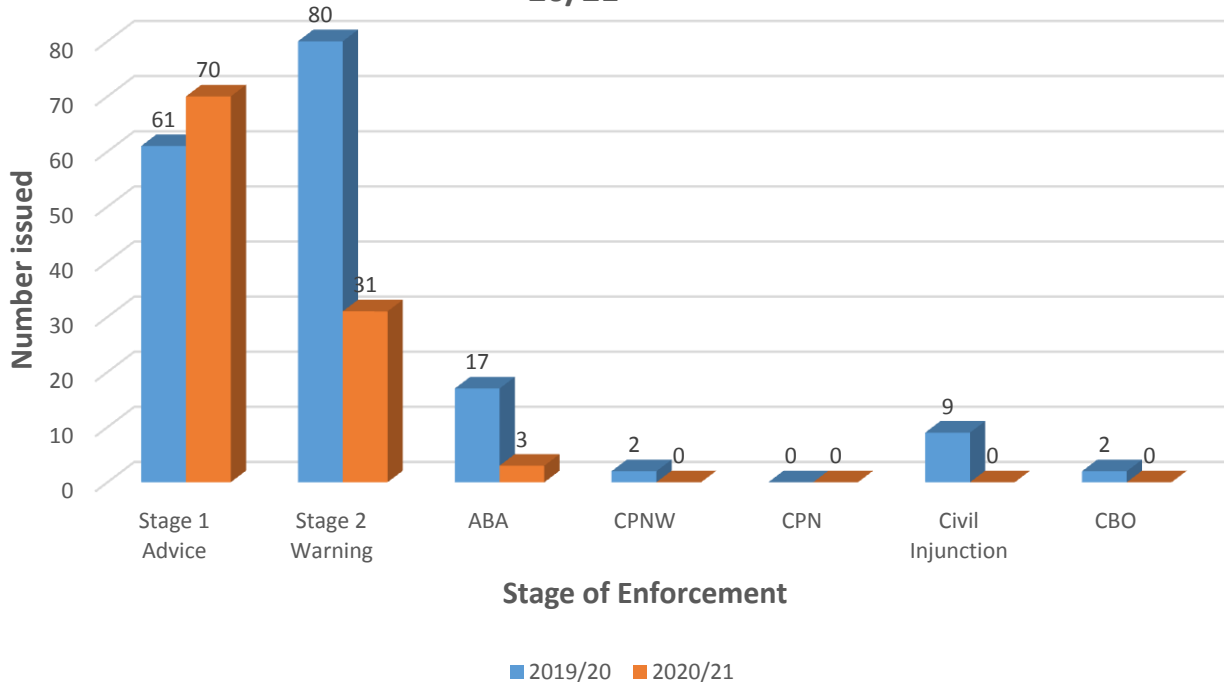
Appendix 1 - Anti-Social Behaviour Stats – 1st April 2020 – 31st March 2021

<p><u>April 2020</u> ASB Advice: 1 ASB Warning: 0 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>May 2020</u> ASB Advice: 0 ASB Warning: 1 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>June 2020</u> ASB Advice: 0 ASB Warning: 1 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>
<p><u>July 2020</u> ASB Advice: 6 ASB Warning: 4 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>August 2020</u> ASB Advice: 8 ASB Warning: 0 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>September 2020</u> ASB Advice: 3 ASB Warning: 0 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>
<p><u>October 2020</u> ASB Advice: 12 ASB Warning: 1 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>November 2020</u> ASB Advice: 9 ASB Warning: 4 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>December 2020</u> ASB Advice: 11 ASB Warning: 0 ABA: 1 CPNW: 0 CPN:0 Civil Injunction: 0 CBO: 0</p>
<p><u>January 2021</u> ASB Advice: 0 ASB Warning: 0 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>February 2021</u> ASB Advice: 9 ASB Warning: 8 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>March 2021</u> ASB Advice: 10 ASB Warning: 12 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>

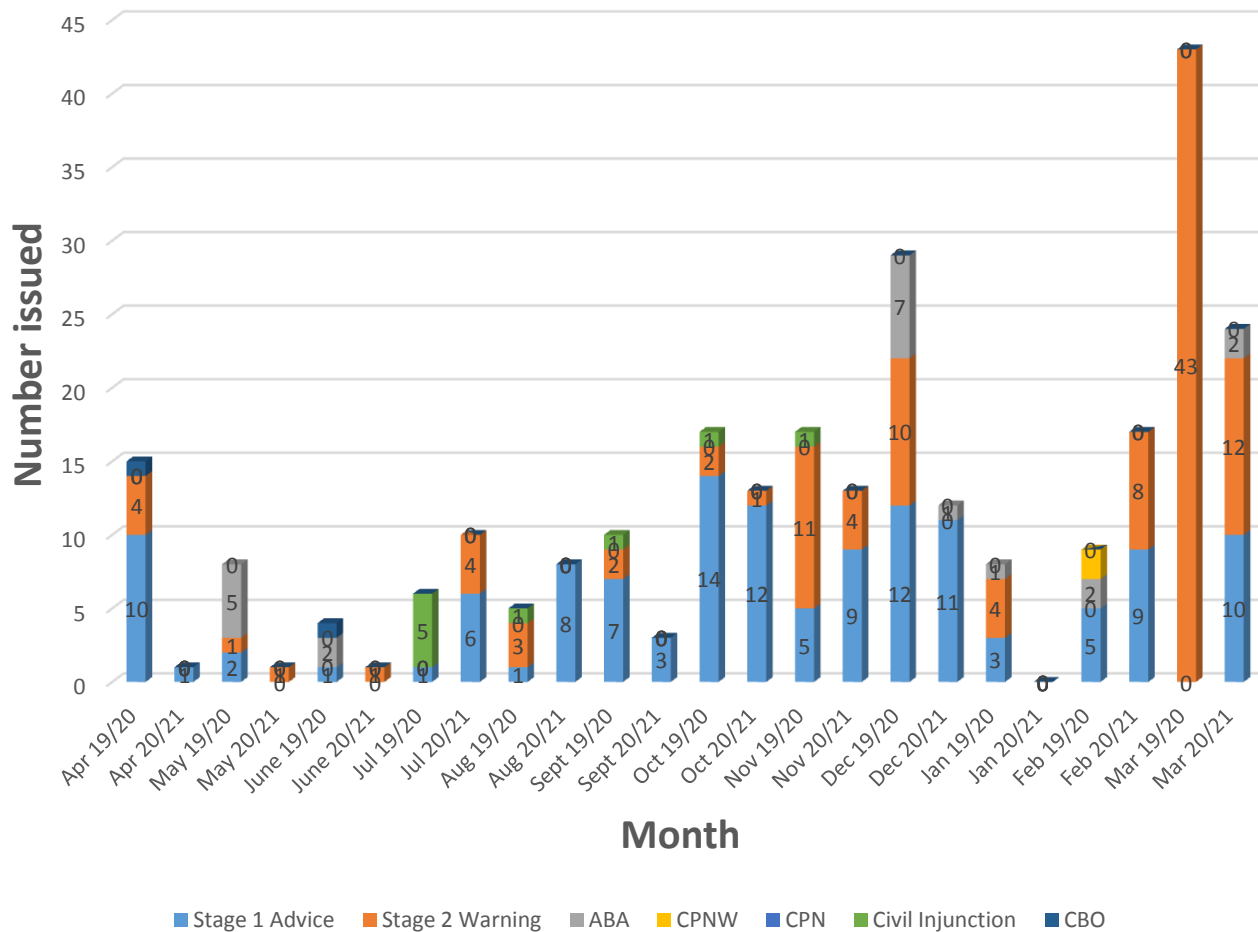
Anti-Social Behaviour Stats – 1st April 2019 – 31st March 2020

<p><u>April 2019</u> ASB Advice: 10 ASB Warning: 4 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 1</p>	<p><u>May 2019</u> ASB Advice: 2 ASB Warning: 1 ABA: 5 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>June 2019</u> ASB Advice: 1 ASB Warning: 0 ABA: 2 CPNW:0 CPN: 0 Civil Injunction: 0 CBO: 1</p>
<p><u>July 2019</u> ASB Advice: 1 ASB Warning: 0 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 5 (Including 1 interim injunction) CBO: 0</p>	<p><u>August 2019</u> ASB Advice: 1 ASB Warning: 3 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 1 CBO: 0</p>	<p><u>September 2019</u> ASB Advice: 7 ASB Warning: 2 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 1 CBO: 0</p>
<p><u>October 2019</u> ASB Advice: 14 ASB Warning: 2 ABA: 0 CPNW:0 CPN: 0 Civil Injunction: 1 CBO: 0</p>	<p><u>November 2019</u> ASB Advice: 5 ASB Warning: 11 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 1 CBO: 0</p>	<p><u>December 2019</u> ASB Advice: 12 ASB Warning: 10 ABA: 7 (Including 1 interim) CPNW: 0 CPN:0 Civil Injunction: 0 CBO: 0</p>
<p><u>January 2020</u> ASB Advice: 3 ASB Warning: 4 ABA: 1 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>February 2020</u> ASB Advice: 5 ASB Warning: 0 ABA: 2 (1 declined) CPNW: 2 CPN: 0 Civil Injunction: 0 CBO: 0</p>	<p><u>March 2020</u> ASB Advice: 0 ASB Warning: 43 ABA: 0 CPNW: 0 CPN: 0 Civil Injunction: 0 CBO: 0</p>

Anti-Social Behaviour Stats - 19/20 Vs 20/21



Anti-Social Behaviour Stats - 1/4/2020 - 31/3/2021



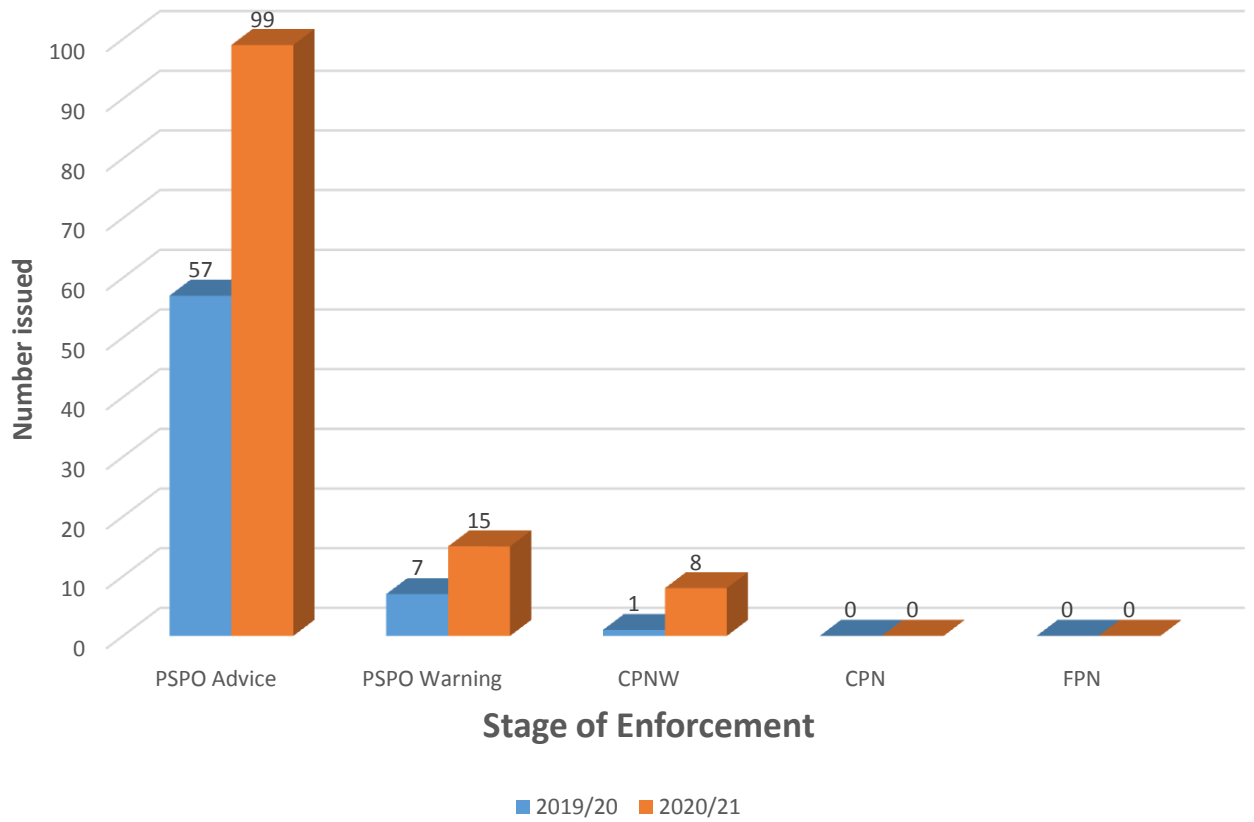
Appendix 2 - Public Space Protection Order (Alcohol) – 1st April 2020 – 31st March 2021

<p><u>April 2020</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>May 2020</u></p> <p>PSPO Advice: 3 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>June 2020</u></p> <p>PSPO Advice:25 PSPO Warning: 2 CPW: 0 CPN: 0 FPN:0</p>
<p><u>July 2020</u></p> <p>PSPO Advice:32 PSPO Warning: 4 CPW: 2 CPN: 0 FPN:0</p>	<p><u>August 2020</u></p> <p>PSPO Advice: 8 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>September 2020</u></p> <p>PSPO Advice: 9 PSPO Warning: 3 CPW: 3 CPN: 0 FPN:0</p>
<p><u>October 2020</u></p> <p>PSPO Advice: 7 PSPO Warning: 4 CPW: 2 CPN: 0 FPN:0</p>	<p><u>November 2020</u></p> <p>PSPO Advice: 1 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>December 2020</u></p> <p>PSPO Advice: 6 PSPO Warning: 2 CPW: 0 CPN: 0 FPN:</p>
<p><u>January 2021</u></p> <p>PSPO Advice: 4 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>February 2021</u></p> <p>PSPO Advice: 3 PSPO Warning: 0 CPW: 1 CPN: 0 FPN: 0</p>	<p><u>March 2021</u></p> <p>PSPO Advice: 1 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>

Public Space Protection Order (Alcohol) – 1st April 2019 – 31st March 2020

<p><u>April 2019</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>May 2019</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>June 2019</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>
<p><u>July 2019</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>August 2019</u></p> <p>PSPO Advice: 26 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>	<p><u>September 2019</u></p> <p>PSPO Advice: 18 PSPO Warning: 4 CPW: 1 CPN: 0 FPN:0</p>
<p><u>October 2019</u></p> <p>PSPO Advice: 2 PSPO Warning: 1 CPW: 0 CPN: 0 FPN:0</p>	<p><u>November 2019</u></p> <p>PSPO Advice: 6 PSPO Warning: 1 CPW: 0 CPN: 0 FPN:0</p>	<p><u>December 2019</u></p> <p>PSPO Advice: 2 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:</p>
<p><u>January 2020</u></p> <p>PSPO Advice: 2 PSPO Warning: 1 CPW: 0 CPN: 0 FPN:0</p>	<p><u>February 2020</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN: 0</p>	<p><u>March 2020</u></p> <p>PSPO Advice: 0 PSPO Warning: 0 CPW: 0 CPN: 0 FPN:0</p>

PSPO Stats - 19/20 & 20/21



PSPO Stats - 1/4/2019 - 31/3/2021

