



Meeting:	Cabinet
Date:	13 February 2023
Classification:	General Release
Title:	The Council's New Anti-Social Behaviour Strategy
Wards Affected:	All Wards
Fairer Westminster:	Fairer Communities and Fairer Housing
Key Decision:	Yes
Financial Summary:	There are no financial impacts associated with this report
Report of:	Bi-borough Executive Director Children's Services Executive Director Innovation and Change

1. Executive Summary

- 1.1 As part of the Fairer Westminster Strategy, Westminster City Council is committed to building Fairer Communities where our city is a safe place, all discrimination is tackled, and everyone feels welcome. Westminster has some of the highest rates of Anti-Social Behaviour (ASB) in London so tackling ASB is a key element to building Fairer Communities.
- 1.2 The Council has developed its first ASB Strategy ("the Strategy") to set out our approach to tackling ASB. The Strategy has been developed with residents and victims of ASB at its core, utilising a coordinated community response approach that sets out how we can all tackle ASB.
- 1.3 Following adoption of the Strategy a multi-agency working group with key partners will be established to develop an action plan to implement the Strategy.

2.0 Recommendations

- 2.1 That Cabinet approve the Anti-Social Behaviour Strategy.

3.0 Reasons for decision

3.1 The Council has committed to building safer communities. A comprehensive, data driven strategy is required to tackle ASB within Westminster due to its complex nature and impact on communities, businesses, and visitors to the city. ASB also forms a key element of the Fairer Westminster Strategy under the commitment to ensure the city is a safe place.

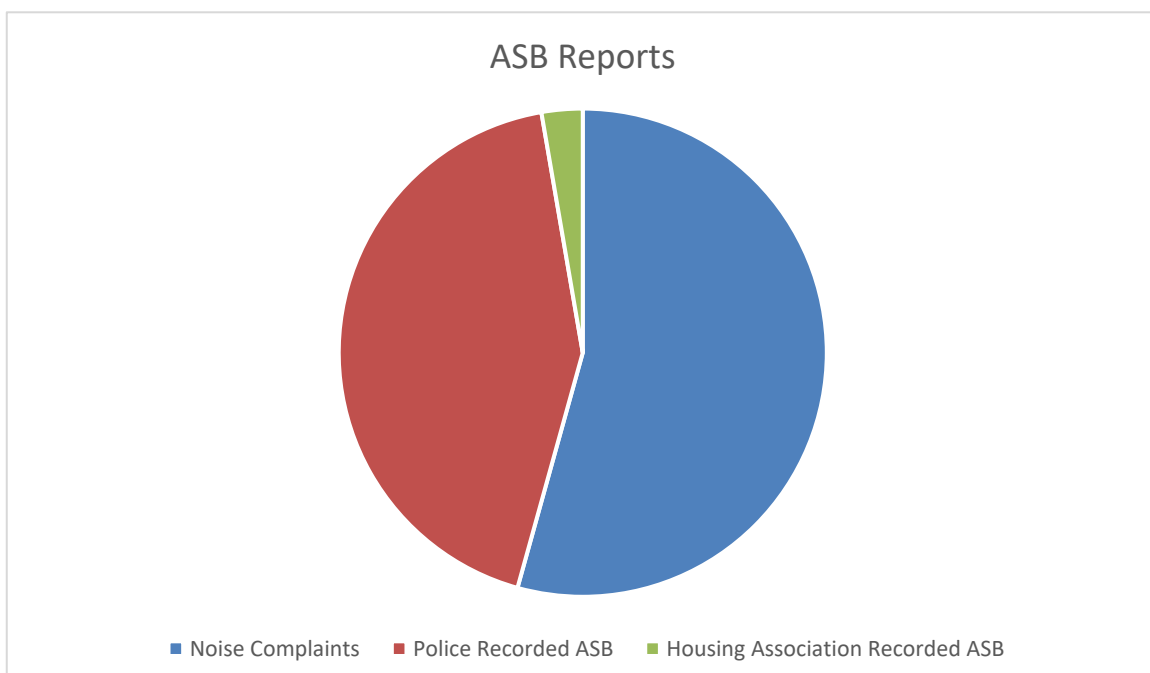
4 Background

4.1 Anti-Social Behaviour is defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:

- (a) conduct that has caused, or is likely to cause, **harassment, alarm, or distress**, to any person,
- (b) conduct capable of causing **nuisance or annoyance** to a person in relation to that person's occupation of residential premises, or
- (c) conduct capable of causing housing-related nuisance or annoyance to any person

4.2 It is difficult to get a clear picture of ASB in Westminster, due to its ambiguous definition and the variety of mechanisms used to record and report it. What is clear is that it is widespread across the borough in varying forms. The highest volumes of ASB are in the West End often linked to begging, rough sleeping and drugs. More residential based ASB is concentrated in social housing and often linked to verbal abuse, noise and drugs.

4.3 ASB can be reported in a variety of ways. In Westminster it can be reported to the police, via the relevant Housing Association or noise and environmental complaints can be made to the council. Each agency records data in different



defined categories. Collating data from all of these systems is challenging and therefore is difficult to obtain an accurate picture of ASB in Westminster. Below is the number of reports received between October 2021 and September 2022.

- 4.4 A full data picture can be found in the Safer Westminster Partnership Strategic Assessment which is summarised in the ASB Strategy.
- 4.5 As a Responsible Authority of the Safer Westminster Partnership (SWP), the Council has a statutory duty to address ASB. The Government's Beating Crime Plan requires local authorities to ensure greater partnership working to drive down ASB and for the powers under the Anti-social Behaviour, Crime and Policing Act 2014 to be used swiftly and appropriately. All Community Safety Partnerships are required by the Metropolitan Police Service (MPS) to have ASB as a local priority. These are both reflected in the Mayor's Policing and Crime plan.
- 4.6 The Government's Anti-Social Behaviour Strategic Board developed a set of principles to establish a consistent approach to understanding and addressing ASB in local communities with the aim of delivering the best possible outcomes for victims of ASB. The principles incorporate encouraging victims to report ASB, be taken seriously and have the opportunity to choose restorative approaches to tackling ASB. The council is already delivering in line with this model, and the strategy further embeds this into practice. The Mayor's Office for Policing and Crime has also established an ASB Forum to share best practice.

5 Developing the Strategy

- 5.1 The Council delivers a holistic ASB case management model involving multiple internal and external teams across the borough. An internal workshop was held in September 2021 to collate the widest range of insights, ideas, initiatives, challenges, and partnerships in preventing and delivering ASB services in the community. A core group of officers across Public Protection and Licensing, Housing, Policy, Adults and Children's, NHS and Police, convened to attend the workshop.
- 5.2 The workshop identified the following key objectives to help provide a framework for the emerging strategy:
 - Prevention
 - Early Intervention
 - Victim Support
 - Bringing Perpetrators to Justice
 - Community Engagement
- 5.3 Following the workshop, extensive engagement took place with partners, residents and businesses. The aim of this engagement was to ensure that residents and victims concerns and priorities were reflected in the strategy. We engaged with over 50 victims of ASB through workshops in the early development stage to ensure that the strategy will be victim led with their priorities and needs at the core of the Council's approach to tackling ASB.
- 5.4 Through targeted workshops and survey's, we have also engaged with:

- **Residents:** Amenity Societies, Resident Associations, Registered Social Landlords
- **Youth:** Youth Hubs, Westminster Youth Council, Youth Crime Prevention Partnership
- **Mental Health and Social Care:** Mental Health Teams, Drug and Alcohol services
- **Metropolitan Police teams**
- **Voluntary and Community Organisations**
- **Businesses:** BIDs, SWBN, Small Businesses

5.5 The feedback from this engagement was that the five pillars of the strategy resonate with partners and residents. Stakeholders wanted to see in the strategy:

- increased communication and partnership working with agencies,
- greater accountability from RSL's,
- increased efforts by the Council to use restorative justice,
- improved data and intelligence sharing

6 Consultation

6.1 When developing the Strategy the Council made a commitment that victims, residents', businesses and partners voices would be heard, to ensure the Strategy reflects local needs and is built up from the aspirations and experiences of local communities. Following the work outlined above to develop the draft strategy, the Council undertook a full consultation to ensure all key stakeholders were able to feedback on our strategy.

6.2 On the 17th October 2022, the Council began its consultation on the ASB Strategy. The consultation ran for eight weeks and included

- 10 workshops
- 2 surveys (1 general and 1 easy read)
- Canvassing at 4 market stalls
- Presenting and gathering feedback at strategic boards.
- Promotion through media channels and the Council's and partners' networks.

6.3 The Council provided an on-line survey and easy read version for the duration of the consultation period to ensure residents, partners, businesses, voluntary community sector organisations and professionals working to tackle ASB were able to feedback on the strategy.

6.4 The consultation on the ASB Strategy asked a number of questions on our strategic priorities. The general survey used a Likert scale to capture quantitative feedback with a text box under each question to gather more qualitative feedback. The easy read version distinguished only between agreement and disagreement with our strategic objectives, with a text box under each to gather written feedback.

- 6.5 The consultation also gathered input from key stakeholders on the impact of our proposed strategy on groups with protected characteristics, thus informing our Equality Impact Assessment.
- 6.6 A total of 62 completed survey responses were received, and over 80 practitioners and stakeholders took place in workshops covering the following topics and groups:
- Westminster Housing, Church St. ASB team, Libraries and Public Protection and Licensing teams
 - Youth Crime Prevention Partnership, Local Safeguarding Children Board, Safer Westminster Partnership, Early Help Strategic Board, West End Crime Strategic Group, Safeguarding Adults Executive Board
 - Westminster Faith Exchange
 - Youth Council
 - Registered Social Landlords
 - Residents
 - Mental Health, Drugs and Alcohol and Youth Hubs practitioners
 - Safeguarding Adults Ambassadors and Advocacy Project partners
- 6.7 Certain responses refer more to the general issue of anti-social behaviour, providing more operationally based details, and it should be understood that not every comment is a direct response to the strategy's content. Officers have reviewed these responses, and where appropriate these have been brought forward for consideration within the action plan.
- 6.8 Of the 62 completed survey responses we received, there was an overall high level of agreement with the strategy. Most respondents agreed with the principles proposed in the strategy
- Prevention - 77%
 - Early Intervention – 75%
 - Victim Support – 71%
 - Bringing Perpetrators to Justice – 73%
 - Community Engagement – 80%

7.0 Policy Approach Following Consultation Response

- 7.1 A full list of amendments to the strategy based upon feedback received from stakeholders can be found in **Appendix 2**. Key changes the Council has made to the strategy are set out below.

Data

- 7.2 Stakeholders were concerned that the strategy did not reflect or represent the current picture of ASB within Westminster. The 'Local Picture' within the consultation strategy draft, was based upon data from the 2020-2021 Strategic Assessment which was the most up to date data available when the consultation was launched. The data from the latest Safer Westminster Partnership Strategic Assessment (2021-2022) has been incorporated into the Strategy.

Victim support

- 7.3 Feedback emphasized that victims should be cared for during and after the judicial process, while ensuring that perpetrators are also not able to commit offences. The Victim Support pillar recognises the importance of continuous improvements, best practice, and organisational competence. The strategic action plan will look to develop our and partner agency victim care responses alongside the charity 'Victim Support' to develop specialist training for internal and external case management partners, ensuring a trauma informed best practice model is delivered from the start of a victim's journey to its conclusion.

Link with mental health

- 7.4 Stakeholders referenced the absence of the link between ASB and mental health within this strategy. Community Trigger data from October 2021 – September 2022 shows Mental health was identified as an issue in 21% of the cases reviewed for either the complainant or alleged perpetrator. The Council ensures a holistic approach to ASB case management considering all vulnerabilities that may present in a person regardless of their status, incorporating appropriate support strategies within the case action plan. If a person is deemed to have capacity, we will hold the person accountable for their actions. This has also now been reflected in the definition of rehabilitation utilised within the strategy.

Enforcement as a tool for prevention

- 7.5 Feedback suggested that we should utilise enforcement as a tool for prevention, dependent on that it was carried out by all agencies in a visible manner. The strategy now reflects that potential enforcement consequences can be used as a deterrence, thus preventing ASB.

Identifying Individuals that have had court action against them as a result of their ASB

- 7.6 Whilst it is understood that the sharing of information across agencies can be useful in addressing ASB, a resident partner raised concerns that identifying individuals that have a court sanction made against them as a result of their ASB may also serve to isolate and cause the victimisation of those individuals identified.
- 7.7 Westminster City Council will only identify individuals that have had a court sanction made against them as a result of their anti-social behaviour, where appropriate and where the law allows. Any Judgment or Order made 'in public' is a public document and automatically available to the public. The general rule is that all hearings are in public, subject to the court's discretion to order a hearing to be held in private.
- 7.8 The need to identify court sanctions to the public / victims is considered on a case-by-case basis by the partnership agencies involved in the case management of the person; agencies can include Police, NHS, Social Care, Housing alongside Westminster City Council. The decision around suitability to identify someone will involve reviewing such things as is the identification of the

court sanction in the public interest, or outweighed by the risk posed to the individual, their vulnerabilities, the necessity to monitor breaches of orders for effective enforcement. The decision is made prior to the court sanction being granted.

- 7.9 When court order applications are made, Westminster City Council considers the types of control measures required to prevent further anti-social behaviour, as well as incorporating positive conditions built around the individual's vulnerabilities, aiding their rehabilitation.

Resident Focus

- 7.10 There was comment from BIDs, businesses and one teacher that the Strategy was generally resident focused, with a lack of recognition that ASB occurs within businesses and on high streets. The strategy quite rightly focuses on our communities but has been amended to reflect that businesses are part of our community and the impact that ASB has on businesses in Westminster.

Partnership working and data sharing

- 7.11 Linked to data sharing and partnership working, stakeholders sought to understand if the Council has the capacity to intervene early and promptly. We acknowledge that resources are stretched across all agencies, however, smarter intelligence led working, sharing, and using data effectively will enable the correct agency to intervene in a swift and meaningful manner as detailed within Early Intervention.
- 7.12 The Council is in constant communication with police teams locally and regionally ensuring the effective use and distribution of resources. We work closely with the government, the Home Office and the Mayor's Office for Policing and Crime securing necessary funding for the delivery of vital services in tackling ASB. Despite current fiscal restraints placed upon Local Authorities, tackling ASB remains at the top of the current administration's priorities for the borough. In addition to identifying funding routes, the Council actively lobbies for improvements to legislation and the Judicial system to effectively bring perpetrators to justice.
- 7.13 Practitioners also highlighted the need to increase partnership working across different scenarios from Short Term Lets to the CAMHS/Mental Health Services/ASC work, as well as between Westminster Housing and ASC, and BIDs. The strategy prioritises partnership working across all forms of ASB, focussing on behaviours and not the settings or circumstances that they are conducted in.
- 7.14 There was an additional acknowledgement from stakeholders that there is a requirement to work across Local Authority borders when tackling ASB. The strategy now reflects this, and recognizes that All partners work collaboratively, across agencies and where necessary, neighbouring boroughs, prioritising the swift disruption of anti-social and criminal behaviours, using all available tools and powers in the collective to protect our communities.

- 7.15 Some stakeholders called for increased data sharing among partners, including BIDs and businesses. Both the Metropolitan Police Services' Business Information Agreement and ASB Information Sharing Agreement are being finalized to provide further opportunity to meet this objective

Definitions

- 7.16 Clarification was needed on the inclusion of 'hate crime' within the strategy. As this is a strategy relating to ASB, we will only focus on ASB. Given the broad definition of ASB, we acknowledge that people have different tolerances and thresholds. A few examples of issues that our communities have experienced and reported as ASB include drug dealing, discriminative behaviour (hate crime) and vandalism (criminal damage). These are criminal in nature and need to be addressed by the Police. We will work closely with the Police and partners to prioritise disruption of these types of behaviours, ensuring that all available tools and powers are being used together to protect our communities.

Awareness

- 7.17 Within the feedback, there were suggestions around the use of social media, easy read versions and newsletters. The strategy has now bolstered its commitment to ensure that Agencies working to tackle ASB will utilise all forms and platforms of communication, guaranteeing the information is easily accessible and culturally appropriate, to ensure communities are aware of the issues and agency responses within their neighbourhoods, clear on how they can help contribute to resolving the ASB.

8. Legal Implications

- 8.1 As outlined in paragraph 4.5 of the report and as a partner authority of the Safer Westminster Partnership (SWP), the Council has a statutory duty to address anti-social behaviour in the City and all Community Safety Partnerships are required to have plans to address anti-social behaviour as a local priority.
- 8.2 As outlined in Section 6 of the report, consultation has taken place on the Strategy since October 2022 and the outcome of the consultation is detailed in Section 7 and also how the Strategy has reflected that feedback has been summarised in Appendix 2.

9 Financial Implications

- 9.1 As a result of the introduction of the Strategy, there will be no direct financial implications to the council.

10 Carbon Impact

- 10.1 There is a no carbon impact as a result of this report.

11 Equalities Impact Assessment

- 11.1 The Council, when taking decisions in relation to any of its functions, must

comply with its public sector equality duty as set out in section 149 of the Equality Act 2010 in relation to persons who have protected characteristics.

- 11.2 Equality and diversity is not a parallel process or something to think about once a year. It is a fundamental part of improving services for everyone. It is nothing to do with ticking boxes or bureaucracy, and everything to do with making Westminster a place where anyone can be happy to live or work. It is central to delivering high quality customer services in the heart of London. We identify and actively address inequality, where evidence shows that it exists.
- 11.3 Where the gender of the alleged perpetrator of ASB was known, the large majority (79%) were male.
- 11.4 Communities will be empowered to report ASB, thus potentially identifying more perpetrators. However, under this strategy perpetrators will receive appropriate support through services such as mental health/ Drug & alcohol.
- 11.5 Whilst holding people to account for their behaviour is vital, we need to ensure that where appropriate we provide support to perpetrators to allow them to change their behaviour and become a positive member of society. Agencies must address any underlying issues that contribute to the offending in the first place, otherwise behaviours will continue and ASB will perpetuate.
- 11.6 There is a distinct link between ASB and mental health. Community Trigger data from October 2021 – September 2022 shows that mental health was an issue in 21% of the cases reviewed for either the complainant or alleged perpetrator. The Mayor's Office for Crime and Policing also found that repeat ASB victims were more than three times as likely to have a mental health Disability.
- 11.7 The increased focus on bringing perpetrators to justice will likely have a negative impact on this group. Given the prevalence of a mental health dimension within ASB cases, it's important that measures are put in place to recognise this. This impact will be mitigated by focusing on improved referral pathways for perpetrators of ASB with better access to mental health support services and better support for victims. Mental Health services will be a key part of the development of the action plan.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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APPENDICES

Appendix 1 – Westminster City Council Anti-Social Behaviour Strategy

Appendix 2 – Consultation amendments

Appendix 3 – Equalities Impact Assessment

BACKGROUND PAPERS:

N/A