

## Manchester City Council Report for Information

**Report to:** Crime and Antisocial Behaviour Task and Finish Group – 17 October 2023

**Subject:** ASB Tools and Powers to address ASB and Policy and Procedures

**Report of:** Strategic Director (Neighbourhoods)

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### Summary

This report provides an overview of the tools and powers that are used to address ASB and some case studies of how they are used. It sets out some of the work we undertake with our partners to prevent escalation of ASB. The MCC Policy and Procedure for addressing ASB is also included.

### Recommendations

The Committee is recommended to:-

- (1) To consider and comment on the information in the report.
  - (2) Identify any further information required for the final report.
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**Wards Affected:** All

<b>Environmental Impact Assessment</b> - the impact of the issues addressed in this report on achieving the zero-carbon target for the city
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None
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<b>Equality, Diversity and Inclusion</b> - the impact of the issues addressed in this report in meeting our Public Sector Equality Duty and broader equality commitments
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Addressing anti-social behaviour is a key priority in the Community Safety Strategy 2022-25. The impact of this strategy on protected groups has been considered through an Equality Impact Assessment.
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<b>Manchester Strategy outcomes</b>	<b>Summary of how this report aligns to the OMS/Contribution to the Strategy</b>
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Effective services are critical to ensuring the safety of our citizens, who can connect and support the drive towards a thriving and sustainable city
A highly skilled city: world class and home grown talent sustaining the city's economic success	
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Supporting individuals, children and families to prevent ASB will ensure that they are able to reach their potential
A liveable and low carbon city: a destination of choice to live, visit, work	Effectively addressing anti-social behaviour will ensure that our neighbourhoods look and feel safe contributing to the quality of life for our residents and ensuring our neighbourhoods are a destination of choice
A connected city: world class infrastructure and connectivity to drive growth	

#### **Financial Consequences – Revenue**

None

#### **Financial Consequences – Capital**

None

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#### **Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Community Safety Strategy 2022-2025

Home Office Anti-Social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers – Statutory guidance for frontline professionals (March 2023)

Manchester's Anti-Social Behaviour Case Review Procedure (May 2023)

## **1.0 Introduction**

1.1 The Communities and Equalities Scrutiny Committee requested a task and finish group:

1. To determine the scale of types of ASB in the city – especially those related to young people.
2. To explore the factors that might lead individuals into more serious crime across the city
3. To determine the tools and powers available to address ASB and their effectiveness.
4. To identify issues around how safe people feel in their neighbourhoods and what can be done to improve their feelings of safety
5. To determine what role Members can play in addressing ASB and promoting reporting of ASB and how this can be embedded, in line with the Our Manchester approach

1.2 This report focuses on the tools and powers available to address ASB and the work done to prevent escalation to more serious crime.

## **2.0 Background**

2.1 ASB is addressed through a range of tools and powers that may be taken by different agencies such as the Council, police, or registered providers. We know that, where left unchecked, anti-social behaviour can have an overwhelming impact on its victims and, in some cases, on the wider community. Intervening as early as possible to prevent escalation of behaviours is key to successfully addressing ASB in all its forms.

## **3.0 Addressing ASB with Early Intervention**

3.0.1 One of the challenges of addressing ASB is identification of the perpetrators where they are not known to the reporter. Services such as ASBAT and housing providers need to come together to support the identification of perpetrators through engagement in local communities, targeted policing, information sharing and partnership activities to find out who the perpetrators are.

3.0.2 This can take some time and may be frustrating for those reporting ASB.

### **3.1 Interventions with children and young people**

3.1.1 As a partnership we continue to better identify and action opportunities for early intervention and prevention to stop the escalation of antisocial behaviour and crime. This is a key priority area of work that is recognised in the Community Safety Strategy. The GMCA funded Voluntary and Community Sector Grant and the Serious Violent Crime Grant have both been used to contribute to the continued investment of youth provision in some of the persistent and challenging hotspots for antisocial behaviour in the city and in supporting interventions, through restorative approaches, where ASB is

occurring.

3.1.2 The Community Safety Partnership (CSP) has established a consistent Early Intervention & Prevention offer across the partnership in response to what the community and children told us we need to do to address Serious Violence. The CSP Engage Panel is established in all three localities and 3 Restorative Justice Practitioners and a Culture and Identity Practitioner are funded to support the partnership and deliver targeted strength-based interventions. The Engage Panel is attended by GMP, MCC Youth Justice, Community Safety, Early Help, mThrive (mental and emotional health support), Remedi Mentoring, Oasis Navigators, Talk, Listen, Change and the members of local Voluntary and Community Sector providers,

3.1.3 An example of one of the providers, Remedi is detailed below:

Remedi work with young people, enabling them to make good choices to achieve positive outcomes for themselves and others. Young people are empowered to reflect on different perspectives and equipped with the tools that they need to make better choices, dealing with situations of conflict restoratively rather than violently or aggressively. The key aim is to reduce the criminalisation of children and young people on the periphery of the youth justice system. This is achieved through a restorative approach, getting to the underlying concerns, and focusing on strengths, with work tailored around the young person. Restorative interventions include effective communication; victim impact; knife crime programme; empathic thinking; and conflict resolution.

3.1.4 In 2022/23 71 referrals were made in North Manchester with 221 sessions organised and 13 young people successfully completing their sessions. 69 referrals were made in South Manchester with 100 sessions organised and 26 young people successfully attending their sessions. The Central restorative practitioner was only in post from October 2022 and this is reflected in the figures. 17 referrals were made with 51 sessions organised and 4 young people successfully completing their sessions.

3.1.5 Young people have also been identified by the Council's Anti-Social Behaviour Action Team (ASBAT) to benefit from one-to-one and group work as well as sessions supporting conflict resolution. Remedi provide support around behaviour, reducing behaviour sanctions and assisting with maintaining school attendance. Some feedback from the sessions has been included:

**Parent:** "I have definitely noticed a change in his attitude towards school, he is much more settled where he is now and even at home and out on the streets he has been getting into much less trouble."

**Child:** "I have been able to understand things more and understand myself more. I think I lost myself a little bit, now I feel like I have settled and know who I am and what I want to do with my life."

## 3.2 Youth provision

- 3.2.1 There is a wide variety of provision for young people from youth, sports and play providers across the city. It is recognised that part of this work will support children to be safe, happy and healthy in this city.
- 3.2.2 The Community Safety Partnership has used partnership funds to target specific activities in areas where there are higher levels of ASB and violence relating to young people. One example of this work is:

Manchester Youth Zone (MYZ) has been commissioned to engage with young people in North Manchester. Between April and December 2022, 230 young people took part in activities, 199 male and 31 female. This included:

- Weekly football sessions with a consistent attendance from a core group of young people, almost all from Cheetham Hill. Sessions were initially held in a local park before moving indoors once cold and wet weather settled. Young people have developed their communication and teamwork skills along with making new friends. Parents have reported that these sessions have increased their child's confidence to be out in their community, feeling more hopeful and safer in their area.
- Two 4-hour detached sessions were undertaken weekly in Moston and Harpurhey
- Detached sessions took place resulting in engagement with older teens who were challenging to engage with, but steady progress was made. There were some tensions in the area due to events. The detached team supported young people into education and helped with benefit claims, CVs, accommodation, making informed life choices, and using reflection. The team engaged with 131 young people during this time building up particularly good relationships with 16 and engaging 12 in social action. Social action activities included volunteering on play sessions, helping with food parcels, and peer mentoring. MYZ report that it takes time to engage young people in social action especially when they have been disengaged from mainstream services for a while.
- Weekly detached youth work sessions also took place in Collyhurst and Harpurhey with MYZ working with and supporting four distinct groups.

Of the 230 young people that MYZ engaged with, 64 were from Cheetham, 107 from Harpurhey, 18 from Miles Platting & Newton Heath, 36 from Moston, one from Woodhouse Park, and 4 unknown.

21 were under 10 years old, 35 were aged 10-13, 80 aged 14-16, 83 aged 17-20, and 10 aged over 20, 1 not recorded.

With regards to ethnicity:

Black British 18, Black Asian 40, Asian British 15, Asian Chinese 1, Asian Pakistani 15, White English/Scottish/Welsh/Northern Irish/British 63, White Irish 1, White and Black Caribbean 4, White and Asian 11, Other dual heritage 1, Unknown 61.

Young people reported that they feel safer when MYZ are present. Young people also reported that they feel hopeful when they see that other young people have had the opportunity to complete qualifications and become volunteers. They also feel respected by MYZ staff who always have time to listen to them. Sessions are youth led and as a result young people feel empowered and enjoy having ownership of their sessions.

### **3.3 Early intervention in ASB cases**

- 3.3.1 Anti-social behaviour powers allow the police, councils, social landlords and other agencies to deal quickly with issues as they arise to ensure the best outcomes for victims and the wider public. The majority of ASB cases are resolved through early intervention, often by working together with partners to deliver a problem-solving multi-agency response outside of the criminal justice system.
- 3.3.2 A key focus of ASB casework is to identify and assess vulnerability to ensure children, adults and families have access to the appropriate advice, guidance and support in a timely manner. There are well established partnership forums across the city where information is shared and case strategies are developed and reviewed.
- 3.3.3. These forums include Local Partnership Meetings, Team Around the School meetings, Multi Agency Prevention and Support (MAPs) providing coordinated early help for adults, Child In Need meetings, Engage Panels to prevent children being involved in serious violence and bespoke case conferences to address specific concerns in our neighbourhoods. The strategic oversight and governance of these forums is provided by the Community Safety Partnership Board and the respective safeguarding boards.
- 3.3.4 MCC Housing Operations has reported that 18 cases have been referred to the Multi-Agency Prevention & Support (MAPS) for Harpurhey/Higher Blackley/ Charlestown and the multi-agency approach is having a positive impact and real changes for the individuals.
- 3.3.5 The Community Remedy may be used by a police officer when dealing with anti-social behaviour or less serious offences through a community resolution, the police officer may use the Community Remedy document to engage the victim in having a say in the punishment of the perpetrator, including allowing them to consider a restorative justice approach.
- 3.3.6 ASB services commission mediation providers to deliver mediation in neighbourhoods. The mediation offer involves support to resolve neighbour disputes, one to one conflict coaching for people who need additional support and community conferences. The main types of neighbour disputes that are resolved through mediation include noise, communication and difference in lifestyles. Approximately 90% of cases referred to mediation led to resolution without the need for further involvement from ASB Officers.

- 3.3.7 The ASBAT together with Greater Manchester Police, Change Grow Live (CGL) and Riverside Housing worked together to review the approach to begging in the city and established the Street Engagement Hub (Hub). The Hub, now made up of 14 different partners, seeks to support individuals to address the underlying reasons why people beg and therefore reduce begging in the city. Manchester Metropolitan University was commissioned to undertake independent research regarding the effectiveness of the Street Engagement Hub and identified it as being at the forefront of current best practice. Both service users and practitioners had overwhelmingly positive views about the support being provided. The Hub partnership undertakes regular outreach work in neighbourhoods to disrupt begging and provide support and opportunities away from the street. When there is evidence of aggressive begging, partners work together to identify individuals and take appropriate action to protect others in addition to continued offers of support. In 2022/23 the Hub provided support to 836 individuals.
- 3.3.8 The main successful early intervention tools include anti-social behaviour warnings and Acceptable Behaviour Agreements. Meeting with alleged perpetrators of anti-social behaviour, setting out acceptable standards of behaviour and explaining the serious consequences of continuing to engage in ASB is often an appropriate intervention that stops ASB and prevents it from escalating. Social landlords clearly explain the consequences of breaching a tenancy agreement. Officers always seek to identify support needs and signpost to services to address underlying drivers of the ASB.
- 3.3.9 An example case from MCC Housing Operations, below, shows that in some cases it is necessary to find alternative outcomes to resolve ASB:

Case Example: Some very longstanding issues related to the mental health of a tenant were having an adverse effect on the quality of life of the neighbour and child living in the flat below. The child had a severe learning disability, and the ASB was becoming more frequent and escalating in nature. A long and determined effort to engage the Community Mental Health Team led to a hospital admission, but crucially that the resident would then be moved to step-down accommodation, as opposed to returning to the tenancy, before securing a tenancy elsewhere in more appropriate accommodation. This led to a really great outcome for the family affected but also the resident with mental health challenges who had suffered a number of traumatic episodes at the previous address.

## **4.0 Escalation**

- 4.0.1 When anti-social behaviour escalates officers utilise the full range of ASB powers to stop and prevent further ASB. A summary of the powers is provided below. Further details can be found in the Home Office Statutory Guidance for Frontline Professionals (March 23).

### **4.1 Powers available to the Council only**



- 4.1.1 Public Spaces Protection Order: Designed to stop individuals or groups committing anti-social behaviour in a public space. Councils issue a Public Spaces Protection Order (PSPO) after consultation with the police, Police and Crime Commissioner, the owner or occupier of land in the restricted area and other community representatives they see fit. The restrictions and requirements are set by the Council. PSPOs can be enforced by police and council officers. Breach of a PSPO is a criminal offence which can lead to a £100 Fixed Penalty Notice or a fine up to £1000. The Council uses PSPOs to prevent anti-social behaviour for example to prevent associated with street drinking and successfully introduced a PSPO to prevent protest behaviours that were having a detrimental effect on others immediately outside an abortion clinic in the city.
- 4.1.2 Expedited Public Spaces Protection Order (E-PSPO): Designed to allow local authorities to take rapid action to protect those who work at and use schools, vaccination sites and NHS Test and Trace/Test, Trace, Protect sites, from the harm that some protests targeting these sites have been able to cause. An E-PSPO lasts for up to six months and the restrictions and requirements included in the Order are set by the Council. Breach is a criminal offence which can result in a £100 Fixed Penalty Notice or a fine, on conviction, of up to £1000. The Council effectively used an E-PSPO to protect those working at and accessing covid vaccination sites.

## **4.2 Powers available to the Council, Police and Social Landlords**

- 4.2.1 Civil Injunction: A court order designed to stop or prevent individuals from engaging in anti-social behaviour. Applicants include social landlords, Greater Manchester Police and the Council. Injunctions can be used to tackle housing related ASB and ASB taking place in public spaces. Breaching an Injunction is considered as contempt of court, it is not a criminal offence, and the consequences are an unlimited fine or up to two years in prison. For example, an Injunction was secured to protect members of the public from an individual perpetrating racist abuse and anti-social behaviour in a public space.

## **4.3 Powers available to the Council and the Police**

- 4.3.1 Closure Power: Allows the police or council to close premises quickly which are being used or likely to be used to commit nuisance or disorder. The power can be used regardless of tenure, including against an owner occupier property, private rental, social landlord property or commercial business. The Council or the Police can apply for Closure Orders. Breach of a Closure Order can result in up to fifty-one weeks in prison / unlimited fine. Closure Orders have been used to close premises selling counterfeit goods in the Strangeways area of Manchester. In North Manchester a Closure Order was used to close an unregulated nightclub with associated disorder negatively impacting the local community and in South Manchester a takeaway was closed because there was a firearm discharge at the premises where the safety of innocent members of the public was threatened.

- 4.3.2 Community Protection Notice: Designed to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life. Council and Police Officers can issue CPNs, and Social Landlords if designated by the Council. Currently Social Landlords are not designated to issue CPNs in Manchester. Breach of a CPN is a criminal offence resulting in a Fixed Penalty Notice of £100 or a prosecution and if convicted a fine at court (£2,500 for individuals and unlimited for a business).
- 4.3.3 Criminal Behaviour Order: Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The Crown Prosecution Service usually applies for Criminal Behaviour Orders following a request from the police or Council. Breaching a Criminal Behaviour Order is a criminal offence and on indictment the consequences are up to five years imprisonment or a fine or both. Criminal Behaviour Orders have been used to tackle aggressive shoplifting and, through non-association clauses, prevented members of organised crime groups working together to cause harm in local communities.

#### **4.4 Powers available to the Police only**

- 4.4.1 Dispersal Power: A police officer in uniform can ask a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours. They may confiscate any item that could be used to commit anti-social behaviour, crime or disorder. Use of the power must be authorised by at least rank of inspector and will define the specific geographical area. The direction needs to be necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder. Breach is a criminal offence which can result in a fine or up to 3 months imprisonment (18yrs and over).

#### **4.5 Other**

- 4.5.1 Possession Proceedings: Landlords may consider possession proceedings for serious or persistent breaches of a tenancy agreement. The 2014 Act introduced a new absolute ('mandatory') ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court. The Absolute Grounds can be relied upon by Social Landlords and private rented sector landlords. The absolute ('mandatory') ground expedites the eviction of landlords' most anti-social tenants. If the legal test is met, the court must grant a possession order subject to any human rights defences. Our strategic approach in Manchester is to work in partnership to prevent homelessness. Therefore, considering possession proceedings is a very last resort and will only be considered if other remedies have failed. The Council has no basis to seek possession of a property where we are not the landlord.
- 4.5.2 ASB Case Review: The ASB Case Review is intended to provide a safety net for persistent victims of anti-social behaviour and those who may be most vulnerable. Victims and communities have the right to request a review of their case where a local threshold is met. A review brings agencies together to take

a joined up, problem-solving approach to find a solution for the victim. The key bodies involved are the Council, Greater Manchester Police, Clinical Commissioning Groups and Registered Providers of Social Housing. A person supporting the victim, with their consent, such as a carer or family member, Member of Parliament, local councillor or other professional may make a request for an ASB Case Review.

## **5.0 Reporting**

5.1 There are different ways to report antisocial behaviour.

### **Greater Manchester Police**

If anyone is in immediate danger, members of the public are advised to call 999 and ask for the police. For a non-emergency incident members of the public should contact the police by telephoning 101. Reports can also be made online <https://www.gmp.police.uk/ro/report/asb/asb-v3/report-antisocial-behaviour/>

### **The Council**

Members of the public can make reports of ASB to the Council by telephone, online or in writing.

Private residents and people experiencing ASB in public spaces should contact the Anti-Social Behaviour Action Team by telephoning 0161 234 4612 or report online:

[http://www.manchester.gov.uk/info/200030/crime\\_antisocial\\_behaviour\\_and\\_nuisance](http://www.manchester.gov.uk/info/200030/crime_antisocial_behaviour_and_nuisance)

If residents wish to make a report by post, they should write to Anti-Social Behaviour Action Team, Manchester City Council, POX BOX 532, M60 2LA.

If a resident is a Council Housing Services (formerly Northwards Housing) tenant or is experiencing ASB caused by a Housing Services tenant, they should make a report to the Council by telephoning 03000 123 123 or reporting online:

<https://www.northwardshousing.co.uk/your-home-neighbourhood/report-asb-or-abuse>

### **Social Landlord**

If a resident is a tenant of a different social landlord or experiencing ASB caused by a tenant of a social landlord they should contact the social landlord directly.

### **Crimestoppers**

If a crime has been committed, residents can report anonymously to Crimestoppers <https://crimestoppers-uk.org/keeping-safe/community-family/antisocial-behaviour>

### **If you're not sure who to contact**

If anyone is unsure who to contact the Anti-Social Behaviour Action Team can provide advice and support.

## **6.0 Barriers to reporting**

- 6.1 Awareness of how to report ASB, and to which agency, varies amongst victims who have witnessed or experienced ASB. The Home Office research analysis 'Anti-social behaviour: incident journey from reporting to resolution' (27 March 23) highlights that victims may be confused about which agencies and organisations are responsible for responding to different types of ASB due to several agencies and organisations being responsible locally. The research found that the subjective nature of these incidents also led to uncertainty around when to report, with victims and witnesses sometimes unclear whether the incident was ASB or a crime and whether it was serious enough to report. As a result, the most common reason given for not reporting an ASB incident was feeling like the incident was too trivial/not worth reporting and not thinking that the report would be taken seriously. Victims also express a fear of reprisals from the perpetrator/s.
- 6.2 Nationally it has been recognised that there needs to be an improvement in how anti-social behaviour is reported so members of the public can have a simple and clear route to report anti-social behaviour, access advice and guidance in one place, and be updated on the outcome of their case. The Government has committed to providing funding to develop a digital one-stop-shop where people can report anti-social behaviour to the right local responders and get feedback on the response. The Council and partners will seek to engage in consultation regarding this proposal to ensure the best service for Manchester residents.
- 6.3 Anti-social behaviour is taken seriously in Manchester. Our priority is to support victims and prevent anti-social behaviour. Victims can be reassured that they can report anti-social behaviour in confidence. Officers encourage reporting by raising awareness of the services available through surgeries, community events, days of action, focus groups, written correspondence and face to face engagement. When victims fear reprisals ASB Officers can often take action without a need to identify them as a complainant.
- 6.4 Members have asked for information that will support residents to understand which organisation they should contact to report ASB. Appendix 2 provides examples of anti-social behaviour and where the report should be made. The Anti Social Behaviour Action Team can provide advice regarding reporting ASB (tel. 0161 234 4612).

## **7.0 Policy and Procedure**

7.1 The policy and procedure for dealing with Anti-social Behaviour (ASB) by Manchester City council was revised to align with the integration of Manchester Housing Operations to the council, the incorporation of updates to legislation and developments in practice. A public consultation took place between 26 September and 18 November 2022 highlighting key areas for feedback from the public to update our policy and procedures. This feedback has been incorporated into the revised Policy and Procedure which is enclosed in Appendix 1.

## **8.0 Recommendations**

8.1 Members are requested :

- To consider and comment on the information in the report.
- Identify any further information required for the final report.