

**Police and Crime Committee - Wednesday, 5 July 2017****Transcript of Item 4 - Antisocial Behaviour in London**

**Steve O'Connell AM (Chairman):** Can I now move into the main part of the meeting and welcome the guests this morning? We have Paul Dunn, Chair of the London Antisocial Behaviour Advisory Service, which I understand is an umbrella forum network. We are really interested to hear from you. Janine Green is Managing Director of Resolve ASB. An old friend and colleague of mine, David Millar, is Chair of the Hammersmith & Fulham Safer Neighbourhood Board. I am really pleased you are here, David. Molly Blackburn, Programme Manager, Victim Support, welcome. Joe Joseph is Director of Resident Services at Peabody and, last but certainly not least, Kuljit Bhogal, Joint Head of the Housing Team, Cornerstone Barristers, who I heard great things about last night in Croydon. Thank you again for coming along this morning.

In the usual fashion, I will start the questions, if I may, as part of scene-setting? We are talking about antisocial behaviour (ASB) today, which is a key priority for Londoners and has been as long as certainly many people here have been involved in crime and safety in London. We want to really explore some background information about what it is and the trends and how the trends are going. With our reliance particularly on Metropolitan Police Service (MPS), data, is there other data that we should probably be looking at?

The first question is one of the ones that will be to all of you and so, if you could reply relatively succinctly, it would be absolutely wonderful. 'Antisocial behaviour' is an umbrella term for many different activities. How would you, as simply as possible, define it? If any of you wish to take that on, signal. Paul, you are nodding?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Yes, I have been. First of all, thank you very much for inviting us along today because ASB is a huge priority and it is a great opportunity to talk about it. I have been involved in the ASB agenda for a long time now and it has not changed. It just continues to cause the same concerns and problems to communities as it goes along. The approaches that we take do change and we find that there are some really creative and innovative ways to deal with ASB, some of which are still there, some of which have fallen off the shelf, so to speak.

In relation to ASB, we have a legal definition which all practitioners are aware of. It has just been amended by the latest legislation in 2014. However, what is important is what is antisocial to members of the public and to the local communities. That changes depending on the community, where it is located, the tolerance level that that community has.

What is more important for me are the types of ASB that London suffers and who has responsibility for dealing with it. When we start looking at definitions of ASB, it sometimes gives people an opportunity to back out of responsibility because it sounds too much like that is what the police should be dealing with and that is what housing should be dealing with. The one thing I have found with ASB is that we cannot deal with it in isolation. It has to be done through partnership working and problem solving. When we do get it right, other things benefit from it as well, not just the ASB. It empowers communities to take responsibility for themselves.

**Steve O'Connell AM (Chairman):** Thank you, Paul. The MPS's definition at a higher level is personal, nuisance and environmental. It is personal when it is directly affecting you --

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Absolutely.

**Steve O'Connell AM (Chairman):** -- nuisance when it is affecting a group - perhaps noise - and then the environmental is placemaking. Anyway, Janine, what are your thoughts around that?

**Janine Green (Managing Director, Resolve ASB):** Again, thank you very much for having us here today. I agree with Paul in the main part. Practitioners always struggle with the definition of ASB that we find in the legislation because it is subjective. It is about how it makes people feel. It is not a nice, neat criminal action that is clearly set out. If I commit theft, I go into a shop and I steal something. It does not matter what my mindset is. It does not matter what the impact on the people suffering was. With ASB, it is very subjective; it is about how it makes them feel.

The positive of that is that it is very wide-reaching and we see some really good uses of ASB legislation for some quite serious behaviour. Even dealing with serious organised crime groups where perhaps there is not enough evidence to take criminal action, some of the ASB tools are used and quite effectively.

However, of course, if you have inexperienced practitioners, very broad-reaching definitions scare people and put people off. I picked up the point that Paul made. It can sometimes be easy, whether intentionally or not, to not take action in cases where you can do because you struggle with the definition and what it actually means in reality.

**Steve O'Connell AM (Chairman):** David, do your board members correspond to those sorts of thoughts?

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** Steve, I will just first say that I am down as Chair of Hammersmith & Fulham Safer Neighbourhood Board, but I am actually also today here representing the London Communities Policing Partnership (LCP2). I sit on the Board. LCP2 today, if you like, represents the majority of the Safer Neighbourhood Boards across London and, as such, is probably the only community-based pan-London organisation that you as a Committee could talk to with one voice --

**Steve O'Connell AM (Chairman):** Obviously, I know the group well. We are aiming to have a meeting just with the Board and members later, just to give you comfort, David, on that.

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** Indeed. In fact, it was on that basis that I was partially here today. I will wear a Hammersmith & Fulham cap when we come on to other questions but, in that respect, that is where I am representing today.

In terms of the definitions, I agree with the two people to my right. It is a tough call. One person's ASB is another person's minor annoyance. There is a huge spectrum out there. I guess, just putting in a point here at the moment, one has to be careful here because there is a case of wood-for-trees. We could get covered in an avalanche of ASB from one end of the spectrum to the other. As part of this morning's process, it will be interesting to see how we unpick that in a way and take it forward.

**Steve O'Connell AM (Chairman):** Thank you.

**Molly Blackburn (Programme Manager, Victim Support):** For me - and I agree as well with everything that was said - there are two key points around definitions, though. One is around statistics. I know we will come to that, but without clear definitions that are understood across a range of organisations it is hard to understand what is really going on in terms of ASB in each of those areas and, therefore, what they are.

The other problem, which links to that, is that without a standard definition or understanding of what ASB is at least to some degree between different practitioners - say local authorities, police, environmental health, etc, and the public - people get lost and slip between the gaps when for one it is and for one it is not and people

can get shuffled around. For me, in terms of definition, it is not so much how we define it but how we define it together as a group.

**Joe Joseph (Director of Resident Services, Peabody):** It is difficult for me to really contravene anything that was said there. What I will say is that at Peabody we find there is a different tolerance level depending on where people live. We have estates and we have street properties. We normally find that on the estates we have a lower tolerance level because of the density of the housing that is there. We split it into two. Going back to the wood-for-the-trees, we have low-level ASB that is dealt with by our neighbourhood managers, and then high-level that is dealt with by a specialist team.

The highest cases that we have, 32% of my cases, are about noise and it is all because of the types of properties that people are living in. Currently, we are doing a pilot and a lot of that noise will not be treated as ASB anymore; it will be dealt with by another team. We are not ignoring it, but it will no longer be classed as ASB. It is a six-month pilot starting from May and so we are yet to get the full results on that, but we can already see it is decreasing the numbers of what we class as ASB.

**Steve O'Connell AM (Chairman):** You will be concentrating on noise in and of itself as a main issue for your residents?

**Joe Joseph (Director of Resident Services, Peabody):** Correct.

**Steve O'Connell AM (Chairman):** That is really interesting. Kuljit, do you want to add to anything that we have heard?

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Yes, a few things. I am a barrister and I specialise in social housing. One of the things that I did a couple of years ago was write *Cornerstone on Anti-Social Behaviour*, which is the leading textbook on the new powers. I had to look at the legal definition of ASB. Part of that was looking at historically what matters had been considered by the courts to be ASB.

It is important to have a definition from the point of view of enforcement, but there are two things that flow out of that that have come out of what the other speakers have said. Sometimes those definitions can be used to avoid responsibility and the local authority saying, "That is not our remit. That is another body's remit", and the police saying, "That is not our remit. That is the local authority's remit", and things get passed between the various bodies that ought to be responsible.

The other thing that comes out of having too rigid a definition is that sometimes we forget about the impact. Picking up on some of the terminology that Joe used, a lot of practitioners use a reference to 'low level' and 'high level'. It seems to me that what is more important is 'low impact' and 'high impact' because it is about the individual and their perception of the impact on them. If one looks at cases like [Fiona] Pilkington and the Independent Police Complaints Commission's report into what happened there, there were some very serious incidents of ASB and we know that there were tragic consequences in that case. However, in the main, what was going on was a form of fairly low-level bullying, which was having a high impact on the vulnerable individuals. Therefore, there are some dangers in having too rigid a definition of ASB but, equally, one needs it in order to take action. The Committee needs to be mindful of ensuring that it is as inclusive as possible because what is ASB to one person may not be to another.

**Steve O'Connell AM (Chairman):** You are absolutely right, Kuljit. It is that perception in the eye of the beholder --

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Absolutely.

**Steve O'Connell AM (Chairman):** -- of what is ASB and what is the severity. You said that people sometimes lazily use the term 'low level', but when it is a case of personal ASB aimed at one person, that low level can have a disproportionate effect on the person at the receiving end of it, even though it is deemed or categorised by some others - perhaps when receiving the call by the police - as low level.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** The categorisation - sorry to cut across you - is quite important because it is the categorising then determines what happens to that behaviour and whether there is any enforcement action taken. Either it is in the category that there are no resources allocated to that behaviour or something gets done and so it is important at that very early almost triage stage that things are categorised in an appropriate fashion.

**Peter Whittle AM:** It is interesting with this objective and subjective definition and what-have-you. For example - and I am just throwing something out there - would public littering be considered ASB, do you think, by everybody?

**Joe Joseph (Director of Resident Services, Peabody):** It is by us, but I would go back to the point because I raised the high level and low level. A low level does not mean that nobody is going to be dealing with it. It just means that it is dealt with by another team, not the ASB team. If it was littering, for instance, I would be talking to my Head of Estate Services, who would get his team to deal with that. We are talking about fly-tipping; we are talking about disposal of bulk rubbish as well as littering. It is all dealt with by that specific team but not by my ASB team.

**Janine Green (Managing Director, Resolve ASB):** That perfectly demonstrates the complexities of these issues, though, because if I were to suffer one incident of seeing some litter on the floor, then, yes, I could say it was ASB, but do I have any expectation really that someone might do something about that? However, if I am walking outside my door because someone is purposely dumping their bin in front of my door to cause me intimidation and fear, then that is a far bigger issue because that verges on harassment. Kuljit [Bhogal] is saying that the danger of saying that litter is always a low-level issue is that it moves you away from the idea of really assessing how often it is happening, what the vulnerabilities of the victim are and what the intention is of that littering offence.

**Molly Blackburn (Programme Manager, Victim Support):** I would add one point here, which is that ASB can often be dealt with by looking at an event and looking at perpetrators. When you have this strong enforcement view, you look at maybe what they have been doing and that is why it is so important to bring in the victim's needs.

In Victim Support we do assessments on people who are coming in for ASB issues and you will find that people are reporting very high levels of prevalence. If something might be happening on a daily basis, it might have an extremely high impact on their mental health and on other aspects of their livelihood or their day-to-day life. If people are not asking them what is going on and talking to the victims, you do not have this way of gauging it. You have to always involve the two sides to get that picture of impact. Otherwise, it becomes just the high or low level.

**Steve O'Connell AM (Chairman):** We will have some questions later about people's experiences and the direct effect, but that can be helpful on that. Andrew, do you want to come in on that?

**Andrew Dismore AM:** I just want to come in on Joe's point about noise. You have explained what you do, but why is the question that I would ask. Why is noise not considered ASB if that is one of the main causes for

complaint? The impact that it can have on people, particularly prolonged noise late at night from loud, amplified music, for example, is really distressing.

**Joe Joseph (Director of Resident Services, Peabody):** All right. That would be different. That type of noise where there would be regular, loud parties and stuff, we would be treating that as ASB.

Most of the cases that we have are about normal domestic living. When you have high density, especially with shift work and the way that the world works nowadays, people's lives are not just strictly nine to five anymore and you get families interacting in a different way. What we have also found now is that there are a lot of families that will not let their children go outside anymore to play and so the kids are now playing inside the properties and not outside the properties.

One of the worst things for me, really, is this fashion now to not have carpets. People put laminated flooring down and, if they do not put in the correct insulation, you can hear almost everything that goes on in there. My staff spend so much time trying to persuade people to pull up their laminated flooring or put rugs down. We cannot enforce that on the tenancy agreement. We have to use persuasion in order for that to happen.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Can I just give you a real-life example on that? I did a case a few years back and we had a sound expert come in to look at sound transfer between two floors of a converted house. In fact, a number of the properties on that street had been converted. They were owned by the local authority. The expert's evidence was that the dropping of a paperback book on the floor above caused intrusive noise on the floor below, which is quite something when you think about the fact that that is not a very heavy item that is being dropped, but that is the sort of thing we are dealing with. Partly it is to do with construction of buildings. Partly it is to do with conversions. Partly it is to do with the simple density of people within some buildings.

**Andrew Dismore AM:** When you are talking about noise, the noise that we would consider ASB like the late-night parties is still ASB --

**Joe Joseph (Director of Resident Services, Peabody):** That would be classed as ASB, yes.

**Andrew Dismore AM:** -- whereas noise that is from normal day-to-day life is not?

**Joe Joseph (Director of Resident Services, Peabody):** At the moment, as I said, we are doing the pilot. Until that pilot is concluded and we get the results, we will not know exactly how we are going to be treating it from now on. Until the pilot started, we had been treating it as ASB.

**Andrew Dismore AM:** That is presumably going to impact on your figures as well and so --

**Joe Joseph (Director of Resident Services, Peabody):** It will do, but that is not to say that we are ignoring it. It just means that it is not dealt with by my specialist ASB team. It will be dealt with as normal housing management and that is what they deal with.

We have noise machines that we put in people's homes. One of the things, though, that I have found is that as soon as we put a noise machine inside someone's home to record the noise, the expectation of the person is, "This is going to pick it up and I will definitely be able to get something done". Nine times out of ten when we get it back and we look at the recordings, there is no statutory nuisance and all we can do is get mediation in between the two households to try to resolve the matter.

**Steve O'Connell AM (Chairman):** When you talked about the work you were doing, I heard that you were treating it in an even cleverer way, which hopefully will be to the benefit of your residents.

**Joe Joseph (Director of Resident Services, Peabody):** That is what we are hoping.

**Steve O'Connell AM (Chairman):** That is the hope. It is useful, just as an aside, hearing about noise as something that you see probably in your world as possibly the worst or the top-level ASB. As this debate progresses, it will be interesting - perhaps not this minute - for you to give us an idea. What is the number one - in your particular field - ASB issue?

My next question is talking about data. I touched upon it earlier. Much of our reliance is on MPS data, largely the calls to the MPS centre when they will log it, will ask the question and then try to do some classification around it. The trend on the figures over a period of years has apparently gone down. However, we have seen a spike and an increase over the last year. Notwithstanding those figures, ASB continues to be a priority.

We appear to be heavily reliant on those MPS figures and so, really, I wanted to talk to you about the gaps in the data. Until we have the proper data, we cannot really get underneath the issue. What sort of gaps do we have? What other data do you use as professionals that you can help us with at all? Does anybody wish to --

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** I have just been working in one London borough and there is the 101 non-emergency number for all ASB calls. That is as a result of noise, environmental issues and all the things you mentioned.

It does not work. It shows an unclear picture. It throws responsibility on to certain organisations to record what complaints they are getting because they are putting the responsibility and emphasis on one organisation. If I have a problem with noise or I have a problem with environmental issues, the last person I want to phone is a police officer. I want to speak to somebody in the council who is going to be able to deal with it. What has happened as a result of that is you are having an unclear picture of ASB across London because, firstly, people feel guilty phoning the police about an ASB issue when they are seeing on a nightly basis the police rushing around London dealing with major incidents. Secondly, some people do not want to speak to the police in relation to ASB because they are worried of the consequences of it or they are worried how the police are going to deal with it. Thirdly, as I said, the police cannot deal with it and their only response in relation to that ASB call is, "We will get an officer to come around and deal with it", which just does not work.

I will give you a quick example from this particular borough I was dealing with. A lady phoned up 101 because she was told that it was the ASB line and she saw two drug-dealers fighting. One stabbed the other one and so she phoned 101 because she was told that was where you phone ASB, which is drug-dealing in that particular borough. Twenty minutes later she finally got through to the emergency services, who told her off for not phoning 999.

The public are completely and utterly confused. Who deals with ASB? Who should they be contacting in relation to what types of ASB? As I said, because people are not keeping that data anymore, they are making it more difficult for the public to get through to the right people.

**Steve O'Connell AM (Chairman):** Have you any other recommendations? I know colleagues will have an idea, but what we are looking for. I get that point. There is a grey area there because if the police were there they would say, "If it is a crime or about to be a crime, it would be 999, that particular call".

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Yes, absolutely.

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** There are two key aspects to this. One is that within Hammersmith and Fulham I would estimate that the police ASB data accounts for approximately 20% of the ASB universe. We have three other sources of ASB data. Two are through the Council and one is through the Housing Department. They also measure the same area as the police and some of the categories, but equally they measure other areas. For instance, noise came up. Noise is a very big issue for us. Hammersmith and Fulham is the sixth densest Borough in the country in terms of population per square whatever and so noise is an issue across the Borough.

In terms of trends, this is where it gets interesting and there are questions to look at. Picking up on what was just said on ease of reporting, in Hammersmith and Fulham our Council has now developed an app called Report It and you can also report ASB online. The mechanisms and facilities for reporting have widened and have become more aware to the public and, as such, the public are embracing it. For instance, we have seen a huge increase in report of fly-tipping because it is much easier to do. You can get through to the Council, register it and know that it has been registered.

The two key aspects here, Steve, are to stand back and look at the total universe of inputs to ASB, and to recognise that as you facilitate reporting and give people confidence that action will be taken, you may well see a rise in reporting, but that could be a good thing.

**Steve O'Connell AM (Chairman):** When others respond, you might want to give us an opinion. I am sensing that there is an issue around under-reporting, potentially. Molly, did you have a point about either data or under-reporting or both?

**Molly Blackburn (Programme Manager, Victim Support):** Yes. In terms of where you go, there are a couple of things here. One is that members of the public are required to go and report different types of ASB to different agencies. The police are just one of those. You have environmental health or the local authority. That could be an ASB or housing team. Those are the places that you have to look, absolutely, in terms of reporting.

One of the things that we do not have for ASB that we do for other types of crime is any sense of under-reporting. We know that for different crime types; we do not know it for ASB.

Then the next stage is to look at the impact of ASB because we know that for people who are impacted, it may be their mental health that is deteriorating. Those people may be accessing community services. They may be going into all sorts of other places. It is those kinds of places that you might want to look at as well to get a bigger picture. For example, looking at our referral services nationally, we take only 19% of referrals from the police; we take 70% from other agencies and 8% are self-referrals, but in London we take 23% of self-referrals.

**Steve O'Connell AM (Chairman):** You said 70% from agencies other than the police?

**Molly Blackburn (Programme Manager, Victim Support):** Yes. Going back to the data picture, the police really are not the prime providers of support of problem solving. This comes back as well to when you are dealing with ASB because these things all link. The only way to address ASB is through multi-agency work that takes into account the victim, the perpetrator and the environment or community. Therefore, any approach to look at data and to understand what is going on has to understand those things because that will then later on help you to understand if it is working or not.

**Janine Green (Managing Director, Resolve ASB):** Sorry, can I just back that up a little bit? You are absolutely right. Because of the fact that we have pushed over recent years, particularly with the new ASB legislation coming in, that partnership working is so important, the police have got very good at understanding which partners might have better tools in the box to deal with the issue that is being reported to them and residents learn that. They will be going to their housing providers and the local authorities if they have issues rather than going to the police. If data is coming only from the police, it is going to look like it is going down because it is being reported elsewhere.

The other thing I would say is that you asked the question about where you can get the data from. The problem with that is, across housing providers and local authorities, there is not any consistency in terms of what they are monitoring and how they are monitoring it. There is an organisation called HouseMark. I do not know if you have come across HouseMark. They do some benchmarking. Some housing associations opt to be members and provide them with figures in terms of how many ASB cases they have had, how many have been closed, how long it has been taking to close but, again, that is a voluntary opt-in from housing associations.

**Steve O'Connell AM (Chairman):** The sense there is that although the trend over some years has been reducing, based on the MPS figures, it has clearly been masked by the fact that there is increasing reporting elsewhere and so we are not getting a true picture.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** There are two points I would make. The first is that as a lawyer I often end up at the end of the ASB spectrum, as it were, in that other methods of enforcement have been tried and it lands on my desk because an authority wants to seek an injunction or wants to seek a closure order or something else. What I see are dozens and actually quite frequently incidents running into the hundreds. You might have 100, 200 or 300 incidents that someone has diarised. When you go back and look at where that has been reported and ask if it was reported to the housing office or if it was reported to the police, the answer very often is no. It is either because they did not know that they could report it or they have reported it so many times and nothing has happened that people give up on recording information. There is very definitely an issue of under-recording of information and the incidence of ASB.

The other thing is about the fact that when it comes to data, there is no central system for recording how many injunctions have been sought, how many closure orders have been sought or how many complaints of a certain type of ASB there have been. Once there are some organisations doing some work on an opt-in basis - and Paul's [Dunn] organisation in particular has a wealth of information in relation to who is doing what and how people are managing these problems - there needs to be some central way of recording the incidence of ASB and an improvement in access to how people can report it.

**Steve O'Connell AM (Chairman):** Thank you.

**Joe Joseph (Director of Resident Services, Peabody):** Like all housing providers, we have a system that records not only the type, the numbers and also the locations. We know what borough it is and we are able to track where reporting is actually happening.

I am looking at the figures that I have here going back to 2013/14 and every year, like the MPS, we have seen a reduction on average of about 400 cases a year reducing. In 2013/14 it was 2,700 cases in total and in 2016/17 it was only 1,441 that were reported. It has been going down.

We have 20 classifications that we have here and my officers, when the report first comes in, they have to log it in one of those classifications. I am quite glad to give that out afterwards so that everyone can know how those are recorded.



We do use HouseMark but, I agree, it is voluntary. One of the things we do track on there, really, is around how satisfied people are with the way that we handle their ASB cases and the cost of us handling their ASB cases.

For us, the two boroughs we have by far the most cases - because we have a lot of properties there - are Islington and Hackney. They are in the premiership for us when it comes to ASB and, for everybody else, it drops down dramatically after that.

**Steve O'Connell AM (Chairman):** That is reflective of the fact that a lot of your stock is there as opposed to other --

**Joe Joseph (Director of Resident Services, Peabody):** And the type of stock.

**Steve O'Connell AM (Chairman):** Indeed.

**Molly Blackburn (Programme Manager, Victim Support):** It was just one point that is really important, just following on from the previous conversation. While people might record loads of incidents in their own diaries, they are encouraged not to report those. You get issues where people get branded as repeat nuisance callers and it then becomes them who are dealt with as the perpetrators. In ASB, particularly in cases where there are two individuals involved, it is often very hard to work out who is really a victim and who is a perpetrator. It gets very complex. We have to be really mindful when we are looking at statistics that people are not encouraged to report over a certain point and so they will then be behaving themselves so as not to be branded a problem-maker.

**Susan Hall AM:** I have long been of the view that this is drastically under-reported because I have dealt with it a lot in my borough and Paul [Dunn] right at the beginning said that this is something that has to be dealt with in partnership. I completely agree with that.

Since you are all singing from the same hymn sheet, where do you think a body should sit that does record this? It is a very serious issue and I would love to know where you think a body that would collect all this data should sit. Where would that sit happily that would be easy for all the different partners to access and to feed into?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Personally speaking, what has really worked well in London in the past is the consistency and the good practice that has been shared across London. There have been things like the ASB Managers Group, the ASB Board and the ASB Practitioners Group, which shared that good practice right across the London boroughs. What was interesting was that it initially started off as being competitive and one borough was better than another borough because it used more tools and powers and then another borough would use more early intervention and preventative stuff. Again, we started to try to find out what were the underlying issues of ASB and how best to deal with it.

London over the years from the early 2000s to the end of 2009/10 was reducing ASB on the same level as Nottingham. We got it absolutely right and we got it right because there was a central leadership. There was a focus on a London-wide approach rather than a borough-wide approach. I take on board exactly what David was saying there about how Hammersmith and Fulham is a notoriously good Borough for dealing with ASB. The problem is that the consistency is not across London. There is a bit of a lottery with where you live, where you reside and where you work and the response you are going to get. We have lost that at the moment. We have lost that overall picture of what is happening in London from night-time economy-related issues to street

drinking to rough sleeping, right through to young people standing on street corners, which is not particularly a problem anymore in London and it was initially about 10 years ago.

To go back to what you were saying, when we ran the London ASB Board, it was run from the Mayor's Office [for Policing and Crime (MOPAC)] and that collected statistics across the London boroughs to show who was using what tools and powers not as a competitive thing but to find out. Are they using them well? Are there lessons that can be learned? How can they teach another borough that is not as competent to use those tools and powers? How can we use them more creatively in other areas? What we found was that people wanted to belong to that particular group of people. Why? It had credibility. It had influence. We could change the way that London looked at specific things and prioritised certain things.

Finally, just a quick example of that. New Year's Eve used to be thought of as the biggest spike in disorder for the MPS, but it was not. It was actually Guy Fawkes and Halloween that were the biggest spikes. The London ASB Board that was run by MOPAC prioritised that across London and reduced all disorders across those particular two days. It did not show on the graphs as being a problematic time. That only came about from joint partnership working, sharing good practice and everybody taking ownership and responsibility for dealing with these issues, not stepping back when it was not their particular responsibility.

**Steve O'Connell AM (Chairman):** I heard about the Mayor's ASB Board. I should know this, but is that still extant? Is that still operative?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** No, it is not. Unfortunately, the London ASB Practitioners Group, which I chaired, the London Managers Group, which I chaired, and the London ASB Board, which I helped Janette Roker with, no longer exist. Because of that, the consistency has been lost and we do not have that one vision for London that we used to have.

**Steve O'Connell AM (Chairman):** Thank you for that. We are going to move on to the next set of questions, which Peter is leading on, which is around perceptions of ASB and the disparities around London.

**Peter Whittle AM:** We have two reports including the Crime Survey and MOPAC's, which have said, contrary to what we might be saying, that there is a lessening of public concern about ASB. You might already have answered bits of that, but can I ask maybe Paul to start with? Do you think that is right? Do you think there is a lessening in it? If there is, what is the evidence for it?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** It has probably been lessened because some people are dealing with it very effectively, which has been shown through Peabody. Some people are not dealing with it at all. Some people are just fed up with reporting it and so there has been a decrease in numbers. That is the complexity of ASB. There is not one answer that fits all.

Some issues are no longer as problematic as they used to be. There are other issues that were not problematic in the past that are now major issues in certain London boroughs, things like rough sleeping and street drinking. Prostitution is on the rise. It is a forever moving animal, ASB, and that is why, unless you have data to tell you what the picture looks like at this moment in time in London, you would tend to react to people's opinions and historic information to tell you what the problem is. That is why we tend to get it wrong: because we are dealing with an untrue picture.

**Peter Whittle AM:** Sorry, rough sleeping is categorised as ASB?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** It can be. The vulnerability of it is paramount and we identify that. Those of us who work in ASB do not criminalise people for rough sleeping in

any way whatsoever, but there are problems with rough sleeping and there are aggravating factors in relation to that. We sometimes have to deal with that because our responsibility is not only to the victims and the perpetrators but to the wider community and how it impacts on that.

What we do not want to do - and what we are tending to go back to through the lessons of the Together campaign in the early 2000s - is use enforcement action far too quickly. It is about problem solving. It is about looking at the location, the individuals who are involved and how best we can deal with the underlying issues that are causing the problems. The agenda has reverted back to a statutory organisation response and housing providers, whereas in the past we had businesses. The Charlton Athletic Community Trust, when I worked with it, was responsible for the Kicks project, which reduced ASB in the Borough of Greenwich by 28% not by enforcement but by early intervention and prevention. Again, we do not have a true picture and, because of that, we are dealing with it in the wrong way.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Can I just comment on your question about rough sleeping? It is right that rough sleeping of itself is not categorised as ASB by everyone, although some will categorise it as ASB, but it is an example of low-impact ASB which then has a knock-on impact and which can escalate if left unenforced. I do not mean by litigation but by partnership working and other interventions. Rough sleeping, for example, has a knock-on impact in terms of littering and potential drug-use, which is potentially connected to thieving in the local area, potentially connected to drugs paraphernalia in the area and so it goes on. If we do not deal with some of the lower-impact issues, we are allowing them to escalate to a point when then there is a need for enforcement, whereas perhaps there could have been a different way of managing if we had gone in at an earlier stage. That partnership working is crucial, just on rough sleeping.

The other thing to note is that there was an attempt to include rough sleeping in one of the London local authorities' public space protection orders. You may recall that there was a large public outcry in relation to that and Liberty and others were involved in objecting to that having been done and so that order was withdrawn. It is a problem for the reasons that there are other acts of ASB connected to it and rough sleeping is just one example of where there are knock-on impacts.

**Peter Whittle AM:** Indeed. Thank you.

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** Yes. Just to answer the direction of your question in terms of the public perception of ASB, we have recently conducted a number of street surveys in Hammersmith and Fulham asking people their views on crime. If you ask it as a spontaneous question without any prompting, ASB does not really get much in the way of mention. If you put it on a prompted list, it rises up. This is partly because the fact is that if you overlay ASB on a map, you get hotspots. ASB is concentrated in areas of a borough, which means that other areas of the borough do not have the same level or thinking of ASB. Therein lies the rub. For the majority of people, it is at a low level in their minds spontaneously. If you prompt them, yes, they can start to engage with the notion of ASB.

We have not yet moved our survey into what I would describe as the hotspots and it will be very interesting to see the responses we get when we move into hotter ASB areas.

**Peter Whittle AM:** Do you think, when you say that they have to almost be prompted or ASB does not come up much, could it just be that people have become used to it? If you had gone back 30 or 40 years, people might have said, "Drugs are a big problem". Now, everyone is inured to it and they probably do not mention it anymore. Do you think they have just become used to it?

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** I am sure that is a possible factor, yes. That is probably a factor but, equally, for a lot of people, when you give them an open-ended question on crime and safety, it is not top of their list or even near the top.

**Peter Whittle AM:** Can I ask perhaps Molly? Is this perception that it is no longer such a concern just in London or is it a national thing? How do we figure, as it were, in London? Is there less concern in London?

**Molly Blackburn (Programme Manager, Victim Support):** I could not answer that and probably the reason for that is that we do not have the surveys. I do not think that is a known and quantifiable thing. One of the other challenges is that we call it 'antisocial behaviour' and so there is a sense that this is happening out in society and is affecting everyone. Actually, a lot of it, particularly noise nuisance, does affect really localised communities. The issue of perception is still really relevant because that thing is going on there or these are happening but how are people impacted? What is their anxiety in that moment? It is a really hard question to answer.

**Peter Whittle AM:** Maybe you can shed some --

**Janine Green (Managing Director, Resolve ASB):** Yes. My organisation works across England and Wales. We represent about 250 housing associations which manage 3,500,000 housing properties and so a fairly substantial amount of the social housing properties in England and Wales. Before I came here today, I spoke to some of our London members to get a bit of a flavour about some of these questions. They were saying - although I do not know the methodology around how they do it - that when they do their questionnaires with the residents, ASB is coming top alongside disrepair. They are the two issues in terms of housing management. That is the same that we hear across the whole of our membership across England and Wales. Our social housing tenants are still saying that ASB is an issue.

One of the things that we have not spoken about - and it is really important that we raise it at some point - is the impact that austerity has had. We have seen neighbourhood policing decimated. We have seen local authorities cut to the bone. We have seen housing currently going through efficiency savings because of the rent decrease policy and the fact they have had to lower their rents, which is their main source of income. In the sector, there is a real concern that the priority is off ASB; it is now on modern slavery and child sexual exploitation (CSE), understandably, but if we take the priority and the focus off ASB too much we are going to be at the start of another rollercoaster and we could, unfortunately, end up with a Fiona Pilkington case before the focus comes back on again. As professionals who are very passionate about what we do, that is absolutely the last thing we want to see happening.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Can I just come in on perception as well? Part of it is that when you ask a member of the public if they are affected by ASB, to an extent it is the wrong question to ask. Would they categorise littering as ASB? Would they categorise seeing the discarded containers of legal highs as ASB? Would they categorise seeing syringes and baggies as ASB? Perhaps there is a sense of them becoming immune to it to an extent, but it is also about how we ask the question because they are not necessarily going to consider that those things, for example, are ASB.

**Peter Whittle AM:** Can I ask, if I can just be indulged here for a bit, Steve? You mentioned about hotspots, but it seems to me one of the flashpoints of ASB is the public transport system. I wondered, therefore. You were talking about the problems of reporting. How do people report things that happen on the train or Tube? At least in my experience of commuting and going around London, a lot of things that I would call antisocial [behaviour] happen on public transport.

If I could just explain, in a past life I was a journalist and I did a big feature about ASB on transport. The whole point of it - taking my life in my hands, really - was to ask people to stop doing these things, as it were, in the most courteous way possible. That was things such as speaking incredibly loudly on a mobile phone, which seems to be endemic now, often using really violent language, profanities and such. I would call that ASB, but there seemed to be some kind of moral inversion: I was the rude person for asking. I do not know whether this is something that you recognise, this situation, and that somehow or other people have now a sense of obliviousness about the public sphere, particularly in relation to transport? That is what I am talking about.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** If you remember back, I think it was in 2011, Transport for London did a big promotion across the Underground in relation to not putting feet on seats and things like that, which worked.

What we tend to forget with ASB is that most people do not do it purposely; they do it because of an underlying issue in their minds, whether it is a mental health vulnerability, whether it is alcoholism, whether it is unemployment. That is something that is going on in their lives that is making them antisocial to other people. There are people who go out there and purposely be antisocial and we can deal with that through enforcement action, but it is about education and it is about talking about respecting others and getting people to think first before they do things.

In the early 2000s, I designed a concept called acceptable behaviour contracts (ABCs). That was about us not only talking to people but also listening to people and finding out why they were causing problems in the first place. Most people did not realise there were consequences to their actions, especially young people. We had about a 90% success rate, mainly because there was a consequence to their actions if it was going to continue, but it was about building relationships and about talking to people and telling them what impact their behaviour had on other people. Again, I emphasise that a small percentage will go out there and they will not care anyway and they will still be problematic, but we have enforcement action to do that.

If you look at the new tools and powers, civil injunctions are available to Transport for London and so it should be using them. They are also available to the British Transport Police and so we should not be relying just on the MPS in London to do this. There are a number of people that now have availability to use these tools and powers. NHS Protect is another one, for example. Why are we not holding these people accountable as well, not going for enforcement action but just joining the table and problem-solving some of these particular issues and where necessary, in the small minority of cases where we have to take action, they are equal partners in that process.

The Home Office did some statistics on it and found that about 83% of all ASB was dealt with effectively through three interventions and that did not have to result in enforcement action. What we have done is we have gone straight back into the old days of Together when we tackle and we do not tolerate ASB and we are monitor on our effectiveness and how we use enforcement action --

**Steve O'Connell AM (Chairman):** We have a set of questions on tackling --

**Peter Whittle AM:** The thing is that you say that it comes from problems in people's lives. I would be interested in any comments. I am talking about transport. This is very specific but it affects us all. There has been a breakdown, if you like, in what you might call or what used to be called peer pressure. Basically, there were certain things that maybe people knew you should not really do or whatever. My sense really is that people now are simply frightened to ask people because it is not that they do not want to intrude or anything; it is just that they are frightened of what will happen to them if they do; they get knifed or whatever.

**Steve O'Connell AM (Chairman):** Can we just hold that one? We have a whole bunch of questions around tackling ASB and we are going into that area. I wanted really just to look at perceptions. What I am hearing is that, even though the figures are saying that the perception from the public is that it is reducing, that is not really a true analysis of how London is in your capacity of feeling about ASB. They are still concerned and they are worried about the rise. You talked about austerity and you will be very pleased that particularly this Committee is going to spend a lot of time shining a light on ASB, which is --

**Joe Joseph (Director of Resident Services, Peabody):** What I would say, though, just really quickly is that when you ask these questions of residents, you need to understand what else is going on within that organisation. When we ask our residents at the moment what the issues are that are most important to them, repairs jumps right to the top of the list and that is because the contractors that we have are working harder to improve the service. It really depends what else is going on there. It really depends what else is going on there. For us at the moment, ASB is third on the list. It does not mean that it is great. It just means that we have other issues that we are trying to tackle and that is impacting on them as well.

**Steve O'Connell AM (Chairman):** That is really thoughtful. That is really helpful. Moving on to the next set of questions, it is really about who experiences ASB and some questions around that.

**Sian Berry AM (Deputy Chair):** You have touched on in some of your answers already the fact that there might be deeper root causes for this. Joe from Peabody, one of the things you were saying was essentially that in some cases the behaviour is not the problem; the housing that does not separate people in terms of noise is the problem. The behaviours are perfectly normal but they are causing annoyance. Some of you have mentioned mental health; some of you have mentioned austerity in general.

Maybe I could start with Janine. Are there other underlying causes that are pushing some of these behaviours to the fore and maybe linked to increases in certain kinds of ASB being seen?

**Janine Green (Managing Director, Resolve ASB):** We cannot avoid talking about mental health. It is a factor in, well, not almost all ASB cases, but a significant amount of ASB cases tend to circle around mental health issues.

The problems that we have are twofold. One is about understanding. If you are a housing officer who is not trained in mental illness or support or dealing with that, then there is a level of fear about taking the wrong step, doing the wrong thing, making the situation worse, stigmatising someone.

There is also a massive issue around the thresholds that some mental health agencies apply. As a housing officer, you might come across somebody who, in your eyes, has some real clear and apparent mental health issues, but when you try desperately to seek support for that referral, you are told by the agencies that they do not meet the thresholds. In some really unfortunate situations, we have housing providers who are being forced to take action against tenants but they do not want to because they are vulnerable and have mental health issues but, in their eyes, that is the only way that they are going to get them raised up the threshold and the agencies are going to start working with them, or it might be the only way to get a mental health assessment. That is one of the biggest problems for any community safety professional at the moment. Particularly what we see in housing is this mental health issue, which is getting bigger and bigger and we no longer have the resource or the understanding to properly grab it and deal with it.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** You have to remember as well that when safeguarding impacts on the community it becomes ASB. If you look at the whole safeguarding agenda at the moment, it is massively on the increase. We have people being put into general housing who would

normally in the past be put into specialist housing or sheltered supported housing. We have a huge mental health issue at the moment, as you know, in London and that is impacting on ASB.

That is the danger when we talk about ASB. There was a consultation that MOPAC put out that put ASB and speeding vehicles and it undermined what the whole ASB agenda is about. ASB is about risk. It is about managing risk. It is about vulnerability. It is about repeat victimisation. If you look at what is now happening across London, 22 London boroughs have now adopted community Multi-Agency Risk Assessment Conferences (MARACs). They have adopted them not because they sound pretty or they want to be part of yet another meeting. They work because they manage an unknown risk that is on the boroughs. What we are finding now is with spending a little bit of money upfront we can actually avoid having to spend large amounts of the money down the line with mental health trusts, Adult Safeguarding Boards, hoarding and all sorts of issues. The ASB agenda has massive underlying reasons behind it. I could list about 50 that cause ASB. The main thing about it is that it is now being dealt with at a professional level cross-borough, where boroughs are talking to each other about individuals who have high vulnerability. They could be a perpetrator themselves or they could be a victim, but we have lost the focus in relation to that.

Part of this should be looking at: is this still a victim-focused agenda in London? I would say it is probably reverting back to an enforcement-focused approach against perpetrators. That is the danger because we learned that in the 2000s. We need to learn the lessons from that point.

**Sian Berry AM (Deputy Chair):** Could we go along to you, David? Do you have any views on some of the underlying causes that you have seen in terms of new behaviours that have come out or things that have been increasing?

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** To be honest, I was thinking about that and I am afraid I am not sure I could add anything at this time on that point.

**Sian Berry AM (Deputy Chair):** OK.

**Molly Blackburn (Programme Manager, Victim Support):** I would agree with everything that was said before. One of the problems with ASB at its broadest is the absolute complexity of it because it is linked to housing, it is linked to education, it is linked to work and opportunities, and it is linked to the way people are embraced in society. For example, we know that in terms of prejudice-related ASB about a third of the cases that Victim Support receive in London have an element of prejudice associated with them. It is really complex. How do you understand all of them? There are just too many.

I would just really emphasise that mental health is one of the biggest things in terms of vulnerability. If you imagine that you have somebody whose mental health is deteriorating for all of this range of reasons and there are not the services due to austerity or whatever it is available for them to get access when they just are starting to need it, then where is that going to display? It is going to display in their immediate environment and that is with their neighbours and in their immediate community. Things that probably would not have been branded ASB or been dealt with by ASB teams are now coming into that remit because they are the ones that are there. There are still enough housing officers and ASB officers to be in that immediate environment to pick people up but they are not trained.

In terms of good practice, Islington has a clinical psychiatrist in the housing team and they are there for precisely this reason: because they understand that housing officers deal with mental health now in the community. That is working really well and all of the other agencies can join into that because I think everyone would agree, with everything else going on, it is mental health.

The other thing that people have not yet mentioned is suicide. There has been no study to look at how many people have committed suicide when ASB was present. We just do not know it. That is a really important factor that could be considered in terms of the end reaching point of mental health.

**Sian Berry AM (Deputy Chair):** Joe, perhaps you could tell us some more about the housing issues. In particular, one of the types of ASB that we have seen and people complain about is young people just existing or being out in the streets.

**Joe Joseph (Director of Resident Services, Peabody):** Existing, yes.

**Sian Berry AM (Deputy Chair):** Are there other housing-related issues that are pushing people --

**Joe Joseph (Director of Resident Services, Peabody):** Most definitely. To be honest, I have been in housing now for about 30 years and it really has changed. If you speak to any housing officer now, they will tell you that they deal with mental health more as an issue now than ever before. Because of that, we have a team that supports any households when we know that there is a problem there so that we can keep their tenancy there so they then lose any preference because of ASB.

At Peabody, we also have about 1,000 homes that are specifically for ex-rough sleepers. I know that it has already been mentioned here. It is not that they are a greater problem, but they do bring other problems with them, maybe not with the actual tenant themselves but with the people that they hang around with and then they will bring that on to our estates or into our homes.

One of the things that has not been mentioned is overcrowding. Overcrowding for us is a real issue and, if we are going to go back to young people, I have two sons myself. They are lucky that they have their own rooms. If you do not have your own room and you are trying to bring your friends around, you cannot. The only thing you can do is go out into the communal areas with your friends and they just may be loud. Young people are loud. The tolerance level of people, especially those who are older, is just not the same.

We have our own wardens. If we have particular issues on the estates, we will direct those wardens to do patrols with the Safer Neighbourhood Teams as well and be able to move those on, but you are not dealing with the ASB. You are moving it on to somewhere else, which is why it is important to have partnership working with other landlords, the police and everybody else. We really need some intervention for those youngsters. Otherwise, they are just going to be hanging around on the street somewhere else. We are not really dealing with the actual issue.

**Sian Berry AM (Deputy Chair):** Are you trying to address the issue of noise between flats as a landlord?

**Joe Joseph (Director of Resident Services, Peabody):** Yes. We have about 12 of my staff who have been trained as mediators. One of the first things we will do as soon as we identify that it is just normal domestic noise is we will ask both of the households to get together for mediation. That does not always happen. Sometimes one household says, "I do not want to take part in this. Just get them to change the way they live".

When we do get them together, I would say that a high percentage of the time the mediation can work because a lot of the time the person causing the noise has no idea of the impact they are having on somebody. We have gone into people's homes and sent some of our staff upstairs. We get on the phone and say, "Start walking around now", while we are in the property with the person. We can hear the floorboards creaking and we can hear the tricycle going across. It is at that point that the person realises what the impact is. Then they change. They will put rugs down or they will tell their children, "Do not play in the front room. Go into the



bedroom and play because it does not impact when somebody is trying to watch *Coronation Street* or *EastEnders*". Mediation works. It does.

**Sian Berry AM (Deputy Chair):** That is useful to know. I am a local councillor and so a lot of my casework is these kinds of issues.

**Joe Joseph (Director of Resident Services, Peabody):** We have had to train our own because it is not free. If we try to go to a third party, we have to pay for it. The cheaper option for us is to train our own and get it to work that way.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** There are two points I would make. I would agree with everything that is being said so far, but the first relates to social housing and the other one relates to education and training.

On social housing, not all the problems are related to social housing, but historically what has happened is that more and more units of social housing have been bought under the right-to-buy and so we have different types of tenure going on in what were conventionally and historically dedicated local authority blocks. You would have a flat within a block that has been bought by the individual who was the tenant. They might have lived in it for a while and then sublet it, which they are entitled to do. You have local authority tenants, people who are owner-occupiers and then subtenants of owner-occupiers, all within the same block. People are not accustomed to the sorts of behaviour that might have gone on in the block historically because they have come in as someone paying a commercial rent for a particular property. That is going on and that is affecting what people are prepared to tolerate and what people are prepared to complain about. What is happening is that you have articulate individuals going in who are maybe private renters and who are more capable of making their concerns known to the powers that be. That is one trend.

The other thing about social housing and mental health is that social housing is like gold dust. To get social housing, in terms of the statutory provisions, you have to be in what is called 'priority need'. One of the big categories of priority need is vulnerability. The route into social housing means that you have to demonstrate that you are vulnerable and in many cases it is vulnerability by reason of mental illness. You are ending up with a large proportion of people with mental health difficulties in social housing next door to the owner-occupier or next door to the person who is renting the flat from their landlord. There needs to be a level of support not just for the perpetrator who has the mental illness but also for the victims who may well have that mental illness, again, going back to the impact on that individual. Part of the answer is mediation and understanding what is going on in each other's lives and different lifestyles, but part of that is ensuring there is the right support.

That takes me to my point about education and training because it is quite pleasing to hear that officers have been trained in mental health and have mediation skills, but that is not the picture across the board. I know that when the Act first came in, we were involved as Chambers in doing a lot of training across the country on the new tools and powers. One of the comments that was consistently made was that there was a lack of training not just about the tools but also about mental health and things like mediation. Officers just are not equipped to deal with these things unless they have had specific training and that of itself leads into budgets and the resources available to do that.

The other point about training is that it is about making people understand probably at a school level that putting your feet on the seat on a bus or a Tube is not acceptable behaviour. Some level of education at that level is also needed to make people understand what is acceptable in terms of society.

**Joe Joseph (Director of Resident Services, Peabody):** Can I just come in with one other point? A new trend that Peabody is seeing now is Airbnb. We have so many people who are renting properties from Airbnb for the weekend and then having parties.

**Sian Berry AM (Deputy Chair):** Is that a significant source of complaint that you could measure?

**Joe Joseph (Director of Resident Services, Peabody):** It is rising now. It has just come from nowhere with the way that things have changed now there. Now people will actually rent a property. We have some properties in some really nice areas. They just rent it for the weekend or a few days and then they go in and have their party. That does not just impact on the people around the flat; it impacts on the whole of the estate because they will have the legal highs. They will have all of those things and the noise that goes along with it. By the time you get in there, the party is done and then you are really then tackling the illegal subletting that has been going on there. It does impact on the whole of the estate. I would say that almost every week now there is an Airbnb party going on in one of my properties.

**Tom Copley AM:** I was going to raise Airbnb because it is something that I have been doing some work on at City Hall. If we have this growing problem with it, do you think that we need to start looking at legislation that would mean, for example, if you want to rent out your property you need to get a licence or something like that? Do you think those kinds of powers would help?

**Joe Joseph (Director of Resident Services, Peabody):** I would rather we did not allow them to rent out their properties in the first place. That would be it for me. Because, again, of where Peabody has its properties, subletting is a really big issue for us.

**Tom Copley AM:** With Peabody, is it already against the terms of the tenancy to rent out on Airbnb? I was talking more generally.

**Joe Joseph (Director of Resident Services, Peabody):** No, it is not --

**Tom Copley AM:** It is not against the terms of the tenancy?

**Joe Joseph (Director of Resident Services, Peabody):** -- but the clause that we have in our tenancy agreements mean that we cannot deal with it quickly.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Most social landlords will have a prohibition on subletting, but the problem with Airbnb is it is for a night or two and so you do not discover it. Where it is subletting and someone has let someone in for three or six months or longer, that is different. Social housing already has a prohibition on subletting and you are supposed to use your property as only your principal home. You can have more than one home but you are supposed to live there as your main residence.

In terms of licensing, in answer to that question, there is already the option to sign up to a selective or additional licensing scheme for landlords, but it is optional. Some local authorities have adopted it and others have not. If that were the requirement and the legislation exists, one way to manage it is by having conditions on a licence.

**Tom Copley AM:** Thank you.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** I was just going to say that Westminster [City Council] has been doing some proactive stuff in relation to Airbnb and the pop-up brothels

that are being used in the same way and also the cuckooing side of things when you have a vulnerable person who has had their property taken over by a criminal gang. I have just done some training outside of London in Kent and Wiltshire and they are having massive problems with London gangs now moving out and targeting their vulnerable residents.

Just going back to Westminster, they are looking at using the tools and powers, specifically the community protection notice, in relation to getting the landlords to take more responsibility in relation to what they do with their particular properties. They are having some success with that.

**Tom Copley AM:** What I have heard from residents' groups on Airbnb is that it is not just the loud parties that might happen.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** It is the disruption.

**Tom Copley AM:** It is also people not knowing when to put the bins out and people leaving doors open or not closing them properly because they do not know. They do not live there and so they do not know how the block works. That would also maybe fall into one of the things that people might not necessarily regard as ASB but it is causing problems for residents.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Yes, definitely.

**Peter Whittle AM:** Just simply for my clarity. You talked about mental health and how important it was generally to ASB. Can you just tell me what we are talking about with the particular conditions? What particular mental health problems are the most common, if you like?

**Janine Green (Managing Director, Resolve ASB):** To be fair, the most problematic are undiagnosed mental health problems because they do not fall into a neat box and so there is no medication that can be given. It might be classed as a personality disorder or there is no service that can particularly go in and help.

For housing, hoarding is a massive problem. Although hoarding in itself is not an ASB issue, it starts meaning that you have infestations because of the smell or when someone walks past the building there is a really strong odour. I have had people defecating in toilets because the toilet in their property is so overflowing that they cannot use their facilities. Hoarding is a massive issue for social housing as well.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** In terms of diagnosed issues, paranoid schizophrenia and bipolar disorder are the two big ones when they are diagnosed, but I absolutely agree with Janine. A big part of the problem is the undiagnosed mental health issues.

**Peter Whittle AM:** Depression and anxiety as well or not?

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Not so much, but the thing with bipolar and paranoid schizophrenia are that you often have people talking to themselves, sometimes chanting, sometimes playing noise or loud music in order to get away from the voices in their heads, that sort of behaviour, which has a knock-on impact on others.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Just in addition to that, what is a big problem with ASB is when people have these particular disorders or they are undiagnosed or they do not want to have any help or support. An adult can refuse support. That is the difficult case when we know there is a particular problem and we know there is a treatment or a medicine this person can have but they are refusing

to comply. If you speak to many housing providers, that is the main concern. It is when people will not willingly come for help and support when they know there is a particular problem and it spirals out of control.

**Janine Green (Managing Director, Resolve ASB):** Just to add to that very quickly - and sorry because I am straggling into talking about tools and powers - one of the big pushes with the new tools and powers was the injunction and criminal behaviour order and you were going to be able to apply for positive requirements in them. There was an absolute understanding that with lots of ASB there is an underlying issue and so let us make the tools that we have to deal with it very balanced. I can stop you doing something, but I can also make you do something like go to a support service.

It sounds fantastic on the tin but, again, if you work in areas where those support services no longer exist or you are struggling to get the co-operation of a support service because it does not understand your intention behind what you are trying to do and think you are trying to criminalise the client, it is really difficult to engage. One of the biggest problems that our members are having with the new tools and powers is that they really want to include that supportive element to the order. They just cannot get the co-operation or the service is not there.

**Molly Blackburn (Programme Manager, Victim Support):** Can I add one point on mental health as well? It is around the impact and perception because, as something starts to continue, people's mental health without need of diagnosing can be impacted in terms of the depression and anxiety that you mentioned, which can mean that the perception increases and things start to upset them more. Then it can turn around and the person perpetrating or the person who is the victim gets more upset and so little things that no one would describe as ASB might then become part of a pattern of behaviour. This whole scenario can get really compacted and can expand. There is that stuff as well.

**Joe Joseph (Director of Resident Services, Peabody):** Just really quickly, I know you are taking notes on some of the good practices. Peabody leads on pan-London hoarding group. We have Mind that turns up there. We have other registered providers (RPs). We have Age Concern and other groups. We meet quarterly to do stuff around hoarding, in case you want to --

**Steve O'Connell AM (Chairman):** This is really important. The mental health point is well made and we will take that as part of our evidence. Sian, do you want to continue with your thoughts?

**Sian Berry AM (Deputy Chair):** Yes, I have a couple more questions about prevalent. I know we have slightly talked about the overall prevalence and different types of ASB, but is there anything any of you would like to say about the difference in prevalence across different parts of London and the geographical spread? David maybe touched on that a little bit earlier on in terms of how different boroughs are dealing with it, but are there different causes in different parts of London or different types of ASB that are more prevalent in some places than others?

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** From our point of view, as I said, we can identify hotspots, but we have more work to do to layer the various degrees or levels of ASB to those hotspots. For us, there is a large part of the Borough where you would look at fly-tipping and littering as being probably important and you would get hits on that, whereas if you went into the more concentrated social housing areas more general noise and other ASB would be seen around there. We need to do more to start to in real time identify those areas.

**Sian Berry AM (Deputy Chair):** Yes. We certainly could not find a lot to tell us about that in our briefing.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** I love London because it has such variety. As I said, ASB tends to be the same right across the city but you do get little pockets of uniqueness. That is probably the best word. I used to work in Ealing and we had problems with people living in back gardens in sheds and garages. I went then to Kensington and Chelsea and dealt with £1 million sportscars being driven around Harrods doing wheel-spins and things like that. There is a variety of different types but, when you look at the core group, it is usually the same right across. There are just different tolerances in relation to that.

I do not think there has been anything different that has come out in the last few years in relation to ASB except maybe the CSE aspect of it. Certainly, hate crime has very much been linked with the ASB agenda and also, as I said before, the cuckooing type thing with the vulnerability and people's properties being taken over, which is part of what they call the 'county lines' problem. That is a national problem but certainly centres around some of the criminality that is going on in London at the moment.

**Sian Berry AM (Deputy Chair):** One thing that we have noticed and we have discussed a bit in this Committee that really seems to have happened in Islington and Camden and maybe spreading further is moped-related ASB. We will maybe get on to talking about that later in terms of how it is being solved. In my area, there is a problem-solving attitude being taken to it because it is quite complicated. Is there anything anyone here would like to say about mopeds and the fact that there seems to be a trend as opposed to something that has an underlying cause?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** I used to work in Islington. That is where I worked as a Police Officer and that is where we started the ABCs. Islington was mainly problematic because it is located next to the City. When I used to be there 15 or 20 years ago now, we used to have 300 mopeds stolen a month from the City into Islington. It was a major problem. It always will be a problem until the manufacturers make mopeds more difficult to steal and they are always reluctant to do that because they make more money replacing stolen mopeds than actually making them in the first place. That tells you something.

Also, going back to the ABC scheme, we did a moped package. For young people who were using mopeds in a way that was detrimental to the community, there was a package of interventions available to them as an incentive, but also there was a consequence to their actions if they continued to do so. We found the majority of kids went for the incentive. That is why I keep emphasising the fact that ASB is not all about punishment. It is about incentives; it is about education; it is about telling people what impact they are having. The majority of people will actually move away and they will stop doing what they are doing because they did not realise it was being a problem.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** I might contribute on mopeds because it is not just mopeds. It is mopeds, GoPeds, micro scooters, go-karts, all of those four-wheel things that are not cars, and young people. Croydon has an example of good practice. A few years ago, they sought youth antisocial behaviour orders (ASBOs) on five of their most prolific moped riders. One of the issues that came out of that is how these vehicles were being bought. What we established was that there seems to have been, certainly in that case, a very lackadaisical attitude by parents and grandparents who were purchasing these things for hundreds of pounds at a time or they were being stolen by the young people. The ASBOs worked.

The other thing that had, we think, the most impact is that we decided to publicise the ASBOs. Those young people had their pictures and details of their ASBOs put up in various places including on the door of the local police station. That had the most effective impact because suddenly we had so-and-so's mum, who had not taken any interest in what her son was doing on a day-to-day basis and had been purchasing these vehicles for

him, ringing up to say, "Why is my son's picture on there?" Suddenly they were starting to engage. That is part of the problem when we have identified perpetrators. It is getting them to engage. In terms of good practice, Croydon certainly has a good example of how they have dealt with it in their area.

Is it a trend? It is a problem probably across most areas, probably concentrated on younger people, and there are ways such as the ABC to get access to them early on, but part of that is dependent on them and their parents or guardians engaging in that process.

**Joe Joseph (Director of Resident Services, Peabody):** Sorry, I may have misunderstood --

**Sian Berry AM (Deputy Chair):** We do not want to get too side-tracked by mopeds.

**Steve O'Connell AM (Chairman):** No, let us leave mopeds, please. That is for another day.

**Joe Joseph (Director of Resident Services, Peabody):** I may have misunderstood the question, but in Hackney, let us say, we have noticed that it is not so much that the kids are driving around or making noise and stuff, but they are using these as vehicles of choice to commit crimes.

**Steve O'Connell AM (Chairman):** Yes, exactly.

**Sian Berry AM (Deputy Chair):** Yes, that is the difference here and that is what have discussed, yes.

**Joe Joseph (Director of Resident Services, Peabody):** That is the thing with this.

**David Millar (Chair, Hammersmith & Fulham Safer Neighbourhood Board):** I will just briefly say that we are starting a new initiative to put tracking chips on mopeds. They are like a bike mark but these are electronic tracking chips. We are going to start to work with moped owners to put those on them.

**Steve O'Connell AM (Chairman):** Yet another wonderful initiative out of Hammersmith and Fulham, David, and I admire you for that. I remember the Croydon initiative with ASBOs on the moped users on the Commons and mums saying, "Why on earth is Jimmy's picture in the paper?" Let us move on.

**Sian Berry AM (Deputy Chair):** Can I ask my final question? It is about what --

**Steve O'Connell AM (Chairman):** I thought that was your final question.

**Sian Berry AM (Deputy Chair):** No, I have asked about geographical spread and I know we have talked a lot about people with mental health problems, but are there any other groups that are particularly likely to: (a) be victims; or (b) be accused in maybe a discriminatory way of ASB? Are there any problems like that?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** In London, there are two main groups that have a possibility of being victims in relation to ASB as well as mental health. That is people with disabilities who are picked on and young people, who are more likely to be victims of ASB than perpetrators. That has been proved with a number of different surveys over the years. They are also more fearful of ASB in London than adults are.

**Sian Berry AM (Deputy Chair):** Thank you.

**Molly Blackburn (Programme Manager, Victim Support):** I was going to say similar stuff and I would just add in people with drugs and alcohol. From surveying our clients, we know that about 60% to 80% of

perpetrators were identified as having drug and alcohol problems. That is really significant numbers. There is also anyone who has a slightly chaotic lifestyle as well.

**Susan Hall AM:** Do you think the police and other partners - such as housing partners and local authorities - have a good understanding of the feelings of victims and the damage it can do to victims or is more emphasis always put on the perpetrators?

**Molly Blackburn (Programme Manager, Victim Support):** I would say there are examples where individuals or boroughs are excellent. Then there is the rest of it. The answer is a resounding no.

When people are coming into our services they are incredibly vulnerable. They are scoring high on risk and vulnerability factors. The key issues are the fact that people are not believing them, agencies are not working together and there is no communication. As a starting point it is complex. If you are living in a situation where you are experiencing ASB it is probably multifaceted. You probably have to report to a number of different organisations at different times. We rarely see that those organisations and that information are linked up. That prevents a picture from being created. It means they are undermined by the structures as well as the knowledge.

I would say the MARAC work that Paul [Dunn] has been doing is amazing. Where we have cases that go into a community MARAC is where you see good practice. Those people who are working in the community MARACs are professionals who get used to working with police, housing, mental health and other services where they exist. They get used to coming together and sharing information. That is how it should work across the board.

The answer is no. Even in terms of getting information on the cases they have reported and getting believed, again, no. Problematically, because people are not understood, the complexity of why they are perpetrating or why they are the victim does not get addressed. People tend to want to go down the enforcement [route].

One of the areas that I would say in terms of victims work and ASB is really fundamental is that if you are the victim of crime you have rights under the Code of Practice for Victims' of Crime. You get an instant referral onto victim services. You have one advocate. You have somebody who is going to identify all your needs and all your risks and they will make sure you are put onto the right services that meet your need. They are going to help you through the criminal justice system and you will get help through court. However, because ASB has been classed not only as a criminal, but predominately as a statutory, issue it gets dealt with through the courts and these other agencies and so people do not have access to those rights. There is no commissioned service, not only in London but in other parts of the country, for those people. Therefore they do not have that advocate service and the support service that has developed for victims of crime over a large number of years. There are huge gaps in terms of provision. You cannot blame all of the professionals because they do not have that basic infrastructure underneath to support them, but that has a huge impact on victims. We know that people come in very vulnerable. Our statistics say that 82% to 100% of people experience ASB most of the time most days. It is really significant but that stuff is just not getting addressed.

**Janine Green (Managing Director, Resolve ASB):** I completely back up what Molly has just said. As a result of cases such as that of Fiona Pilkington, there were a number of recommendations made and lessons learnt. One of the things that was brought in was the idea we needed to be better at assessing victims and their vulnerabilities. Across the board now - whether it is policing, housing or the local authority - most will be using a form of victim vulnerability assessment. That is great but, unfortunately, what happens is that if someone is picked up as being of more high risk you then get this issue of, "Where do we send them to? We have a piece of paper that is telling us clearly that we, as housing officers, do not have the specialisms to offer the support this person needs but who do we refer them to?" I know Baroness Newlove, the Victims' Commissioner, has been doing a huge amount of work around this in terms of recognising the gaps if you are a

victim of crime. However, let us be honest, some crimes do not have the impact that ASB has and you probably do not need the level of support you are going to be offered. Ironically, when you are a victim of ASB, would value that support and really need it you are not getting it because the money is not put into that direction.

**Molly Blackburn (Programme Manager, Victim Support):** London is an absolute postcode lottery. We currently have local authorities and also MOPAC in some cases funding eight members of staff. However, that is where you have a local authority or housing team that really understands the need to put victims at the centre of ASB work. It is fundamental; if you want to solve a problem you need to understand what is happening for the victim both in terms of them experiencing something but also to prevent them from perpetrating and preventing the community role. For everyone who does not live in those boroughs they have no advocate and they have no one who is pulling their case together. People despair and do not know where to go.

The other problem is that professionals do not even know where to report. If you ask most professionals, even within housing with the police sector, "These incidents of ASB have happened. Who would you go to? Would you go to the police? Would you go to environmental health? Would you go to your housing officer?" They will not know so how can they then help victims? It is so complex. It is completely un-joined up, except in these small examples such as MARAC and I could not express how useful that is and how much that works.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Historically - if I can comment - we are failing victims. One of the drivers of the new legislation if one looks at the White Paper, the consultation and a lot of the parliamentary debates - which I did as part of my bedtime reading for writing the book - it is very much around the fact that victims were being forgotten and falling between the lines, as Molly has already said.

Going back to what we were talking about at the outset of how one defines ASB, victims have often reached the point where they have reported to several different agencies. The idea behind the legislation was that there should be better partnership working. With the exception of some examples of good practice that is not happening. That is why we are failing victims, because they are having to repeatedly report or they get to a point where they simply stop reporting.

**Janine Green (Managing Director, Resolve ASB):** Very quickly, just to pick up that point, even where you have areas that historically been very good at partnership working some of those links have broken down because of the austerity issue. Unfortunately, what happens is that when money is tight people go back into their silos. That is the opposite of what they should be doing. We should be pooling our resources and working more together.

The second thing that I need to raise is the issue around information sharing again and how patchy that is. I have been working in ASB for 12 years. Every time we go out to our members and ask what the biggest problem is, it is always information sharing. Even where agencies want to work in partnership and there is a real appetite to do it there is this blocker where they cannot get the information they need to be able to deal with the problem properly.

**Susan Hall AM:** If there was an overarching panel, as there used to be, would that be able to signpost people from various boroughs as to where there could be assistance?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** The benefit was that you publicised across the key individuals in each of the London boroughs what good practice was happening. There is still a network in existence now but it is not official. It does not have the sort of influence it used to have. A number



of London boroughs are now adopting new case management systems. About five have the same case management system - Croydon has just adopted the same case management system - called E-CINS which is about identifying and managing risk in relation to a number of different things, but specifically ASB. It is giving people the opportunity not to have to constantly approach other organisations and persuade them to give information. It throws the responsibility on the agencies that have that information to share it back.

I take on board and agree wholeheartedly that in austerity we revert back to those isolated ways of working. That is very evident at the moment. We do not share information. We become precious. That is when you have the recipe for a disaster such as [Fiona] Pilkington. Everybody was doing their jobs but they were not doing it in a co-ordinated way or sharing information with others.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** In answer to your question about what purpose a central panel would serve, part of it is collection of data so we understand who is doing what and what the instance of ASB is. The other part of it is exactly that, sharing examples of good practice so one can see, "This is how this borough has dealt with this. We have exactly the same problem. How could we deal with this?" The other purpose the panel served, when it existed, was education. Someone like me, or others, would go in and do a presentation to say, "We have just been working on this. This is how it has worked. These are the outcomes". People would be able to learn about what other areas are doing to tackle the problems they had. That is lacking. That joined-up, centralised information exchange is really lacking.

**Susan Hall AM:** If we look at the other end of the scale, still victims, is any work being done on expectation management, given that we understand why resources are low everywhere? I was given a wonderful example by one of our researchers. Last night, in the middle of the night, a load of kids came down the road making a lot of noise. He said to some elderly people that would have been real ASB. He thought it was just a lot of kids going down the road. We do have to manage the other end in order to put resources in the serious end of it. Is any work being done on how we can manage these things? Nobody could do anything about this but if it is constantly reported somebody has to pick it up and do something.

**Janine Green (Managing Director, Resolve ASB):** That is a really good point. When a lot of housing associations were introducing themselves to the idea that they were going to have to make efficiency savings the really obvious was, "Let us actually weed out the stuff we should not be dealing with so we do have more time and resources to focus on the stuff we absolutely should". I know a lot of housing organisations are really concentrating on that first point of conversation. The minute someone rings them up and reports something that in their eyes is ASB there is actually a really frank conversation around that which manages the expectations. It is far worse to open something as a case of ASB because the caller perceives it in that way, get them filling in diary sheets for six months and tell them that there is nothing that can be done. It is a difficult situation at source but it is the right conversation. It is what needs to happen. That is happening across housing organisations at the moment where they are starting to have a lot more honest and open conversations at that beginning point.

**Joe Joseph (Director of Resident Services, Peabody):** It sounds as though you work for Peabody because that is exactly what we are going through. It really is, you are right, having that frank conversation at first contact and then agreeing on an action plan. That is standard practice for us now. If we said we are going to monitor it over the next couple of weeks and we are going to ring you up at least once a week to find out how you are and tell you what we have done that is what we have to do. It is setting that expectation right from the very beginning so that they do not think we are going to be able to evict somebody straight away. A lot of the time tenants do not understand the hoops we have to jump through if we are going to take some enforcement action. They really do not understand that. What they think is that no action has been taken but behind the scenes the housing officers are trying to do a hell of a lot. It is that failure of even my staff sometimes to keep that regular contact going. We actually do a survey at the end of an ASB case to see how

satisfied they are with it. A high percentage of time it is the failure of my staff to go back as regularly as they said they would do to keep somebody informed of what is actually going on with the case.

**Janine Green (Managing Director, Resolve ASB):** This links into something that has been mentioned a couple of times which is about the fear factor. That is about actually being scared to go and confront someone's inappropriate behaviour. What is ending up is that housing associations like Peabody are being asked to get involved in situations when really it is about going next door, knocking on the door and saying, "I am really sorry but when you play your noise at 1 o'clock in the morning I can hear it. I do not know if you know that I can hear it. Do you want to come around into my living room and hear what I am hearing?" People are too scared to even go and knock on the door of their neighbours because they do not know who those people are.

**Joe Joseph (Director of Resident Services, Peabody):** To address that we have cards that we give people where you can write, "Hi, I could hear your music at one o'clock. You might not know that." That is what there is to put through the door instead of knocking on that door, because there is that fear factor.

**Janine Green (Managing Director, Resolve ASB):** Brilliant.

**Susan Hall AM:** Sharing things like that would be a good idea because it saves all the paperwork that goes with all of these issues.

**Joe Joseph (Director of Resident Services, Peabody):** Trust me. Sometimes it gets put back through the letterbox and the wording that comes back is not always as polite as what went in in the first place.

**Susan Hall AM:** I understand. I really understand.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** We are being a bit unfair on housing professionals though because that work has always been done. There has always been an expectation management that goes on. The challenge for a lot of housing professionals that are at the sharp end is a resourcing thing again. If they have a case that lands on their desk where there has been a stabbing in a tower block and they have to go and deal with having a conversation and expectation management about a one-off incident of a loud party you can see what is going to take priority. Sometimes there is a risk of those lower-level but high-impact activities not being addressed because there is not the time available to that professional to be able to address them in the way they might like had they had the ability to.

**Susan Hall AM:** Given we have to look at economies I am wondering whether a piece of work at some point ought to be done, or how do we educate people in general - not just in housing - as to what the police can do and what the authorities can do going forward so people take responsibility themselves.

**Molly Blackburn (Programme Manager, Victim Support):** One thing that is really important - to bring it back a little bit to the mental health point - is although you might say, "No, we cannot deal with that. There is not going to be the evidence", or whatever, and at your triage point you turn it down, that is also where people will come into our services saying, "Hang on a minute, my perception is X". In their reality, their life is still crumbling. Who do you send those people to? That is where mental health and victim support services are lacking. That person then does not get that help.

The other question is why are we expecting housing officers to go so far out of what should be their remit to deal with everything? They cannot do it all. Housing officers should be able - because there have been cuts and they are restricted - to do the jobs they need to but also to link in with mental health services or victim support services which, I say again, should be commissioned because people do not have that service in that

way. That is where it has to be joined up. ASB is so complex that you absolutely need both sides together. Each side can then manage expectations for one another.

**Steve O'Connell AM (Chairman):** I want to move on now to the enforcement end of that spectrum. That was really useful looking at the background and victims etc. but I want to talk about enforcement and tackling ASB in the context we have referred to earlier, the 2014 Bill listing a fresh number of powers. One I have experience of is the public space protection order (PSPO).

**Caroline Pidgeon MBE AM:** I was going to ask you about some of the key challenges of tackling ASB but you have covered those really thoroughly. What I want to focus on, and maybe I can start with Kuljit, is the issue of the new legislation which you are obviously an absolute expert in. What impact is that having on tackling ASB in London? We have had some written evidence from London Councils and it said practitioners like the new powers and willing to use them, especially on new issues. However, there may obviously be challenges as well.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** The feedback I have had is that it is a mixed bag across London. There are some local authorities that will say the new powers have been really empowering because they are able to take ownership of issues that are tenure neutral and go to social as well as private housing and also commercial properties where there is a problem with noise, for example. There is a great sense of empowerment. The other thing people have received very well is that, in the main, a lot of these powers can be dealt with by housing officers and there is not necessarily a need to take input from lawyers. That is obviously not in my interests. It means they feel better equipped to deal with things themselves having had the training. To that extent they are being very well used.

In terms of the powers specifically, injunctions seem to be working very well. There seem to be a lot of injunctions being sought. In relation to breach of injunctions some of those have led to mandatory possession being sought. That seems to be a problem-free area.

Janine has already picked up on where there is an issue, it seems to me, with injunctions which is in relation to the positive requirements. They can be imposed both through injunctions and for Criminal Behaviour Orders (CBOs). The principal difficulty there is twofold. One is the lack of services in each area. The other relates to people being reluctant to stick their head up as being the person that is the supervisor. People do not want to be the one that is responsible for reporting back to the local authority about whether, say, person X has attended their intervention. An example of a positive requirement that some of my clients have found useful - and particularly housing associations where they do not have in-house social services and others - is asking the court to order that somebody go and see their general practitioner (GP). The GP is the point of access to other referral services. What they will do, alongside that requirement to see the GP, is write to the GP to say, "We are dealing with this person for the following reasons. We have these concerns. He has been required to come and see you. Could you please consider what support might be available?" There has been very limited uptake of positive requirements. That goes back to trying to deal with the underlying problem because, to an extent, we are hampered.

To flag up the problem with the CBO is that there does seem to be a bit of variation as to whether or not the Crown Prosecution Service (CPS) are prepared to run with an application for a CBO in the same way as we had with the old bolt-on ASBO. As you know, CBOs are, in effect, an injunction that can be bolted on to a criminal conviction. It should be a streamlined process because someone is already in court and you can have an order with certain prohibitions on it. However, the uptake is varied and that does come down to the individuals and their willingness to pursue them.

Community Protection Notices (CPNs) are working very well, particularly CPN warning letters that seem to very often have the effect that people do not need to then take any further enforcement action because the warning letter, of itself, has proven to be a good deterrent. I know in places like Newham they are into the nearly 3,000 mark when it comes to warning letters on all sorts of behaviour. It has been a useful way of dealing with existing behaviours like littering and untidy front gardens but also has been used for other examples of noise nuisance where maybe they would normally have considered statutory nuisance but it is not quite severe enough to constitute statutory nuisance. An example of where CPNs have been used might be preachers or somebody chalking on pavements. We have seen some quite severe fines being imposed in relation to CPNs and so, again, a good deterrent. I know Paul [Dunn] will be able to tell you about some of the other interesting uses that CPNs have been put to.

The challenge with CPNs - and, to an extent, with all of the powers - is about education and training in how they can be used. Whilst there is the training out there sometimes it is a resourcing issue in terms of being able to afford the training for one's officers. Training is one area where we need some better work. The other issue relates to designation of powers because CPNs can be issued by local authority officers, by the police and by others that are designated. So far there has been some designation but not very much. I know housing providers, in particular, are quite keen to be able to be designated so they can deal with problems on their own estates. There is some work to be done around that.

Closure Orders have proved incredibly effective. They have been straightforward to obtain, partly because there are now template documents in the book. It is filling in a form and dating it then it is ready to go. People have found it a very easy to access tools for providing immediate respite to a community. As you know, you serve a 24 or 48-hour notice. You get to court within that 48 hours you can close a property for up to three months and then another three months. It is a very effective way of dealing with a problem quickly as long as the evidence exists. They have also been used to deal with things like child sexual exploitation in terms of the comings and goings from properties where properties are being used, in effect, as brothels or places where child sexual exploitation takes place and young women - it is usually young women - are sometimes being drugged, offered alcohol and then being taken advantage of. The feedback on those is that by issuing a closure order very often the perpetrators never come back so it deals with the problem and deals with it on a longer-term basis.

The real challenge from my point of view has been around Public Space Protection Orders (PSPOs). Again, it goes back to the lack of consistency and information sharing. Some boroughs have decided they are going to include prohibitions that cover various behaviours. We have seen PSPOs deal with legal highs, access to tower blocks, cycling, touting - Cambridge has done a touting PSPO - aggressive begging and dog control. There is a huge range of areas that can be covered by PSPO. There are two problems that have come across my desk. One relates to the fact that at present there is no guidance as to which level the PSPO should be implemented by in terms of a local authority and only a local authority has that power. In some areas you see a single officer implement a PSPO and in others it has gone to cabinet and full council.

Whilst there is a consultation process the scrutiny that is needed in relation to PSPOs and their terms has not really been there. That has, in part, led to criticism by groups such as Liberty and the Manifesto Club. We have had some absurd Orders being made. An example is bans on lying down in public. The idea is to deal with rough sleeping but what it has affected is the person who wants to sunbathe in a local park on a Saturday afternoon. Another example is bans on wearing hats. It was about dealing with the problem of young people disguising themselves when they are going into a shop but it is a blanket ban on hats. The reason those things have happened is because - these are real life examples and I can give you the authorities involved but I probably do not want to name them in this forum - there has not been the scrutiny. The need to sense check something has been missing. That is one big area in terms of the level at which those orders go into place.

The other area where I have seen a problem is in relation to evidence base and consultation. Authorities have not necessarily had the evidence base available to them to put in place the order they want. It is partly about political motivation. An example is that Newcastle has recently put in place a PSPO looking at dealing with 'chugging' or charity mugging. Its first PSPO had to be pulled because there were issues around the lack of evidence to suggest it ought to be an area-wide order when really there were a few streets affected, and identifying those streets and having a much more tailored approach, which is what the legislation suggests. There is a real problem around ensuring people have the right evidence base to put in place the order they are seeking to put in. Swindon is another example where it consulted on five prohibitions and just before the PSPO was going to be put into place added a sixth that had not been subject to any consultation.

Problems are where there has not been a sense check and, as I say, the level at which these things are done, and also the evidence base and consultation process around them. Some authorities have thought that consultation is the evidence gathering. Of course it is not. The evidence gathering ought to have been done and then you consult on what your proposals for dealing with those problems are. There has been a perception that one deals with them as part of the consultation which is not the intention.

Again, there has been criticism from various bodies. I know the Government is committed to issuing some new guidance on the tools and powers. I understand there will be some additional guidance in relation to how PSPOs ought to be used. That is the one power where there is still some work to be done.

**Steve O'Connell AM (Chairman):** The flipside of that is I have some experience of almost a reticence to introduce them or consider them because of some of the reasons and complexities you have mentioned. In the past you could have put in place, for example, drinking bans and Dispersal Orders for London Heath which would have been quite swift to implement in themselves. However, because of the complexities we have just talked about with PSPOs some authorities may be more troubled in introducing them.

We have quite a few questions left so we are going to need to pick up the pace.

**Sian Berry AM:** Very quickly, on free speech, protests and that kind of behaviour which is something I think some of these powers are being used against. I wondered if you had any examples. I know in the case of Heathrow protestors the CPS did seek to bring CBOs against them. Some of PSPOs about certain groups are to do with protesting more than they are to do with actual ASB. Do you have examples of that which you have seen?

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Not that I have seen. There is inbuilt protection within the legislation. The local authorities are required to have regard to the rights of freedom of assembly and freedom of expression when putting in place a PSPO, for example. It goes back to the point about scrutiny. If a single officer is dealing with these things you have to ask whether there is an adequate level of scrutiny to be able to ensure those matters have been properly factored in.

I have to say they are not problematic from that point of view, although the Manifesto Club might have something different to say on that. It does have done two reports that you might find interesting reading in relation to who has done what and the prohibitions that have been introduced by each area.

**Sian Berry AM:** Is this PSPOs you are talking about there?

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** That is just PSPOs.

**Sian Berry AM:** Also things like Dispersal Orders, CBOs and those kinds of things.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** I have not had any issues that I have had to deal with. That might be because I am one end of the spectrum in terms of enforcement. Maybe others have a contribution on that.

**Caroline Pidgeon MBE AM:** I wanted to continue a little bit further with Kuljit and then I will bring in others in terms of other measures in the Act that give communities and victims a say, so the Community Trigger and the Community Remedy. I was wondering if you have any feedback on how they are working. Then I will quickly come to others.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** I have to the extent that I would have expected there to be more calls for some legal advice on things such as the policies and procedures around the Community Trigger. I have done some work on the Community Trigger and my perspective is that there is very little use of it. There is very little knowledge about it. For local authorities in particular, but bodies generally, it is not in their interest to publicise the existence of it. In theory, it sounded like a really useful way of empowering victims but I do not think it has had that outcome.

**Caroline Pidgeon MBE AM:** Does anyone else want to comment on this?

**Janine Green (Managing Director, Resolve ASB):** I will just basically echo that same view. One of the frustrations I have is that in the legislation there is a statutory obligation for areas to publish how many Community Trigger applications they have had, how many have met the threshold and how many of those recommendations have been made. I do not think most areas are meeting that statutory obligation. There is a Home Office ASB Forum that we sit on which was designed to monitor the implementation of the tools. That is one of the questions we keep asking, "Who is holding these areas to account for what is already a statutory obligation?" There is no an answer to that at the moment.

That feeds into the bigger problem with all of this. Your question to us is: how well are the new tools and powers working? We can give you anecdotal information but actually there is nowhere that says, "There have been this many injunctions and this many have been breached, this many CBOs and this many have been breached". If we think back to the White Paper of 2012, *Putting Victims First*, which listed a number of objectives of the Act - make it quicker, put victims first and make it easier - we do not actually know whether those objectives have really been met because we do not have any central source of information.

**Caroline Pidgeon MBE AM:** Paul, did you want to add anything?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Caroline, you are absolutely right. The statutory guidance is all about victims and communities. It is putting that back. The Community Remedy is not used in London. Very few local authorities use it. There is supposed to be a dropdown menu of things that the victim can suggest in relation to what the perpetrator may have to do. The only one in London is 'apologise' and it is very rarely used. The Community Remedy is not a power that is used in London. That is something we could look at and explore why that it is.

I had the first Community Trigger in London, funnily enough, which was two minutes after midnight on 20 October 2014. It was a lawyer from Channel 4 News. I thought first of all it was just a 'tester' but it turned out to be one of the worst cases I have ever dealt with. It took me a long time to actually get to a satisfactory conclusion.

The one thing I would say with the Community Trigger is that it is a lost opportunity. Practitioners - and certainly local authorities and police - do not understand the benefits that a Community Trigger can bring. What it does is scrutinise the way the partnership has dealt with a problem and looks at the strengths and

weaknesses in relation to that approach. It is not a complaints mechanism. I think it is still being thought by lots of people around the country, "It is best not to tell the public about this because we are going to be inundated with complaints". For the pilot in Manchester they had to go out and find people to complain in relation to the Community Trigger. That tells you how it was received there.

The Community Trigger is a fantastic opportunity for local politicians and for other organisations where they are not getting mental health and safeguarding teams etc, social care, police or whoever around the table to deal with their particular problems. It highlights it. The reason why I want to emphasise this - and we really need to start looking at the Community Trigger as a way forward in London - is that we talked about information sharing. Information sharing for ASB across the partnerships is under the Crime and Disorder Act, section 115. The difference is that with the Community Trigger people have to share information whereas under section 115 they should share information. What that does is it gets all the paperwork on the table so it is obvious where the issues are and where the weaknesses are. It benefits the partnerships to use it more.

**Caroline Pidgeon MBE AM:** Brilliant. That is very helpful. Thank you.

**Tom Copley AM:** I am going to move on to look at how we measure success really. How is the effectiveness of the use of these tools and powers to deal with ASB measured? Can I start with Paul?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** There is a danger that we go back to the days of the Together campaign where the boroughs that used ASBOs more than anybody else were deemed to be more successful than anybody else. The whole point of this is that the public do not care what you use; they just want the problems to stop. Sometimes that is realistic and sometimes it is not realistic. It is really down to public satisfaction surveys in relation to how we are seen to be working in partnership to tackle some of their local priorities.

There is a lot of responsibility placed on the communities themselves. They could be more empowered through neighbourhood agreements to draw up things like community rules. "You have a moped? Fine, you can keep it on the estate but you do not ride it after 8 o'clock around the estate because we, as an estate, have deemed that to be antisocial". We have not gone back to the community to identify what success looks like to them. If we deem what success looks like, we are going to set ourselves up to fail from the start.

**Tom Copley AM:** We ask people how they would view success. Janine?

**Janine Green (Managing Director, Resolve ASB):** I am not going to tread on Joe's toes because I imagine he is going to talk a lot about housing. It would just be me repeating the point that it is a real gap that we are not monitoring the use of the tools and powers to see how effective they really are.

**Joe Joseph (Director of Resident Services, Peabody):** At Peabody we measure it in two ways. One will be year-on-year, looking at the boroughs, the reports of ASB and the type of ASB. What I am looking for is a reduction year-on-year. The other one, I think we mentioned earlier, is that we survey everybody when we close a case to see how satisfied they were. Over the past few years we have been struggling. If there were other RPs sitting around the table, they would say there is a difference if you use a third party to do the satisfaction surveys or whether you do them in-house. As soon as we went outside our satisfaction levels dropped completely. Even when we changed the questions slightly it still did not have a big impact. We have just merged with another organisation that did its satisfaction surveys in-house and its satisfaction levels are much higher than ours. We only merged officially this week.

**Tom Copley AM:** Family Mosaic.

**Joe Joseph (Director of Resident Services, Peabody):** Yes. We are about to see which way we are going to go. It really is talking to the individual to see how satisfied they actually were.

**Tom Copley AM:** You are saying it makes a difference whether or not the --

**Joe Joseph (Director of Resident Services, Peabody):** It actually does at Peabody.

**Tom Copley AM:** Why is that, do you know?

**Joe Joseph (Director of Resident Services, Peabody):** Some of it is because when my staff are actually doing the calls to the residents to see how they were we are having a more in-depth conversation with them to find out why they may not be satisfied. When you use a third party they ask that one question, get the result and then move on to the next one.

**Tom Copley AM:** It is very superficial, is it?

**Joe Joseph (Director of Resident Services, Peabody):** It is very superficial.

**Molly Blackburn (Programme Manager, Victim Support):** The really important things here are whether ASB is decreasing, whether the impact is decreasing and then looking at how people are getting on with their lives. A standard measure does not exist. Across the organisations we do not have standard risk measures. We do not have standard vulnerability measures. We do not have standard definitions. We also do not have standard ways of capturing the picture of what is going on. We do not, as organisations, even know when we send a case from one to the other whether it has worked and whether that person's life is getting better. There is a tendency to refer over there, tick a box and get a satisfaction survey potentially on what you have done. None of these things actually ask the questions of, "Did we help you? Is it working? Has the ASB stopped? Are you able to now cope with your life?"

We also take a lot of clients who are coming to us after an ASB event may have stopped. However, they might still be impacted. They might still be hypervigilant. They might still be struggling because they have been out of work for a long time, their finances might have been impacted and their housing situation might be unstable. Our role then is to come in to - in the same way as we work with victims of crime - help them cope and recover from that. It is actually how is somebody able to move on with their life so they are not going to be vulnerable to repeat incidents later on or so they are not going to go on to perpetrate. It is about standardising those measures across the sector.

**Tom Copley AM:** In terms of the data we have - we talked satisfaction surveys and things like that - is there any other data out there that can help us shape the response to ASB?

**Molly Blackburn (Programme Manager, Victim Support):** It is something that needs to be developed together. Each of us have our own tools. We survey people when they come in, midpoint, and then nearer the end of the work we do with them. We ask them about how often the incidents are happening and how severe those incidents are. We ask them about their mental health, we ask them about their family, their social networks and all the areas of their life that might have been impacted. We then follow them through the journey that they have with us. While we engage with other agencies as well that is the Victim Support measure. That is not something that translates if, for example, we had a client who was also with Peabody so we cannot actually track that together. We do not know how our interventions work and we cannot say, across the board, if someone is satisfied. If you report something to the MPS you might know that cases are dropping down but you have no idea of they were resolved, whether they were isolated incidents, whether they were part of the same picture or whether people have not been reporting.



One of the key things out of this is that we do not know a lot of the information. We do not have that basic infrastructure to work together to share information and to collect data. Without that a lot of it is anecdotal, it is guesswork and it is what we know for each of our individual organisations.

**Tom Copley AM:** Is that sometimes inevitable with different organisations, or is it something that can be changed and you can get a standard sort of metric?

**Molly Blackburn (Programme Manager, Victim Support):** For me ASB is where safeguarding was and where domestic abuse was. It is a group of victims who are some of the most vulnerable people in our city who are not classified as victims of crime so they are not eligible for support. They are under the radar. When things happen, when people's mental health deteriorates, when they go into crisis and when they commit suicide it is not associated with ASB because we do not know and we cannot say. However, I would suggest that in certain cases it is. We are not joined up because do not have to be. However, in safeguarding children and adults, and in domestic abuse we have had all of the legislation put in. We have had the structures put in. We have MARACs consistently. We have risk assessment tools that are standard across the sector. You have SafeLives and DV which co-ordinate a lot of that work. That is missing here because people are not seeing it as a priority or recognising that we are talking about really vulnerable victims.

It comes back to the fact it is so broad. You think about a group of children on a street corner, or dog fouling or some of those things where you do not see the victims; the victims are hidden. In a lot of ASB it is victims who are hidden, very vulnerable people who are engaged in conflict in their immediate environment so their home is not even a safe place and their local community is not a safe place. They have no let up or gap to have that bit of peace. The agencies are not working together. No one is listening to them or taking them seriously. These people feel completely failed at every single level and they have nowhere to go.

**Tom Copley AM:** I will move on and continue with my next question. I will start with you, Molly. How successful do you think the work to address ASB in London has been?

**Molly Blackburn (Programme Manager, Victim Support):** It is all about pockets. Everyone here on this panel has done some amazing work and there are other professionals who are not here today that will join up and do really forward-thinking and really clever connected work. The ASB sector is a really passionate one. You find people who have been working in it, as Paul has, for many, many years. Therefore, you have that continuity of knowledge so people who are younger coming in can pick that up.

What you do not have is any standards at all. That is the problem. It does not matter if there is a really great piece of work going on in one borough or another borough because we do not join it up. One of the things we started to do in Victim Support was to recognise that we work in a number of boroughs and our community safety teams do not know what goes on in their neighbouring borough. We started to build in, and are looking more at building in, dialogues. How can we, on the ground, start to connect these ideas together? Fundamentally, you need to have somewhere at the top that filters down and pulls everyone together, has standards and consistency and brings in that practice. Otherwise it will always get lost because it is based on passionate individuals rather than something that is a core standard for every victim of ASB.

**Tom Copley AM:** Does this go for the Mayor to be someone who can pull these strands together? I am sorry. I am going on to Unmesh's [Desai AM] question. I am terribly sorry. We will come back to that. If I could put the same question about success and what has been successful in terms of tackling ASB in London to David?

**David Millar (Chair of Hammersmith & Fulham Safer Neighbourhood Board):** I am listening with great interest to my colleagues here. As identified, measurement is very difficult. It is anecdotal. The information

that comes back to me says the systems are working, that we have the right partnerships in place and that we are achieving outcomes. However, it is verbal. It is anecdotal. It is very hard to put fixed measurement against it.

I totally endorse the point about standards and looking at the wider aspect. There is a huge way to go. We are tracking towards who might pick this up and where it might head. I would have to say from my point of view it is an area which needs much, much more work.

**Tom Copley AM:** Any other thoughts?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** In 2011 I was seconded from the MPS to the Government Office for London. My responsibility was to go to all London boroughs and get them to do a self-assessment about how they tackled ASB, how they trained people, how they shared information, how they had a lead person who was responsible, how they had a strategic partnership, how they had a case management system; whatever the questions were. They were all issued with that specific questionnaire. They were visited by a group of expert practitioners and they were asked to do a development plan on how they were going to take forward the ASB agenda. Out of that came a multitude of good practice, sharing of information and the need for central co-ordination.

What we are finding with London now is that we have people like community safety managers, who are the people to really co-ordinate this but they are becoming very strategic and not as operational as they maybe were in the past. We are losing a lot of the expertise. We are losing a lot of the expert practitioners we have had in London over a number of years for one reason or another. The lessons that came out of that was that the police cannot be the only organisation to deal with ASB. Some London boroughs are now relying on the police to be the only organisation to deal with ASB apart from local housing providers, etc.

I used to help an organisation called the London Action Trust, which used to commission voluntary sector organisations to get involved in the ASB agenda. What was interesting when that happened was that the successes in London came from not the statutory organisations, although the enforcement was really important, but from the voluntary sector which started to feel that it was an equal partner in working on community problems. Again, I emphasise the fact that the Charlton Athletic Kicks project came out of that. The Fire Brigade came up with the Local Intervention Fire Education (LIFE) scheme from Tower Hamlets. That went global. It has gone to different countries. We had responsible retailers' agreements that we did with Keep Britain Tidy. That was seen as good practice. ABCs went global as well.

We have had such good practice in this city. A lot of the other areas of the country looked at London as the lead area for tackling ASB and we have lost that. That is not undermining Manchester and other big cities but I think we have lost that credibility because there is no co-ordination now. We do not even know what our neighbouring borough is doing, rather than what is happening around the country.

**Tom Copley AM:** It is quite clear from what everyone has said that we need a lot more joining up.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Can I just make a contribution? I know we have talked a lot about data-sharing and information sharing and the fact we just do not know what is going on. This Committee has to be very careful not to think that outcomes are just about statistics. As Paul [Dunn] and Janine [Green] have already mentioned, just because you have 20 ASBOs does not mean that you are successful at tackling ASB in your area. Unfortunately, that is the tone that the Government's White Paper took. "Look at all these areas that have done all this". It is not about that, it is about measuring the impact on victims when you start an intervention and when you end an intervention. That is the measure of success.

**Tom Copley AM:** Which of course is much more difficult than just counting ASBOs, yes.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** That leads to my second point about “What do you do?” It is absolutely about giving ownership to local areas. Paul’s point about the local surveys within local authorities and local authorities being charged with that is really important. What you need on top of that is a single point of co-ordination, a bit like the Mayor has with his night-time economy [Night] Czar. Perhaps you need an ‘ASB czar’. I would be as bold as to suggest that someone like Paul [Dunn] would be the kind of person you need, someone who has that --

**Steve O’Connell AM (Chairman):** We have enough czars in this building for the moment, probably. It is a point well made.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Whatever you call it. Labels.

**Steve O’Connell AM (Chairman):** Somebody to pull it together, yes.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** To pull it together and take a lead.

**Tom Copley AM:** We are going back onto Unmesh’s [Desai AM] question and so I will stop there but thank you, that was very interesting.

**Steve O’Connell AM (Chairman):** Yes, let us stop there because Unmesh is going to finish off on the Mayoral aspect. We are moving into giving communities and victims a say. We have already covered, I believe --

**Caroline Pidgeon MBE AM:** I apologise, Andrew [Dismore AM]. I took some of this question without realising it. I am so sorry.

**Steve O’Connell AM (Chairman):** All right.

**Andrew Dismore AM:** As you say, a lot of things I was going to raise have been dealt with. When does not really matter, as long as it is dealt with. Perhaps I can ask an overarching question. The purpose of the 2014 Act is to put victims at the heart of what is going on. Has that actually happened, Molly?

**Molly Blackburn (Programme Manager, Victim Support):** It is probably like any other: in some ways, yes, and in some ways, no. I have seen certainly some good examples of it. In other cases, sometimes victims do get side-lined. The Community Trigger, for example, can work really well. It can be undermined when you have the same people who are carrying out the investigation into what had happened as were responsible for the work. There can be an issue with that. In general, where someone is reviewing the case it is good but victims do not know it is available. It is like all these other things. Do victims really know what their rights are? I would say the answer to that is no.

Then, in terms of some of the agreements that can be made between individuals or to prevent harmful behaviour, does the victim really understand what that thing is trying to do and what the consequences are? We certainly have some cases where individuals are almost self-regulating, self-policing the tools that were put in in their name. I asked some people in my team last week, “Do you have any examples you would like to raise?” and somebody said that there was a lady who had spent over a year keeping a diary on somebody who had what I think was an Order put against them, to try to prove that was being breached. You can always find

the good and the bad. It comes back to the fact that victims need to understand their rights and they need to be able to access them better. That information needs to be more out there for people.

**Janine Green (Managing Director, Resolve ASB):** If I can answer that question quite frankly, I do not think much has changed. If you were very good at putting victims at the centre, you are still doing that. If you were very bad, you are probably still doing that. The two main things in the Act that were supposed to be about giving communities a voice were the trigger and the remedy. We have heard from Paul [Dunn] that the remedy is not being used in London and we have heard from everybody on the panel - and it is replicated across the country, I can vouch for that - that for the Community Trigger, you can count on one hand how many applications are being made. I do not think that the ASB Act has made much difference in whether victims are the focus or not.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** There are a couple of good bits of practice, though, that I must mention. I have worked for two London Councils, Ealing and Kensington and Chelsea, and we successfully bid for MOPAC money to put a Victim Support Manager in the Community Safety Team. The purpose of that individual was not to get involved in casework but to ensure that the victim remained at the centre of all focused investigations. It is interesting, when you take the victim out, how quickly you forget about the victim and concentrate on the perpetrator. The sole purpose of that individual was to pull it back in to the impact on the victim.

The second thing was that we received funding at both of those London boroughs to get a mental health manager to work in community safety as well. Their job was not to deal with mental health cases or to take responsibility for that, it was to educate us as practitioners how to get our foot in the door with the mental health services. What did the Adult Safeguarding Board look like, or the Safeguarding Children's Board? What did the Multi-agency Safeguarding Hub mean? What did they discuss? What were the thresholds? What does this terminology mean that they are going to bamboozle us with, so that we walk away thinking, "I think we still have the problem"? That was really useful to us because it educated and skilled up the team, not only from their perspective but the partnership was able to come in and get advice in relation to that as well.

**Andrew Dismore AM:** We talked about the Community Trigger and all that sort of thing. I just want to ask Joe this. Irrespective of the Community Trigger and those things being known about or not known about, to what extent do communities actually get involved in trying to address ASB in a more general way?

**Joe Joseph (Director of Resident Services, Peabody):** Do you mean without coming to us and them doing it by themselves?

**Andrew Dismore AM:** No, I do not mean vigilantism although that sometimes happens, I guess.

**Joe Joseph (Director of Resident Services, Peabody):** Yes.

**Andrew Dismore AM:** I am more concerned about the extent to which people collectively bring these issues forward.

**Joe Joseph (Director of Resident Services, Peabody):** I am just really going to say what everyone else has said. The Community Trigger just has not worked for us in any kind of way. Because of the pilot that we are doing, we have introduced our own kind of Community Trigger now. When we get multiple reports of one particular issue, we will pick it up as ASB. Even if one case was not going to be treated as ASB, when we start getting it as multiples we will then pick that up and treat it as an ASB case.

When it comes to making it victim-focused, I would love to sit here and say to you, "We are great at it". We do not have the time, a lot of the time, to be great at it. I am going to be honest. We will make that statement and we will try, but when you have housing officers who are dealing with multiple cases what they really want to do is deal with that case as quickly as they can because they have to move on to the next one. That is when it will slip through. If you have someone with mental health issues they are focused on dealing with the ASB and if they can do, they will try and refer it out. We are lucky enough that we have a Tenant Family Support Team that they might refer them to, but then that is the end of it for the housing officer because they are moving on to the next ASB case. The resources out there are just not great enough for us to deal with every case as an individual and do really great justice for it. We still have a lot of work to do if we are going to focus on the victim themselves.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** In addition to that, there is a responsibility on the organisations to go out there and find out who is out there to help them with their problems. We do it through crisis management. We do it at 4.00pm on a Friday, when that case comes in, and we then contact people to find out who is going to be able to help us. I do quite a lot of training on safeguarding ASB and one of the things I ask them is, "Who have you gone out there to find and link in with, to build bridges and relationships with, so that when you do have that case which is a little bit more complicated, that has complex issues in relation to it, you already have the people at the end of the phone to give you advice?" No one has done that. There is a responsibility on some organisations to find out who is in their local partnerships. Again, we have gone back into isolated ways of working. "How does our organisation deal with the risk?" Once you start looking at one organisation managing risk then you are setting yourself up for major problems. Risk can only be managed with partnership working. I have never seen a case that cannot.

**Andrew Dismore AM:** Can I ask you then, in that context about resources, is this a money thing or an organisational thing? One of you - I think it might have been you, Paul [Dunn] - said earlier on that if you get involved earlier, you can deal with the problem much more easily and, I suppose, at the effective level, cheaply. Is it the chicken and the egg? In the end, if you get it right with the proper partnership working, does it mean you can cope within the existing resources or does it become resource-intensive because you are not doing that partnership work sufficiently early?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** That is a really good question. It is a multitude of all those things. It is priorities. Not every organisation has the same priority and strategy as everybody else and they are not going to work unless it fulfils their priorities. That is a major issue. Also, as we change, ASB has kind of become mainstream where I think in the past it was quite specialist. Those of us who have been in it for a long time have seen complete changes throughout the process. We have become very good at it. I think the gang problem has benefited hugely from the ASB agenda, the community engagement, information sharing, problem-solving, tools and powers, etc. If you look at the gang agenda at the moment they are using ASB tools and powers now, they are not using gang injunctions as much as they used to. They are learning from this agenda as it is built up.

Also, a lot of people do not see ASB as a particular problem anymore. It has taken a backseat. You have ASB where, in the past the community safety team, the ASB operational team, came under one particular department. It is now split up. It is very strategic. It is about writing strategies and documents and brochures, it is not about actually going out there and doing the job. We have lost that ability and we have lost those skills. I honestly think that ASB is effectively dealt with by two organisations in London and that is mainly the police and housing providers, who see it as an everyday responsibility. I think the councils see it as a responsibility when it needs to be a responsibility, and I feel very sorry for the people who have worked many years in council ASB teams because they are struggling every year for existence and also extra funding to improve the quality of service that they provide.

**David Millar (Chair of Hammersmith & Fulham Safer Neighbourhood Board):** I would endorse that. Hearing feedback from our team, it was encapsulated by the quote that they have the resource, the working methodologies and the partnerships to be quite good at being reactive but they do not have anything to help them be proactive. That is the difference. They can hold their head above water but they cannot take that next step forward to be proactive, to pre-empt problems and start to work to the future. Head above water but we would like to take it further.

**Molly Blackburn (Programme Manager, Victim Support):** With what we were talking about as one of the positive solutions to this, which is to manage your resource use, screen out the low-level stuff and deal with what we define as ASB, what you have just screened out is the prevention section. It is money because it is about the fact that we have mental health under-resourced, which is not to do with this group but still an important factor. Then people come over here. It is definitely about having more resource to do what people do well and then to add on the special bit, the stuff that keeps someone in the longer term and that picks someone up before it gets into crisis.

**Joe Joseph (Director of Resident Services, Peabody):** One of the issues that you will have is the way that, as housing providers, we measure success. We have already mentioned HouseMark. In HouseMark you do put in there your level of satisfaction but the other key one is how much it is costing you to manage that particular bit of the service. The more money you are spending on it, the less successful you are as an organisation. It is almost a race to the bottom. If you have high satisfaction and low cost, every RP is going to you to ask, "How are you managing to do that?" It is only when you start drilling down you suddenly find out there is no longer a specialist ASB team. That work might be spread out amongst the housing officers. When your housing officers are, let us say, 'generic' - there are bits of the job that they like to do and bits they do not like to do - the ones that they can deal with quickly, they will deal with, and ASBs - especially if there are mental health issues or other things - will get pushed back and pushed back until they can find the time to do it. Finding the time to do it may never actually happen.

**Andrew Dismore AM:** You are seeing a high satisfaction rate with low input?

**Joe Joseph (Director of Resident Services, Peabody):** No, I am saying if you can achieve that. If you can achieve high satisfaction and it costs you a lot less money to do that, you are being seen as a good --

**Steve O'Connell AM (Chairman):** -- You are the go-to guy for that. Not you necessarily.

**Andrew Dismore AM:** Is that pie in the sky?

**Joe Joseph (Director of Resident Services, Peabody):** It is my aspiration. I have been trying to get there for a long time.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Joe's point is about measuring success. You have to be mindful, if you are going out to other people to get evidence about whether or not you are successful in dealing with ASB, about how they define that success and looking closely at that.

**Joe Joseph (Director of Resident Services, Peabody):** Absolutely.

**Andrew Dismore AM:** The real problem is that ASB, on the receiving end, is very subjective, whereas bureaucracies always like objective measurement.

**Joe Joseph (Director of Resident Services, Peabody):** Exactly right.

**Unmesh Desai AM:** Just to come back to you, Mr Dunn, and the point you made about councils, if I heard and understood you correctly then I take a different perspective. Some of the councils in East London, the area I represent on the Assembly, Newham, Tower Hamlets, Barking and Dagenham, if anything are putting more resources into enforcement by more Section 92 officers. The problem I have found, and surveys have approved this, is more a police culture that does not see ASB as a crime. It is not glamorous. It is low down the list of priorities. That is the problem I see with the Mayor's Police and Crime Plan, which we will come to in a minute. It is all very well putting ASB into the Plan, but how do you change the police culture?

Down in Newham recently, the police and Council had a conference where they brought all the enforcement officers together, all the ward-based officers, to see how they can work jointly. I see that as an example of breaking down that cultural prejudice, but if anything it is the other way around.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Maybe I was being too general by saying all councils --

**Unmesh Desai AM:** Yes. I do not know what the picture is in other parts of London.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Yes. You have mentioned boroughs there. One I have been just working in for the last eight months. Newham has notoriously been renowned for good enforcement action in relation to ASB from a council perspective, enforcement officers --

**Unmesh Desai AM:** Until last year I was the cabinet member in charge of crime and enforcement.

**Steve O'Connell AM (Chairman):** There we go. Unmesh is going to pick up some questions at the end in a minute but your point is a good one about ASB and performance because, as Unmesh mentioned, it is already in the Police and Crime Plan. All the boroughs have taken up ASB as one of their two priorities. The job of this Committee will be now, in a very public manner, to hold the Mayor and those boroughs to account. There is no hiding place now because they have put that as their priority, as the Mayor has, and that is a good thing. That moves us on to the last of the questions, Unmesh, if you just want to continue.

**Unmesh Desai AM:** Sure, yes, although as I said there is the issue of the police culture if you want to come back to that. It is really about what the Mayor can do. The Mayor has made ASB, quite rightly, a local priority in every borough. This question is to all of you. How do you think this will strengthen our local responses to ASB and what more can the Mayor do in this area?

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** First of all, you mentioned there are a lot of police contracted teams now working in ASB. Some of the boroughs have big teams. Kensington and Chelsea has 40 police officers dealing with ASB and the same in Tower Hamlets. It has now been reduced but they are looking at increasing it. Some of the housing providers are contracting police teams to deal with local ASB as well. It is a good time. There is going to be an explosion of interest in ASB across London.

Going back to what I said before about sharing good practice across London, there are an awful lot of boroughs that just deal with it, get on with it and do not shout about it. We lose opportunities there. There are some key boroughs that are seen as the champion boroughs in relation to tackling ASB for the right and wrong reasons. There is some really creative work.

The one thing from the Mayor I would like to see is some co-ordination of good practice across London, some sharing of good practice and some expertise for boroughs that are struggling a little bit. The performance measurement needs to be ironed out. We need to get that right because we could cause more problems down

the line if we get that wrong. I emphasised before one of my jobs was phoning the boroughs up to find out how tools and powers they used and I can tell you now, the same boroughs used to phone me up saying, "Who is the bottom?" "Well, it is such-and-such." "We have done one more than them." There is a danger that we have a false picture in relation to that.

There are case management systems coming to London which I think will be really useful for the future for managing that risk, sharing information and more importantly cross-borough related issues. We have talked about the fact that lots of boroughs are really not that interested what happens outside of their borough but that is changing. There is a lot more happening now where people are coming into boroughs causing specific issues. The community MARAC is really exciting. As I said before, we have some good practice going on there. The College of Policing are doing an evaluation of the Brent version, which is funded now by the Mayor's Office. I believe it was funded initially by Public Health. That was an inroad for them to come into the ASB agenda and there have been some real spin-offs in relation to that. They are getting referrals now for GPs into their group of problem-solvers. There is a lot of good practice. It just needs co-ordination.

I do go back to the fact that what was really useful in 2011 was when every borough was approached with a set of questions, consistent questions. It told you who was doing what, how they were doing it and who was effective in prioritising ASB rather than dealing with it. That is your starter. Who is prioritising it? Who is getting it right? Who is looking at the future? How are we going to invest in it?

**Janine Green (Managing Director, Resolve ASB):** We have talked for over two hours and people have been scribbling away so I have no doubt you have picked up the things that are really the key concerns for us and where we might get some help from the Mayor's Office. The one thing that I just want to say, however, is that there is an element of danger of boxing ASB off. You have a box for ASB, you have a box for CSE, you have a box for modern slavery, you have a box for domestic abuse. What we forget is that sometimes ASB can be the beginning of a journey that goes on to things like serious organised crime or terrorism.

The other thing that we also forget is that our residents who are reporting things to us might be reporting noise going on next door which to them is ASB but actually could be a sign of something a lot more serious. Some of these agendas just need to be tied together a little bit because there is a real danger in separating them off. Housing providers have some really good intelligence. If Paul is my neighbour and is being really noisy I am not going to report that to anyone other than my housing provider but that noise might represent a serious criminal issue. We have to be careful about how we separate some of these things.

**David Millar (Chair of Hammersmith & Fulham Safer Neighbourhood Board):** A number of points. Just going back to an early question that Susan [Hall AM] asked when we were talking about data, I realise that data can be an evil but let us think of it for a power for good. You asked who should be the co-ordinator of bringing the various data sources together to give us a better picture on ASB. The word 'MOPAC' was hanging there but was never fully mentioned. Personally, I cannot see a body other than MOPAC that is best placed.

Paul [Dunn], I was interested in some of your comments about 2011. This is an exercise where, as you go on through the summer, Steve, you will find that we can start to hone down efficient ways of getting that information inputted to you. There is an opportunity there.

Pushing on a little bit to what else the Mayor can do, the step to put the two dedicated ward officers in place is an important one and a good one. Again, I do not want to be waving a Hammersmith and Fulham flag and I hope this is MPS-wide but certainly it is not a box-ticking exercise to say we filled those two roles. Those roles are going to be, within the police circles, given encouragement, support and a better recognition of what those



community-based roles can do. That is an opportunity to get a good quality of policing on the ground working with the community at that level and being able to involve themselves with ASB. I am encouraged by that.

**Molly Blackburn (Programme Manager, Victim Support):** I would say again this sits squarely with MOPAC. There has just been a new Victims Commissioner appointed and it is an amazing opportunity for her maybe to take this on board as part of her new role.

I would just add this word of caution, which is that at the minute victims of ASB are still second-rate to victims of crime. They do not have rights. They do not have commissioned services. We have heard today how important it is to involve victims. We have heard today how vulnerable they are and what the impact is. We have also heard today that these other organisations do not have the resource to deal with them in a way that would really meet their needs. I just would urge any decision of the Committee to propose that there could be that equal status and services commissioned specifically for them in the same way if it was classified 'crime' or 'ASB', which is ultimately a definition that is decided. That is not down to the individual.

**Joe Joseph (Director of Resident Services, Peabody):** I am going to be quite boring. Data for me is everything. Everything I tackle in housing, I need data to be given to me by my staff. The problem we have with ASB is that I could have all the data that I like and it would look as though I am dealing with it but unless I am sharing it with people going across there, London-wide it is really not going to help. I can deal with my ASB problems and push them onto another estate, another landlord or the local authority. That does not help London, it just helps people there. We want everybody in London to be safe. I would go with sharing data, but I have been here before when we have tried to share data. Wow. Even internally I struggle to share data, without trying to share it outside.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** I agree with everything that has been said and there are two points that I would draw out. One is in relation to data and information-sharing. There is a broader way that one can look at things. How can we facilitate data sharing? Something like information technology (IT) systems, common IT systems, could be one of the things that come out of this in terms of a recommendation because it is looking at the broader picture.

The second point is connected to that broader picture because it is not just about ASB, as Janine [Green] has said, but also about things like subletting. It is about Airbnb. It is about what else is going on within our communities. We have to be very careful that we do not exclude consideration of how those other issues can impact. We have made those points and you are alive to them. In terms of the solution, I have already said there needs to be some co-ordination. It seems to be that is the view coming from this side of the room generally.

**Steve O'Connell AM (Chairman):** Did you have another unanswered question?

**Unmesh Desai AM:** I just want to reflect something that I do not think we have touched upon at all during this session, and that is the particular challenge or challenges posed by the growing night-time economy of London. I am reminded because we have the Chair of the Spitalfields Forum in the gallery and they have hosted a public meeting on the night-time economy with Amy Lamé [Night Czar] and the Mayor of Tower Hamlets. We have seen, quite understandably given the context of housing estates and so on, the particular challenges of the growing economy, the expansion of the Night Tube and so on. At one stage across central London was what we were talking about, but now we have Stratford, Brick Lane - Britain has changed amazingly over the years. Croydon.

Are there any thoughts? They are probably the same issues but these are new challenges. Any thoughts that any of you have about what we can do in terms of legislation, putting more onus on club owners and so on?

People are not against the night-time economy but what has not been addressed are the issues of people urinating on their doorsteps, the noise, people blocking pavements --

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** From my perspective, the ASB agenda covers everything. It does not just cover --

**Unmesh Desai AM:** It does, but there are particular challenges here.

**Paul Dunn (Chair, London Antisocial Behaviour Advisory Service):** Yes. CPNs have very effectively been used in Westminster to deal with night-time economy issues - begging as well - but in an appropriate, proportionate way. That is really important. It has gone through a consultation. The right people have been involved in that process. The night-time economy is really important because it is what brings people into your boroughs. People want to come to a safe environment and people need to realise that when they do come into those areas, there are some rules and regulations as well: that if they are coming into a borough they do not live in, they are not going to be noisy, they are not going to urinate and there is going to be some sort of enforcement available, and visible enforcement. That is really important. It has worked very effectively right across London over the last few years. We have used ASBs tools and powers effectively in relation to that.

It is just the co-ordination and the role and responsibilities of all the partners involved. Where do they see themselves fitting into that process? There is a danger sometimes, going back to PSPOs and things like that, that it is imposed on an area of a night-time economy without the proper consultation. The business interests have not been taken into account. That is where it tends to go wrong, where the police have not been given or responsibility, they have just agreed that it is a hotspot area for crime. That is where the true partnership aspect of this has slightly taken a back seat. Once you get businesses sitting around the table, then maybe enforcement action is not the right way of doing it. There are good examples of night-time economy approaches in Manchester. We have talked to the Brick Lane Town Centre Manager about that. It is not imposing another model from somewhere else on an area, it is about making it appropriate for you and making sure that you are getting the right service and approaches from all the agencies involved.

**Kuljit Bhogal (Joint Head of the Housing Team, Cornerstone Barristers):** Just in terms of your point on legislation, and I should say that there is an emphasis on night-time economy and indeed in our Chambers Philip Kolvin QC is our Head of Chambers and is also the Chair of the Mayor's Night Time Commission. It is right that there is dedicated work done around that.

In terms of legislation, the powers and tools already exist. Although we have spent a lot of time talking about social housing, many of these powers are tenure-neutral. Closure powers, for example, can be used to close a club and have been used to close clubs and other night-time venues. It is partly about understanding and getting that message out there that they are tender-neutral. It is also about who takes ownership. Is it the police that takes ownership or is it the local authority that takes ownership? They are the two main candidates and there needs to be some clarity as to responsibility, who leads and who takes responsibility. Some of the powers, like the PSPOs, are only available to local authorities and so the obligation is on them to take the lead. Others are available to more than one body and so there needs to be some thought given to who does what in each local authority area, but not in a way that means, "We do not have to deal with that because that is not on our list". It is more about taking ownership as opposed to avoiding that responsibility.

**Janine Green (Managing Director, Resolve ASB):** There are other layers to that as well. This applies to all of the legislation. When you asked about how effective the ASB tools are, one of the things that is at the forefront in my mind is that the injunction is now available to the police. There are very few police forces that are using the injunction. The reason for that is not because they do not want to. They do not understand civil proceedings. They have been educated and their entire career is around criminal law, not using hearsay or

professional opinion, and suddenly they are being told they can do those things. There was no training, guidance or anything available on a practical level to tell a Police Officer how to put an injunction together and take it to court. That is a big gap.

**Steve O'Connell AM (Chairman):** Absolutely. Happy?

**Unmesh Desai AM:** Yes.

**Steve O'Connell AM (Chairman):** Fantastic. Thank you, first of all, for attending today. A very thorough morning. We are going to return to this subject, as I said, in September. If you feel that you want to make further written contributions on behalf of your groups over the summer, please do. We would very much welcome that.