

Tackling street based ASB issues in Torquay town centre

Police briefing to key stakeholders

September 2017



Torquay is a beautiful coastal town in which to live, work and visit, as well as being one of the UK's most favoured holiday destinations. Like every city or large town in the UK, it is experiencing problems with rough sleeping, anti-social behaviour, begging and drug/ alcohol abuse. What is increasingly evident on the streets of Torbay as elsewhere in the country is the visible presence of deep rooted social problems which are extremely complex and for which there is no single quick fix.

As the Chair of the 'Torbay Community Safety Partnership,' I have initiated a *Street Based ASB Strategic Partnership* group to bring responsible bodies together and work towards a long-term solution for Torbay. The response must begin at a strategic level and it is vital for all agencies to work together. The police service is often seen as the first point of contact and the last line of defence to address these issues, but no single approach works in isolation and a multi-component approach is required.

Enforcement has to be supported by the courts, the probation service and the prison system; without this level of support, police enforcement is ineffective. Enforcement needs to be aligned to both support and the availability of drug, alcohol and mental health services that are accessible and reach out to individuals to address their behaviours and addictions so they can aspire to achieve something more than a life of crime in order to fund their next fix. Any approach must equally address environmental factors as there is much that can be done to design out crime by addressing the physical environment of hotspot areas and this will take the support of the local authority, business community and residents.

At this time, membership of the *Street Based ASB Strategic Partnership* comprises:

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|------------------------------------------------------------------|------------------------------|
| - Local Policing Area Commander (Chair) | Superintendent Jacqui Hawley |
| - Office of Police & Crime Commissioner | Karen Mellodew |
| - Assistant Director Community and Customer Service (Vice Chair) | Fran Hughes |
| - Environmental Health Manager – Community Protection | Tara Fowler |
| - Environmental Health Manager - Commercial | Steve Cox |
| - Sector Inspector Neighbourhood Policing Team Torquay | Inspector Si Jenkinson |
| - Strategic Commissioning Office | Justin Wiggin |
| - Torbay Adult Social Care | Fran Mason |
| - Youth Offending Team Manager | Amanda Patterson |
| - Torbay Development Agency (TDA) | Pat Steward |
| - Highways & Transport Manager | Ian Jones |
| - IOM | Det.Sergeant Anya Teakle |
| - Shekinah & End Homelessness Group | John Hamblin |
| - Torbay Chamber of Commerce | Richard Randle-Jones |

Membership of the group will flex as the forum becomes more established and we have recently engaged public health, adult safeguarding leads, NHS and South Western ambulance service. We are keen to further engage national probation services, mental health and drug & alcohol services over the next few weeks.

1. Legislative context and approach:

1.1 Rough sleeping



It is important to emphasise that rough sleeping is not classified as anti-social behaviour and it is not a criminal offence, therefore the legislation under the *Anti-Social Behaviour, Crime and Policing Act*, is not intended to address homelessness. Homelessness is a housing need and it would be inappropriate to criminalise a person for being homeless. We do of course recognise there will be some individuals who sleep rough and act in an anti-social manner, but it is

important to clearly distinguish between the issues as each require a different strategic and tactical approach, whilst recognising they are cross-cutting agenda's.

In January 2017, Torbay council secured additional funding through the *Department for Communities and Local Government (DCLG) Rough Sleepers Grant*, announced in October 2016. These funds will pay for an outreach team (provided by Westward Housing) who will locate rough sleepers reported as needing support and carry out intervention work to support them into housing. A Safe Space has been created within Leonard Stocks which is a self-contained six bed space where staff will offer a safe place for the most vulnerable people to sleep, while the outreach team work with them to find an accommodation solution. The team are working exclusively with rough sleepers, most of whom have been street homeless for an extended period and who have complex needs. Many of the people are well known to services and have been caught in a cycle of accessing and losing accommodation.

Devon & Cornwall Police is engaged with Torbay council, statutory partners, local homeless charities and Westward Housing as part of the European-wide '*End Street Homeless*' campaign. The initiative aims to work with the community, local businesses and voluntary and faith groups to bring an end to rough sleeping in the area. To keep up to date on their news, follow the *Torbay End Street Homelessness* Facebook account or Twitter @TQcampaign.

The key priority for any policing operation is to focus on those who are true rough sleepers and support them to find suitable accommodation, whilst tackling those who are clearly not homeless but who take opportunities to beg and commit offences.

1.2 Tackling street-begging

The *Vagrancy Act* makes it an offence for a person to beg and we will move individuals on, or arrest them as appropriate. There is a clear distinction between people who are genuinely homeless and those who use the streets as a means of funding addictions.



An arrest for begging will take one police officer several hours to process, with a likely detention in police custody overnight, for court the following day. Prosecution outcomes for begging are not significant and will often result in time served overnight in police detention, or a fine which the defendant has no means of paying. As a consequence, arrest is of little deterrent and other enforcement approaches such as Criminal Behaviour Orders (CBOs) can be a more effective means of addressing offending behaviour.

The majority of those who beg on the street have complex needs. Substance misuse is the most prevalent factor, more often than not coupled with mental ill health, unstable accommodation and victims of current

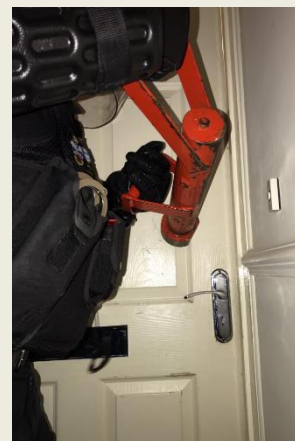


and/or historical abuse. Due to the range of vulnerabilities and complexity of needs, many of these individuals are ‘falling between the gaps of services’ or face multiple exclusions.

It is equally important to address the issue of giving to those who beg and we have to continually ask residents of Torbay through the ‘Killing with kindness campaign’ (launched 2015) not to give money directly to anyone begging.

1.3 Tackling drugs

‘County lines’ is a national issue involving the use of mobile phone ‘lines’ by organised crime groups. Their aim is to extend their drug dealing business into new locations outside of their home areas in order to sell drugs directly to users at street level. The county lines are largely concerned in the supply of Class A drugs, particularly heroin and crack cocaine. 42% of those areas affected by county lines are coastal towns and predominantly areas which have deprivation, low levels of educational attainment and high levels of mental health issues or crime. A ‘county line’ enterprise almost always involves exploitation of vulnerable people, which can involve both children and adults who require safeguarding. The issue requires a multi-agency approach to disrupt this criminal activity through targeted enforcement tactics.



‘County Lines’ operate within Torbay and there is a multi-agency partnership in place to safeguard, disrupt, educate and develop intelligence to support enforcement activity. Uniformed and plain clothed Police resources are dedicated to ‘county line’ disruption and enforcement activity across Torbay, with links into force and regional policing assets. For obvious reasons, this briefing will not expand further on the activity, however I can give you confidence that there is traction on identified networks operating in the area.

In 2016, the introduction of the *New Psychoactive Substance (NPS) Act* restricted the sale and supply of NPSs previously referred to as ‘legal highs’. The legislation was introduced at a time when NPSs were the recreational substance of choice for young people and the law has been developed with a view to not criminalising young people, but to target those who possess with the intent to supply and/or manufacture. It was not legislated as an offence to possess.

We are now seeing increasing evidence that Spice is the substance of choice for those who are street attached, as a cheaper alternative to class-A drugs. The visible effects of Spice are alarming to the public and individuals under the influence of Spice are a medical risk, placing increasing demand on the health services.

Spice was previously one of a number of street drugs included in the NPS category but a recent amendment to the *Misuse of Drugs Act* has included synthetic cannabinoids, which appears to be the largest constituent part of what we know as Spice. Whilst we cannot be sure exactly what the mixture of substances are, as intelligence suggests Ketamine and Fentanyl are also present. We are of the view that for as long as we suspect that Spice contains synthetic cannabinoids, we have a power where reasonable ground exist under the *Misuse of Drugs Act* to stop and search and arrest and seize as we would for any other controlled drug. The drug would then be sent for analysis before charge.

1.4 Street drinking

Street drinking is restricted by an existing *Designated Public Place Order (DPPO)* which is enforceable by the Police. The current DPPO automatically becomes a *Public Space Protection Order (PSPO)* in October 2017, by restricting alcohol consumption. This will mean that authorised council officers will be able to enforce, not just the Police.

1.5 Anti-social behaviour



Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery (harassment, alarm or distress) and there are a full range of ASB powers, interventions and escalation processes under the *Anti-Social Behaviour, Crime & Policing Act*.

Section 34 of the *Anti-Social Behaviour Act* enables a Police officer at the rank of Inspector to authorise the use of a dispersal power during a specific period up to 48-hours, to remove or reduce the likelihood of the public being harassed, alarmed or distressed or the occurrence of crime or disorder. The application of this power by a constable is covered by *Section 35* of the Act and any person so directed to leave commits an offence for which the officer can arrest if they fail to comply or return within the specified time.

Criminal Behaviour Orders (CBOs) are legislated under the *Anti-Social Behaviour, Crime & Policing Act*, giving agencies and communities power to deal with the hard-core of persistently anti-social individuals who are also engaged in criminal activity. The court may make a CBO against the offender if two conditions are met (i) the person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons and (ii) if the court considers that making the order will help in preventing the offender from engaging in such behaviour.

There is a significant evidential threshold to secure the CBO and applications are resource intensive, but Devon & Cornwall Police and Torbay Council are leading the way nationally on the application of this new legislation, working with CPS to develop a 'working level agreement' for sign off by the Police, courts and CPS.

Nine CBOs have been put in place against persistent individuals over recent months.

2. Enforcement activity

We are currently carrying out proactive operations to disperse people who are not homeless, but who use the streets to fund addictions. Operation Falkirk is in place to address offences under the *Vagrancy Act* through plain clothes and high visibility patrols. This activity has seen a number of people dispersed from the town centre area under *Section 35* of the *Anti-Social Behaviour, Crime and Police Act*, with two people charged with breach of a dispersal notice and one charged with begging under the *Vagrancy Act*.



A proactive police operation is in place to disrupt and reduce level one criminality, namely street dealing, ASB and street drinking, alongside crime and disorder in and around the Torquay town centre, primarily Castle Circus. Operation Roxbury has seen a number of persistent perpetrators dispersed from the area, with criminal offences being dealt with by arrest and charge where the evidence supports.

One male has been prosecuted for 'possession of offensive weapon' and received 7½ months imprisonment, a second male has been prosecuted for 'assault' and received eighteen weeks imprisonment. Both these individuals are being progressed through the Courts for the application of Criminal Behaviour Orders. A third male has been sentenced to thirty-two weeks Imprisonment for breach of his Criminal Behaviour Order and 9 further persistent offenders have been issued with Criminal Behaviour Orders by the Courts.

Specific to Castle Circus, we have recently arrested two individuals from Torquay who are currently awaiting trial at Exeter Crown Court for the supply of controlled drugs. Further arrests have taken place for supply offences, with suspects released under investigation while officers continue their enquiries. We continue to build our intelligence picture around other suppliers and we will be taking action in the form of *Misuse of Drugs Act* warrants when the intelligence threshold is met.

The highly visible activity is intended to prevent and detect crime, raise public confidence and reassurance and reduce anti-social behaviour. It is aimed at those who are 'street attached', not rough sleepers and those who frequent the town centre committing crime such as retail theft, begging, street dealing and drinking. We are taking a robust approach with the regular use of Section 35 dispersal notices, enforcement of existing 'designated no drinking areas', positive arrests and dispersal tactics.

2.1 Future enforcement considerations



Byelaws and PSPOs can be introduced by a local authority following due process, to address specific areas of concern. As such, they can be tailored to address identified issues and become enforceable. Both options are enforceable by way of financial penalty following prosecution, or by issuance of a fixed penalty notice. Both require consultation with the public to take place and necessary publicising of the local authority's intentions of introducing an order, but a Byelaw must be approved by the Secretary of State. A PSPO is therefore considered a swifter and more flexible process as it can be reviewed,

amended and extended where necessary. Both offer similar outcomes but both rely on enforcement as the remedy.

PSPOs are more expedient and cheaper and the power itself allows greater proportionality of use in relation to making any necessary changes over its duration. A PSPO is legislated under the *Anti-Social Behaviour, Crime & Policing Act* and is made by a local authority if satisfied on reasonable grounds that two conditions are met: firstly, (i) activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality and that (ii) it is likely that activities will be carried out in a public place within that area and that they will have such an effect. The second condition is that the effect, or likely effect of the activities is, or is likely to be of a persistent or continuing nature, such as to make the activities unreasonable and therefore justifies the restrictions imposed by the notice.

The order may not have effect for more than three years and the local authority must consult with the Chief Officer of the Police and the local policing body before issuing the order. Failure to comply with a PSPO is an offence.

A PSPO does not provide a power to arrest as is the case under Section 35 of the *Anti-Social Behaviour, Crime and Police Act*, but carries a financial penalty (either a fixed penalty notice or result of successful prosecution), which raises practical issues for use against persons with no money, which is the general

situation of those associated with street-based ASB. A financial penalty for those with no money is not a deterrent.

Representatives from the *Street Based ASB Steering Group* have been liaising with Exeter City Council to understand their two-year programme of public consultation and implementation of a PSPO. Other areas in the country have already found that the PSPO cannot be utilised to address rough sleeping nor begging, without aggravating factors. The PSPO provides powers to disperse, but in most cases dispersals are for six to eight hours, therefore cannot be seen as a solution in isolation. They can however complement other ASB legislation and enforcement activity while setting the expected tone of an area. Exeter has been very clear that there will be no increased policing to enforce the PSPO, but regular patrols will continue through the neighbourhood policing team.

3. Town centre re-design

Fast track actions arising from the *Street Based ASB Steering Group* have already seen an environmental survey undertaken within the Castle Circus area and the following changes are being made:

- Police and fire service have visited the Castle Pub to review the recesses where individuals congregate on a daily basis. The steps on the corner of the Castle Pub as it adjoins Union Street is not a fire exit and measures are being taken to board up this recess and take out the step.
- The second recess in Factor Row is a fire exit and must remain, however 'wet paint' will be used to make this area less conducive to sitting and gathering.
- Crime prevention hanging baskets and watering system installation is being considered for the Castle Pub, again to make the locality less conducive to sitting and gathering.
- Enquiries are progressing with the old chemist in Castle Circus to understand future intention with the building and MP Kevin Foster has put his influence behind this enquiry, which is helpful.
- Graffiti is being removed and 'anti-graffiti' paint applied.
- Waste land at the end of Factor Row is to be cleared and considerations for how this land can be effectively used in the short-term is being progressed.
- Planters which are outside the Castle Pub are again conducive to sitting and gathering. It has been confirmed by Highways that they do not perform any particular highway safety function and these can be removed.



Torbay Development Agency are a significant partner in the long-term solution for Torbay and they have presented proposed public realm improvements to Castle Circus. The Board felt that the proposed redevelopment in 2018 fitted well with their longer-term vision for Torbay and believes that a combination of short-term actions and longer-term public realm improvements will deliver a beneficial and sustainable solution to Castle Circus.

Richard Randle-Jones, as Manager of Union Square shopping centre and representative of Torquay Chamber of Commerce provides a strong voice for the retail sector of Torquay. There are great examples locally, regionally and nationally where local authorities and town centre management have worked collaboratively through visionary and innovative development programmes to secure funding opportunities and attract significant investment into the High Street. Exeter, Plymouth and Newton Abbot are clear examples and I am particularly interested in the *Plymouth Against Retail Crime (PARC)* scheme where the retail sector funds four wardens (Rangers) to work alongside Police officers and PCSO's to collate evidence for shoplifting, begging, street drinking and ASB. In a recent media release it was

highlighted that PARC Rangers are now dealing with 350 incidents per month in the city centre and in their first ten months have dealt with thousands of incidents and inquiries.

4. Public sense of feeling

Addressing these issues in Torbay proves to be a highly emotive subject which is self-evident from social media feeds and direct correspondence from the public. There are many within the community who feel strongly that police enforcement is not the answer to the problem and that we seek to harass vulnerable people. Others have very little tolerance and have a high expectation that enforcement will resolve the problem. Residents within surrounding areas express concern that the problem has been dispersed into their communities.

Devon & Cornwall Police is committed to the Strategic Partnership: *Your Future Your Torbay* and it is important that we all work together to address issues within Torbay, fostering positivity, not negativity, supporting the partnership to undertake a difficult role within a constantly diminishing resource and funding base.

4.1 Community intelligence

Community Intelligence is essential and needs to be continuous. Many people will report an issue once and expect that it will be the end of the matter; however, for ASB legislation we must be in a position to demonstrate that the anti-social behaviour is ongoing to justify the use of enforcement powers.

You can report crime in any of the following ways:

- Contact Devon & Cornwall Police on Tel: 101
- Report crime online at DC.police.uk
- Report anonymously to Crimestoppers on Tel: 0800 555111.

4.2 Devon & Cornwall Alert



Devon & Cornwall Alert is a two-way community messaging system operated by Devon & Cornwall Police. It gives information about what is happening in the local community and it allows people to respond directly with information to the Police. It is a free service with no contract, cost or obligation. Subscribers can choose to receive information on:

- Crime
- Anti-social behaviour
- Witness appeals
- Community events
- Local good news
- Missing person appeals

There is also the option to specify how to receive the information: email, text or telephone and from whom. It is particularly helpful for businesses. You can sign up to the system by visiting Alerts.dc.police.uk

5. How can you keep up to date?

We are committed to share our plans and actions with our stakeholders and communities. You can keep up to date with what is going on in Torquay by:

- Sign up to Devon & Cornwall Alert (see above)

- Follow 'Torquay Police' on Facebook. You can also send emails directly to the team (please note this is not monitored 24/7)
- Follow Torquay neighbourhood website (www.devon-cornwall.police.uk/your-area/teams/Torquay-Town-Centre)

We would ask that all partners please help cascade the messages contained within this briefing and future briefings.

Your key contacts:



*South Devon commander
Superintendent
Jacqui Hawley*



*Torquay town centre
Sector Inspector
Si Jenkinson*

Produced 14th September 2017
Supt Jacquie Hawley

Please note: some of the images used are generic stock images.