



Partnership and Place Overview and Scrutiny Committee

Tuesday, 19 October 2010 at 7.30 pm
Brent Town Hall, Forty Lane, Wembley HA9 9HD

Membership:

Members

Councillors:

Van Kalwala (Chair)
Clues (Vice-Chair)
Mrs Bacchus
Brown
Hirani
Naheerathan
Ogunro
HB Patel

first alternates

Councillors:

Mistry
Matthews
Oladapo
Lorber
Aden
Al-Ebadi
Chohan

Second alternates

Councillors:

Daly
Allie
Sheth
Leaman
Adeyeye
Beckman
S Choudhary

For further information contact: Toby Howes, Senior Democratic Services Officer
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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

Item	Page
1 Apologies for absence	
2 Declarations of personal and prejudicial interests	
Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.	
3 Deputations (if any)	
4 Terms of reference	1 - 2
The terms of reference of the committee as agreed by Full Council in September 2010 are attached for noting.	
5 The priorities of the Crime Prevention Strategy Group	
The Head of Community Safety Partnerships Team will set out the priorities of the Crime Prevention Strategy Group.	
6 Tackling Anti-Social Behaviour in Brent	3 - 10
This report sets out the background to tackling Anti Social Behaviour in Brent and is intended to augment the presentation that will be delivered to the committee on 19 October 2010.	
Ward Affected: All Wards; Contact Officer: Genny Renard, Brent Community Safety Partnerships genny.renard@brent.gov.uk	
7 Government proposals relating to the police and crime - verbal update	
8 Work programme	11 - 20
This report sets out sets out a list of options for the Partnership & Place Overview & Scrutiny Committee work programme. This list includes issues raised by members at the Performance & Finance Committee on 27 th July 2010, the results of a survey of all members undertaken in June	

2010 and the results of the One Community Many Voices consultation event on 28th September 2010. The committee is also asked to agreed to set up a task group on exit strategies for those involved or likely to become involved in gang activity.

Ward Affected: All Wards; **Contact Officer:** Jacqueline Casson,
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PARTNERSHIP AND PLACE OVERVIEW AND SCRUTINY COMMITTEE

Membership

- The committee is comprised of 8 councillors.
- None of the members shall be members of the Executive.

Terms of Reference

The Partnership and Place Overview & Scrutiny Committee shall perform the following functions. These functions are subject to the limitations set out below.

1. To scrutinise the performance of any person or body carrying out any function on behalf of or in partnership with the council (other than health functions).
2. To consult with external organisations operating in the borough, whether national, regional or local to ensure that the interests of local people are enhanced by partnership collaborative working.
3. To review the delivery of the Local Strategic Partnership's work programmes and those of its thematic groups and review the delivery of joint partnership objectives.
4. To review the performance of partners and other local bodies in the area and invite report from them by requesting them to address the Partnership and Performance Overview and Scrutiny Committee about their activities and performance.
5. To develop and implement its work programme
6. To perform the functions allocated to overview and scrutiny committees under section 19 of the Police and Justice Act 2006, namely:
 - (a) *review or scrutinise decisions made or action taken by the Council in connection with the discharge of the Council's crime and disorder functions*
 - (b) *make reports or recommendations to the Council with respect to the discharge of the Council's crime and disorder functions*
 - (c) *to make a report or recommendations to the Council (if it chooses to do so) in relation to a local crime and disorder matters referred to it by a member – Councillor Call for Action crime and disorder.*
7. To consider any matters referred to the committee under section 21A of the Local Government Act 2000 (Councillor Call for Action) relating to the functions of this committee
8. To conduct research and community and other consultation, in the analysis of policy issues and possible options.
9. To produce and publish together with the other overview & scrutiny committees an annual report on its workings
10. To set up task groups

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**Partnership and Place
Overview and Scrutiny Committee**
19 October 2010

**Report from the Director of
Policy and Regeneration**

Wards Affected:
ALL

Tackling Anti-Social Behaviour in Brent

1.0 Summary

- 1.1 This report sets out the background to tackling Anti Social Behaviour in Brent and is intended to augment the presentation that will be delivered to the committee on 19 October 2010.

2.0 Recommendations

- 2.1 That the committee note and comment on the report and the presentation.
- 2.2 That when there is clarity about the proposed new legislative framework that the committee is updated

3.0 Detail

Background

- 3.1 The role of local authorities in curbing crime and increasing community confidence can be traced back to the end of the Second World War, developing from Emergency Planning to have an impact on the day to day life of all communities. The London Borough of Brent embraced the concept of working with the Police and other key agencies long before the 1998 Crime and Disorder Act made the work a statutory duty.

- 3.2 Crime with its potential for impact on individuals, businesses and communities has remained high on the political agenda and has been one of the three top concerns of communities in Brent for many years.
- 3.3 Crime and community confidence is a complex area of work touching on all departments within local authorities and interacts with a wide range of statutory and voluntary sector partners. Over time to coordinate these functions, provide expert advice and underpin the required formal partnerships, Community Safety Units have become the norm. Reflective of the pivotal and highly political role of these departments, overwhelmingly they form part of central services in councils.
- 3.4 Nationally, successive governments have introduced rafts of legislation to augment the initial 1998 Act. All of these have increased the onus on local authorities as the lead agency to drive the agenda and pull together other agencies. In fact, there have been some 68 Acts combined with approximately 680 regulations and a plethora of recommendations and targets over the last 12 years. These have been added to by Judicial Reviews, Public Enquiries and court cases that have set precedence.

Antisocial Behaviour

- 3.5 One of the key aspects of the work has been Antisocial Behaviour. Whilst the activities that fall under this banner have grown basically it is:

" Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant."

Examples of ASB can include:

- Vandalism
- Threatening behaviour
- Abusive language
- Noisy neighbours
- Graffiti
- Fly tipping

- 3.6 ASBO's can and have helped protect members of a community from those people who insist on making the lives of others a misery, but may not be successfully prosecuted through just one single incident of inappropriate behaviour. In this instance, those members of society that behave irresponsibly during a consistent time period can be tackled via an order. They were not designed to be a replacement for other existing crime dealing methods or make unlawful behaviour acceptable.
- 3.7 The well publicised demise of the Antisocial Behaviour Order, was, it seems somewhat premature. In July the Home Secretary announced a review of the

ASB legislation. Mrs May's aim is to give the public a greater role in curbing unacceptable behaviour that is happening in their communities.

3.8 In particular she wanted to look at how ASBO's work, its true to say about 50% of the orders are breached and action is taken. It is at the point of the order being breached that it become a criminal offence; prior to that point it is a civil matter. Breaches have lead in some instances to lengthy prison sentences.

3.9 The Government are consulting on "Instant Preventative Measure" the proposal is that:

- The transgressor has come to the attention of the Police due to their anti social or 'poor behaviour' on three separate occasions within the last 12 months. (Note the use of the word 'transgressor as opposed to 'offender'. This is because persistent poor behaviour that causes public annoyance often does not amount to a criminal offence.
- On the first two occasions the transgressor is warned about their poor behaviour.
- The warnings can be issued by a Police Officer or by a member of the public willing to provide evidence if required to support the IPM.
- This would not be a bureaucratic process. The Police Officer gathering the evidence needs only to record the warning concisely in their pocket note book and then enter warning into the Police intelligence system.
- This fits into the 'Big Society' format, as it empowers the community and also gives authority to PCSO's.
- The process would be flexible and not restrictive. For example:
- The person issuing the warning does not have to report it instantly to the Police.
- The officer would record the third party evidence of in their pocket book and invite the person to sign the entry. No statements would be required, cutting down on unnecessary bureaucracy.
- The three warnings are to show persistent poor behaviour.
- The three occasions could all occur on the same day.
- The twelve month window is the time period before the first warning expires.

3.10 Following a third warning the transgressor is served with a formal instruction notice:

- The formal instruction notice has two elements. It can:
- Direct the transgressor to complete an action or task.
- Restrict the transgressors behaviour or movements or both.

- Combine both Direction & Restriction.
- The formal notice must be served by a Police Officer or PCSO.
- The details of the direction or restriction or both must be written onto the form .
- The instructions must be explicit and realistic and will also be explained verbally to the transgressor.
- In practice the third warning would most likely be issued by a Police Officer / PCSO observing the 'poor behaviour' and in these circumstances the formal instruction notice would be served on the spot.
- Therefore a third warning can be issued by a member of the public and then reported to the Police and the formal instruction notice served at a later date
- The formal instruction notice is effective immediately and remains in force for a period of 30 days.
- After 30 days a partnership agency group reviews the IPM or 'Instant Preventative Measure'
- The presumption of the group will be to keep the IPM in place unless there is good reason to rescind it.
- The group could extend the IPM for anything up to 12 months.

3.11 The principle of common sense will prevail throughout.

- For example: If the notice was solely for a restorative justice direction, then it could be 'spent' as soon as the direction was completed.
- The direction could be on going and would need supporting, by some agency or organisation. (Restoring a damaged garden for example)

3.12 Breaches

- Primary legislation would need to be enacted to make IPM's work to replace the ASBO legislation.
- It would be a criminal offence to breach an IPM, as it is with ASBOs
- The breach of an IPM would carry a statutory power of arrest, again mirroring ASBOs.
- The criminal offence is committed when the conditions of the formal instruction notice are breached. Therefore:
- The subsequent prosecution would need to prove that the notice was served.
- Only the Police Officer or PCSO need be called to give evidence of this as currently happens with ASBOs.

- The original circumstances that led to the implementation need not be proved only the breach, this is a contentious variation on ASBOs
- At the point of breaching an IPM the transgressor becomes an offender.
- Until that time intention is to prevent crime and disorder and enhance community safety. To do this the transgressor needs to be identified as per normal Police procedure.
- In the case of a young offender, on the first occasion a letter would be sent to a parents or guardian or the young person taken home.
- On the second occasion the young person would be taken home where practicable or a letter sent to a parent or guardian.
- On the third occasion the young person must be taken home and the formal notice served in the presence of a parent or guardian.

3.13 There is a resource issue and a risk factor involved here for the Police through detaining a young person from their liberty by taking them home.

3.14 The legal power of detention issue can, it is hoped be dealt with by primary legislation or by standing arrest and de-arrest procedures. Home legal thinkers have said that the use of existing powers will leave the door open for legal challenge.

3.15 This is the sort of preventative action the Police should be doing and fits right into the modernisation reforms for Policing in the 21st century proposed by the government. Furthermore it is what the Police should be doing as good practice but again resources may push priorities.

3.16 This 'three times and you are out' warnings process at the core of the IPM procedure has been carried out successfully by individual Neighbourhood Policing Teams and the Transport Police for many years and it works, but the administration may be to complex for widespread use.

3.17 It is effective because a letter or home visits very often curtails a young person's anti social behaviour at an early stage and is one of the reasons why so few ASBO's were issued. The process may also be described as an ABC (Acceptable Behaviour Contract) with teeth as the IPM carries a sanction.

3.18 *Other Proposed Legislative Changes*

3.19 Solid information is somewhat sketchy, but as with health reforms there will be an ever increasing onus on Councils to lead and direct, especially in areas such as licensing.

3.20 The Government proposes to scrap the ID card scheme, the National Identity register and the ContactPoint database, and halt the next generation of biometric passports.

- 3.21 Similarly, the Government is keen to see changes to the Freedom of Information Act to make the act more transparent, and to see further regulation on the use of CCTV. This ties in with the Government's stated aim within the document to "restore the rights of individuals in the face of encroaching state power." Councils' use of CCTV is already regulated under data protection legislation, but how this affects council use of CCTV is not always clear. If the Government's intention is to provide clarity on the use of CCTV then that would be welcome. Brent would however be opposed to further regulation of councils' use of CCTV when funding reductions are already making it difficult for Brent and other councils to sustain their CCTV systems.
- 3.22 The Government wants to see a number of reforms to the criminal justice system. One proposal set out within the document supports the introduction of directly elected police commissioners. Brent is concerned that introducing a parallel structure of direct elections across a number of areas (for police and health, and directly elected mayors in 12 cities) will fracture local services when, now more than ever, we need local services to come together to pool resources and deliver efficient and effective frontline services. Any proposals for reform must not undermine the excellent partnership work at local level between the police, councils, probation and the fire service which are so important in reducing crime.
- 3.23 Regulation of Investigatory Powers Act. Local authorities are already subject to enhanced control measures on their use of surveillance that were put in place on 6th April 2010. However, provided the procedures do not substantially delay councils' ability to apply to use covert surveillance techniques, then the LGA Group would not be opposed to having to apply to court to use covert surveillance techniques.
- 3.24 Brent does have particular concerns however, about the definition of serious crime. Currently the Regulation of Investigatory Powers Act defines these as offences involving violence or are punishable with a sentence of over three years. Covert investigatory techniques are often needed to convict benefit fraudsters, rogue traders, loan sharks, traders selling pirated CDs and DVDs, commercial flytippers and people indulging in serious anti-social behaviour affecting local communities. Unless the definition in the act is changed councils would not be able to tackle these serious crimes, and Brent and other boroughs will be seeking to persuade the government that any changes should not prevent councils from doing so.
- 3.25 The Government has also established the National Security Council, and Brent the Local Government Association and others are keen to ensure that local government is appropriately represented on this.

4.0 Financial Implications

4.1 None

5.0 Legal Implications

5.1 None

6.0 Diversity Implications

6.1 None

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 None

Background Papers

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Partnership and Place Overview and Scrutiny Committee 19 October 2010

Report from the Director of Policy and Regeneration

Wards Affected:
ALL

Partnership and Place Overview and Scrutiny Committee Work Programme

1.0 Summary

- 1.1 This report sets out a list of options for the Partnership & Place Overview & Scrutiny Committee work programme. This list includes issues raised by members at the Performance & Finance Committee on 27th July 2010, the results of a survey of all members undertaken in June 2010 and the results of the One Community Many Voices consultation event on 28th September 2010.
- 1.2 The committee is also asked to agree to set up a task group on exit strategies for those involved or likely to become involved in gang activity.

2.0 Recommendations

- 2.1 That Members discuss and agree a work programme for the Partnership & Place Overview & Scrutiny 2010/11
- 2.2 That the committee agrees to set up a task group on diversion and exit strategies for those involved or likely to become involved in gang related activity.
- 2.3 That the group members be asked to nominate members to take part in this task group.

3.0 Detail

- 3.1 A well planned work programme is a critical component of a successful overview & scrutiny function. A programme of carefully selected topics can help engage the public, connect with the council's priorities, community

concerns, and has the potential to add value to the work of the council. It is therefore important that this committee's work programme is developed and agreed by its members.

- 3.2 The committee can scrutinise different subject areas in different ways depending on the subject size and the depth of investigation required. This can be done by in depth task groups, issue specific meetings, or short discrete agenda items. In all cases the Overview and Scrutiny Committee has the power to require the attendance of the council's Executive and officers to answer questions at their meetings. The Local Government and Public Involvement in Health Act 2007 also gave overview and scrutiny committees power to require information from 'relevant partner organisations'.
- 3.3 It is possible that the committee will have more subject areas that it would like to consider than time and resources available. To help prioritise the committee should consider the following criteria:
- Whether overview and scrutiny investigation will lead to an effective outcome / impact
 - The degree of fit with corporate or community strategy priorities
 - Public concern
 - Stakeholder or partner concern
 - Scope for efficiency gains
 - Whether it duplicates other work?
 - Time and resources
- 3.4 To help the committee put together its work programme for 2010/11 a survey of all members was conducted in June 2010. In addition a consultation event One Community Many Voices was held on 28th September to launch the new overview & scrutiny structure and to seek suggestions from a wide range of people. The list attached at appendix A includes the outcomes of these consultations as well as suggestions made by members of the Performance & Finance Overview & Scrutiny Committee in 27th July 2010.
- 3.5 The committee will also need to follow up on the recommendations made via task groups completed in the last municipal year. These are:
- Services for Women exiting prostitution
- 3.6 During the last municipal year members of the Overview & Scrutiny Committee expressed an interest in a task group being set up to pick up on any conclusions of a research report examining the extent of gang activity in Brent. A brief scope for a task group review looking at diversion and exiting strategies for those involved or likely to become involved in gang related activity is attached at appendix B.

- 3.7 Committee work programming is an on-going process and members are strongly encouraged to suggest items for review as and when they arise. Suggestions can come from;
- Ward issues that are also relevant across the borough,
 - The local impact of a major national issue, for example the concerns about the impact on services of the economic climate
 - Members of the public.

5.0 Financial Implications

5.1 None

6.0 Legal Implications

6.1 None

7.0 Diversity Implications

7.1 None

8.0 Staffing/Accommodation Implications (if appropriate)

8.1 None

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Partnership & Place Overview and Scrutiny Committee - Suggestions for work programme

This list includes regular items included in the committee's terms of reference, suggestions made by members at the Performance & Finance Select Committee on 27th July 2010 and issues raised by participants in the One Community Many Voices Overview & Scrutiny launch and consultation event.

Proposed Item	Issue for Partnership & Place Overview and Scrutiny Committee to consider	Suggested Committee Date
The priorities of the Crime Prevention Strategy Group	To provide members of the committee with the opportunity to discuss the priorities of the Crime Prevention Strategy Group and explore how those priorities are being delivered.	October 2010
Tackling Anti Social Behaviour in Brent	A report to cover how anti social behaviour is currently being tackled in Brent and any future proposals	October 2010
An update on government proposals relating to the Police and crime	Particular focus on efficiency savings and their effects on service delivery	October 2010
Developing diversionary and exit strategies for young people involved or likely to be involved in gangs in Brent	To agree the scope of the task group	October
Progress on the	To provide an update on the development of a Voluntary Sector Strategy in Brent. Issues for	December 2010

development of a Voluntary Sector Strategy in Brent	members to consider that were raised during scrutiny consultation include: <ul style="list-style-type: none"> • How the voluntary sector can work better together • How the voluntary sector can help to deliver on borough wide strategies eg Health • Maximising funding from external sources • How council funding is allocated and monitored • Promoting volunteering and volunteer responsibilities • What will the Big Society mean for Brent • How the council works with and helps to develop the voluntary sector • Places for small voluntary organisations to meet 	
Local Economic Assessment Page 16	The regeneration Team has recently undertaken a “Local Economic Assessment” of Brent to outline strengths and weaknesses in the Borough’s economic base and to identify opportunities for future economic growth. The work is being used to inform both the Regeneration and Child Poverty strategies. The committee will review this work and identify areas for further investigation.	December 2010
Local Policing Priorities	To scrutinise local policing priorities. Issues raised during scrutiny consultation include: <ul style="list-style-type: none"> • Changes to Safer Neighbourhood Teams • How the police relate to local communities • How the police generate interest from local people 	December 2010
Services for Women in and exiting prostitution	To follow up on the task group’s recommends	December 2010

The Cultural Strategy for Brent 2010 - 2015	To review how partners are working together to deliver the Cultural Strategy for Brent 2010-2015	February 2011
Young People & Employment	To scrutinise the support and services available to young people in Brent looking for employment	February 2011
Partnership Working in Brent	To review the work programme of the Local Strategic Partnership and its thematic groups	February 2011
Registered Social Landlords Performance Report	To provide members with information about the performance of RSL's in Brent. This should include information on how RSL's work together on management issues such as ASB. RSL's will be invited to attend the meeting	April 2011
The Sustainability Agenda	How partners are working together to make Brent a more sustainable place	April 2011
Neighbourhood Working Annual Report	To consider and comment on the Neighbourhood Working Annual Report	May 2011

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Developing diversionary and exit strategies for people involved in gangs in Brent

Why are we looking at this area? Have there been recent legislation/policy changes? Are there any performance or budgetary issues?,

In response to the debate about gangs the perception that gang activity had increased in Brent a report entitled *Establishing the reality of gangs in Brent*¹ was commissioned by Brent Community Safety Partnership to establish the actual situation in relation to the following concerns:

- That gangs have increased in prevalence in Brent
- That Gangs are territorially based, are violent and are attracting young people, and
- That gangs pose a serious threat to public order

The key findings highlighted a number of issues. Firstly that the definition of the term gang varies significantly, what some people might term a gang others might see as a group of friends. The use of the term gang particularly by the media can stigmatise young people, create fear amongst some residents and fear among young people in general. Secondly there is little evidence of US style gangs in Brent, though some street based groups of young people, mostly boys, do exist in the south of the borough. Lastly, for young people involved in these groups there is insufficient provision to divert them away from involvement.

A report produced jointly by the chief inspectors of Prison, Probation and Constabulary², which was published in June 2010, highlighted gangs as an emotive issue saying that over-reaction carries the risk of glamorising them to groups of young people. It also concluded that while the majority of gang related polices tend to focus on criminal justice and enforcement, more emphasis should be placed on safeguarding, prevention and the rehabilitation of young people involved or likely to become involved in gang related activity.

In October 2007 the government published its response to the Home Affairs Select Committee report on young black people and the criminal justice system³. This response included references to gang exit programmes and recognised that local partnerships together with the police and community groups needed to work together to identify solutions.

What are the main issues this task group should address

While the report on *Establishing the reality of gangs in Brent* did not identify a particular gang problem in Brent it did highlight the existence so some street based groups particularly in the south of the borough. One the conclusions of this reports and other national research reports highlighted above is the need

¹ Produced by the Centre for Social and Evaluation Research, London Metropolitan University

² The management of gang issues among children and young people in prison custody and the community, June 2010. A joint report by HM Chief Inspectors of Prison, Probation and Constabulary

³ www.justice.gov.uk/publications/yb-cjs.htm Page 19

to develop diversion and exit strategies for young people who are at most risk of becoming involved in gang activity.

Practitioners in Brent felt that there was insufficient provision to divert young people away from antisocial groups or gangs. The Crime Prevention Strategy Group has agreed to support the establishment of an overview & scrutiny task group to investigate how effective diversion and exiting provision could be developed.

What should the review cover? Give brief outline of what members could focus on, which partners to engage with, how residents/public can be involved.

The review could:

Identify the common characteristics of the areas borough where street based groups exist and between those involved in gang related activity.

Identify the types of intervention and prevention initiatives that could work in Brent by:

- Talking to local agencies and practitioners
- Talking to those involved
- Looking at best practice elsewhere such as PATHWAY
- Considering how partners could undertake joint working
- Review the current provision indentifying duplication, poor practice and use of resources

What could the review achieve?, influence policy change?, improvement to service delivery?, budget savings?, develop partnerships?.

The task group's report and recommendations will be aimed at the Crime Prevention Strategy Group.

The task group could contribute to the evidence on gang related activity in Brent and map out the prevalence of gang related activity in Brent.

The task group could make recommendations aimed at developing diversion and exit strategies for young people involved in or likely to become involved in gang related activity.

The task group could make recommendations how partners could deliver diversion and exiting strategies.