

Public Document Pack



Safer Policy and Performance Board

Tuesday, 17 November 2020 at 6.30 p.m.
To be held remotely - contact below for access

A handwritten signature in black ink that reads 'David Walsh'.

Chief Executive

BOARD MEMBERSHIP

Councillor Dave Thompson (Chair)	Labour
Councillor Norman Plumpton Walsh (Vice-Chair)	Labour
Councillor Sandra Baker	Labour
Councillor Ellen Cargill	Labour
Councillor Eddie Dourley	Labour
Councillor Valerie Hill	Labour
Councillor Peter Lloyd Jones	Labour
Councillor Kath Loftus	Labour
Councillor Geoffrey Logan	Labour
Councillor Margaret Ratcliffe	Liberal Democrats
Councillor Geoff Zygadlo	Labour

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Board is on Tuesday, 9 February 2021*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. CHAIR'S ANNOUNCEMENTS	
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3. DECLARATION OF INTEREST (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

SAFER POLICY AND PERFORMANCE BOARD

At a meeting of the Safer Policy and Performance Board on Tuesday, 15 September 2020 via remote access

Present: Councillors Thompson (Chair), N. Plumpton Walsh (Vice-Chair), Baker, E. Cargill, Dourley, V. Hill, P. Lloyd Jones, K. Loftus, Logan and Ratcliffe

Apologies for Absence: Councillor Zygadlo

Absence declared on Council business: None

Officers present: M. Andrews, C. Patino, G. Ferguson and S. Bell

Also in attendance: Councillor D. Cargill under Standing Order No.33

**ITEM DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE BOARD**

	<i>Action</i>
SAF7 CHAIR'S ANNOUNCEMENTS	
<p>The Chair announced that he would be attending a meeting of the Police and Crime Commissioner Panel shortly and he would raise any strategic issues Members may have. In addition, the Board received a brief update on the progress on White Ribbon status for the Council.</p>	
SAF8 MINUTES	
<p>The Minutes of the meeting held on 14th July 2020 were taken as read and signed as a correct record.</p>	
SAF9 PUBLIC QUESTION TIME	
<p>It was reported that no questions had been received.</p>	
SAF10 SSP MINUTES	
<p>The minutes from the previous Safer Halton Partnership (SHP) meeting held on 16th October 2019, were presented to the Board for information.</p>	
SAF11 ALCOHOL AND SUBSTANCE MISUSE - HALTON	
<p>The Board considered a report from the Strategic Director, Enterprise, Community and Resources, which</p>	

provided an update on both alcohol and substance misuse services and details of the support they provided for vulnerable local people during the COVID-19 Pandemic.

In respect of Adult Services, since lockdown to 9th July 2020, 15,164 attempted contacts had been made with 8,389 successful contacts by telephone, 231 successful contacts by video and 335 successful face-to-face contacts. Work was now underway to remobilise service provision and to learn from innovative practices, such as video consultations and digital support to ensure they could be developed into local best practice.

With regard to services for Children and Young People, these had also continued remotely throughout the Pandemic. The Board noted provisional data for 2018/19 – 2019/20 for the rate of under 18 alcohol specific admission episodes in Halton, in comparison to the England and North West averages.

In addition, it was noted that since 1st August 2020, the two Youth Service current contracts, one for Specialist Youth Support and Treatment Service and the second contract for Integrated Youth Service had ceased and the Halton Early Help and Intervention Team now provided dedicated support to young people in a holistic family way.

Arising from the discussion, the Board requested a future agenda item on Community Protection Notices, which would incorporate the role of Housing Associations.

RESOLVED: That the report be noted.

SAF12 CHESHIRE ANTI SLAVERY STRATEGIC PARTNERSHIP

The Board considered a report on the work being undertaken to ensure a Pan-Cheshire response to the issue of Modern Day Slavery. Since 2016, funded by the Police and Crime Commissioner, there had been a Cheshire Anti-Slavery Network bringing together key partners supported by an Independent Chair. This network had worked towards developing training packages, ensuring clear victim pathways and sharing best practices.

In 2019 it was agreed that the four local authorities in the Cheshire Sub-Region and the Police and Crime Commissioner would fund the Cheshire Anti-Slavery Network (CASN) for two years with a joint funding pot of a one off contribution of £4,000 each. A new Cheshire Anti-Slavery Strategic Partnership had been established and

details of the Partnerships future work plan, role, responsibilities and suggested outcomes was set out in the report.

The Board discussed recent issues around the Daresbury Hotel which housed up to 200 asylum seekers. It was noted that the Hotel was being well managed and weekly meetings took place with Circo.

In addition, the Board discussed concerns around the possibility of regulation of nail bars. At present the responsibility for nail bars was with the Health and Safety Executive. The Chair of the Board agreed that he would write to the Local Member of Parliament expressing the Board's concerns around the regulation of nail bars.

RESOLVED: That the work being undertaken to ensure a Pan-Cheshire response to the issue of Modern Day Slavery be noted.

SAF13 HATE CRIME AND HARASSMENT REDUCTION STRATEGY FOR HALTON

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which advised on the plan to refresh the Council's Hate Crime and Harassment Reduction Strategy and Action Plan. It was noted that Cheshire Police had recently updated their Hate Crime Action Plan and the Council would work in conjunction with the Police to align its Action Plan with theirs. The draft refreshed Strategy would be shared with Partners and community organisations over the course of September and October as part of the consultation process. It was anticipated that the final Plan would go to the Safer Halton Partnership meeting for approval in early November.

RESOLVED: That the proposed refresh timetable for refresh of the Hate Crime and Harassment Reduction Strategy and Action Plan be supported.

Meeting ended at 7.35 p.m.

REPORT TO: Safer Policy & Performance Board

DATE: 17 November 2020

REPORTING OFFICER: Strategic Director, Enterprise, Community and Resources

SUBJECT: Public Question Time

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To consider any questions submitted by the Public in accordance with Standing Order 34(9).
- 1.2 Details of any questions received will be circulated at the meeting.

2.0 RECOMMENDED: That any questions received be dealt with.

3.0 SUPPORTING INFORMATION

3.1 Standing Order 34(9) states that Public Questions shall be dealt with as follows:-

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner, which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous, offensive, abusive or racist;
 - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

- Requires the disclosure of confidential or exempt information.
- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chair will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** - none.

6.2 **Employment, Learning and Skills in Halton** - none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 There are no background papers under the meaning of the Act.

REPORT TO:	Safer Policy and Performance Board
DATE:	17 th November 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Community Safety
SUBJECT:	Cheshire Police Therapy Dog Trial
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the presentation from PC Tetlow in relation to this new initiative to trial a Police therapy dog in the Northern division of Cheshire. Cheshire Police would be the first North West Force to pioneer this resource with the aim to improve victim engagement, staff wellbeing and youth intervention and diversion.

2.0 RECOMMENDATION: That

- 1) **the report be noted; and**
- 2) **the Board consider the information presented and raise any questions of interest or points of clarification following the presentation.**

3.0 SUPPORTING INFORMATION

3.1 Background

Essex police is the only force in the UK to have a volunteer therapy dog called Baloo. Baloo is an ex general purpose dog who was injured in a road traffic accident and is now handled by an Essex dog officer.

It has been a huge success one example is when Baloo attended the scene of HGV that was intercepted on its route from Bulgaria into Essex and 39 people were discovered deceased inside the trailer. Due to the presence of Baloo at the scene and at the following TISM, officers were able to vocalise their feeling and thoughts in order to process the traumatic events.

Devon Police also hire in Pets as Therapy Dogs for use in the Control Room to assist the Wellbeing of the police and staff within the force, and a therapy dog is being successfully used by Cheshire Children's

Mental Health Service when supporting children suffering with mental health issues.

- 3.2 The proposal is that the therapy dogs work alongside the Safer Schools Young Persons Partnership officers. Their work involves working closely with schools, Beat Management and Partnerships to anticipate problems involving young people and their families. They regularly attend schools dedicated to additional educational needs, working with those individuals that suffer from learning difficulties and disabilities.
- 3.3 The therapy dog would also be used in a variety of schemes and settings such as some examples below

Primary & High Schools visits
Playground patrol – “Paws for a Chat”
RJ Sessions / Out of Court Disposals, One 2 Ones, Video Interviews, MG11's and MG11 VPSS's
Schools for additional learning needs
Other duties would / could include, HQ open days, Pride, Cheshire Show, local events such as PPX, VPX, Kops and Kids, Control Room, other departments
Signpost and highlight issues

- 3.4 Young People enjoy apps such as Instagram. Using the positive effects of this to create accounts. We can then use days such as “Mental Health Awareness Week” & “E-Safety day” to push messages to the reader and signpost them for help and further advice.

4.0 Benefits

No other force has achieved this initiative with a regular officer (Essex is a volunteer dog/handler) and thus I would like to formulate a training programme with a professional dog training company to achieve best practice when using police therapy dogs.

The benefits could be huge and we could use the dog in some or all of the following:-

1. One to ones/community resolutions/out of court disposals/RJ's
2. Playground patrols
3. HQ open days
4. Social media campaign to signpost/highlight issues.

It is also proven that the process of patting and stroking a dog, reduces the blood pressure, Promotes relaxation and Changes your physiological state into a more relaxed mode.

Dogs in a workplace/school can lessen the overall stress of an environment especially when working with younger people.

5.0 Funding

The dog itself will be funded by Cheshire Crime beat who are a charity that sponsor initiatives to support the community. The cost of the training depending on the training plan will be supported from possible funding streams such as application to PCC etc. The training itself would take place in the evening and would be after the working day so that the officer would fulfil the current role and this would not detract from current duties.

The cost of the food, insurance and vet bills will be aligned to the current Cheshire Dog Unit for continuity similar to the stand alone Drugs Dog patrol which is handled by the Licensing officer. There has also been an offer made by a local business who wish to cover this cost to help the community and increase partnership working with retail premises.

6.0 **POLICY IMPLICATIONS**

- 6.1 The policy implications of the scheme relate primarily to the Safer Halton priority. However this is a cross cutting work area which has wider implications on other areas of council business.

7.0 **FINANCIAL IMPLICATIONS**

- 7.1 None

8.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

8.1 **Children and Young People in Halton**

The Community Safety Service as a universal service impacts on the health, safety and well-being of young people.

8.2 **Employment, Learning and Skills in Halton**

None

8.3 **A Healthy Halton**

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

8.4 **A Safer Halton**

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

8.5 Halton's Urban Renewal

None

9.0 RISK ANALYSIS

None

10.0 EQUALITY AND DIVERSITY ISSUES

None

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

11.1 There are no background papers under the meaning of the Act.

REPORT TO:	Safer Policy and Performance Board
DATE:	17 th November 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Community Safety
SUBJECT:	Mental Health Street Triage Teams
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide a briefing to the Board on Cheshire Constabulary's approach to addressing mental health issues and policing and to identify the best mechanisms to enhance existing partnership approaches to maximise early help and prevention to reduce the impact on emergency and crisis management services.

2.0 RECOMMENDATION: That

- 1) **The report be noted; and**
- 2) **The Board consider the information presented and raise any questions of interest or points of clarification following the presentation.**

3.0 BACKGROUND INFORMATION

- 3.1 This paper is set in the context of the Covid-19 Pandemic. Policing nationally is seeing rising calls for mental health support and tragic suicides during the Covid-19 lockdown. The type of presentations that are being encountered appear to have changed. Individuals are presenting in crisis who have never been known to mental health services before and the types of suicides, the demographics of those involved, appears to be changing, certainly over the last few months. The types of presentations are causing concern particularly now given the implementation of greater restrictions across the country. All of these are likely to impact on increasing calls for Cheshire Police to respond to those in crisis.

4.0 SUPPORTING INFORMATION

4.1 Volumes of matters dealt with linked to Mental Health

In 2018 the definition of a Police mental health related incident was defined as:

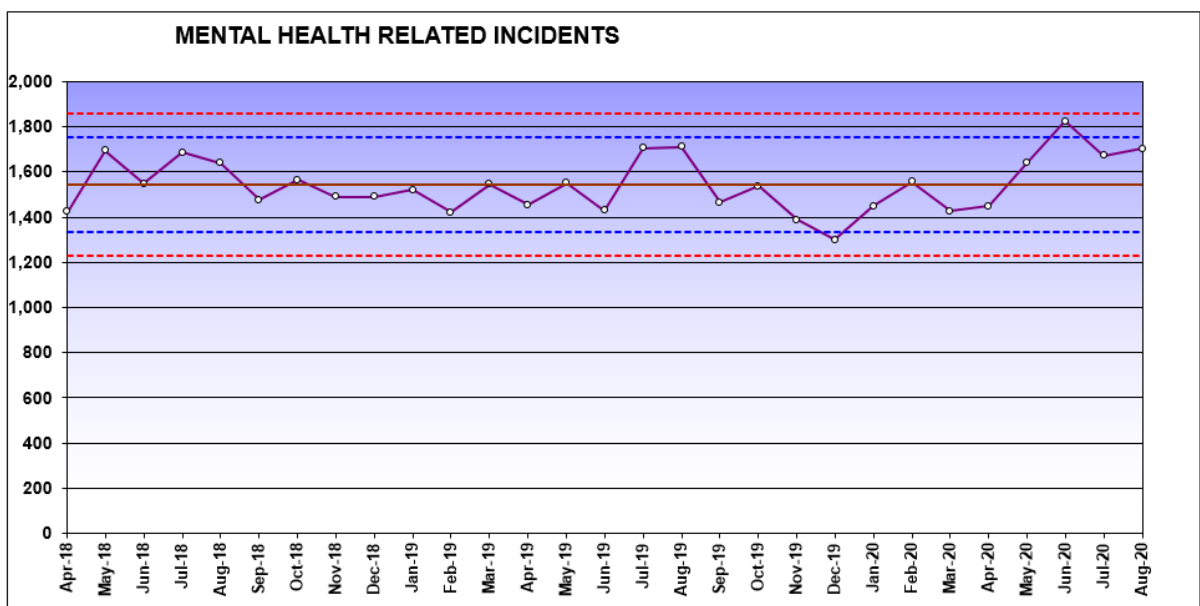
“Any police incident involving someone thought to have mental health problems where their vulnerability is at the centre of the incident or where the police have had to do something additionally or differently because of their condition.”

In 2018 Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published the ‘Picking Up the Pieces’ Report outlining recommendations for forces nationally specifically the following:

- Recommendation 1: The National Police Chief’s Council (NPCC) lead and College of Policing should agree a new national definition of mental ill-health for all forces to adopt
- Recommendation 2: All forces should carry out a ‘snapshot’ exercise to assess their mental health-related demand By December 2019, forces should develop a better understanding of their mental health data, and the nature and scale of their demand.

The purpose of undertaking this work was to better understand demand data and to assist the Police as an organisation understand the strain on the service by assessing the combination of demand and workload.

What was established is that demand is on average 1543 incidents per month. That is 1543 incidents that the Police feel meet the National Police Chiefs Council definition of a mental health related incident. As to the impact of Covid-19 on mental health incidents reported to the police, it can be seen that there has been an increase from May onwards to an average of 1710 or 170 incidents extra a month. An increase of about 11% per month.



4.2 What does understanding this demand mean?

- It provides evidence of the scale of demand that the Police are dealing with and encourages them to engage in a dialogue with other services about their investment and how they may respond differently to explore earlier help and prevention.
- The back data review has reinforced that the level of mental health related demand is not purely a recent phenomenon linked to Covid-19. However there is a trend that causes concern. There is also evidence of increased mental health being a presenting factor at Cheshire and Warrington Local Authority Children and Adults front doors.
- The identification and quantification of incidents within that demand profile allows Cheshire Police to probe further into the data to give profiles around peak demand times, frequency of calls from particular sites, organisations and or people. This supports further problem solving.
- It allows Cheshire Police to understand and explore the appropriateness of its demand. For example in July 2020 Cheshire Police had 1673 incidents that met the threshold of being mental health related. Out those incidents it did not attend 672 of them and the Police were not sighted on whether these incidents were supported appropriately through other services.
- Qualifies the impact on front line policing services and provides evidence to support investment in additional capacity specifically around mental health related business.
- Reinforces the need for investment around education and training.
- Reinforces the validity of existing partnership endeavours such as Street Triage. The evidenced performance of that resource in the management and support to crisis incidents becomes more relevant in times of increased demand. The Constabulary is currently in discussion with Cheshire & Wirral Partnership NHS Foundation Trust in relation to the level of investment they will provide with regards to additional nurse practitioners so it can determine what further resources may be needed to work even more effectively with them to prevent and support those suffering from mental health crisis.
- It is acknowledged that police mental health related demand can be an indicator of missed opportunities in other services. This data could provide evidence of other services under strain during this unprecedented period.

5.0 The approaches taken by the Constabulary to address the issue of mental health when it presents itself in the community

5.1 Cheshire Constabulary acknowledges its important role in supporting the collective system response to addressing mental ill health in the community. It recognises and supports the ongoing work with partners e.g. The Health and Wellbeing Boards; Mental Health Partnership Boards; Cheshire and Merseyside Health and Care partnership crisis care work streams; Cheshire and Wirral Partnership; The Clinical Commissioning Groups and the Public Service Transformation Cheshire and Warrington Mental Health and Wellbeing Strategy.

However, Cheshire Constabulary has identified the impact that this business area has on operational Policing and as a result commits the following resources to maintain and improve the service it provides to the public:

- Strategic Mental Health Lead – Local Policing Superintendent
- Mental Health Sergeant/Coordinator – This full time position provides a consistent and professional approach to the overall approach of Cheshire Police to mental ill health in the community. Acting as an organisational tactical advisor on mental health the role coordinates partnership activity, training both general and specialist, policy & procedure generation, and manages the two street triage teams.
- 2 Street Triage Teams – a commitment of 6 Officers working alongside clinical colleagues from North West Boroughs Healthcare NHS Foundation Trust and Cheshire and Wirral Partnership NHS Foundation Trust. The teams support the police response to incidents involving mental ill health.

5.2 The partnership approaches in place – benefits and areas for development.

The current partnership approaches adopted in Cheshire are highlighted below:

Street Triage – Operation Emblem/Street Triage has been in place since 2013 and has developed and changed since its implementation. Cheshire Police work alongside clinical colleagues from North West Boroughs Healthcare NHS Foundation Trust and Cheshire and Wirral Partnership NHS Foundation Trust responding to police incidents. After a recent period of evaluation the current provision is under redevelopment with aspirations of expansion to meet current and future anticipated demands. The service provision is currently deemed to be limited by a lack of joint investment however commitment to this model of working is being developed by health partners with police eager to support.

Liaison & Diversion – mental health provision in custody building from the Bradley Report Recommendations in 2009. Cheshire has adopted a Liaison and Diversion service supported through NHS England roll out. The service is provided via Mitie, the current custody healthcare provider. Custody provides specific challenges in regard to the management of mental ill health. The main challenges are the relationship between the custody healthcare provider and how it works in partnership with existing NHS services. There are aspects of improvement required in this area with regards to the availability of beds for sectioned persons. Although there is a fairly good escalation process, there are still times when we need to move patients out of custody and there are no available beds.

Cheshire and Merseyside Prevention of Suicide (CHAMPS) – Public Health lead the partnership response to suicide prevention. CHAMPS are the pan Cheshire and Merseyside body where this activity is coordinated and commissioned. Cheshire Police are an active partner in this work. A recent achievement is significant funding now being invested into training for first responders. Cheshire Constabulary will benefit from this investment.

High Intensity Users (HIU) – A new pilot project working in partnership with Cheshire West Integrated Care Partnership will be looking to respond to and manage High Intensity Users. This work was reinvigorated recently due to a perceived trend over the Covid-19 pandemic where many previously identified High Intensity Users stopped presenting to statutory services. This work will include joint research and evidence based practice to better manage this complex cohort.

6.0 Training for Officers and Staff

Cheshire Constabulary is delivering training in line with the College of Policing (CoP) defined Mental Health and Learning Disabilities programme. The approach adopted by the service is delivering a tailored modular programme which meets the defined learning outcomes set by the College of Policing but also local training needs. This approach is allowing the organisation to meet operational requirements by adopting blended training methods and where possible including local partners and innovative approaches.

In 2019/20 a series of 1 day workshops were delivered across the organisation which included Mental Health First Aid (MHFA) England's Mental Health Awareness and the College of Policing's Review of the Legislation module. This is now delivered to Student Officers as part of their initial training. The training delivery in 2019/20 captured response officers across the service as well as other business areas such as custody and the Force Control Centre.

Alongside the College of Policing learning programme Cheshire Police delivers Mental Health First Aid training to Officers and staff. The force can deliver a range of adult focused MHFA products depending on the needs of the departmental client.

The organisation has approximately 150 Mental Health First Aiders and over 600 officers and staff who have received MHFA awareness training. This year Mental Health Champion training has been delivered to the Wellbeing champions identified across the organisation.

This initial delivery appears to have had a direct impact on performance with an increase in positive feedback from frontline partners to the Police from within health and social care services.

Working from this solid base the plan for 2020 is to meet the College of Policing learning objectives outlined for suicide prevention and intervention. A proposal for training has had to be revisited due to the impact of Covid-19 however a new approach maintaining the appetite for a partnership delivery is proposed in the next couple of months.

Cheshire Police is keen to develop multi agency joint training opportunities around the response to mental ill health. A 999 joint mental health training day was delivered in October and following the success of that day further joint delivery days are planned.

A series of enhanced training deliveries which will include NHS and local authority partners are planned for 2021 to create a pool of uniform specialists who can provide tactical advice on crisis and mental health related incidents. This exciting piece of work is based on international best practice around the emergency response to mental illness and will further develop Cheshire Police's capability to respond.

7.0 POLICY IMPLICATIONS

- 7.1 The policy implications of the review relate primarily to the Safer Halton priority. However this is a cross cutting work area which has wider implications on other areas of council business.

8.0 FINANCIAL IMPLICATIONS

- 8.1 None

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

9.1 Children and Young People in Halton

The Community Safety Service as a universal service impacts on the health, safety and well-being of young people.

9.2 Employment, Learning and Skills in Halton

None

9.3 A Healthy Halton

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

9.4 A Safer Halton

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

9.5 Halton's Urban Renewal

None

10.0 RISK ANALYSIS

None

11.0 EQUALITY AND DIVERSITY ISSUES

None

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

12..1 There are no background papers under the meaning of the Act.

REPORT TO: Safer Policy and Performance Board

DATE: 17th November 2020

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

PORTFOLIO: Community Safety

SUBJECT: Update on Community Protection Orders

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the report updating the board on the use of Community Protection Notices in Halton as set out in the Anti-Social Behaviour Crime and Policing Act 2014. This legislation gives Council's the authority to issue Community Protection Notices (CPNs) where behaviour of individuals or businesses is having a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature and is unreasonable.

2.0 RECOMMENDATION: That

- 1) **the report be noted; and**
- 2) **the Board consider the information presented and raise any questions of interest or points of clarification following the presentation.**

3.0 SUPPORTING INFORMATION

3.1 Community Protection Notices (CPN)

- 3.2 Since 1998, the range of powers available to frontline staff to deal with Environmental crime and ASB has grown substantially with numerous powers being introduced to deal with very specific issues. The Council has the responsibility to combat a variety of statutory and nonstatutory nuisance. This has normally been enforced through the '*Cleaner Neighbourhoods and Environmental Act 2005*' and '*Environmental Protection Act 1990*'. Both acts have allowed designated officers to implement enforcement proceedings where necessary under certain conditions.

- 3.3 The ASB Crime and Policing Act 2014 has attempted to simplify matters by bringing together a wide range of environmental crime, ASB offences and other nuisances under a single framework namely '*The*

CPN'. This allows legislation to be used more efficiently and widen the scope of anti-social nuisance.

- 3.4 CPN's are designed to be a broad ranging tool to deal with repeated or ongoing nuisance behaviour. The Anti-Social Behaviour, Crime and Policing Act 2014 deliberately does not stipulate the types of behaviour that can be considered to give authorities freedom to tackle all behaviour that is detrimental to the local community's quality of life. It puts victims at the heart of the response to anti-social behaviour, and gives the flexibility needed to deal with any given situation.
- 3.5 The CPN amongst other things replaces litter clearing notices, defacement removal notices and street litter control notices. The test is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A CPN can be issued if the Council is satisfied on reasonable grounds that the conduct of the individual, business or organisation:
 - is having a detrimental effect on the quality of life of those in the locality;
 - is persistent or continuing in nature; and
 - is unreasonable.
- 3.6 CPNs are intended to deal with the more difficult or serious issues and does not replace statutory nuisance legislation. While a CPN can be issued for behaviour that may constitute a statutory nuisance, the interaction between the two powers should be considered. It remains a principle of law that a specific power should be used in preference to a general one. Statutory nuisance legislation will always take precedence and carries with it greater powers and sanctions.
- 3.7 A CPN is designed for use by authorised persons within the local authority, Police Officers and Police Community Support Officers (PCSOs) if designated by the Chief Constable. An opportunity is available for the Council to further delegate the authority to Registered Social Landlords for use on their estates, allowing them to deal effectively with problem tenants or problems directed towards their tenants while working to an agreed protocol.
- 3.8 The CPN is issued after failure to comply with a written warning letter) and compels an individual or a company to put things right or face the consequences, such as litter being left on the street from the local take away, or the inconsiderate resident letting his dog out to freely to foul an area.
- 3.9 Breach of any requirement in the notice, without reasonable excuse, is a criminal offence and either subject to a fixed penalty notice or prosecution. The maximum fine for an individual is £2,500 and £20,000 for an organisation. The court also has the power to order the forfeiture or destruction of any item used in the commission of the offence. An

alternative to prosecution would be for the Local Authority to make good any damage itself, and recover the costs of doing so from the person or business concerned. This could also include a social housing provider cleaning a tenant's garden and charging them for it.

3.10 CPNs are different from the powers it replaces in the following ways:

- they cover a wider range of behaviour (all behaviour that is detrimental to the local community's quality of life) rather than specifically stating the behaviour covered (e.g. litter or graffiti);
- noise disturbance could be tackled, particularly if it is demonstrated to be occurring in conjunction with other anti-social behaviour;
- the notices can be issued by more agencies: local authorities, police and social housing (if approved by local authorities) thereby providing greater coverage.
- the notices can apply to businesses and individuals (which is the case for some of the notices it replaces but not all); and
- it would be a criminal offence if a person did not comply, with a sanction of a fine (or fixed penalty notice) for non-compliance. (Again, this is not the case for all of the notices that it replaces.)

3.11 The use of the CPN provides the Council with the opportunity to deal with environmental crime and ASB more flexibly and brings the opportunity to encourage our partners to utilise the power and improve the quality of life for the residents of Halton.

4.0 **Who can use this power?**

4.1 For the areas covered the following organisations can issue community Protection Notices:

- Authorised Officers within the ASB Team and Environmental Services
- Cheshire Police uniformed officers and Police Community Support Officers (PCSO) where authorised by the Chief Constable, Cheshire Police
- Registered Social Landlords, where powers are delegated by Halton Borough Council.

4.2 The Police will normally only issue CPNs where there is a criminal element to the Anti-Social Behaviour (ASB) such as use in disrupting organised crime groups or premises/persons that are linked to crime

and disorder. It is expected that Local Authorities, will manage the issuing of CPNs for other types of ASB such as noise, litter, graffiti, out of control animals etc.

- 4.3 However, Cheshire Local Policing Units may support this process by providing evidence prior to issuing a CPN or to support prosecution on breach. The Local Authority will be the prosecuting authority.

5.0 CPN use In Halton

- 5.1 To date, CPWs and CPNs have predominantly been used to tackle issues in rear entries. This does not include problems such as littering and fly-tipping, as Primary Legislation put in place to deal with relevant offences must always be used first. Instead, the problems being dealt with by way of a CPW or CPN are those that are caused by individuals not adhering to the Council's required waste collection procedures, and where such failure to do so is having a regular and detrimental impact upon others.

- 5.3 Prior to considering the issuing of a CPW, the Council must ensure that individuals are fully aware of what is required of them. To this end, the Council issued formal Notices under section 46 of the Environmental Protection Act 1990 to **461** residents in areas where problems of non-compliance with refuse collection procedures were occurring. These **s46** Notices set out clearly the refuse collection procedures that residents must follow and advised that any failure to do so would result in further action being taken. The Notices were sent to all households in the relevant areas and copies were also sent to landlords of properties where applicable.

- 5.4 Following the issuing of the **s46** Notices, and subsequent monitoring, a total of **38** CPWs were issued where the conduct of occupiers of properties was deemed to remain unreasonable and persistently having a detrimental impact on others. The CPWs were issued in **8** different wards across Runcorn and Widnes. A total of **4** CPNs have thus far been issued where a CPW failed to bring about an improvement in behaviour.

6.0 Fixed Penalty Notice (FPN) Appeal

- 6.1 A breach of a CPN can attract a fixed penalty fine not exceeding £100. Council procedure allows a 14 day period for this to be paid with the fixed penalty being reduced to £75 if paid within 8 days. The offender has the right to request a review of the circumstances relating to the issue of the FPN within the 14 day period.
- 6.2 Should the review not be upheld the offender may still pay the reduced rate providing that the review of circumstances was made within the given 8 day period with the remaining balance being carried forward. If the request for a review is made after 8 days and not upheld the FPN

must be paid within the remaining balance of the 14 day timescale or the offender may face court action.

- 6.3 In dealing with anti-social behaviour the council should consider all the options available to officers. The use of CPNs will help, in some circumstances, to manage environmental ASB alongside existing remedies.

7.0 POLICY IMPLICATIONS

- 7.1 The policy implications of the review relate primarily to the Safer Halton priority. However this is a cross cutting work area which has wider implications on other areas of council business.

8.0 FINANCIAL IMPLICATIONS

- 8.1 None

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

9.1 Children and Young People in Halton

The Community Safety Service as a universal service impacts on the health, safety and well-being of young people.

9.2 Employment, Learning and Skills in Halton

None

9.3 A Healthy Halton

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

9.4 A Safer Halton

The Community Safety Service as a universal service impacts on the Health, safety and well-being of the residents of Halton.

9.5 Halton's Urban Renewal

None

10.0 RISK ANALYSIS

None

11.0 EQUALITY AND DIVERSITY ISSUES

None

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

12.1 There are no background papers under the meaning of the Act.

REPORT TO:	Safer Policy and Performance Board
DATE:	17 th November 2019
REPORTING OFFICER:	Strategic Director, People
PORTFOLIO:	Trading Standards
SUBJECT:	Consumer Advice
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update the Board on the work of the Consumer Advice Team providing some case studies from the past 12 months.

2.0 RECOMMENDATION: That the Board consider the information presented and raise any questions of interest or points of clarification following the presentation.

3.0 SUPPORTING INFORMATION

3.1 The consumer advice landscape

- 3.1.1 Consumer Direct is a national helpline providing the first response advice on behalf of Trading Standards Services. A change in government in 2010 saw the responsibility for delivering the helpline transfer to Citizens Advice (NACAB as was), the service was re-named to the Citizens Advice Consumer Helpline with the commercial contractors remaining responsible for providing the service. Citizens Advice decided to undergo a tender exercise when the commercial contracts were up for renewal, restricting applications to local Citizens Advice bureaux.

On completion of this tender exercise in October 2016, 8 centres transferred to the new provider. All staff working in the new service are employees who have undergone specific training for the Helpline, there are no volunteers and generic CAB staff will not be used on the Helpline.

3.2 How Trading Standards works with the Citizens Advice Consumer Helpline

- 3.2.1 The helpline provides initial advice to callers who have a consumer advice problem and the details of all calls are added to a national database, which allows Trading Standards to identify emerging themes, scams and consumer needs. When callers require complex advice they

are referred to their local Trading Standards for that advice. In the majority of cases the helpline can provide this initial advice.

3.2.2 When there is an allegation or suspicion that a criminal offence may have been committed the helpline notifies the relevant Trading Standards service. Trading Standards evaluate such cases and decide whether or not action can or should be taken. Individual complaints do not necessarily lead to immediate enforcement action as sometimes a number of complaints are needed to take effective action. This information provides valuable intelligence allowing Trading Standards to prioritise their activities. In general, Trading Standards will only contact the consumer if further information is needed to pursue an investigation.

3.2.3 The Trading Standards Service receives thousands of complaints each year. The helpline allows Trading Standards to focus on regulatory work against those traders who cause the most detriment to other businesses and consumers.

3.2.4 Halton's consumer advice service provides advice and support tailored to the needs of the consumer. In some instances the consumer will only need expert advice to resolve the dispute with the trader. Other cases will require higher levels of support including letter-writing or contacting the trader on the consumer's behalf. Wherever possible the service tries to assist parties to resolve disputes and avoid court action. Where such a resolution is not achieved the service can assist consumers with the court process or represent the consumer in court where the consumer is unable to represent themselves.

3.3 **The law that applies when you buy goods and services**

3.3.1 Since 2015 there have been some significant changes to consumer legislation that were intended to make consumer rights simpler and clearer. Even so, this remains a very complex area of law.

3.3.2 The rights that a consumer has depends upon the type of contract they have (for goods, for goods and services or for services only), the time that has elapsed since they made the contract or were supplied with the goods or service, and the way that the contract was made (on the trader's premises, in their home or by distance methods such as online, postal or over the phone).

3.3.3 In some instances the consumer has the responsibility to prove that the goods or service is faulty and in other situations the trader has this burden of proof.

3.3.4 Generally, if the contact is made at the consumer's home or if a consumer enters into a contract via distance, the consumer is entitled to a 14 day cancellation period and should be informed of this at the time the contract is made. If the consumer is not informed of the

cancellation notice they are entitled to cancel the contract at any time up to 12 months and 14 days after the contract was made. The goods must be available for the trader to collect and they don't have to pay for any services that the trader has provided under the contract. The legislation exempts specific goods or services from the right to cancel so a right to cancel contracts concluded by distance or off-premises means cannot be assumed.

3.3.5 If a trader misleads the consumer or uses an aggressive practice to gain a contract the consumer may have additional rights. These include:

- A full refund within 90 days of the contract being made
- The right to receive a discount of between 25% and 100%(depending on the amount of harm and the impact on the consumer); and
- The right to claim damages for additional losses or harm they have suffered.

The adviser will consider how influential the trader's behaviour was on enticing the consumer to enter into the contract as the above rights are only available if the trader's action was a determining factor in the consumer's decision to enter into the contract.

3.3.5 Where a consumer has been unable to resolve a dispute with a trader they have the right to take a claim to the Small Claims Court. The system is designed so that consumers can take the action themselves without the need of a solicitor. In reality, it can be very difficult to navigate the Small Claims process for non-professionals. In cases where goods or services are faulty there are approximately 50 civil procedure rules supplemented by practice directions.

3.4 **Performance of Halton Trading Standards Consumer Advice service**

3.4.1 A satisfaction survey of service users is undertaken quarterly which shows that consistently over 98% of users are either very satisfied or satisfied with the service they have received.

After contacting the service, respondents say they benefitted from the following:

- Reduced worry and stress (70%)
- Avoided paying extra bills and charges (22%)
- Avoided extra postage costs or telephone charges (13%)
- Saved time (39%)
- Reduced time of work (22%)
- Felt better able to deal with a similar problem in the future (97%)

4.0 POLICY IMPLICATIONS

None

5.0 FINANCIAL IMPLICATIONS

None

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment, Learning and Skills in Halton

None

6.3 A Healthy Halton

The consumer advice service provides expert tailored advice to consumers to empower them to deal with their own consumer problems and to intervene on behalf of those who are unable to resolve the problem themselves. Often those requiring the greatest help are facing challenging life situations such as poor health, bereavement or debt and problems with goods or services that they require to meet their basic needs.

6.4 A Safer Halton

None

6.5 Halton's Urban Renewal

None

7.0 RISK ANALYSIS

None – the report is for information only.

8.0 EQUALITY AND DIVERSITY ISSUES

None

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

APPENDIX A

Case Studies

- 1 A consumer and her family were facing serious health problems and they had recently lost close family members around the same time. The consumer had bought a car from a main dealer but it had failed within six months. The consumer had been trying to resolve the dispute for several months before contacting the advice service but the trader claimed that the consumer had caused the problem with the car. Attempts to negotiate a settlement failed and so the service supported the consumer to file a claim in the Small Claims court.

The case was further complicated because the trader's head office was based in Glasgow and so a different process was required to have the case heard in an English court. Another complication was that the car had been stored outside at the trader's premises for 21 months and had become badly corroded, making it difficult to obtain evidence.

A consumer advisor was set to represent the consumer at court but within a couple of days of the hearing date the trader offered an out of court settlement of £5372 which was the full amount of the claim.

2. A consumer had entered into two timeshare agreements some years ago and was being pursued for maintenance fees. She was contacted by a company who told her that they could bring these contracts to an end at a cost of £4,680 which she paid on 23 October 2014, paying a deposit on her credit card.

This service wrote to both the company and the credit card company. The credit card company refuted the claim, after further negotiations they offered to refund 50% and finally a full refund was secured for the consumer.

3. A consumer entered into a contract for a full house refurbishment in May 2016 at a cost of £31,700. The consumer had complained to the trader on several occasions regarding work that has not been carried out with reasonable care and skill. Since our involvement we have discovered that the boiler installed was not commissioned or registered with gas safe, a health and safety issue. The windows installed were not compliant with Building Regulations. Despite the trader refusing to return to the property to look at what was being alleged, we secured a partial refund and continue to pursue the remainder.
4. The service was contacted by the son of a 92 year old man who had been cold called by a trader offering to do work on his home. He had

been persuaded to pay a £700 deposit. Our intervention secured a £500 refund for the consumer.

5. A consumer entered into a contract with a trader for a fitted kitchen at a cost of £3,500 in December 2015. There were various problems with the kitchen including a gas pipe being bent after the cooker was forced into place by the trader. Although the consumer and his wife were capable of dealing with the issue the trader was known to our service, which influenced our decision to intervene. The trader responded to occasional letters that were sent to him by the consumer but did not accept liability for any of the problems, blaming the fitter. We wrote to the trader advising him that the company were liable for the fitting. The trader still did not resolve the situation and so we drafted court papers for the consumer. After the claim was issued the trader agreed to attend a meeting at the consumer's home. We advised the trader that in our view the consumer would stand a reasonable prospect of being successful in his claim at court. After 16 months of the consumer having a kitchen which was defective, the trader agreed to replace the kitchen and offer compensation.

6. We were contacted by the son of an elderly couple. One of his parents was virtually bed bound and because of this they had paid £950 to have a stairlift installed. The stairlift was faulty but the trader was claiming that it had been damaged by the consumer. Following our contact the trader offered to collect the stairlift for inspection and take it back to their premises and eventually agreed to a partial refund.