



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

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Dear Alan,

RE: Response to the draft ASB Strategy consultation

I trust this letter finds you well.

Thank you for the opportunity to respond to the draft anti-social behaviour strategy (2022-25) which has been developed by the Safe Durham Partnership.

The Anti-social Behaviour, Crime and Policing Act 2014 brought enhanced powers to the local authority, police and partners. Since then, different agencies across County Durham have independently developed their own approaches to responding to and preventing anti-social behaviour. Having a clear and consistent approach across partners will hopefully result in clear accountability for the various agencies and effect joint working, as well as an opportunity to review the full circumstances surrounding the causes of anti-social behaviour, which can often be complex in nature.

Firstly, it is right that this strategy recognises that the impact of anti-social behaviour can be devastating to residents, businesses and visitors. For victims and the wider community, it can become a destructive, cumulative issue leading to a poor quality of life for those concerned. We would emphasise that anti-social behaviour, includes uncivilised behaviour including: house noise, transient noise, fly tipping, littering, intimidating behaviour, group behaviour and more.

The need for a City of Durham specific approach

The Parish Council supports the S.M.A.R.T approach to anti-social behaviour which this strategy advocates. However, the Parish Council would observe that this strategy provides an overarching strategic approach and eight guiding principles relevant to the entire County on how the various agencies will respond to anti-social behaviour.

With an ever-expanding night-time economy without additional policing to respond to issues this causes and a rapid growth in University student numbers, the issues facing the City of Durham parish area do not necessarily reflect the same issues taking place across other parts of the County. Therefore, in order to ensure the effective delivery of this strategy and public confidence in our ability to address issues, it is imperative that more localised action plans which take account of and respond to the specific issues within a particular locality are also developed by the different partners.

The issues of anti-social behaviour and noise, and associated transient noise, are probably the lead issues identified by residents of Durham City through social media, mainstream media, reports to the Parish Council and its Community and Residents Forum, and discussions in the Durham University and Residents Forum (DURF) and the University's Community Engagement Task Force (CETF).

It must be stressed that the issue is existential for the residents of the city with an increasing number reporting – on both social and mainstream media - disturbed sleep, street noise, and on occasion regular or repetitive house and party noise, primarily during University term-time. It is recognised that the issues are present in other university towns and cities. It is also accepted that the issues do not encompass the entire student body, and nor do they affect all areas of the City in the same way. At present the issues appear to derive primarily from returning undergraduates in the private rented sector, and particularly identifiable in areas where the balance of occupancy is tilted towards student occupancy.

The policy pursued by the University of expansion in student numbers – particularly undergraduate students - without commensurate and simultaneous increase in College accommodation to absorb increasing numbers of returning students and the continuing expansion of houses of multiple occupancy (HMO) in the private rented sector for the student market (taken from a limited stock) has resulted in the City of Durham Parish population being now approximately 20,000 full time students and 9,000 year-round residents. It has meant that there are few, if any, areas of residential housing within the Parish Council area that do not have a growing number of HMOs or experienced transient noise. The policy means that the current issues around ASB and noise are not likely to go away, and nor are they likely to remain confined to particular areas of the City. Indeed, the Parish Council is well aware that surrounding areas are experiencing a spread outwards of students into, for example, Gilesgate Moor, Belmont, Carrville and some of the nearby villages.

In addition to which, the Viaduct and North Road areas in Durham City continue to present significant policing challenges, with 1,221 recorded crimes and incidents on North Road in the last 12 months alone.

Working in partnership to address anti-social behaviour

The Parish Council very much welcomes the multi-agency approach to addressing anti-social behaviour which this strategy advocates. In addition to those partners listed in the Safe Durham Partnership, the Parish Council would stress that the local Parish and Town Council sector, the University (in the case of the City), the third sector and local community residents' associations must also be recognised as important stakeholders in the delivery of this

strategy. As the organisations closest to their communities, these partners can very often reflect the views of local residents' most accurately.

The Parish Council is pleased to be an active member of the City Safety Group which you chair and we have worked proactively with partners on a range of schemes to address anti-social behaviour and safeguarding issues; most notably through the establishment of the Safety of Women at Night hub at St. Nicholas Church.

Furthermore, it is clear that any strategy and/or policy on anti-social behaviour needs to have an effective penalty system included for non-conformity and any initiatives set out within the strategy must be properly funded – either through statutory bodies who have a duty to respond to anti-social behaviour and/or key players within the City such as Durham University. As the Council has set out in its FOI response (ref: 3376482), in the financial year 2019/20, a total of £7,429,000 was lost in Council tax revenue due to Class M and Class N (student) exemptions. The figure for 2020/21 has increased by £1,368,335 to a total of £8,797,335.

Putting the victim at the heart of the response to anti-social behaviour

A key focus of this strategy is to provide effective support to victims of anti-social behaviour. The strategy seeks to ensure that partners better understand the impact this behaviour can have on the lives of residents and ensure safeguarding processes are in place to protect those most vulnerable from further harm. The Parish Council entirely supports this approach.

Accessibility to support and effective responses and feedback by relevant agencies are key pillars to this approach. The 2021/22 increase in precept for the police was in part proposed for a better 999 and 101 service, maintenance of PCSO numbers and visible neighbourhood policing in communities. While these priorities have yet to be translated into practice, the current responses to the concerns do not appear to have resolved the concerns nor reassured residents that their circumstances will improve any time soon. Unless the question of improved and tailored procedures, as well as coordinated responses and shared ownership, are addressed in the round, then it is not expected that the causes of the concerns will diminish.

Clearly more work is needed on this front. For too long, residents of our own parish have felt that their concerns go unresolved and a victim-centric approach has not been delivered.

The Parish Council would stress the need for an enhanced DCC neighbourhood warden and noise nuisance action team service post-10pm in the City as a means of addressing residents' concerns.

The Parish Council would be grateful to receive any further information on which organisation(s) will co-ordinate the Victims Advocacy Service for instance – specified within this strategy - and what specific powers they will have to speak up on behalf of victims.

Definition of anti-social behaviour

For the reasons set out in this response, the Parish Council very much welcomes that environmental and noise disturbance are identified as anti-social behaviour for the purposes of this strategy. Both are enormous and complex issues in our parish.

The Parish Council completely rejects the statement in this strategy that a *“one off incident where evidence cannot be obtained due to the behaviour not being repeated”* is not considered anti-social behaviour.

Anti-social behaviour is defined as *“behaviour by a person which causes, or is likely to cause, harassment, alarm or distress to persons not of the same household as the person”* (Antisocial Behaviour Act 2003 and Police Reform and Social Responsibility Act 2011). Whether an incident is supported by evidence (an onus clearly placed on the victim to provide) and/or repetitive is irrelevant and this should be removed from this strategy.

The role of private-sector landlords

For the City of Durham parish, the increase of HMO accommodation in the private rented sector has been noticeable, including new areas such as Mount Oswald and areas previously seen as established residential areas such as Sheraton Park. There is also an increase in major extensions of existing HMOs into larger properties, particularly in areas such as Whinney Hill.

One concrete response by the University is an intention to expand the number of colleges. This may be unlikely to absorb increased numbers since only pricing would make such an option attractive to returning students. Another response is the identification of new PBSAs on the University estate, but this too depends on the private sector be able to set viable prices. It is known that home undergraduate returning students will still prefer the private rented sector to staying in college and that, even if a proportion opted to continue in college, there will be a year-on-year increase in demand. This in turn is fuelling the developer pressures for properties to convert. In addition to the numbers of C3-to-C4 applications, developers and landlords are now converting family homes into 2 bed flats using Class C3 to avoid failing to secure planning consent for conversion to a C4 (MHMO) status; other developers simply pay the council tax and avoid having to apply for C4 permission. This year has seen both an expansion into the traditional residential areas as well as conversion of existing HMO properties to extend the size under permitted development, with a number of notable examples receiving social media attention.

This expansion in HMOs across the City of Durham Parish area is undoubtedly fuelling the existential issues of anti-social behaviour across the City.

For many years, a missing component in addressing these issues has been the role and involvement of landlords. The Parish Council therefore welcomes the fact that private rented sector landlords are identified as a key stakeholder in anti-social behaviour as part of this strategy. The strategy sets out the responsibilities of landlords and this is also welcomed.

That being so, this strategy appears to be focused solely on those landlords who fall under the selective licensing scheme only as opposed to landlords more generally. Whilst the strategy is correct in highlighting that selective licensing began on 1st April 2022 and covers 42% of the private rented sector in County Durham, no part of the City of Durham parish area is covered by this licensing scheme.

When looking at the issue of selective licensing, the County Council's consultative report of 2020 recognised that most of the County's HMOs are in Durham City. It read:

"County Durham is home to Durham University which is regularly ranked in the top ten in the University Guide League nationally, and in the top 100 internationally, and as such attracts many students from around the country and the world. In recent years the University has also expanded its capacity increasing the number of registered students to 18,700 in total from 14,300 in 2003/04. This has led to an increased demand for off-site accommodation mainly found in the form of local residential properties that have been registered as HMOs. More recently there has also been an increase in building single large-scale developments of privately owned and run accommodation blocks within the Durham City area."

The report goes on to note that (at that time) there were 790 registered HMOs within County Durham with 766 or 97% located in and around Durham city centre.

In spite of this, Durham City did not meet the criteria for selective licensing. The Parish Council submits that this matter should be reassessed by the County Council and would be happy to produce a separate report outlining the justification for this.

Additionally, mandatory licensing (i.e. those with five or more separate tenants) covers approximately only 25% (as of November 2021 - 821 licensed properties (under the provisions of s.232 of the Housing Act 2004) out of a total of 3,307 properties that have Class N Student exemption from paying Council Tax) of the HMOs within the City of Durham parish area. This adds further weight to our argument that continuing the proposed voluntary scheme does not begin to provide the level of enforcement required for tenant protection and landlord standards here. Added to which, such a scheme is not self-financing and there is certainly a capacity issue within DCC where more staff to proactively enforce the rules are desperately needed.

Condition 16 of the mandatory scheme is clear that:

"The Licence holder shall take all reasonable and practical steps to prevent, or where appropriate reduce, anti-social behaviour by persons occupying or visiting the dwelling. If requested, written notification of any such steps shall be given to Durham County Council within 10 working days from the date of the request".

The Parish Council has long concluded that, alongside the County-wide selective licensing scheme, there needs to be an equivalent compulsory, self-financing additional licensing scheme for Durham City to address the facts that virtually all of the County's HMOs are in

Durham City, that the associated anti-social behaviour problems are extensively documented and that the voluntary scheme currently in place is demonstrably not adequate.

Furthermore, there is no information within this strategy as to how often and by what means the Safe Durham Partnership and/or ASB Strategic Group will engage with landlords in addressing issues of anti-social behaviour and this should be specified.

Promoting the community trigger

The Community Trigger is the name generally applied to the Response to Complaints section of the 2014 Act and enables victims to require agencies to carry out a review of their response to the anti-social behaviour they reported where they feel they did not get a satisfactory response.

Relevant bodies must carry out an ASB case review if:

- that person, or any other person, makes an application for such a review (activates the Community Trigger); and
- the relevant bodies decide that the threshold for a review is met.

Each Local Authority area sets its own threshold and this should be specified within this strategy.

The Parish Council entirely supports the proposed promotion of the community trigger and hopes that relevant agencies will not view this as an additional complaints process but rather an opportunity to learn from different cases and how to respond accordingly.

At present, the community trigger, its process, threshold, etc. are not proactively promoted enough by the relevant agencies – particularly in non-online formats – and the Parish Council therefore supports the proposed promotion work the strategy advocates and the fact that statistics around community trigger will be actively published, which they are not at present.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council