Report
on an investigation into
complaint no 05/B/11750 against
Bristol City Council

30 October 2006
Investigation into complaint no 05/B/11750  
against Bristol City Council

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Key to names used

Mr Hurst - The Complainant
Officer A - A Parks Service Manager
Officer B - An Antisocial Behaviour Officer
Officer C - A Community Park Manager
Officer D - A Parks Service District Coordinator
Officer E - A Valuation Assistant
Officer F - A Housing Support Manager
Report Summary

Subject
Mr Hurst (not his real name for legal reasons) experienced regular antisocial behaviour by a gang of youths who gathered close to his home. He complained that the Council did not properly investigate the disturbances he reported and that it did not take prompt action to resolve the problems he was caused.

The Ombudsman found that a number of Council departments involved had failed to follow the Council’s procedures for dealing with complaints about antisocial behaviour and, as a result, Mr Hurst’s complaints were not properly investigated. This led to delays in dealing with the antisocial behaviour and, in consequence, Mr Hurst and his family were caused a prolonged period of uncertainty, anxiety and distress.

Finding
Maladministration causing injustice, remedy agreed.

Recommended remedy

The Council has agreed to:

- Pay Mr Hurst compensation of £2,000;
- Immediately arrange an investigation of Mr Hurst’s continuing complaints by the ASB team and, as soon as possible thereafter, convene a case conference to determine and implement such formal action as is considered appropriate;
- Ensure that all its services can readily access and are familiar with its ASB policy and the two stage procedure for dealing with complaints. Where necessary, the Council should arrange for frontline staff to be trained or updated so that they properly understand and apply ASB procedures;
- Ensure that all of its services that are expected to initiate informal action to resolve complaints about antisocial behaviour have clear procedures for doing so;
- Review its process for the referral of antisocial behaviour complaints to ensure that all complaints reach the departments or agencies best placed to deal with them with clear instructions as to the action required;
- Review practice within the ASB team to ensure that officers are available to provide advice, guidance and support to other departments and agencies at all stages of the Council’s ASB process.
Introduction

1. Mr Hurst’s home is adjacent to the entrance to a park. For a number of years he has experienced antisocial behaviour by users of the park. The park is located in a residential area where a high proportion of the houses are owned by the council. In 2004 groups of youths started to congregate at the entrance. In addition to causing frequent disturbance by shouting and swearing the youths set fire to Mr Hurst’s hedge and threw missiles at his property. Mr Hurst complains that the Council failed to investigate the instances of antisocial behaviour that he reported and that it did not take adequate action to deal with the problem.

2. In the 14 months between August 2004 and October 2005 Mr Hurst made more than a dozen complaints to the Council. Serious attacks on Mr Hurst’s property were not frequent. But frequent minor disturbances meant that he and his family had a persistent fear of attack and a continuing sense of uncertainty, anxiety and distress in their own home.

3. The complainant and the Council were invited to comment on the draft of this report before the conclusions were written. I have taken account of their comments in preparing the final text and reaching my conclusions.

4. For legal reasons the names used in this report are not the real names of the people concerned.\(^1\)

5. One of the Commission’s officers has examined the Council’s files, interviewed officers and visited the complainant.

Legal and Administrative Background


7. Official guidance to councils is that antisocial behaviour should be challenged soon after it occurs, sending out a message that such behaviour is unacceptable.

The Council’s Policy and Procedures

8. The Council’s agreed approach to dealing with Antisocial Behaviour (ASB) is described in its policy document ‘Tackling Anti-Social Behaviour – Procedures as a Landlord’. The policy covers antisocial behaviour including intimidation/harassment,

\(^1\) Local Government Act 1974 S.30(3)
criminal damage, vandalism, nuisance and rowdy behaviour. The ASB policy and procedures are available to all the Council’s staff on its intranet.

The Council’s policy says that:

“ASB will be tackled and not tolerated. We will use all appropriate informal, formal and statutory techniques available to us to tackle it”.

9. In addition to complaints about ASB made to individual departments the public can contact the Council’s ASB team via a national telephone hotline, or by completing a complaint form on-line. Initially most ASB complaints are referred to the Council department best placed to take informal action to resolve the problem.

10. The Council aims to acknowledge complaints about antisocial behaviour within three days and to take initial action and complete an action plan within 10 days.

11. The role of the Council’s Anti Social Behaviour team is described as follows:

“The Anti Social Behaviour team (ASB team) will work with staff in Area Offices and partner agencies across the city to provide advice / guidance / training and support to ensure that wherever possible ASB is prevented or tackled at an early stage by appropriate intervention and support.

If interventions and informal action do not work then the ASB team will take on cases and case manage them, working alongside staff in area offices and partner agencies, to stop the ASB promptly and effectively”.

12. The Council’s policy document describes a two-stage procedure for dealing with ASB complaints after initial action has been taken by the appropriate department. First the complaint should be referred to a Local Multi-Agency Meeting comprising the Council officers involved, Police and other interested agencies. The meeting is also attended by the designated ASB caseworker for the area. If informal action has been tried but failed, the caseworker will then take the complaint on to an ASB Case Conference.

13. The purpose of the Case Conference is to determine the best way to stop antisocial behaviour. The Conference can recommend a range of actions including community orders (Antisocial Behaviour Orders and Injunctions\(^2\)), housing possession proceedings and group dispersal action.

14. If the Conference determines that formal action is necessary the case is allocated to a member of the ASB team who should then continue to gather evidence in preparation for legal action. The ASB team should issue court papers within 35 working days of the Case Conference decision.

\(^2\) Sections 1 and 1B of the Crime and Disorder Act 1998 allow councils to apply to the court for an ASBO.
Council’s Administration and Maintenance of the Park

15. The entrance to the park adjacent to Mr Hurst’s home is in the Council’s ownership. The Council’s Central Support Services department had primary responsibility for the land but it was maintained on behalf of that department by the Parks Service. Cleaning and grounds maintenance was sub-contracted to a private operator.

Investigation

16. Mr Hurst had experienced antisocial behaviour by users of the park close to his home for a number of years. Following a relatively quiet period youths began to congregate at the park entrance directly adjacent to Mr Hurst’s home in 2004. In addition to shouting and swearing, they would frequently throw missiles at his house and on several occasions set fire to his hedge. When commenting on Mr Hurst’s complaint in January 2006 Officer A, a Parks Service Manager, confirmed that the incidents of antisocial behaviour experienced by Mr Hurst had ‘worsened considerably in the past 12 months’.

17. Mr Hurst told the Commission’s Officer that minor disturbances at the park entrance happened most nights but were more frequent during school holidays and in the winter when it got dark earlier. The more serious incidents of vandalism and attacks on his property happened less often, but Mr Hurst said that disturbances were nonetheless a continuous source of worry and distress to his family.

Mr Hurst’s Complaints to the Council

18. Between August 2004 and September 2005 Mr Hurst contacted the Council’s Parks Service at least a dozen times in connection with the problems he was caused by the youths.

19. In the first three months he brought the following matters to the attention of the Parks Service Officers:

- Leaves and rubbish not cleared from beneath the hedge dividing his property from the park were being used to set fires.
- Broken branches being used as missiles against his home.
- CCTV directly opposite the park entrance was not working.

Between April and September 2005 Mr Hurst additionally complained that:

- Youths had stoned his house and that the loose debris used as missiles had not been cleared from the park entrance.
• Youths were climbing trees and causing a nuisance.
• Youths had damaged vehicles parked at his home.

20. On 27 January 2005 Mr Hurst’s local Councillor contacted the Council’s ASB team by e-mail. She told Officer B, the ASB caseworker for the area, that Mr Hurst was experiencing antisocial behaviour by a group of 15 to 20 youths, including assault, setting fire to objects, throwing stones and damaging his property and vehicles.

21. Mr Hurst told the Commission’s Officer that he also telephoned the national ASB hotline on a number of occasions in 2005. Although Mr Hurst received acknowledgment cards, there was no record of these calls in the Council’s departmental files examined by the Commission’s Officer.

22. In October 2005 Mr Hurst addressed a Council Committee. He outlined to Members the history of disturbances at the park and explained that the problem had now recommenced. Mr Hurst asked the Council to make alterations to the park entrance to alleviate the nuisance caused to his family.

23. In June 2006, following the erection of new fencing by the Council, Mr Hurst told the Commission’s Officer that the nuisance caused by the youths appeared to have reduced. But on 16 July he contacted the Parks Service to complain that youths had again congregated in the park entrance and set fire to rubbish left in the undergrowth. Mr Hurst reported further disturbances in August and September 2006.

**Actions of the Parks Service**

24. Mr Hurst’s complaints were mainly dealt with by Officer C, a Community Park Manager, and his supervisor Officer D, a Parks Service District Coordinator.

25. When Mr Hurst contacted the Parks Service the officers were sympathetic to his problems and usually responded quickly.

26. The Parks Service took a number of initial steps to reduce the nuisance caused to Mr Hurst. It made inspections of the park entrance and liaised with the maintenance contractor to improve the removal of rubbish and debris that might be used as missiles or to light fires. And in April 2005 officers arranged for the park gate adjacent to Mr Hurst’s property to be permanently closed.

27. Despite this the problems continued and Mr Hurst continued to complain that rubbish and debris was not regularly cleared from the site. Officer A explained that the contractor was required by the grounds maintenance specification to inspect the hard surfaces of the park daily, and that when Officer C had cause for concern that the appropriate standard was not met he issued the contractor with default notices.

28. At interview Officer D told the Commission’s Officer that in reality, despite Officer C’s efforts and the high priority accorded to the area close to Mr Hurst’s home, it was
unlikely that the contractor inspected the site every day and even if the rubbish and debris were regularly removed they would quickly accumulate again.

29. In other respects the Parks Service response to Mr Hurst’s complaints was not so prompt.

30. Mr Hurst first told the Parks Service in August 2004 that the CCTV camera opposite the park entrance did not appear to be monitoring the youths’ antisocial behaviour. Although he raised this matter again on 27 January and 3 April 2005 it was not until May that officers arranged for the camera to sweep the park entrance. Later that month, however, it transpired that the camera was not working and it remained out of action for the next twelve months.

31. In addition to the complaints received from Mr Hurst directly, the concerns raised by his local Councillor were forwarded to the Parks Service by the ASB team on 27 January 2005. The Parks Service told Mr Hurst to report problems to the Police but did not otherwise deal with the matter under the Council’s ASB procedures.

32. In Officer A’s view the Parks Service had limited powers to deal with antisocial behaviour but had properly dealt with those matters within its remit. He went on to explain that his officers had not attended a Local Multi Agency meeting to discuss Mr Hurst’s problems because the Police had not convened one.

33. Officer D told the Commission’s Officer that the Parks Service had no procedures for investigating complaints about antisocial behaviour and it had no means of collecting evidence other than telephone and CCTV records. He said that Parks Service officers had not received training in the Council’s antisocial behaviour procedures and so were unlikely to be familiar with the process for referring complaints to the ASB team. Officer D added that in his experience the ASB team was mainly concerned with neighbour nuisance and was not interested in the problems encountered by the Parks Service.

34. Officer D further explained that because the park entrance was in the control of Central Support Services it fell to that department rather than the Parks Service to decide how Mr Hurst’s complaints should be dealt with and whether or not the ASB team should be informed.

35. The Parks Service did not refer Mr Hurst’s complaint back to the ASB team until December 2005.

36. Having contacted the Police in September 2005, Officer C contacted Property Services, a division of Central Support Services, the following month to discuss possible solutions to the continuing nuisance caused to Mr Hurst.

37. Between November 2005 and January 2006 Officer C considered a number of solutions in conjunction with the Police and Property Services. Having discounted additional security monitoring and a dispersal order, and because planned
redevelopment of the area was unlikely to proceed for a number of years, it was decided that new fencing should be erected to discourage youths from gathering at the site and to protect the hedge bordering Mr Hurst’s property.

Actions of Central Support Services

38. Officer E, a Valuation Assistant in the Property Services Management team, was contacted by Officer C in October 2005. She understood that the Parks Service had not referred the matter sooner because it did not immediately realise that the park entrance was the responsibility of Central Support Services.

39. Officer E told the Commission’s Officer that Property Services had no procedure for dealing with complaints about antisocial behaviour. Within a week of receiving the complaint, however, she tried to contact the ASB team for guidance. Officer E said that she was unaware of any formal referral procedure and so called the national helpline number listed in a directory. She described Mr Hurst’s complaint but was told that the ASB team was already aware of it. Officer E said that she assumed that she had correctly reported the matter and that the ASB team would continue to deal with it.

40. Officer E was subsequently responsible for arranging the funding necessary for any practical measures recommended by the Parks Service and the Police.

41. She told the Commission’s Officer that the fencing option had been discussed at a meeting in November 2005 which she attended with Officers B and C and a Police representative. Following confirmation of the fencing proposal by a Steering Group in February 2006 Officer E investigated funding options but was initially unable to secure the full amount. A shortfall of £2000 was met by the Police in April, and Officer E was then able to instruct the Council’s Contract Services department to carry out the works. The new fencing was completed in early June 2006.

Actions of the ASB team

42. Officer F, a Housing Support Manager with overall responsibility for the Council’s ASB team, explained that calls received by the national helpline should be referred for informal action by the appropriate department or agency. In this case Mr Hurst’s calls should have been referred to the Parks Service, the Neighbourhood Housing Office and the Police. Officer F said that in view of the nature and location of the nuisance he would have expected the Parks Service to initiate informal action.

43. Officer F told the Commission’s Officer that he was surprised that Mr Hurst’s complaints had not been brought to a Local Multi-Agency meeting or referred to the ASB team sooner. While he accepted that some departments might not be familiar with the ASB procedures he felt that the Parks Service would have had sufficient experience of such problems to understand what was required.
44. Officer B had worked in Mr Hurst’s local Housing Office for a number of years before joining the ASB team. He told the Commission’s Officer that he had heard no reports of antisocial behaviour at the park before Mr Hurst’s complaint was referred to him by a local Councillor in January 2005. On receipt of that complaint he referred it by e-mail to the Police Coordinator and copied it to the Parks Service and the Area Housing Office. He expected these departments to take any initial action necessary and heard nothing more about Mr Hurst’s complaint until December 2005.

45. Officer B said that he would have expected the Parks Service initially to investigate and identify the perpetrators of the nuisance and that it would liaise with the Police and Area Housing Office to that end.

46. Following his e-mail in January 2005 Officer B also expected that Area Housing officers would visit Mr Hurst and take action to assist him, particularly if it could be determined that any of the youths causing the nuisance were Council tenants.

47. Officer B felt that the departments involved could have referred Mr Hurst’s complaint to a case conference sooner. Procedures for the referral of cases and direct contact details for ASB team officers were set out in the Council’s ASB procedures and this information was available on the Council’s intranet. Officer B pointed out that the national helpline was for the use of complainants and should not have been used for the internal referral of a case to the ASB team.

48. Officer B explained that if complaints are not referred to the ASB team it cannot help. In his view other Council departments were sufficiently aware of the ASB team but did not always seek its assistance.

49. An Administration Supervisor from the Parks Service e-mailed Officer B on 22 December 2005. She outlined Mr Hurst’s complaints and the action taken by the Parks Service in conjunction with the Police so far and requested the involvement of the ASB team. Officer B told the Commission’s Officer that he did not consider this to be a formal referral to the ASB team. He replied to the e-mail on 28 December and said that Officer C would have to bring Mr Hurst’s complaint to a case conference and be able to demonstrate that the informal action taken so far had failed. He would also need to identify at least one of the perpetrators.

50. Officer B later attended a meeting with the Parks Service, Property Services and the Police. He told the Commission’s Officer that the meeting discussed the funding of proposed fencing works and although he listened he made no contribution to the discussion.

51. At interview in June 2006 Officer B said that Mr Hurst’s complaint had still not been properly referred to the ASB team and so it remained uninvolved. He did not doubt, however, that had a formal referral been received, the ASB team would have been able to take further action. A case conference would have determined the nature of Mr Hurst’s complaint and discussed possible solutions to the problems he experienced. The conference might have recommended formal action against any
individuals identified, and if that was not possible, the ASB team might have been able investigate the complaint further.

Actions of the Area Housing Office

52. The Area Housing Office had no record of Mr Hurst’s complaint on its file.

53. The Area Housing Manager received Officer B’s e-mail to the Police Coordinator in January 2005. But because the message did not specifically request action by the Housing Office he assumed that it had been copied to him for information only. In consequence no action was taken by the Area Housing Office.

Conclusions

54. The Council has a clear and robust policy for dealing with complaints about antisocial behaviour. But due to errors in communication and because the key officers involved were not sufficiently familiar with the Council’s procedures the ASB policy was not properly applied to Mr Hurst’s complaint. That was maladministration.

55. A number of errors were made by the Council departments involved.

56. The Parks Service responded promptly to Mr Hurst and was sympathetic to the problems he was caused. But it had no procedure for the investigation of complaints about antisocial behaviour and its ability to monitor this complaint was in any case limited because the CCTV camera opposite the park did not work. Nor were the officers involved properly conversant with the Council’s ASB procedures. In consequence, the Parks Service failed to:

- take adequate informal action to investigate the complaint of antisocial behaviour;
- consult at the appropriate time Central Support Services, the Area Housing Office or the Police about the complaint;
- bring the complaint to a Local Multi-Agency meeting;
- promptly refer the complaint to the ASB team or seek a case conference.

These failures were maladministration.

57. The Central Support Services Officer involved was similarly keen to resolve Mr Hurst’s complaint but she also was unfamiliar with the Council’s procedures and so failed properly to refer the matter to the ASB team in October 2005. That was maladministration.

58. Although Mr Hurst’s complaint was brought to the attention of the Area Housing Manager in January 2005 he did not investigate it or initiate any informal action to address the antisocial behaviour described. Given the possibility that the perpetrators may have been council tenants, that was an error. But in my view, the
officer’s failure to act here was mitigated by the lack of a clear referral by the ASB team.

59. The ASB team was notified about Mr Hurst’s complaint in January 2005. Officer B referred the matter to the Police Coordinator and copied his e-mail to the Council departments that he considered should deal with the matter. But Officer B’s e-mail did not, in my view, make his intentions sufficiently clear to those departments and nor did he explain what was expected of them. That was maladministration.

60. The Parks Service asked the ASB team to take on Mr Hurst’s complaint in December 2005. Officer B said that was not a proper referral but I disagree. It seems to me that, in accordance with the Council’s policy, the ASB team might from this time have more readily offered guidance, advice and support to the Parks Service and Property Services. The failure to do so was maladministration.

61. The Parks Service and Central Support Services did take practical action to help Mr Hurst. I am concerned, however, that it took nine months to erect the new fencing and that, given Mr Hurst’s continuing complaints, that this measure has not on its own resolved the antisocial behaviour problem.

62. As things stand the Council has not identified or challenged the perpetrators of the antisocial behaviour in this case. But had Mr Hurst’s complaints been properly investigated in accordance with the Council’s ASB policy it seems reasonable to expect that informal action would have been taken by the appropriate Council departments in the autumn of 2004 and that, had this failed, the matter would have gone to a case conference in early 2005. This would have initiated a much earlier involvement of the ASB team, which was better equipped than either the Parks Service or Central Support Services to investigate the complaint and to pursue formal action.

63. The effect of the Council’s maladministration to date has delayed a thorough investigation Mr Hurst’s complaint for 12 months and may have similarly delayed the application of more comprehensive measures to properly deal with the antisocial behaviour he has experienced. So in my view Mr Hurst and his family have been caused a prolonged period of uncertainty, anxiety and distress and he has been put to unnecessary time and trouble in pursuit of his complaint.

Finding

64. For the reasons given in paragraphs 54 to 60, I find that there has been maladministration causing injustice to Mr Hurst as described in paragraph 64. I am
pleased to record that the Council has accepted my proposal to remedy the injustice caused and has agreed to:

1. pay Mr Hurst compensation of £2,000;

2. immediately arrange an investigation of Mr Hurst’s continuing complaints by the ASB team and, as soon as possible thereafter, convene a case conference to determine and implement such formal action as is considered appropriate;

3. ensure that all its services can readily access and are familiar with its ASB policy and the two stage procedure for dealing with complaints. Where necessary, the Council should arrange for frontline staff to be trained or updated so that they properly understand and apply ASB procedures;

4. ensure that all of its services that are expected to initiate informal action to resolve complaints about antisocial behaviour have clear procedures for doing so;

5. review its process for the referral of antisocial behaviour complaints to ensure that all complaints reach the departments or agencies best placed to deal with them with clear instructions as to the action required;

6. review practice within the ASB team to ensure that officers are available to provide advice, guidance and support to other departments and agencies at all stages of the Council’s ASB process

65. I welcome the action the Council has now taken. But I have gone on to complete my investigation and issued this report because Mr Hurst’s complaint raises matters of public interest.

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30 October 2006