

Safer Merton Denison Road Premises Closure

2012 Herman Goldstein Award for Excellence in
Problem-Oriented Policing submission



1. Summary

Scanning

Following complaints from local residents, the Safer Merton Anti-Social Behaviour Unit (ASBU) and Merton Council's Environmental Health team were both alerted to problems emanating from two properties in a usually quiet residential street.

Further enquiries revealed that as many as 20 squatters were in both properties, fighting in the street and using the back gardens and alleyway as a toilet and to dump rubbish.

Analysis

Once the names of those squatting had been established, research and analysis confirmed squatters from the address had been committing a range of offences across the across the borough of Merton and in the neighbouring borough of Wandsworth. It was clear that the actions of the squatters were having a detrimental effect on residents and businesses - neighbours reported feeling intimidated and not being able to use their own gardens because of the smell and vermin the waste attracted and businesses were being repeatedly targeted for shoplifting.

Response

The ASBU and Environmental Health knew how important it was to take the legal path most likely to get a result for residents – some possible solutions could have taken too long or have unintended consequence such as forcing the council to re-house the squatters.

The ultimate solution, Premises Closure Orders, under the Anti Social Behaviour Act 2003, enabled the property to be boarded up for an initial three months, providing respite to the community suffering from misery caused by anti-social neighbours.

The use of Orders was a first for Merton Council and the local Police. This was also the first known case of Orders granted where the owners were not traceable, and where two properties were involved which were both squatted.

Assessment

Apart from one re-entry attempt, no further reports of people gaining entry to the properties have been received. No complaints regarding the premises have been received by the partners involved. ASB reports in Colliers Wood ward have also dropped by 19% across the ward since the premises were closed.

Police have paid attention to other empty properties in case they were moved into by the squatters but this appears not to have occurred.

The closure of the premises has allowed time for the Council to start the process of seeking orders of sale of the properties as the owners could not be traced. An extension of the Orders for another three months in February 2012 was also successful.

2. Description

A. Scanning

Anti Social Behaviour in the London Borough of Merton has increased over recent years. The Safer Merton ASB Unit (ASBU) has seen an increase in Anti Social Behaviour related complaints, particularly since 2009/10. Metropolitan Police ASB figures have also seen an increase over the same time period, from 6807 in 2009/10 to 7566 in 2010/11 – an increase of approximately 11%.

Anti-Social Behaviour is a consistently an issue highlighted in the borough's Annual Residents Survey and due to the impact that it can have, reducing anti-social behaviour and the effect of anti-social behaviour on communities as well as supporting individuals to find positive outcomes for local disputes, has been a priority for the Safer Merton Partnership, the Community Safety Partnership for the London Borough of Merton, for a number of years.

Following complaints from local residents, which started in August 2010, the ASBU, Merton Council's Environmental Health team and the Colliers Wood Metropolitan Police Safer Neighbourhood Team (SNT) were alerted to problems emanating from neighbouring houses – 85 and 87 Denison Road, SW19.

Residents reported loud music, drinking alcohol in the street, shouting and other disturbances, often in the early hours of the morning, and not being able to use their gardens because of the smell and vermin from the properties. They had also reported to the SNT that they had felt intimidated by those at the address.

Initial investigations carried out jointly by the teams revealed that about 20 adults, mostly from Eastern European countries were squatting at the addresses, using the back gardens to dump rubbish and also as a toilet due to a lack of sanitation and services at the properties – hence causing the issues that the neighbours had reported.

It was clear that the actions of the squatters were having a detrimental effect on local residents. This was a problem that needed dealing with for the sake of the community, especially as the Merton Partnership Community Plan highlights a sense of safety and strong relationships across communities are vital to establishing a sense of place in which residents have pride.

B. Analysis

The objective which would put an end to the problems was obvious – to remove the squatters but the solution had to be fully informed and carefully thought through to make sure the problem was dealt without perverse consequences that could have put obligations towards the squatters on the council.

A problem solving approach was adopted in order to look at ways of dealing with the nuisance premises. The SNT, working in partnership with the ASBU and Environmental Health team conducted an intensive and comprehensive programme of investigation and evidence gathering.

While this work was going on, the council kept the resident who had complained informed of the action being taken and sent letters to both properties telling the squatters that complaints had been received and put them on notice that further complaints would be investigated.

The first step was for the police and the ASBU was to try to identify the owners of the properties. Checks carried out by the council on the electoral roll found the names, but were unable to trace the owners, who had not been known at the properties since 1984. Police checks were also carried out in an effort to trace the owners, but to no avail.

A Land Registry check showed that no council tax had been received on the properties since 2000, and the council therefore registered a charge against the properties.

In order to build up a picture of the associated disorder at the address, research was undertaken to ascertain the identity of those squatting at the address. It was found that some of the squatters were already known to the ASBU, having come to notice before for street drinking and disorderly behaviour.

Once the identities of those squatting were ascertained, the local SNT identified and collated nearly 40 crimes committed by the squatters which covered a range of offending including shoplifting, actual bodily harm, burglary and assaulting a police officer. The police confirmed that the addresses had been used a number of times as bail addresses.

Approximately 70 intelligence reports on the address and the occupants and 16 Police Computer Aided Dispatch (CAD) calls regarding the property were also supplied by the SNT. The intelligence reports predominately related to incidents such as dumping rubbish, fighting, shouting, playing loud music, shoplifting and public urination which were taking place from 2pm through to the early hours of the morning.

The offences and incidents were not limited to the area surrounding the squat but were taking place at locations including Wimbledon town centre, which is nearly two miles away, and in Tooting which is in the neighbouring borough of Wandsworth.

A gap in the understanding was what attracted the squatters to that particular location. A prison intelligence interview undertaken with a former squatter of the address suggested that word had been spread around the local Polish/itinerant community that Mitcham and Wimbledon was a 'soft touch' and that if they were arrested for Burglary they should always claim that they were squatting as they would not get charged with anything if they did this.

The local SNT noticed that the electrical boxes outside the premises had been tampered with - the energy supplier EDF was contacted as the squatters had unlawfully extracting the power supply. This was subsequently disconnected by the company.

Environmental Health issued diary sheets to local residents to help gather evidence. It was found that after a month no completed diaries had been received and no reports of noise nuisance had been made. However, when the residents were contacted directly, they did report on generally aggressive and disruptive behaviour from squatters.

As an initial approach, Environmental Health Officers served Public Health Act 1936 Section 83 notices on both addresses in relation to the "filthy and verminous" conditions inside and at the exteriors of the properties. They also served notices under Section 29 Local Government (Misc. Provisions) Act 1982 to prevent unauthorised entry. Environmental Health were unable to pursue works in default at this stage due to the large number of uncooperative squatters at the premises.

As a result, Environmental Health engaged contractors to clear the premises. Work to clear the properties started in March 2011 and lasted for a week. Several tonnes of rubbish were removed.

This had a short term impact, however, complaints started to be received again. Following a leaflet drop by the council to 20 neighbouring properties to gather further evidence, further complaints and a 90-signature petition were received in addition to information from the Police of escalating criminal activity relating to the squatters. Police ASB figures also showed a significant increase in reporting from Colliers Wood ward during this time, from 429 in 2009/10 to 633 in 2010/11 – an increase of approximately 47.5%.

C. Response

In addition to the notices issued under the Public Health Act 1936, other possible long-term responses to resolve the issue were examined. This included a Housing Act 2004 Prohibition Orders, however this potentially could have required the Council to rehouse the evicted squatters and financially compensate them. Notice would need to be served on landlord or tenant before any Housing Act action which also may be difficult since the squatters withdrew their co-operation after previous notices served for access to clean property. The approach was considered but felt it would not achieve objective of removal of squatters.

Another approach considered was Premises Closure Orders under Part 1A of the Anti Social Behaviour Act 2003. These are tenure neutral powers that can be used to offer communities immediate respite by temporarily closing premises for three months, preventing access to even those with rights to live there or ownership. These would typically be premises that are responsible for significant and persistent disorder or persistent serious nuisance to a community - clearly the residents of Denison Road and local businesses were on the receiving ends of both.

Guidance stated that these powers should only be used as a last resort, where other interventions have been used or considered and rejected for good reason, and where implications such as vulnerable adults in the premises, had been carefully considered.

To ensure that this was the case, the names of the core members of the squat were circulated to the Housing Needs and Safeguarding teams for checks to be done. While there were no children in the squat, the council understood there were one vulnerable adult among the squatters – a person who had previously been referred to the Alcohol Team for alcohol misuse. As a result, further enquiries were made which identified that the individual was discharged from their services in October 2011.

A range of services came together for a multi-agency meeting to support the application for the Orders, with local residents providing statements.

This proposal was presented to the Anti Social Behaviour case panel in November 2011, with the decision agreed.

The Premises Closure notices were served on 23rd November 2011 to the squatters of 85 and 87 Denison Road by the SNT and ASBU. These notices gave the occupants 48 hours to seek legal representation and attend court on 25th November 2011.

The squatters were informed that if the court granted the Orders both premises would be boarded up and they would not have access.

It was necessary to ensure that those facing homelessness had access to legal and homelessness advice. As a result, a list of support groups for homelessness, legal, drug and alcohol services was compiled and given to those found on both premises and also displayed, in the event of squatters returning after they were closed. Documents

regarding the closure notice were translated into Polish and a translator accompanied officers.

The Police worked extremely hard to ensure that the operational plan for 25th November was effective, particularly as there were two possible outcomes – an adjournment or the order being granted, in which case Police would need to be ready to close the property and make sure any occupants left the area. The state of the premises, possibility of violence faced by police and the potential spotlight of this playing out in the local Community aggravated this plan.

Officers attended court on the day, and arrangements for the potential deployment of the borough Police Task Force, CCTV van and SNT staff to assist in the closure were put in place, with a briefing prepared for those involved.

On 25th November 2011 Wimbledon Magistrates Court granted the Premises Closure Orders for 3 months. That afternoon, both properties were searched for occupiers and boarded up.

Anyone trying to gain entry would be committing an offence and risk immediate arrest. Local residents were informed to contact the Police immediately if they saw this happening. Three weeks later it was reported that the houses had been broken into. Two people were arrested and received a one-year suspended sentence.

Environmental Health also served Public Health Act notices on both properties, with clearance work scheduled to start 28 days later for external works.

D. Assessment

The action undertaken was successful as the objective of removing the squatters from the premises was achieved.

Since the premises have been reboarded in December 2011, no further reports of people gaining entry to the properties have been received. No complaints regarding the premises have been received by the partners involved, indicating the success of the Orders in resolving the problem.

There was a concern about displacing the squatters to other parts of the borough. To combat this the other SNT's were made aware of the premises closure and have been paying attention to empty properties in case they were moved into by the squatters but this appears not to have occurred.

ASB reports in Colliers Wood ward have also dropped since the premises were closed. For the four months prior to closure (August to November 2011) there were a total of 144 ASB reports to Police. During the four months after closure (December 2011 to March 2012) there were 117 reports, a decrease of nearly 19%.

To evaluate the response undertaken by the Partnership and to support the extending the closure order for another three months to May 2012, further evidence was required. One of the approaches was quotes from local residents regarding the changes they had experienced in the local area since the closure orders were granted. The following are excerpts of these:

“Very glad something was done about the squat, my only concern is what will happen after 3 months. Police are keeping an eye on the properties.”

“Well done council and Police the squatters were a blight on the area”

“Since the closure of 85 and 87 Denison Road, I feel a lot more comfortable walking down my street. I haven't seen anyone urinating on the street or even heard any loutish behaviour. It just feels more peaceful. I've also noticed that the older residents are out and about more at dusk, rather than hiding behind their curtains.”

“It has been a significant relief to us to no longer be forced to co-exist with the squatters who had occupied the property opposite us. Particularly, we have appreciated a reduction in the levels of waste and dirt in the street, the cessation of the regular urination on the pavement outside our home and on our car, and fewer disturbances with associated noise and violence. We no longer feel an imminent threat to our safety when coming and going from our home.”

The resident statements in combination with data from those partners involved showing the decrease in ASB and cessation of complaints received after the premises had been closed was sufficient enough evidence to secure the three month extension to the closure orders in February 2012.

Use of this order was a first for the Police and Council. In addition to this, many of the applications are normally adjourned for further information so to be granted the Order on the first attempt illustrates the quality of the work undertaken to build the case by those involved.

This is also the first known case of Orders granted where the owners were not traceable, and where two properties were involved which were both squatted.

As of May 2012, the Council Legal Services team is in the process of seeking the sale of the properties. The court will make a listing within approximately 6-8 weeks for a hearing, at the hearing the Council will hopefully obtain an order for sale and then arrange to sell the properties and pay off the creditors, with the remaining money will be held in trust for the former proprietors. Legal Services estimate that the time to obtain an order for sale is approximately 2-3 months, not including the sale process.

Articles on the closure featured in the local newspaper (both print and online versions), a press release on the Council and Metropolitan Police websites, and in a newsletter delivered to the Colliers Wood residents by the local SNT.

The Denison Road closure is one of the six shortlisted finalists for the Municipal Journal (MJ) Achievement awards 2012.

This case shows the hard work and persistence needed to deal effectively with a problem affecting local residents. The blight on this quiet street didn't just affect those who live nearby, it was already being felt in neighbouring parts of the borough and would, most certainly, have grown in seriousness.

By taking a positive lead, bringing services and agencies together, working through the options and keeping residents informed and involved, the Partnership has delivered on one of its core objectives – to work for a safer, stronger community.

3. Agency and Officer Information

Key Project Team Members:

Safer Merton (ASBU), Merton Council (Environmental Health, Legal Services), Metropolitan Police Service (SNT, Legal Services).

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Appendices

Photographs of the premises:



Premises being boarded up:



Premises boarded:



Coverage of Premises Closure:

Wimbledon Guardian newspaper (online edition)

Thieves booted out of squat den

8:56am Tuesday 6th December 2011

By Omar Oakes

Squatters who invaded two houses were given their marching orders in a "rare and extreme action" by the council and police.

The two vacant semi-detached houses in Denison Road, Colliers Wood, were relieved of their unwelcome house guests after Merton Police secured a closure order.

According to police, residents and businesses had reported the squatters for a series of anti-social behaviour incidents and crimes, including shoplifting, fighting and general disorder.

After they were arrested several times for various reasons, a full case was presented to Wimbledon Magistrates Court on Friday 25 November, who issued an immediate Closure Order.

Sergeant Tony Richardson, from Colliers Wood safer neighbourhood team, said: "With the patience and support of our local residents and businesses, we have taken permanent action to close these properties down.

"This is police, council and community coming together in partnership to effectively tackle a long term local problem."

Merton Council said it is now seeking to take ownership of the property and recoup in order to "recoup accumulating costs".

Councillor Edith Macauley, cabinet member for community safety, said: "This is a very rare and extreme action which residents and local businesses were very supportive of due to the huge impact the squatters and their behaviour were having on the area.

She added: "It is this commitment to the cause that has helped get the necessary results and ensured that we are looking after the needs of the other residents in the area and working to keep the borough as clean and safe as possible."

Anyone who sees new squatters trying to enter the premises should call police on 101, or 999 in an emergency.

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Your Local
Guardian.co.uk
<http://www.yourlocalguardian.co.uk>

CLICK 
http://www.yourlocalguardian.co.uk/trade_directory/

Metropolitan Police website

The screenshot shows the Metropolitan Police website with the following elements:

- Header:** Metropolitan Police logo and 'TOTAL POLICING' text. A 'NEW SCOTLAND YARD' sign is visible in the top right.
- Navigation:** Home, Your Borough, Contact Us, News & Appeals, About Us, Advice, Careers. A search bar is located on the right.
- Breadcrumbs:** Home > Your Borough > Merton > News > SNT serve Closure Notice on squatters in Colliers Wood
- Cookie Notice:** A message stating: "We use cookies to help us understand how people use our website. The cookie settings on this website are set to 'allow cookies'. If you want to opt out, select no and we won't track your future usage. Are you happy for us to track your usage? Find out more about how we use cookies." Buttons for 'Yes' and 'No' are provided.
- Merton News Section:**
 - Article Title:** SNT serve Closure Notice on squatters in Colliers Wood
 - Date:** 30 November 2011
 - Image:** A small thumbnail image of police officers at a property.
 - Text:**

About 18 months ago, squatters took over two unoccupied semi-detached houses in Denison Road, Colliers Wood. Local residents and businesses reported a series of anti-social behaviour incidents and crimes being committed, including thefts from local shops, fighting and general disorder.

Supporting the local community, Merton Police Safer Neighbourhoods Team working in partnership with Safer Merton's Anti Social Behaviour Unit and Merton Council's Environmental Health team, conducted an intensive and comprehensive programme of investigation and evidence gathering, to resolve this problem.

With the squatters refusing to co-operate with police or local authority, and being arrested for offences on frequent occasions, a full case was presented to Wimbledon Magistrates Court on Friday 25 November, who issued an immediate Closure Order.

The Safer Neighbourhoods Team along with the Anti Social Behaviour Unit attended the premises in Denison Road that same day and enforced the order. The premises were secured and boarded up - anyone who returns to the property trying to gain entry commits an offence and risks immediate arrest.

Sergeant Tony Richardson, Colliers Wood Safer Neighbourhoods Team, said "This intensive operation represents a thorough and wide ranging investigation, to ensure we were able to present the best evidence possible to the court to secure this Closure Order. With the patience and support of our local residents and businesses, we have taken permanent action to close these properties down. This is police, council and community coming together in partnership to effectively tackle a long term local problem."

If you see anyone in Denison Road trying to enter the boarded up premises, please call police any time by dialling 101, or if immediate police attendance is required in an emergency, 999.

The London Borough of Merton Council are seeking to take ownership of the property in order to recoup accumulating costs.
 - Quote:** "We have taken permanent action to close these properties down"
- Image Gallery:** A larger image showing police officers in front of a boarded-up brick building. Caption: "Safer Neighbourhoods officers serve closure notice". A 'View actual size' link is present.
- More Section:** A sidebar menu with the following links:
 - About us
 - News & Appeals
 - Get involved
 - Local performance and statistics
 - Freedom of Information
 - Our partners
 - Report a crime