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Cherwell District Council

Executive

Minutes of a meeting of the Executive held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 7 November 2016 at 6.30 pm

Present: Councillor Barry Wood (Chairman), Leader of the Council
Councillor G A Reynolds (Vice-Chairman), Deputy Leader of the Council

Councillor Ken Atack, Lead Member for Financial Management
Councillor Colin Clarke, Lead Member for Planning
Councillor Tony Ilott, Lead Member for Public Protection
Councillor D M Pickford, Lead Member for Housing
Councillor Lynn Pratt, Lead Member for Estates and the Economy
Councillor Nicholas Turner, Lead Member for Change Management, Joint Working and IT

Also Present: Councillor Sean Woodcock, Leader of the Labour Group

Apologies for absence: Councillor John Donaldson, Lead Member for Housing
Councillor Kieron Mallon, Lead Member for Banbury Futures

Officers: Sue Smith, Chief Executive
Scott Barnes, Director of Strategy and Commissioning
Karen Curtin, Commercial Director
Ian Davies, Director of Operational Delivery
Kevin Lane, Head of Law and Governance / Monitoring Officer
Paul Sutton, Chief Finance Officer / Section 151 Officer
Adrian Colwell, Head of Strategic Planning and the Economy, for agenda items 7, 8 and 9
Jackie Fitzsimons, Shared Public Protection Manager, for agenda items 10 and 11
Natasha Clark, Interim Democratic and Elections Manager

73 **Declarations of Interest**

There were no declarations of interest.

74 **Petitions and Requests to Address the Meeting**

There were no petitions or requests to address the meeting.

75 **Urgent Business**

There were no items of urgent business.

76 **Minutes**

The minutes of the meeting held on 3 October 2016 were agreed as a correct record and signed by the Chairman.

77 **Chairman's Announcements**

The Chairman made the following announcement:

1. Members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

78 **Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper**

The Head of Strategic Planning and the Economy submitted a report to seek approval of an Options Paper for the Partial Review of Local Plan Part 1 for formal public consultation.

Resolved

- (1) That the Oxfordshire Growth Board's decision to apportion 4,400 homes to Cherwell District in the interest of meeting Oxford's agreed unmet housing need be noted.
- (2) That the Partial Review of the Cherwell Local Plan 2011 – 2013 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper be approved for formal public consultation.
- (3) That the Head of Strategic Planning and the Economy be authorised to make any necessary minor and presentational changes to the Partial Review of the Cherwell Local Plan 2011 – 2013 (Part 1): Oxford's Unmet Housing Need Options Consultation Paper before formal consultation commences.
- (4) That the Head of Strategic Planning and the Economy be authorised to produce a summary booklet to support public consultation.

Reasons

An Options consultation paper for the Partial Review of the adopted Cherwell Local Plan Part 1 (2011-2031) is presented for approval. The Options Paper presents alternatives on how Cherwell District might accommodate its 'share' of the unmet housing need arising from Oxford, as apportioned by the Oxfordshire Growth Board. The Options Paper concerns: 1) the level of housing the district is being asked to accommodate; 2) a draft vision and draft

objectives; 3) 'areas of search'; 4) potential strategic development sites; and, 5) the emerging evidence base. The Executive's approval of the Options Paper is sought to proceed to public consultation.

Alternative options

Option 1: To delay the Options Paper to enable further evidence to be considered

A consultation now will provide officers the opportunity to consider whether the options / alternatives identified are reasonable, to acquire further information in testing options/alternatives, and to meet the deadline for Submission for examination (20 July 2017). A delay would make it very difficult to meet the two year review programme that the Council has committed to within paragraph B.95 of the adopted Cherwell Local Plan 2011-2031 (Part 1).

Option 2: To reconsider the content of the Options Paper

The Options Paper has been produced having regard to national policy and guidance, the county-wide work for the Oxfordshire Growth Board, public consultation on issues, site submissions, engagement with prescribed bodies, emerging evidence and Local Plan Part 1. It is considered by officers to be an appropriate consultation document.

79

Community Infrastructure Levy (CIL) Draft Charging Schedule and Developer Contributions Supplementary Planning Document (SPD)

The Head of Strategic Planning and the Economy submitted a report to seek Member endorsement to consult the public for six weeks on the Community Infrastructure Levy (CIL): Draft Charging Schedule and Developer Contributions Supplementary Planning Document (SPD).

In introducing the report, the Lead Member for Planning, Councillor Clarke, explained that this was the second of two formal consultations on a potential CIL charge for Cherwell to be followed by an examination in public.

The Developer Contributions SPD formed part of the Council's Local Development Framework and its content would be subject to one formal consultation.

Resolved

- (1) That the Community Infrastructure Levy (CIL) Draft Charging Schedule, which also includes a Draft CIL Regulation 123 list and Draft Instalments Policy, be approved for a six week public consultation.
- (2) That the Draft Developer Contributions Supplementary Planning Document be approved for a six week public consultation.
- (3) That the Head of Strategic Planning and the Economy be authorised to make any necessary minor and presentational changes to the Community Infrastructure Levy (CIL) Draft Charging Schedule and

Draft Developer Contributions Supplementary Planning Document before formal consultation commences.

Reasons

A Draft Charging Schedule and a Draft Developer Contributions SPD are presented for approval to proceed to formal consultation.

Once adopted and subject to consultation, CIL and the Developers Contributions SPD will operate alongside each other forming the package of contributions or obligations expected to come forward from development proposals to mitigate the impact of development and help fund infrastructure needed to support growth. They are not intended to provide all the funding needed but could help maximise resource income which would otherwise not be available.

Alternative options

Option 1: Not consulting on the proposed documents

Officers consider that without proceeding with this consultation the Council will not be able to assess the potential benefits of implementing CIL. Consultation will help ensure a robust and transparent process.

The current Draft Planning Obligations SPD (July 2011) is now out of date, it carries little weight in decision making and its continued use will potentially make it more difficult for the Council to secure S106 developer contributions in the future.

Option 2: Amending the proposed documents

The two documents proposed for consultation were prepared having regard to national policy guidance, informal engagement with key stakeholders and updated development evidence. It is considered by officers that they present an appropriate balance between ensuring that 'as a whole' the economic viability of development proposals is not detrimentally affected and the desire to fund infrastructure.

Proceeding to consultation will provide a further opportunity for stakeholders and members of the public to address matters formally and inform the preparation of both documents.

80

A Business Improvement District (BID) for Banbury

The Head of Strategic Planning and the Economy submitted a report to seek approval to proceed with the preparation of a Business Improvement District (BID) for Banbury.

Resolved

- (1) That the Banbury Business Improvement District (BID) feasibility report be noted.

- (2) That agreement be given to commit resources to move to phase two, preparing the Banbury Business Improvement District (BID) Business Plan and preparation for the Ballot.

Reasons

The proposal for a BID for Banbury is judged to have sufficient business support to proceed.

A BID for Banbury is expected to assist businesses and the Council to work together to strengthen the town centre in particular and Banbury in general by increasing the marketing of the town and undertaking a series of activities to increase footfall into the town centre and so assist improve the vitality of the town centre, as new town centre investment at Castle Quay two comes on stream.

A BID for Banbury will assist Banbury to compete with neighbouring towns.

Alternative options

Alternative Option: To not proceed into stage two of the assessment.

This is not recommended as not proceeding will forgo the opportunity to support a business led project that has the potential to draw additional resources into action that would promote the town to the benefit of all stakeholders.

The proposed recommendation to proceed to the next stage is considered to be an appropriate response to the findings of the feasibility study.

81

Banbury Town Centre Public Spaces Protection Order (PSPO)

The Public Protection Manager submitted a report to propose the making of a Public Spaces Protection Order (PSPO) in Banbury Town centre to prevent the detrimental effect of begging, drinking and sleeping rough on those who reside, work and visit the town centre.

Resolved

- (1) That the making of a Public Spaces Protection Order in Banbury Town Centre (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Public Protection Manager to take all necessary steps to enforce the Public Spaces Protection Order in Banbury including the necessary authorisation of individual officers to issue fixed penalty notices.

Reasons

The evidence from the consultation supports the proposal for making the PSPO.

The inclusion of the Fixed Penalty Notice provisions is in line with the Council's Enforcement Policy and the Regulators Code. A Fixed Penalty Notice provides for an additional sanction as part of a stepped approach to enforcement and is a proportionate, cost effective means of seeking to ensure compliance with the Order.

Alternative options

Option 1: Not to confirm the PSPO which will mean that without a PSPO, the local authority will continue to work with the police, within current legislation. Reasons for rejection: The current legislation dates to the 1824 Vagrancy Act, and is only enforceable by a police officer. The Council does not have any authority to prosecute begging, or enforce drink related disorderly behaviour. With regard to drinking, this report has previously alluded to the fact that a drink banning order is limited to irresponsible drinking only. As it is not a ban the police will only react to problematic or disorderly drinkers. In choosing to continue within current legislation, this will be a missed opportunity to address what appears to be an escalating activity

82

Joint Anti-Social Behaviour Policy

The Public Protection Manager submitted a report to consider a draft Joint Anti-social Behaviour Policy, for Cherwell District Council and South Northamptonshire Council subject to public and stakeholder consultation.

Resolved

- (1) That the draft Joint Anti-social Behaviour Policy (Annex to the Minutes as set out in the Minute Book) be approved.
- (2) That authority be delegated to the Public Protection Manager to consider responses and, if necessary, amend the policy in consultation with the Lead Member for Public Protection.
- (3) That authority be delegated to the Public Protection Manager to take all necessary steps to enforce the policy including the setting of the amounts of fixed penalties and the authorisation of individual officers to issue fixed penalty notices.

Reasons

The current CDC and CNC policies need updating as they do not reflect current legislation or practice.

In April 2016, a new shared Public Protection Service with South Northamptonshire Council was formed including a new shared Safer Communities Team.

The draft policy seeks to set out a common approach for dealing with anti-social behaviour for each local authority, so that a proportionate and consistent service is delivered in the communities of both councils.

In developing the policy, regard has been given to the Regulators Code and the joint corporate Enforcement Policy.

Alternative options

The only alternative is to reject the proposal and retain two individual updated policies, one for each Council.

Rejecting the new shared policy will require separate updated policies for each Council so that both Councils carry out regulatory activities in a way which is accountable, consistent, fair, proportional and transparent.

83

Tenancy Strategy 2017

The Head of Regeneration and Housing submitted a report to provide Executive with an overview of the changes to Tenancy Strategy for approval to consult.

Resolved

- (1) That wider consultation of the draft revised Tenancy Strategy be approved.
- (2) That agreement be given to another report being presented to Executive following consultation on the draft Tenancy Strategy.

Reasons

The Tenancy Strategy forms an important part of the Council's vision for the provision of Affordable Housing in the District and it complements the objectives within the Housing Strategy. It provides an overview to Registered Providers the expectations on its partners in delivering affordable housing as well as the Council's willingness to work positively with new ways of delivery, while safeguarding the interests of some of the District's more vulnerable residents.

To a large extent the fundamental principles which the Council approved in its Tenancy Strategy in 2012 are still relevant and there is no proposal within this review and redraft to change any of those positions. Therefore this is more a refresh of the 2012 Strategy rather than a change in position.

Given the fast changing environment in housing and related policy, the Strategy will be reviewed on an annual basis to ensure it remains relevant and in line with the Council's requirements.

Alternative options

Option 1: To agree for officers to consult on the draft Tenancy Strategy

Option 2: Not to consult on the Tenancy Strategy

Option 3: Not to proceed with review of the current Tenancy Strategy and instead continue with the existing one.

84 **Local Development Company**

The Commercial Director and Head of Regeneration and Housing submitted a report to seek approval in principle for the establishment of a local development company with South Northamptonshire Council to act as an investment vehicle for the councils and to provide housing which meets housing need not met by the current market.

Resolved

- (1) That the establishment of a local development company with South Northamptonshire Council be agreed in principle.
- (2) That approval be given to officers to complete further work to prepare a full business case for the local development company to be considered by South Northamptonshire Cabinet and by Cherwell District Council Executive in due course.

Reasons

This report is requesting Executive members to agree in principle to establishing a local development company with South Northamptonshire Council, such an approval is being sought as the local development company offers a future opportunity to:

- Generate income for the Council to contribute towards closing the financial gap in the Council's medium term financial plan;
- Provide housing which meets housing need not currently met by the current market.

Alternative options

Option 1: Not to support the establishment of a local development company but this would reduce the opportunities available to the Council to generate income and to address gaps in the current local housing market.

85 **Results of the Customer Satisfaction Survey 2016**

The Director – Strategy and Commissioning submitted a report which provided a summary of the key messages from the Annual Customer Satisfaction Survey which was undertaken in July 2016. This report also outlined some recommended actions to develop the Annual Customer Satisfaction Survey as an integral part of Cherwell District Council's consultation with residents.

Resolved

- (1) That the report be noted.

- (2) That appropriate results be used in the setting of Business Plan and Service Plan objectives and targets.
- (3) That it be agreed that the 2016 results be used as a baseline for future target setting and benchmarking (given the change in methodology for identifying and receiving information from respondents).
- (4) That the action plan for reviewing and developing the survey content for 2017/18 be agreed.

Reasons

While key results have shown a dip in performance when compared to the performance last year, it is critical to consider the improvement in the number and range of respondents we now are using. Instead of asking a very small sample of people who have volunteered to respond, we are posing the questions to a far broader set of respondents and getting a more representative view of satisfaction from Cherwell residents.

The annual satisfaction survey is a core method of getting feedback from our residents. By reviewing the question base to align it with key service requirements for customer opinion and also the aims and priorities of the Corporate Business Plan, we will improve the quality of information we receive and the decisions that are made based on feedback and satisfaction data. A more concise survey may also improve response rates.

Alternative options

Retaining the current survey will mean that we don't utilise the survey fully as a source of customer feedback information

Using the wider respondent base has meant a dip in results this year but provides a more accurate reflection of opinion in the district. Reverting to a more select group of respondents could potentially mask issues.

86

Bicester Healthy New Town Status

The Director of Operational Delivery submitted a report to inform of progress in implementing the Bicester Healthy New Town Programme and to ask Executive to endorse its proposed delivery plan.

Resolved

- (1) That the progress in the implementation of Bicester's Healthy New Town Programme be noted.
- (2) That the programme's proposed delivery plan be endorsed.

Reasons

Good progress has been made in identifying a clear focus for the Healthy New Town Programme that reflects local priorities and which can result in

meaningful and positive change for Bicester residents. Clarification of the aims of the programme and its objectives will enable the programme to be effectively evaluated to assess its impact.

Following final feedback from the Bicester Partnership Group, the programme delivery plan will be submitted to NHS England for approval with a view to implementation commencing from 1 November 2016.

Alternative options

Option 1: Not to endorse the detailed HNT Programme Delivery Plan co-produced with local partners and Bicester stakeholders. This is not proposed due to the relevance of this programme to Bicester, the importance of local people understanding and knowing how it can make a difference, and the need for a detailed delivery plan to secure funding from NHS England.

87

Business Rates Pooling Update

The Chief Finance Officer submitted a report to seek approval in principle for the Council to continue to participate in a business rates pool.

Resolved

- (1) That the Council remain in a business rates pool for participating authorities in Oxfordshire, noting the risks and benefits, be endorsed and approved 'in principle'.
- (2) That delegated authority be granted to the Chief Finance Officer (S151 Officer), in consultation with the Lead Member for Financial Management, to conclude necessary due diligence each year and confirm the Council's final intention on whether or not to participate in an Oxfordshire business rates pool (however constituted) in future years. This is subject to the Government not changing the current arrangements for pooling and if the arrangements were to change then a report would be brought back to Members for consideration.

Reasons

It appears that the Council's financial interests will best be maximised by continuing to participate in a pooling arrangement. Given the lack of formal guidance from DCLG for confirming the Council's position and due to the fact that we may need to act quickly should DCLG require confirmation, it is necessary and appropriate to grant delegated authority to determine this to the Chief Finance Officer (S151 Officer) in consultation with the Lead Member for Financial Management. This arrangement should be ongoing but be subject to the Government not changing the current arrangements for pooling. If the arrangements were to change then a report will be brought back to Members for consideration.

Alternative options

Option 1: To not approve the recommendations set out above. Based on current informal guidance, CLG are not asking for confirmation at the moment but this situation may change and urgent action will then be needed to inform CLG on whether or not to remain in the North Oxfordshire Pool.

The meeting ended at 7.20pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

SECTION 59

PUBLIC SPACES PROTECTION ORDER

Cherwell District Council being satisfied on reasonable grounds that the below detailed activities are carried on in a public space, namely, Banbury Town Centre, outlined red on the attached map ("the Restricted Area"), and that those activities:-

- Have had a detrimental effect on the quality of life of those in the locality
- Are of a persistent or continuing nature such as to make the activities unreasonable
- Justify the restrictions imposed by this Order

HEREBY MAKES the following Order:

1. CONSUMING ALCOHOL

- No person shall consume alcohol or have in their possession an open container of alcohol in the open air within the Restricted Area.

Where a constable or authorised person reasonably believes that you are or have been consuming alcohol, or intend to consume alcohol in breach of this Order a constable or authorised person may require you:-

- Not to consume alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- To surrender anything in your possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol

The constable or authorised officer may dispose of anything surrendered in whatever way he or she thinks appropriate.

2. BEGGING

No person shall beg in the Restricted Area.

3. SLEEPING ROUGH

No person shall sleep rough in the Restricted Area. For the purpose of this Order sleeping rough is defined as sleeping in the open air or in/ under a temporary structure.

PENALTIES

Any person who without reasonable excuse consumes alcohol in breach of this Order or fails to surrender alcohol to a constable or authorised person in breach of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding £500.

Subject to the above, any person who without reasonable excuse carries on an activity which is prohibited by this Order or fails to comply with a requirement of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding £1000.

FIXED PENALTY NOTICE

A constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence in relation to this Order. You will have 14 days to pay the fixed penalty of £100.00p. If you pay the fixed penalty within the 14 days you will not be prosecuted. If the fine is paid within 7 days the amount is reduced to £50.00p

THE PERIOD FOR WHICH THIS ORDER HAS EFFECT

The Order will take effect from 1 December 2016 until 31 November 2019

Dated.....

The Common Seal of
Cherwell District Council
was affixed in the presence of

.....

Head of Law and Governance



Anti-Social Behaviour Policy

July 2016



South
Northamptonshire
Council

Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Anti-Social Behaviour Policy

1. Introduction
2. Policy Statement
3. Policy Objectives
4. Definitions
5. Reports of Anti-social Behaviour
6. Complex Cases
7. Recording and Information Sharing
8. Implementation and Communication
9. Training and Awareness
10. Monitoring, Review and Evaluation
11. Relevant Acts
12. Our Role in protecting the environment
13. Complaints

Anti-social behaviour Policy

1. Introduction

Anti-social behaviour (ASB) is a broad ranging term encompassing an eclectic variety of situations and behaviours which can vary in complexity, seriousness and are deemed as Anti-social in nature.

The aim of this policy is to ensure that a systematic approach is taken by Cherwell District Council and South Northamptonshire Council in the reporting, recording, investigating and monitoring of all anti-social behaviour cases, to ensure that residents are able to enjoy living in their homes and communities without unreasonable interference from others.

2. Policy Statement

Cherwell District Council and South Northamptonshire Council is committed to responding effectively to any incident or report of Anti-social Behaviour, working with other “responsible authorities” – i.e. the relevant district or unitary council; the chief officer of police for the area; each clinical commissioning group wholly or partly in the local government area and social housing providers who provide social housing among the relevant bodies. There must be arrangements to co-opt social housing providers into the procedures provided for by the Act. This is achieved by working in partnership to ensure that the rights of the public are respected and their security ensured.

3. Policy Objectives

The main objectives of this policy are to ensure that:

- ❖ Incidents of Anti-social Behaviour are reported and that the public have, and are aware of, the ways in which they can report such incidents i.e. on line reporting form, telephone, email etc.
- ❖ All reports are treated in confidence and, in cases where the incident is reported by a third party we will only contact the victim if the third party has been given their express permission to contact the Council on their behalf.
- ❖ Early intervention is taken to prevent the escalation of the behaviour that is considered anti-social into behaviour of a more serious nature.
- ❖ Appropriate support is given to victims, their families and any other witnesses.
- ❖ Victims and witnesses are informed of the full range of services available from the Council and other appropriate agencies.
- ❖ All service requests of ASB are appropriately investigated and dealt with in a timely manner.
- ❖ Perpetrators and potential perpetrators of ASB are aware of the possible consequences of their actions.
- ❖ Appropriate legal action is taken where there is clear evidence against the perpetrators.

- ❖ All cases are dealt with fairly and in accordance with current Equalities Act 2010.

4. Definitions

Section 2(1) of the Anti-Social Behaviour, Crime and Policing Act (2014) defines Anti-Social Behaviour (ASB) as:

- a) “Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”
- b) “Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”
- c) “Conduct capable of causing housing-related nuisance or annoyance to any person”

“Housing-related” means “directly or indirectly relating to the housing management” of either a housing provider or local authority. The “housing management” functions of a “housing provider or local authority” include “functions conferred by or under an enactment” and “the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

5. Reports Of Anti-social Behaviour

We will ensure that:

- Reports of anti-social behaviour will be treated seriously and dealt with professionally.
- All reports will be treated as confidential. Information will only be shared with other organisations with the complainant’s prior consent. This will be carried out taking into account data protection laws and information sharing agreements;
- That any criminal ASB reported to us is quickly passed on to the police.
- We register each report of ASB we receive onto our database and give it a unique case reference number which will be shared with the customer.
- We appoint a named officer to lead on each case.
- We fully investigate the complaint.
- We aim to contact the complainant within 2 working days of receipt of their complaint.
- We aim to complete our investigation within 8 weeks. This will depend on nature and complexity of the complaint and liaison with other organisations. We aim to update the complainant periodically as the complaint progresses.
- We continue to treat any reports or case received as ‘live’ until, in the opinion of the lead officer and the lead officer’s manager, where appropriate, the case can be closed;
- We notify the complainant when a case is closed.
- We explain our reasons, should we choose to take no further action on a report of ASB, and advise on other alternative courses of action whenever it is possible and appropriate to do this.
- When a complainant is dissatisfied with the way that we handle complaints we will respond promptly to complaints about our service and advise anyone not satisfied with the way in which their case was handled how to make a formal complaint, see Section 13.

6. Complex Cases

Anti-social behaviour (ASB) can very rarely be resolved by one organisation alone as it normally involves a combination of factors for which different agencies have jurisdiction. Complex or high risk cases of anti-social behaviour may be managed through a multi-agency approach, either at regular pre-planned meetings or if the seriousness of the matter befits then through a stand-alone multi-agency meeting.

A flexible approach to the management of the case will be adopted, in responding to the incident being alleged; the vulnerability of the victim and the seriousness of the issues being reported.

As well as responding to complaints from the general public we will also carry out proactive targeted activities either on our own or with the relevant partner agency.

Anonymous complaints will be recorded and assessed. Information will be shared with partner agencies, where appropriate, but may not be fully investigated if we do not have sufficient evidence to progress. We will also consider whether the complaint may be malicious in nature. All complainants will be assured that their details will not be revealed to the alleged perpetrators. They will however be advised that if formal action is required in the future then they may be asked to attend court.

7. Recording and Information Sharing

Reports of anti-social behaviour can be received by the Council in many ways:

- Personal visit to any Council Office.
- Telephone
- Email
- On-line reporting form
- Social media pages
- In writing
- Via other agencies

These reports can be about an individual; a group of people; a particular location; a residential property or a business.

It is likely that the complaint has been reported to more than one agency.

The Lead Officer should determine whether any other agency has received contact from the same complainant. All complaints should be recorded on a database and the unique reference number relayed to the complainant at the earliest possible opportunity.

Information Sharing Protocols are already in place between partner agencies, but consent to share complainants details must be sought from them.

In dealing with any report of ASB a risk assessment should be undertaken by the Lead Officer if one has not already been completed by a partnership agency.

The risk assessment is a series of questions aimed at establishing:

- how often the incidents are occurring
- if they are increasing in frequency

- whether or not it is directed at the person reporting or community wide
- is the alleged offender intimidating the victim or making them fear violence
- does the victim consider that they are targeting them because of race, sexuality or disability.

The risk assessment also establishes if the victim is vulnerable; the impact the behaviour is having on them and what support network is in place, if any, for the victim.

8. Implementation and Communication to our customers

We will ensure that our officers are familiar with the policy and will implement the procedures. The policy and procedure is available on Councils web sites.

We will ensure that a record of all communications are accurately logged on our databases and updated in a timely manner as the investigation progresses.

9. Training and Awareness

Regular communication, training and awareness are important to ensure that all relevant employees understand our commitment to reducing anti-social behaviour and understand their responsibilities and role in the process. It is the responsibility of managers to ensure that all Council employees are aware of their responsibilities. The Council has a Corporate Training and Development Plan to meet those training needs which are relevant to the delivery of its services.

10. Monitoring, Review and Evaluation

This policy will be monitored and reviewed annually taking into consideration legislative changes and developments in good practice, to ensure it meets the needs of members of the public and the requirements of the local authority. Any changes to the policy will be in consultation with the appropriate organisations and in line with the national enforcement policy and guidance.

11. Relevant Acts.

The Council will exercise its regulatory activities in a way which is accountable, consistent, fair, proportional and transparent.

In making these decisions we will have cognisance of the Human Rights Act 1998, the Council's Equality Policy and the Equalities Act 2010.

This Policy relates predominantly to the implementation of the Anti-social Behaviour, Crime and Policing Act 2014 and the sections therein;

Part 1: Putting victims first

Community Trigger: Relevant bodies and responsible authorities are under a statutory obligation to undertake a case review by way of the community trigger.

In order to initiate the community trigger a statutory threshold must be met, the criteria for this Council, is laid out below:

- 3 qualifying reports within the previous 6 months of trigger
- Each report must have been made within 1 month of the alleged incident
- Each reported incident must have caused harassment, alarm or distress, not nuisance or annoyance
- None of the reports can be anonymous
- The complaint cannot be about a specific organisation but the dealing of their case
- Also taken into account is the level of harm caused or potential harm caused by the behaviour and the adequacy of any previous responses

If a request for activation of a 'community trigger' is received we will respond within 2 working days and determine if the criteria are met within 7 working days. If the criteria are met the matter will be dealt within 28 working days.

The local authority will carry out this function and details of how to initiate the Community Trigger can be found on the Council website(s) at: <http://www.cherwell.gov.uk/index.cfm?articleid=10280> for Cherwell District Council or <http://www.southnorthants.gov.uk/1962.htm> for South Northamptonshire Council, or in writing to the Community Safety Manager.

Community Remedy: gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour. This function is carried out by the police. Details are available at: www.thamesvalley.police.uk or www.northants.police.uk

Part 2: More effective powers

The following are examples of powers that the local authority and other agencies can use to tackle complaints of Anti-social behaviour.

Early and informal interventions: Dealing with anti-social behaviour is rarely simple. The new powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations. However, the new powers will work best when complemented by more effective ways of working – in particular, working in partnership, sharing information and using early and informal interventions.

Verbal or written warnings can very often address the issue, if not then offering mediation or signing a perpetrator up to an Acceptable Behaviour Contract (ABC), an informal written agreement addressing their behaviour that is deemed anti-social or unacceptable, may be sufficient to resolve the matter. If these options are ineffective then escalating to something more formal should be considered.

Civil injunction: To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. The Council, Social Landlords and the Police can apply for these.

Criminal behaviour order: Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. A CBO can be applied for by the prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.

Dispersal power: Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. This power is solely available to the Police to implement and enforce.

Community protection notice: To stop a person aged 16 or over, business or organisation committing anti-social behaviour that can be seen to blight a communities' quality of life. The Council, Police and Social Landlords (If authorised by the Council) can issue these.

Public spaces protection order: Designed to stop individuals or groups committing anti-social behaviour in a public space. Council and Police Officers can enforce the conditions stated on any order passed.

Closure power: To allow the police or Council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder such as under the misuse of drugs act. A Closure Notice can be for up to 48 hours and the Full Order can be up to 6 Months.

Absolute ground for possession: The Act introduces an absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven in another court. This allows Social landlords or Private rented sector landlords to expedite the eviction of their most anti-social tenants and bring faster relief to victims.

12. Our role in protecting the environment.

The Council has a range of responsibilities to deal with environmental ASB, such as noise, graffiti, litter, dumped rubbish and abandoned cars. These responsibilities arise from a number of Acts, in particular the Environmental Protection Act 1990.

Whilst noise nuisance can be considered to be anti-social the vast majority of noise complaints can and will be dealt with under the Environmental Protection Act 1990 and as such will fall under the South Northamptonshire and Cherwell District Council Noise Policy, which can be found by following this link:

<http://www.cherwell.gov.uk/media.cfm?mediaid=17411>

[http://www.southnorthants.gov.uk/2014_Noise_Policy_statement\(1\).pdf](http://www.southnorthants.gov.uk/2014_Noise_Policy_statement(1).pdf)

13. Complaints:

Whilst we will always endeavour to provide the best possible level of service it is acknowledged that occasions may arise where a customer is dissatisfied with the service provided. We have a Council Complaints Policy so that customers have a mechanism to feedback on their experience.

For South Northamptonshire Council

Our Complaints procedure and online complaints form can be accessed online using the following address <http://www.southnorthants.gov.uk/complaints-and-comments.htm>

Information regarding the Council's Complaints policy can be obtained by contacting Customer Services on 01327 322322 or email customerservices@southnorthants.gov.uk

For Cherwell District Council:

Our Complaints procedure and online complaints form can be accessed online using the following address

<http://www.cherwell.gov.uk/index.cfm?articleid=1512>

Information regarding the Council's Complaints policy can be obtained by Customer Services on 01295 227001 or email customer.service@cherwell-dc.gov.uk