



# Anti-Social Behaviour Policy

## July 2016

# **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](http://www.thamesvalley.police.uk) or [www.northants.police.uk](http://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](mailto: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](mailto:customer.service@cherwell-dc.gov.uk)