

SOUTH DERBYSHIRE DISTRICT COUNCIL

Annexe 1

ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURES

2009

**LEISURE AND COMMUNITY
DEVELOPMENT DEPARTMENT**

Draft

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1. INTRODUCTION

South Derbyshire District Council is actively working to reduce anti-social behaviour across the district. Through the introduction of the Crime and Disorder Act 1998 a statutory duty was placed on Local Authorities the Police, PCT, Probation Service and other local organisations to work together and form a partnership to tackle crime and disorder; through this legislation the Safer South Derbyshire Partnership was formed. The Partnership is the local Crime and Disorder Partnership (CDRP) for the district of South Derbyshire.

The Safer South Derbyshire Partnership is made up of the following agencies:

- South Derbyshire District Council - www.south-derbys.gov.uk
- Derbyshire Constabulary - www.derbyshire.police.uk
- Derbyshire County Council - www.derbyshire.gov.uk
- Derbyshire Probation Service - www.dpsonline.org.uk
- Derbyshire County PCT - www.derbyshirecountypct.nhs.uk
- Derbyshire Fire & Rescue Service - www.derbyshire-fire-service.co.uk
- Derbyshire Police Authority - www.derbyshire.police.uk
- South Derbyshire CVS - www.southderbyscv.org.uk
- Derbyshire Drug and Alcohol Action Team - www.saferderbyshire.gov.uk

This policy details what anti-social behaviour is, what the Safer South Derbyshire Partnership is doing to reduce it and the processes involved in resolving and dealing with cases of anti-social behaviour.

This policy supplements and is to be read in conjunction with the following existing documents:

- Safer South Derbyshire Partnership Community Safety Plan 2008-2011
- South Derbyshire District Council Housing Services Anti-Social Behaviour Policy
- Derbyshire Local Area Agreement 2008-2011
- The Respect Agenda

2. POLICY OBJECTIVES

Following a strategic assessment and through consultation with local people four priorities have been identified for the Safer South Derbyshire Partnership to focus on between 2008-2001, these priorities are:

To Reduce:

- ❑ The Fear of Crime
- ❑ Violent Crime
- ❑ Criminal Damage & Anti-Social Behaviour
- ❑ Acquisitive Crime

The Anti-Social Behaviour Policy is an integral part of achieving these objectives. The main objectives of this policy are:

- ❑ To ensure that early intervention is always taken through responding effectively to locally identified anti-social behaviour priorities to prevent the escalation of anti-social behaviour.
- ❑ To effectively monitor incidents and fear of anti-social behaviour within neighbourhoods.
- ❑ To fully investigate complaints of anti-social behaviour in an objective, consistent and fair manner within a given timescale.
- ❑ To encourage victims and witnesses to report incidents.
- ❑ To support and protect victims and witnesses, taking a victim oriented approach when dealing with complaints of anti-social behaviour.
- ❑ To work in partnership with partner agencies to tackle anti-social behaviour in relation to both individuals and locations.
- ❑ To address the behaviour of perpetrators through a combination of early intervention, non-negotiable support and strong enforcement, making full use of legal powers available.
- ❑ To promote a culture that challenges anti-social behaviour.

3. DEFINITION OF ANTI-SOCIAL BEHAVIOUR

The term “anti-social behaviour” includes a variety of unacceptable behaviour that can blight the lives of both individuals and communities.

The Crime and Disorder Act 1998 defines anti-social behaviour as:

“ Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves”

This is the definition that has been adopted by the Safer South Derbyshire Partnership. It clearly recognises that any nuisance behaviour whether criminal or not can be deemed to be anti-social. Whilst understanding that individual’s views on anti-social behaviour differ according to their tolerance levels and expectations the Safer South Derbyshire Partnership is committed to reducing the levels of anti-social behaviour, whether the victims are residents, visitors or individuals who work within South Derbyshire.

There are many types of anti-social behaviour, which include, but are not limited to:

- ❑ Verbal abuse
- ❑ Harassment on the grounds of age, gender, religion, race, colour, disability, sexual orientation or cultural background
- ❑ Noise
- ❑ Intimidating groups
- ❑ Abandoned or burnt out vehicles
- ❑ Physical violence or threats of violence
- ❑ Supply or consumption of drugs
- ❑ Alcohol and solvent abuse
- ❑ Litter /fly tipping
- ❑ Criminal damage
- ❑ Riding motorbikes, mini motos or mopeds illegally
- ❑ Allowing premises to be used for illegal or immoral purposes, such as prostitution, handling drugs or the handling or storing of stolen goods
- ❑ Nuisance associated with business premises
- ❑ Nuisance or annoyance caused by barking dogs or dog fouling
- ❑ Unkept gardens e.g. those which attract fly tipping, creating both an eyesore as well as attracting vermin
- ❑ Neighbour disputes

4. DEALING WITH INITIAL COMPLAINTS

When an initial complaint of anti-social behaviour is received the complaint will be categorised as:

Class A –Very Serious

Class B-Serious

Class C- Minor

Class A includes harassment on the grounds of race, sexual orientation or disability, as well as any other actual or threatened violence, or any other serious criminal activity.

Class B includes heated verbal arguments and serious disputes, allegations of petty criminal activity, threats or threatening behaviour or low level criminal damage.

Class C includes most neighbour disputes, as well as low level anti-social behaviour such as nuisance motorbikes, littering, youths congregating, football nuisance, underage drinking.

Complaints can be received via the following ways:

- Telephone –ASB Helpline / ASB Officer
- Letter
- Email
- An appointment with the ASB Officer
- Public meetings
- Agency referral
- Fax

The Safer South Derbyshire Partnership is committed to investigating all anti-social behaviour complaints that are made, however it is important to ensure that the most serious complaints categorised into Class A are investigated without delay.

Upon Receipt of a Class A Complaint the Following Will Occur:

If a complaint is received by the Council's Customer First Team the team will record the complainants name, address, telephone number and type the incident details onto the CRM system. They will send out an acknowledgement letter, incident diary and guidance notes within 24 hours.

If the complaint is received by the Council's Anti-Social Behaviour Officer details will be entered onto the FLARE system; details will include the complainants name, address, telephone number, nature and details of the incident and any details in relation to a perpetrator if applicable. If further

evidence is required to fully investigate the complaint then diary logs will be issued to the complainant along with an acknowledgement letter within 24 hours. The ASB Officer will inform the appropriate Police contact of the complaint. The complainant will be informed that their details and nature of their complaint will be disclosed to partner agencies. If diary logs are not needed to investigate a Class A complaint then a letter will be issued to the complainant outlining what action the ASB Officer intends to take to resolve the issue; this letter will be issued within 3 working days and a copy shall be added onto the FLARE system.

If an initial complaint is a Class A complaint the complainant will be advised to contact the Police immediately. The Councils Racial Harassment Reporting Form will also be completed if appropriate.

Relevant partner agencies maybe contacted to evidence the complaint and /or gain information on the perpetrator or to arrange visits/ meetings with either the victim and/or the witness. If a meeting with the victim / witness /perpetrator is required then this should be held within 5 working days if possible. Details from meetings and partner agency information will be added onto the FLARE system.

If when requested complainants fail to complete and return diary logs the incident will be closed on the FLARE system within 28 days, however, if diary logs are returned they will be assessed and categorised within 3 working days and a copy of the information shall be recorded onto the FLARE system. Once diary logs have been assessed a letter will be issued to the complainant outlining what action the ASB Officer intends to take in order to deal with their complaint, this letter will be issued within 3 working days. A copy of the letter will be added onto the FLARE system.

If enforcement action is taken against the perpetrator then diary logs will be considered for use as evidence.

If the complainant is experiencing repeat incidents of anti-social behaviour and the perpetrator/s is unknown then consideration will be given to offering the complainant temporary use of a covert "Sill" camera to be installed in their property.

Upon Receipt of a Class B Complaint the Following Will Occur:

Complainant details will be added onto the FLARE system; details will include the complainants name, address, telephone number, nature and details of the incident and any details in relation to a perpetrator if applicable. If further evidence is required to fully investigate the complaint then diary logs will be issued to the complainant along with an acknowledgement letter within 3 working days. If required the ASB Officer will inform the appropriate Police contact. The complainant will be informed that their details and nature of their complaint will be disclosed to partner agencies. If diary logs are not needed to investigate a Class B complaint

then a letter will be issued to the complainant outlining what action the ASB Officer intends to take to resolve the issue; this letter will be issued within 3 working days. A copy of the letter to the complainant will be added onto the FLARE system.

Relevant partner agencies may be contacted to evidence the complaint and /or gain information on the perpetrator or to arrange visits/ meetings with either the victim/ witness or perpetrator. If a meeting with the victim / witness /perpetrator is required then this should be held within 5 working days if possible. Details from meetings and partner agency information will be added onto the FLARE system.

If sufficient evidence is found to substantiate a complaint a warning letter will be issued to the perpetrator if they can be identified, or in the case of a juvenile a letter will be issued to their parent/carer and a copy of the letter will be forwarded to relevant agencies that need to be aware of the issue i.e. Police, Housing etc. In the case of juveniles a Partnership warning letter will be issued. Copies of all letters will be added onto the FLARE system. In enforcement cases copies of warning letters will be considered in decisions to progress Acceptable Behaviour Contracts and used as evidence of previous intervention in applications for Anti-Social Behaviour Orders (ASBOs).

If a response is received from the perpetrator or the parent/carer in relation to the warning letter the details will be logged onto the FLARE system.

If the complainant is experiencing repeat incidents of anti-social behaviour and the perpetrator/s is unknown then consideration will be given to offering the complainant temporary use of a covert "Sill" camera to be installed in their property.

Upon Receipt of a Class C Complaint the Following Will Occur:

Complainant details will be added onto the FLARE system; details will include the complainants name, address, telephone number, nature and details of the incident and any details in relation to a perpetrator if applicable. If further evidence is required to fully investigate the complaint then diary logs will be issued to the complainant along with an acknowledgement letter within 5 working days, If the logs are not returned within 28 days the case will be closed. If diary logs are returned they will be assessed and categorised and a response letter will be issued to the complainant within 5 working days outlining what actions will be taken by the Anti-Social Behaviour Officer or partner agencies to deal with the incidents that have been recorded onto the diary sheets. The response letter and the completed diary sheets will be added onto the FLARE system.

If the complaint can be dealt with without the need for diary logs a letter will be sent to the complainant within 5 working days outlining the actions that the Anti-

Social Behaviour Officer will take to resolve the issue. A copy of the letter will be added onto the FLARE system.

If required the ASB Officer will inform the appropriate Police contact or relevant agency if a multi agency response is required to resolve the complaint. The complainant will be informed that their details and nature of their complaint will be disclosed to partner agencies.

If enforcement action is taken against the perpetrator then diary logs will be considered for use as evidence.

If sufficient evidence is found to substantiate a complaint a warning letter will be issued to the perpetrator if they can be identified, or in the case of a juvenile a letter will be issued to their parent/carer and a copy of the letter will be forwarded to relevant agencies that need to be aware of the issue i.e. Police, Housing etc. In the case of juveniles a Partnership warning letter will be issued. Copies of all letters will be added onto the FLARE system. In enforcement cases copies of warning letters will be considered in decisions to progress Acceptable Behaviour Contracts and used as evidence of previous intervention in applications for Anti-Social Behaviour Orders (ASBOs).

If a response is received from the perpetrator or the parent/carer in relation to the warning letter the details will be logged onto the FLARE system.

If the complainant is experiencing repeat incidents of anti-social behaviour and the perpetrator/s is unknown then consideration will be given to offering the complainant temporary use of a covert "Sill" camera to be installed in their property.

Unidentified Perpetrators of Complaints

If a perpetrator cannot be identified especially in cases where a number of households or community members are affected by behaviour consideration should be given to undertaking a mail out to households or organising a community/ street meeting to encourage residents to report incidents and help to ID perpetrators. Responses received from mail outs will be investigated and added onto the FLARE system.

The Anti-Social Behaviour Officer should liaise with relevant partner agencies i.e. Police or Housing to aid the identification of a perpetrator/s.

A request should be made by the Anti-Social Behaviour Officer to both the Police and the Council's Street Wardens to monitor a problematic area to aid in the identification of perpetrators and improve resident's feelings of safety.

Consideration should be given to the use of covert CCTV.

Counter Allegations For Class A,B,C Complaints

If the alleged perpetrator makes counter allegations and there is no evidence to substantiate either parties' complaint then in relevant cases consideration should be given to mediation or where appropriate consideration should be given to undertaking a joint visit from the ASB Officer and a Police Officer. If mediation is declined and a visit is not necessary then the case will be closed and a case closed letter will be issued to all parties and a copy will be added onto the FLARE system.

If the perpetrator has a previous history of engaging in anti-social behaviour activity or a number of recent complaints are received about the same individual consideration should be given to referring the individual to the multi agency ASB Tasking meeting for consideration for an intervention, Acceptable Behaviour Contract (ABC) or appropriate enforcement.

If no further incidents are reported to the Anti-Social Behaviour Officer in relation to the individual within 31 days of the initial complaint the complaint will be closed on the FLARE system. A closure letter will be issued to the complainant.

Confidentiality

All complaints will be treated in confidence unless information needs to be disclosed to partner agencies such as Police, Youth Offending, Housing etc in order to resolve a complaint. Complainants' will be informed by the Anti-Social Behaviour Officer if their details need to be disclosed to a partner agency.

5. ACCEPTABLE BEHAVIOUR CONTRACTS

Acceptable Behaviour Contracts (ABCs) are voluntary written agreements made between the individual who is engaging in anti-social behaviour and the agencies that are involved in tackling the ASB. Acceptable Behaviour Contracts will last for 12 months. The contract usually contains around 6 prohibitions (acts of anti-social behaviour that the individual has previously been involved in which they are now prohibited from doing). By signing the agreement the individual agrees not to engage in any of the acts of anti-social behaviour that are written on the contract. Acceptable Behaviour Contracts are not age restrictive but are usually given to juveniles. For children under the age of 10 years a Parenting Contract should be considered or an application to the magistrates court for a Child Safety Order or Parenting Order.

Referral Process for an Acceptable Behaviour Contract

- ❑ ASB Incident /s occur
- ❑ Police have issued Partnership Warning letters.
- ❑ ASB Officer to be notified by the Police when specific incident warning letters have been issued to an individual and provided with a copy. Individual's details and a copy of the letter/s will be added onto the FLARE system.
- ❑ When appropriate the individual should be referred, using the ASB referral form, to the ASB Officer via the Police Youth Involvement Officer, to be put forward to the next ASB Tasking Meeting.
- ❑ The referral form should contain detailed information relating to specific times and dates of ASB incidents, the nature of the incident/s and any history of previous ASB behaviour, cautions, final warnings etc. The Youth Involvement Officer will check the information contained within the referral form before forwarding to the ASB Officer.

Decision to Progress an Acceptable Behaviour Contract

The multi-agency ASB Tasking group will make the decision to progress an Acceptable Behaviour Contract. A decision will be made through reviewing the individual's previous history of engaging in ASB, reviewing specific ASB incidents that they have been involved within the last few months along with any previous interventions that have been put in place to address behaviour. When a decision is made to progress an ABC the group will consider offering specialist support to

an individual to address the root causes of their behaviour and enable the individual to have an increased chance of abiding by the contract and not making a breach.

Setting up an ABC Meeting

Once an Acceptable Behaviour Contract is agreed upon the Anti-Social Behaviour Officer will arrange the ABC meeting ensuring that invites are sent to appropriate agencies. An Acceptable Behaviour Contract invite letter and ABC information sheet will be sent to the individual or in the case of a juvenile to the parent /carer. A copy of the letter will be added on to the FLARE system. The alleged perpetrator will be asked to confirm his or her attendance, in the case of a juvenile a parent or carer should be present at the meeting.

The meetings should preferably be held at the Police station to reflect the importance of an Acceptable Behaviour Contract.

The Terms of the Contract

The prohibitions contained within the Acceptable Behaviour Contract will be drafted by the Anti-Social Behaviour Officer; they will be based on the types of anti-social behaviour that the individual has been engaging in, the individual must have the capacity to understand the prohibitions. A copy of the draft Acceptable Behaviour Contract will be forwarded to the Police for final agreement. Once agreement has been reached the Anti-Social Behaviour Officer will produce the final contract.

At the Meeting

The Anti- Social Behaviour Officer and the Youth Involvement Officer should lead the ABC meeting jointly. Introductions will be made and it should be explained to the individual the reasons why they have been asked to attend the meeting. The ASB Officer should have detailed information on the incidents that the individual has been involved in and these should be discussed with the individual. It should be made clear to the individual that anti-social behaviour will not be tolerated. The Acceptable Behaviour Contract should be discussed and explained to the individual along with the consequences of signing the contract and then breaching it, along with the consequences if they refuse to sign the contract and continue to engage in unacceptable behaviour.

If supportive interventions are being put in place alongside the Acceptable Behaviour Contract i.e. a referral to a specialist agency such as CAMHS or an alcohol or Drugs Support service then this should be

explained to the individual, preferably by a representative from the relevant agency. The support that is being provided to the individual should be detailed on the Acceptable Behaviour Contract.

Copies of the signed Acceptable Behaviour Contract should be given to all parties so that everyone is aware of the terms and conditions of the contract. Electronic copies of the Acceptable Behaviour Contract will be emailed to the relevant Police Officers / PCSO's by the ASB Officer so that effective monitoring can take place. The ASB Officer will retain a hard copy of the signed Acceptable Behaviour Contract in the individual's file and details of the Acceptable Behaviour Contract will be kept electronically on FLARE and in the Acceptable Behaviour Contract Database.

Detailed notes from the meeting should be added onto the FLARE system.

Non Attendance at an Acceptable Behaviour Contract Meeting

In cases where individual's refuse /fail to attend an ABC meeting the Anti-Social Behaviour Officer will issue a failure to attend letter to the individual or to the parent/ carer in the case of juveniles. The letter will offer the individual a new final appointment and make clear that failure to attend this final meeting will result in legal action against them if their behaviour does not improve.

If an individual fails to attend a second appointment a second failure to attend letter should be issued to the individual by the Anti-Social Behaviour Officer outlining that the individual's behaviour will continue to be monitored through the ASB Tasking Group and further incidents of ASB involving the individual will now result in legal action against them. A copy of the letter issued to the individual will be added onto the FLARE system and incorporated into the individual's personal file. Evidence of the individual failing to attend the ABC meetings will be used in any future ASBO application or enforcement proceedings.

Effective Monitoring of Acceptable Behaviour Contracts

Individuals subject to an Acceptable Behaviour Contract will be reviewed monthly at the ASB Tasking meeting, any breaches made to the contract will be discussed at the meeting and partners will review information to assess if a breach can be evidenced. In between the monthly Tasking meetings partners should ensure that the Anti-Social Behaviour Officer is notified immediately of any potential breaches to the contract. If continuous breaches are brought to the attention of the ASB Tasking group then a decision will be made as to whether an ASBO progression meeting is required.

Breach Letters

If an individual makes a breach to an Acceptable Behaviour Contract that can be evidenced then the Anti-Social Behaviour Officer will issue a "breach letter" to the individual or in the case of a juvenile to the parent/carer. The breach letter should be issued within 3 working days and a copy of the letter will be added onto the FLARE system. A hard copy of the letter will be incorporated into the individual's personal file.

In cases of severe breaches the individual will be invited to attend a meeting to discuss the breach with the Anti-Social Behaviour Officer, Youth Involvement Officer and an appropriate Police Officer. The breach invite letter will be issued by the Anti-Social Behaviour Officer and a copy of the letter will be added onto the FLARE system and a hard copy will be incorporated into the individual's personal file.

Breach Meetings

At a breach meeting evidence of the breaches to the contract will be discussed with the individual and they will be given an opportunity to explain their behaviour. It should be made clear to the individual that their behaviour will continue to be closely monitored by partner agencies and if further breaches are made to the contract then an Anti-Social Behaviour Order will now be considered. Details of the breach meeting should be added onto the FLARE system.

Successful Completion of an Acceptable Behaviour Contract

If after 12 months an individual completes an ABC without the need for progressing to an Anti-Social Behaviour Order the Anti-Social Behaviour Officer will issue the individual with an ABC expiry letter to inform them that they are no longer subject to the contract. A copy of this letter will be added onto the FLARE system and incorporated into the individual's personal file. The ABC database will be amended to show that the individual is no longer subject to an ABC. The individual will no longer be reviewed at the ASB Tasking meeting. If the individual engages in further incidents of ASB after completion of the ABC then they can be re-referred back into the ASB Tasking meeting. The ASB Officer will notify relevant Police Officers that the individual is no longer subject to a contract.

6. ANTI-SOCIAL BEHAVIOUR ORDERS

Anti-Social behaviour Orders (ASBOs) are civil orders, made by a court, which prohibit the perpetrator from specific anti-social acts and from entering defined geographical areas (exclusion zones). Anti-Social Behaviour Orders were introduced through the Crime and Disorder Act 1998. An ASBO can be made against anyone aged 10 years or over who has acted in an anti-social manner (i.e. behaviour that has caused, or is likely to cause, harassment, alarm or distress to others) and where an order is needed to protect person(s) from further anti-social acts. ASBO's can be used with other measures as part of a tiered approach to tackling anti-social behaviour. An ASBO lasts for a minimum of two years.

ASBO Progression Meetings

The decision to consider an ASBO should be made at the ASB Tasking Group, this partnership decision should be clearly minuted and a copy of the minutes should be added onto the FLARE system and incorporated in the ASBO application. An ASBO Progression meeting should then follow where evidence of an individual's behaviour will be reviewed and assessed by relevant partner agencies. At this meeting partners will decide what type of Order should be progressed whether a full stand alone Anti-Social Behaviour Order should be progressed or if a Post Conviction application would be more appropriate. In the case of full ASBO applications the lead officer will be the Anti-Social Behaviour Officer, in the case of Post Conviction applications the Police will take the lead in progressing the application. The progression meeting should be minuted and copies of the minutes should be added onto the FLARE system.

Considerations to be Looked at When Deciding to Progress an ASBO

- ❑ Is there recent reliable evidence within the last 6 months to evidence that the individual is engaging in anti-social behaviour? The application must be made within the 6 months of the anti-social behaviour.
- ❑ Has all evidence been documented into Witness Statements?
- ❑ Will victims and witnesses need to be protected through a Hearsay Notice?
- ❑ What type of Anti-Social Behaviour Order is required i.e. Interim, Full or an ASBO on conviction?
- ❑ Is an ASBO the logical next step in order to protect an individual or the wider community from further acts of anti-social behaviour?
- ❑ Have any previous interventions been put in place to try and address an individuals behaviour i.e. mediation, warning letters, warning visits, referrals to specialist agencies, Acceptable Behaviour Contracts etc? Ensure that interventions can be evidenced and incorporated into the application file.

- ❑ Has the individual got the mental capacity to understand the prohibitions of an ASBO?
- ❑ Have the necessary agencies i.e. Probation, Youth Offending Team been consulted with through the ASB Tasking Meeting
- ❑ Is the individual subject to any current Order i.e. Referral Order etc

ASBO Prohibitions

Prohibitions to be included in an Order will be decided upon at the ASBO Progression Meeting. Prohibitions should be precise, enforceable, targeted at the specific behaviour that has been complained of and proportionate to the aim of protecting the community from further abuse. In the case of stand alone applications the Anti-Social Behaviour Officer should have the prohibitions checked by either a Solicitor or Barrister.

Process in Progressing a Stand Alone Anti-Social Behaviour Order

- ❑ The ASB Tasking Group will make a partnership decision to progress an Anti-Social Behaviour Order. This decision will be clearly minuted.
- ❑ The Anti-Social Behaviour Officer will co-ordinate an ASBO Progression Meeting. A decision should be made as to whether an application for an Order should be progressed and the type of Order. The decision will be based on the quality of the evidence and the need to protect the community.

In the event of a full stand alone ASBO application the Anti-Social Behaviour Officer is responsible for the following process:

- ❑ The Anti-Social Behaviour Officer will write to the Council's Portfolio Holder for Community Safety requesting their agreement to progress an ASBO.
- ❑ Certificate of Consultation will be signed.
- ❑ All original evidence of the individual's anti-social behaviour should be forwarded to the ASB Officer, including witness statements, professional witness statements, diary logs, CCTV and stills, SPIN records and PNC printouts.
- ❑ Previous Acceptable Behaviour Contracts and interventions will be incorporated into the file along with minutes from the ASB Tasking group that refer to the individual.
- ❑ The ASB Officer will request that a lead Police Officer produce a Case Precipis for the ASBO application and a Community Impact Statement.
- ❑ The Anti-Social Behaviour Officer will produce a chronological report detailing all incidents of ASB that the individual has been involved in to be incorporated into the file.
- ❑ The Anti-Social Behaviour Officer will construct the ASBO file ensuring all necessary documents are contained within it. Liaison

with the Legal Department will take place to review the file and schedule a court date.

- ❑ The Summons and Application will be signed by a Justice of the Peace and copies of the files will be provided to the Court.
- ❑ Both the Summons and Application will be served on the individual and copies of the Summons, Application and Certificate of Service should be incorporated into the file.
- ❑ ASB Officer will issue a copy of the file to the Defence Solicitor when contacted.

Monitoring of Anti-Social Behaviour Orders (ASBO's)

Anti-Social Behaviour Orders will be monitored through the monthly ASB Tasking meetings for breaches. Breach of an Order is a criminal offence with the maximum penalty in a Magistrates Court being six months in prison and or a fine not exceeding £5000 or both.

The Anti-Social Behaviour Officer will forward immediately to the Police any reports of breaches to an ASBO. The CPS is the agency responsible for the prosecution of breach of an ASBO.

The Anti-Social Behaviour Officer will record details of all individuals who are subject to an ASBO on the "Enforcement Database" as well as on the FLARE system. Each individual will have a hard copy file.

The records kept will detail:

Name, address, date of birth, gender and ethnicity of the individual
Name, address, date of birth, gender and ethnicity of the victim/s
Prohibitions contained within the Order
Details of the exclusion areas (if an exclusion is apart of an Order)
Length of the Order
Details of the ASB incidents that the individual was involved in
Copies of witness statements
Details of breaches and any action taken in relation to a breach
Copies of applications made to vary an Order if a variation is required

Variation of an Order

The ASB Tasking meeting will be responsible for considering variations to Anti-Social Behaviour Orders. If a decision is made to vary an Order an application to vary will be made by the Anti-Social Behaviour Officer and the Legal Department to the Magistrates Court. Partner agencies should ensure that all new evidence to support varying an Order is provided to the Anti-Social Behaviour Order.

Publicity

Full Stand Alone Anti-Social Behaviour Orders will be publicised on a case by case basis. The ASB Tasking group will consider each case looking at what is proportionate and necessary. ASBO's that are publicised will be done so through the local media and through a targeted leaflet drop. Leaflets will be distributed around the area where the perpetrator resides as well as the area/s where the ASB was committed. The Anti-Social Behaviour Officer will ensure that copies of ASBO leaflets will be provided to the Police so that they are fully aware of who is subject to an Order and what prohibitions the individual is subject to.

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Additional Tools and Powers Available to Tackle ASB

A wide range of intervention and enforcement tools and powers are available to take action against anti-social behaviour that causes repeated misery and distress to both individuals and communities. Intervention and enforcement will only be successful as part of a multi-agency approach that aims to address the underlying causes of an individual's behaviour.

The key aims of any intervention are:

- ❑ To enable the individual to recognise the consequences of their behaviour,
- ❑ To ensure that they make a permanent change to their behaviour
- ❑ To protect victims, witnesses and the community

Tools and powers are implemented through a staged approach according to factors such as nature of offending, previous interventions /warnings, impact on the community, underlying causes of behaviour.

The following tools and powers are available to tackle anti-social behaviour in relation to an individual:

- ❑ Warning letters
- ❑ Warning visits or verbal warnings
- ❑ Parenting Orders
- ❑ Parenting Contracts
- ❑ Child Safety Orders
- ❑ Individual Support Orders (ISO's)
- ❑ Intervention Orders (IO's)
- ❑ Injunctions
- ❑ Noise Abatement Notices (NANs)
- ❑ Fixed Penalty Notice (FPN)
- ❑ Penalty Notice for Disorder (PND)
- ❑ Section 59 Warning

The following tools and powers are available to tackle anti-social behaviour in relation to locations or premises:

- ❑ Designated Public Place Orders (DPPOs)
- ❑ Alcohol Disorder Zones (ADZs)
- ❑ License Reviews
- ❑ Street Wardens
- ❑ Increased Police Patrols

- ❑ Section 30 Dispersal Orders
- ❑ Neighbourhood Watch Schemes
- ❑ Covert and Overt CCTV
- ❑ Closure Orders for noisy premises or houses associated with ASB
- ❑ Crack House Closures
- ❑ High Hedges legislation
- ❑ Alley Gating Orders

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Support For Victims And Witnesses

Witnesses are crucial in tackling anti-social behaviour whether they are a direct victim of anti-social behaviour or a resident who has witnessed an incident. The Anti-Social Behaviour Officer will ensure that victims and witnesses are supported and made central to the process of dealing with a complaint through:

- ❑ Using all appropriate tools and powers available to resolve an anti-social behaviour issue.
- ❑ Taking all complaints of anti-social behaviour seriously and not underestimating the fear or intimidation that a victim may feel.
- ❑ Holding face to face meetings with victims and witnesses.
- ❑ Ensuring that each victim or witness is kept up to date with the progress of their complaint.
- ❑ Providing victims and witnesses with an out of hours emergency contact number.
- ❑ Ensuring that each victim or witness is dealt with sympathetically and in confidence.
- ❑ Seeking the complainant's permission before contacting any other agency about their anti-social behaviour complaint. Failure to give permission however may make it difficult to resolve the issue.
- ❑ Providing referrals to specialist agencies to victims or witnesses where appropriate i.e. victim support.
- ❑ Explaining to victims or witnesses who have to attend court what the court procedure will be and what is expected of them.
- ❑ Undertaking visits to the courts prior to the hearing.
- ❑ Escorting victims or witnesses to the court.
- ❑ Consideration will be given to requesting an application for special measures at court for vulnerable victims and witnesses.
- ❑ Use of hearsay or professional witness statements to protect the identities of victims and witnesses.
- ❑ Increased Police patrols in a area.

What We Are Doing To Reduce Anti-Social Behaviour

Partnership Working

To effectively tackle anti-social behaviour all agencies must work in Partnership. South Derbyshire District Council has a strong Crime and Disorder Reduction Partnership that has been in place since 1999. The following agencies are represented at the CDRP and work in partnership to prevent and reduce crime, disorder and anti-social behaviour

- ❑ Derbyshire Police
- ❑ Derbyshire Fire and Rescue Service
- ❑ Probation Service
- ❑ Primary Care Trust
- ❑ Derbyshire County Council

ASB Tasking Meetings

Monthly multi agency meetings that review individuals who are known to be engaging in anti-social behaviour, a co-ordinated approach is put in place to address individuals' behaviour through staged interventions and/or enforcement action.

Priority Prolific Offenders (PPO)

This scheme identifies and targets those offenders who cause the most harm to the community of South Derbyshire. Action is coordinated using three main strands Catch and Convict, Prevent and Deter and Rehabilitate and Resettle on a case-by-case basis.

Street Wardens

Wardens are employed by the Council to deter and detect anti-social behaviour and give the community a greater sense of security. They are a valuable source of information to both the police and Anti-Social Behaviour Officer and deal with and dissuade minor ASB, including graffiti, litter and dog fouling.

Safer Neighbourhoods Meetings

Safer Neighbourhood meetings are held quarterly in the 6 areas listed below to ensure that public concerns relating to Crime and Disorder issues are recognised and acted upon by providing dedicated and accountable resources to a dedicated geographical area. A multi-agency approach is taken to tackle problems in each of the 6 areas with representatives of the statutory agencies and members of the public attending. The aim is to reduce the fear of crime and create safer environments.

- **North West Area 1:** Etwall - Hilton - Hatton - Burnaston - Egginton - Foston - Scropton - Church Broughton
- **Mercia Area 2:** Willington - Findern - Repton - Newton Solney - Twyford - Bretby - Stenson Fields
- **North East Area 3:** Melbourne - Aston - Weston - Shardlow - Thulston - Elvaston - Barrow-on-Trent - Smisby
- **Central Area 4:** Swadlincote - Woodville - Church Gresley - Hartshorne
- **Newhall and Midway Area 5:** Newhall - Midway - Stanton
- **South Area 6:** Overseal - Linton - Netherseal - Coton - Castle Gresley - Walton-on-Trent - Lullington - Rosliston

Mediation Service

The Council uses the services of Mediators to help to resolve anti-social behaviour problems between neighbour i.e. to settle neighbour disputes, over issues such as noise nuisance or boundary disputes etc. The service is offered to residents free of charge and is provided by trained mediators who work independently of the Council.