

Anti-social Behaviour Policy

Service Area: Communities Team

Version Control

Version	Description of version	Effective Date
1.0	SDDC Corporate ASB Policy	June 2017
1.1	SDDC Corporate ASB Policy	May 2023

Approvals

Approved by	Date
Housing & Community Services Committee	20 th April 2017
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2.0 Introduction

For the purposes of this policy, our definition of Anti-Social Behaviour (ASB) reflects the definition found in The Crime & Disorder Act (1998) which defines Anti-Social Behaviour as

“...acting in an anti-social manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”.

This document does not say how the Council will deal with ASB on a day-to-day basis. This is explained in our procedure documents, which can be read alongside this policy.

3.0 Purpose

This policy outlines South Derbyshire District Council's approach to effectively tackling 'anti-social behaviour' It provides information on what is meant by ASB, details our commitment to victims of ASB and details some of the enforcement options available to us.

4.0 Our Commitment and Objectives

The Council recognises that left unchallenged, ASB can have a serious and detrimental effect on individuals, families and communities. In order to support our commitment to reducing ASB in South Derbyshire the Council will:

- Place victims and witnesses at the centre of our procedures and support them throughout their case.
- Make effective use of the powers, orders and mechanisms available to us to deal with ASB.
- Participate fully in joint working with partner agencies to enable the best possible outcomes.
- Raise awareness of what conduct constitutes ASB.
- Encourage people to report ASB.
- Publicise successful prosecutions where appropriate.

The Corporate Plan 2021-24 sets out our values and vision for South Derbyshire and defines our priorities for delivering services. It describes how the Council will work with partners to improve the quality of life of residents, community groups and businesses.

Our vision is to make South Derbyshire a great place to live, visit and invest and this is underpinned by three values:
Take pride in our place, have respect for everyone and achieve excellence in all we do.

This policy will work towards delivering several aims within the Corporate Plan:

Improve the environment of the District; Reduce fly tipping and litter through education, engagement and zero tolerance enforcement action where appropriate.

Enhance the attractiveness of South Derbyshire; Enhance the appeal of Swadlincote town centre as a place to visit. Improve public spaces to create an environment for people to enjoy.

Engage with our communities; Help tackle anti-social behaviour & crime through strong and proportionate action.

Supporting and safeguarding the most vulnerable; With partners encourage independent living and keep residents healthy and happy in their homes.

5.0 Types of ASB

ASB is a very broad term and covers a wide range of issues: Some ASB complaints will be dealt with by the Housing department (if made about a Council tenant), some will be dealt with by Environmental Health (Environmental ASB) and some will be dealt with by the Communities Team. It is common for departments to work together on cases (and with the police and other partners) as some complaints will have a number of issues which may overlap departments and organisations.

The below is a key list of the types of ASB that each department will take a lead on:

5.1 Housing Dept:

The Council's Housing Department will deal with ASB complaints regarding its tenants and its social rented properties. Any tenants committing ASB will be in breach of their tenancy agreements.

- Neighbour disputes between tenants.
- Nuisance behaviour at council properties.
- Untidy council properties.
- Drugs issues at council property.

5.2 Anti-Social Behaviour (Communities Team):

- Nuisance behaviour (Inc youth related nuisance)
- Underage drinking / street drinking.
- Neighbour disputes (private housing).
- Incidents of verbal abuse.
- Nuisance motorbikes.
- Drug-related issues at domestic dwellings.
- Drug-related issues in public places.

5.3 Environmental Health:

- Bonfires.
- Air pollution.
- Light pollution.

- Dog fouling.
- Aggressive and stray dogs.
- Noise nuisance.
- Untidy premises.
- High hedges.
- Fly-tipping.
- Domestic noise.
- Street noise.
- Littering and waste accumulations.
- Private rented housing disputes
- Abandoned vehicles.

5.4 Planning Enforcement:

- Unauthorised development.
- Loss of amenity.
- Flyposting.

Each department and partner agency (including Derbyshire Police, Derbyshire County Council, Derbyshire Fire and Rescue, health services and community and voluntary sector) brings with it a range of expertise and experience that, when brought together, can assist in resolving issues more effectively.

6.0 Reporting ASB and Assessing Impact

Members of the public can make a complaint in writing, by email, telephone, via our website: <https://www.southderbyshire.gov.uk/our-services/crime-and-community-safety/report-anti-social-behaviour-noise-and-street-care-issues> or through a third party such as a Councillor.

Complaints and reports can also be made anonymously. However, this may restrict the amount of investigation and action the Council can undertake and will not allow us to provide the complainant with information and support. The Council would recommend therefore that complainants give us their full name and address.

When an initial complaint of ASB is taken, our staff will establish the details of the complaint and work with the victim to assess their risk of harm. There may be occasions where a report needs to be dealt with by the police i.e. criminal damage, harassment, hate crime or violence, as these are criminal offences. However, officers should discuss this with the victim and only refer onto the police with their permission.

If there is a complaint which has multiple offences, officers should work closely with the police and other agencies to tackle the problem.

All ASB complaints received by the Council will be responded to within three working days. More serious complaints will be responded to within one working day (i.e. hate related incidents, violence or threats of violence, abuse.)

7.0 Support for Victims and Vulnerable Perpetrators

The Council is signed up to the Derbyshire ASB Victims First Project; which aims to:

- Ensure the victim is at the heart of our approach to tackling ASB.
- Provide a consistent multi-agency approach to the identification of vulnerable and repeat ASB victims.
- Improve the service for ASB victims, especially the most vulnerable.
- Improve ASB case management for victims and offenders through IT.

As part of the Derbyshire Victims First Project South Derbyshire District Council has, (along with the other District and Boroughs in the County) adopted the use of the E-CINS Case Management IT system to manage medium and high-risk anti-social behaviour (ASB) victims and perpetrators in Derbyshire.

E-CINS is a secure, multi-agency, web-based case management system, which is used to manage medium and high risk ASB victims and perpetrators in Derbyshire.

Through the safe and secure sharing of information, partner agencies can work together to manage cases in 'real time' using E-CINS. There are a range of benefits, including:

- Identification of vulnerable ASB victims.
- Minimise the risk of harm to victims and provide appropriate support.
- Improved information sharing.
- Audit trail of information shared.
- Improved multi-agency working.
- Effective case management.
- Secure access to information.
- Improved staff safety.
- Recording agreed actions at case meetings.
- 24/7 access to offender management information e.g. terms of ABCs, Criminal Behaviour Orders (CBO's) and injunctions.
- Time savings.

Where appropriate, officers should also discuss with the victim whether they would like a referral to Derbyshire Victim Services, who provide a specialist support service for victims of ASB.

While officers are preparing to take Court action against someone for ASB, it can be a frightening and distressing time for victims and witnesses. Officers will therefore attempt to make the process as easy as possible, including:

- Keep the victim/ witnesses informed about any court case.
- Offer extra security to the property through the Safer Homes Scheme if appropriate, such as spy holes, door chains, window alarms.
- Provide temporary CCTV if appropriate, available and necessary.
- Provide information on victim / witness support agencies.

- Attempt to prevent witnesses and victims attending court by using hearsay notices where possible.

Our approach to managing ASB is victim centred. However, it is recognised that some perpetrators of anti-social behaviour can themselves be vulnerable. Officers should ensure they make enquiries about alleged perpetrators regarding any existing support or support needs and where appropriate contact relevant trained professionals to inform them of the complaints and to take appropriate action to minimise the risk of them committing further acts of ASB.

Residents and tenants are responsible for their own actions and the actions of all those people who are living at or visiting their property. The Council will investigate appropriate reports of ASB or neighbour nuisance and may take legal action against those found responsible. Reports received of criminal offences such as the supply, dealing and cultivation of drugs will always be reported to the Police.

Where the complaint involves the tenant of a housing association, officers will work in conjunction with the officers from that housing association to resolve the complaint amicably.

Where a victim or offender is a Council housing tenant, the appropriate Housing Officer should be informed.

8.0 Enforcement action

Working with our partner agencies, we will use a wide range of measures to prevent and combat persistent anti-social behaviour:

- We will use a range of early informal interventions, including warning letters, acceptable behaviour contracts and mediation.
- We have a tenancy agreement which prohibits ASB – this is fully explained to all new tenants.
- Where there is persistent ASB and sufficient evidence we have a wide range of legal interventions we can use to tackle the behaviour. These include Fixed Penalty Notices, Criminal Behaviour Orders, Civil Injunctions, Community Protection Warnings and Notices, Public Space Protection Orders, Closure Powers, Dispersal/Direction Powers, and Absolute Grounds for Possession. These interventions were introduced or strengthened by the Anti-Social Behaviour, Crime and Policing Act 2014.

Other Council departments such as Environmental Health, Housing and Planning will have additional powers through statutory legislation which could be used to tackle ASB, such as the Housing Act 1996, the Environmental Protection Act 1990 and Noise and Statutory Nuisance Act 1993 and the Town and Country Planning Act 1990.

More information about the intervention and enforcement powers the Council will use is held within the individual departments' ASB procedure documents and in 10.3 of this Policy.

We will always use our legal powers in accordance with the principles set out in our Corporate Enforcement Policy, the Councils Surveillance Policy, and the Councils guidance on the use of the Regulation of Investigatory Powers Act. The Corporate Enforcement Policy contains several principles and commitments, but in particular is the commitment to use our powers in a way that it transparent, accountable, proportionate and consistent.

9.0 Safeguarding

Safeguarding is everyone's business, and we all have a part to play in protecting the most vulnerable members of our community. As a service provider, The Council is committed to safeguarding children and adults at risk.

The Council recognises that Derbyshire County Council's (DCC) Children's and Younger Adults Service are the lead agencies in the District with regard to child protection and DCC's Adult Care is the lead agency with regards to adults at risk. However, the Council recognises that everyone has a responsibility for child protection and protecting adults at risk, including all employees and elected Members.

The role of the Council is not to investigate allegations of abuse. However, it is the responsibility for all Council Members, employees, volunteers and contracted service providers to take action when they suspect or recognise that a child, young person or adult at risk may be a victim of harm or abuse.

The Council recognises that when dealing with ASB we may come into contact with children and adults for whom there are safeguarding concerns. All District employees and Members receive safeguarding training and have access to information to enable them to respond appropriately.

The Council has its own Safeguarding Policy and Intranet hub which should be adhered to whenever a cause for concern has been identified by a member of staff or an elected member.

10.0 Legislation

10.1 Anti-Social Behaviour, Crime and Policing Act 2014 (Revised in March 2023)

This Act provides the tools for practitioners and agencies to effectively tackle ASB. The Act strengthens and, in some respects, replaces existing legislation to stream-line and re-enforce the powers that are available to practitioners.

10.2 Crime and Disorder Act 1998

The purpose of this Act is to tackle crime and disorder and help create safer communities. The Act gives the lead responsibility for crime and disorder to the police and the local authorities and consequently after its introduction Crime and Disorder

Partnerships were formed based in the District and the County Councils. The 1998 Act provides additional powers for agencies to use when carrying out their work to reduce crime. These include:

- Section 115 which allows for the sharing of information for the purposes of preventing crime and disorder without contravening the Data Protection Act 1998.
- The establishment of local partnerships between police, local authorities and others to help fight crime.
- Section 17 places a duty upon local authorities to consider the community safety within their District for any function that it may undertake. This section dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues.

10.3 Other relevant Legislation

- Children Act 1989
- The Regulation of Investigatory Powers Act (RIPA) 2000
- Local Government Act 2000
- Homelessness Act 2002
- Housing Act 1996
- Environmental Protection Act 1990
- Human Rights Act 1998
- Data Protection Act 2018
- Freedom of Information Act 2000
- Clean Neighbourhoods and Environment Act 2005
- Equality Act 2010
- Anti-Social Behaviour Act 2003
- Clean Air Act 1993
- Noise and Statutory Nuisance Act 1993
- Noise Act 1996
- Prevention of Damage by Pests Act 1949
- Police Reform Act 2002
- Town and Country Planning Act 1990

11.0 Confidentiality

Together with our partner agencies, the Council have signed an information sharing protocol that enables us to share appropriate and relevant information when dealing with cases of ASB with other agencies. All information is shared in line with the Derbyshire Partnership Anti-Social Behaviour Information Sharing Agreement and within the terms of the Data Protection Act 1998 and the Crime & Disorder Act 1998 (as amended).

12.0 Publicity and Media

The aims and benefits of publicity in the context of this policy are typically to:

- Give the public confidence in local services by reassuring our communities, victims and witnesses that action can be taken to protect them and their human rights in relation to their safety and/or quiet enjoyment of their property or possessions. This can increase public confidence to report ASB and therefore assist with the prevention and detection of ASB.
- Give the public the information they need in order to identify breaches of any court order or to provide other relevant information and assist with enforcement. Communities often hold the key to the information agencies need to effectively tackle ASB.
- Deter offenders (or other potential offenders) from engaging in ASB.
- Ensure community awareness of the tools and powers available to the Council and its partners and ensure that the community are aware of who they should approach with concerns and questions around ASB.
- Support witnesses and potential witnesses by ensuring that they are aware of what action can be taken to prevent further ASB and what support is available to them.

There is generally a presumption in favour of publicity, but each case will be considered on its merits. Before making a decision to publicise any case (or any conviction) the decision maker ought to ascertain whether there are any reporting restrictions imposed by a court which would or might prohibit or restrict publicity.

The age of a person and/or any particular vulnerability (whether relating to the person against whom publicity is being considered and/or their household or family) ought to be considered before a decision to publicise is made. Age and vulnerability are each relevant considerations which may impact upon both the decision whether to publicise and, if relevant, the nature, extent and duration of any publicity. If a decision has been made to continue with publicity on a juvenile an appropriate risk assessment will be carried out.

The Council will consider the implications of the Data Protection Act 2018 when considering whether to use publicity.

13.0 Roles and Responsibilities

Tackling ASB requires knowledgeable and well-trained staff. The Council will ensure that all staff dealing with ASB clearly understand and deliver our policy. The Council will also ensure that they are fully trained on our procedures and are aware of the tools and powers at their disposal.

Responsible	Accountable
<p>Heads of Housing, Environmental Services, Cultural & Community Services and Planning:</p> <ul style="list-style-type: none"> To ensure staff are aware of policy, kept updated with ASB Legislation and suitably trained. Ensure Procedures are implemented, monitored, reviewed and updated. <p>Communities Team Manager:</p> <ul style="list-style-type: none"> Act as Chair for Community Trigger Case review meetings Ensure this policy is reviewed in accordance with the review schedule. Manage the Response to ASB in the Communities Team. <p>Senior Community Safety Enforcement Officer & Snr Environmental Health Officer:</p> <ul style="list-style-type: none"> Manage the response to ASB in Housing Services. Respond to annual Audits of ASB <p>Tenancy Services Manager (Housing) & Senior Enforcement Officer (Planning):</p> <ul style="list-style-type: none"> Manage the response to ASB in Housing Services. Respond to annual Audits of ASB <p>ASB Officer:</p> <ul style="list-style-type: none"> Single point of contact for any Community Trigger Applications Deal with day-to-day ASB complaints, support victims, work with partners and take enforcement action where necessary. Attend County ASB Subgroup Respond to annual Audits of ASB Ensure cases are logged on ASB Management Systems <p>Housing officers, CSEO's and EHOs & planning enforcement Officers:</p> <ul style="list-style-type: none"> Respond to day-to-day ASB complaints, support victims, work with partners and take enforcement action where necessary. Ensure cases are logged on ASB Management Systems 	<p>Chief Executive:</p> <ul style="list-style-type: none"> Leadership commitment to policy aims. <p>Directors:</p> <ul style="list-style-type: none"> Corporate objectives around ASB Departmental compliance with ASB Policy <p>Consulted</p> <p>Environmental Services, Housing, Planning Policy:</p> <ul style="list-style-type: none"> Policy drafted by Communities Team, but consultation takes place with the above. <p>Informed</p> <p>Elected members on H&CS Committee:</p> <ul style="list-style-type: none"> To understand the Council's response to ASB <p>Officers in relevant Teams (Housing, Communities, Environmental Health, Planning Enforcement) that deal with ASB complaints:</p> <ul style="list-style-type: none"> To understand and comply with the Policy. To be updated on ASB Training courses, these will be circulated by Communities Team, when received from Mallards Solicitors who the Council have an ongoing contract with. DCC team also deliver an online ASB Tools and Powers training Course which provides a overview of how anti-social behaviour (ASB) is tackled in Derbyshire, including what ASB is, the agencies involved and the tools and powers they use.

14.0 ASB Case Review

ASB Case Reviews gives those affected by ASB the right to request a case review of the response by agencies to their reports of ASB. The ASB Case Review should only be used when a complainant believes their ASB reports have not been dealt with, or acted upon, by agencies in the correct manner.

For further information on the ASB Case Review, please use the link below: <https://www.southderbyshire.gov.uk/our-services/crime-and-community-safety/anti-social-behaviour?chapter=3>

Concerns about individual officers, or services, should continue to be directed to the relevant organisation's complaints procedure and/or the Ombudsman or the Independent Police Complaints Commission.

15.0 Complaints about the Service

If a complainant is not satisfied with the way their ASB complaint has been managed, they can contact us to request information about the Community Trigger (see section 14).

If they are unhappy for any other reason relating to their case, they can make a formal complaint via the Council Website: <https://www.southderbyshire.gov.uk/about-us/have-your-say/comments-compliments-and-complaints>

or by emailing: customer.services@south-derbys.gov.uk.

16.0 Performance and Monitoring

Performance is monitored through a Corporate Plan Performance Indicator, which monitors the number of ASB complaints received by both the District Council and the Police. Performance against the indicator is reported quarterly to the Councils Housing and Community Services Committee.

An annual audit is also carried out by Derbyshire County Council where all District and Borough Councils are required to submit the number of times enforcement powers have been used.

Anti-Social behaviour incident levels are also monitored monthly, when the Monthly Crime and ASB Performance reports are received, this is carried out by the Communities Team Manager.

A further performance report is submitted to and reviewed at the Quarterly Community Safety Partnership Strategic Group meetings.

ASB is also reviewed and discussed at biweekly Police Tasking meetings which are also attended by Council Officers and other partners.

17.0 Sustainability Impact Assessment

Our Environment	Potentially positive impact (Y/N)	Potentially negative impact (Y/N)	No disproportionate impact (Y/N)	Sustainable Assessments findings <i>(Please utilise the guidance provided for assessment findings.)</i>
Improve the Environment of the District	Y			Reduce waste / littering/ flytipping through prevention and enforcement (Campaigns, FPNs, Signage, CCTV) Support communities dealing with issues in areas – littering /Flytipping Number of enforcement actions taken recorded
Tackle Climate Change	Y			Pollution dealt with by EH.
Enhance the attractiveness of South Derbyshire	Y			Action taken against Street drinkers and Youths causing a nuisance in Town Centre Diversionary activities and better play equipment supported to Improve public spaces and to provide activities for young people
Our People				
Engage with Communities	Y			Support local community groups to develop projects to prevent and reduce ASB through the Safer Neighbourhoods Funding Stream Liaise with residents about crime and ASB through Area Forum Meetings
Supporting and Safeguarding the most Vulnerable	Y			Work with partners to safeguard victims of ASB (Victim Services, Police, Adult Care) Ensure any perps access help and support where underlying health issues are discovered Improve the condition of council properties Safeguard victims properties through Safer Homes Scheme.
Deliver Excellent Services	Y			Improve customer service for complainants – regular communication, updates, referrals to support, quick response time, satisfactory conclusions Invest, communicate with workforce – PDRs, service plans, team engagement
Our Future				
Develop Skills and careers			Y	
Support economic growth and infrastructure	Y			Work with local businesses (Swadlincote Town centre) to eradicate crime and ASB from the Town centre making it a more attractive location for visitors
Transforming the Council			Y	

18.0 Policy Review

The Council will review this policy every three years or in the event of significant legislative change, published good practice or in response to suggestions from customers or partner agencies. Any minor changes to the policy/updates can be approved by the Strategic Director of Service Delivery and the Chair of Housing and Communities Committee.

19.0 Associated Documentation

Description of Documentation	Document Reference
SDDC Safeguarding Children and Adults at Risk Policy	ID: 30
SDDC Housing Tenancy Policy	ID: 22
SDDC Corporate Enforcement Policy	ID: 216

20.0 References

- Anti-social Behaviour, Crime and Policing Act 2014
- Crime and Disorder Act 1998
- Derbyshire ASB Information Sharing Agreement
- E-Cins Service Level Agreement for Derbyshire
- E-Cins Information Sharing Agreement
- Housing Act 1996,
- Environmental Protection Act 1990
- Noise and Statutory Nuisance Act 1993
- Town and Country Planning Act 1990.

21.0 Equality Impact Assessment Form

A preliminary EIA Form has been completed and the Policy will not have a negative impact on any of the protected characteristics, therefore a full EIA is not required.

22.0 Appendices

22.1 Policy Briefing Form

Policy Briefing Form

Introduction

This form is to provide a brief update to summarise the changes/amendments to an existing policy or to provide a summary for a new policy. This form should be used for the consultation, approval and communication of all adopted policies.

Policy update

A summary of the policy is detailed below

Policy Name: Anti-Social Behaviour Policy

Policy Date: May 2023

Version Number:1.1

Summary of Policy: *This policy outlines South Derbyshire District Council's approach to effectively tackling 'anti-social behaviour' (ASB). It provides information on what is meant by ASB, details our commitment to victims of ASB and details some of the enforcement options available to us.*

Summary of key changes made to an existing policy.

Section	Amendment
4.0	Updates to current Corporate Plan vision, values and aims
13.0	Roles and Responsibilities section added as per corporate template
16.0	Performance & Monitoring section added as per corporate template
17.0	Sustainability Impact Assessment added completed as per corporate template
22.1	Policy Briefing form added

Following final adoption of the policy, this form will be used by the communication team to be included in Core Brief as part of the communication plan.

Further information can be found in the 'My Policies' section in Connect.