



**South
Derbyshire
District Council**

**SOUTH DERBYSHIRE DISTRICT
COUNCIL**

ANTI-SOCIAL BEHAVIOUR POLICY

DRAFT

2017

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1. Introduction

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

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

We recognise that the term 'Anti-Social Behaviour' covers a wide variety of behaviours and activities that affect different people in different ways which makes defining the term somewhat problematic. For the purposes of this policy, our definition of Anti-Social Behaviour 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".

2. Our Commitment

We recognise 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 we 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 2016-21 sets out our values and vision for South Derbyshire and defines our priorities for delivering services. It describes how we will work with partners to improve the quality of life of residents, community groups and businesses.

Our goal is to make South Derbyshire a better place to live, work and visit and is underpinned by four themes: People, Place, Progress and Outcomes.

This policy will work towards delivering several aims within the Corporate Plan: PE2 Protect and help support the most vulnerable, including those affected by financial

challenges; PE3 Use existing tools and powers to take appropriate enforcement action; PL3 Help maintain low crime and anti-social behaviour levels in the District and PL4 Connect with our communities, helping them to feel safe and secure.

We 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.

3. 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 you are a council tenant), some will be dealt with by Environmental Health and some will be dealt with by the Anti-Social Behaviour Officer, who is based in the Communities Team. It is common for departments to work together on cases (and with the police) 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:

Housing Dept:

SDDC Housing Department will deal with ASB complaints regarding their tenants and their tenants' 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.

Anti-Social Behaviour (Communities Team):

- Nuisance behaviour.
- 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.

Environmental Health:

- Bonfires.
- Air pollution.
- Light pollution.
- Dog fouling.
- Aggressive and stray dogs.
- Noisy Neighbours.
- Untidy premises.

- High hedges.
- Fly-tipping.
- Domestic noise.
- Street noise.
- Littering and waste accumulations.
- Nuisance parking.
- Private rented housing disputes.

Planning Enforcement:

- Unauthorised development.
- Loss of amenity.
- Fly-posting.

Each department and partner agency (including police, councils, 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.

4. Reporting ASB and Assessing Impact

If you are suffering from any kind of ASB please, contact us as soon as possible. You can make a complaint or report an incident in person, in writing, by telephone, via our website 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 we can undertake and will not allow us to provide the complainant with information and support. We would recommend therefore that complainants give us their name and address.

To make a complaint of ASB please contact:

Call: 01283 595795

Email: customer.services@south-derbys.gov.uk

Complete an online enquiry at: www.south-derbs.gov.uk

Write to us at: South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, DE11 0AH.

When we take an initial complaint of ASB, 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, hate crime or violence, as these are criminal offences. However, we will discuss this with you and will only refer onto the police with your permission.

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

All ASB complaints received by South Derbyshire District 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.)

5. Support for Victims and Vulnerable Perpetrators

South Derbyshire District 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, we will 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.

When we are preparing to take action against someone for ASB, we understand that it can be a frightening and distressing time for witnesses. We will therefore do all that we can to make the process as easy as possible. We will:

- Keep the 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.
- 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, we recognise that some perpetrators of anti-social behaviour can themselves be vulnerable. We will ensure that we assess alleged perpetrators for any support needs and work with them and other trained professionals to address their needs 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. We will investigate appropriate reports of ASB or neighbour nuisance and may take legal action against those found responsible. Offences such as the supply, dealing and cultivation of drugs will always result in legal action. Some areas of criminality that affect the rights of our tenants will also result in an investigation and legal action being considered.

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

6. 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 Notices, Public Space Protection Orders, Closure Powers, Dispersal/Direction Powers and Absolute Grounds for Possession.

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

We will always use our legal powers in accordance with the principles set out in our Corporate Enforcement Policy. The policy contains a number of principles and commitments, but in particular is the commitment to use our powers in a way that is transparent, accountable, proportionate and consistent.

7. 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, South Derbyshire District 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.

We recognise that when dealing with ASB we may come into contact with children and adults for whom there are safeguarding concerns. All front line 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 which should be adhered to whenever a cause for concern has been identified by a member of staff or Member.

8. Legislation

Anti-Social Behaviour, Crime and Policing Act 2014

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

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.

Other relevant Legislation

- Children Act 1989
- The Regulation of Investigatory Powers Act (RIPA) 2000
- Local Government Act 2000
- Homeless Act 2002
- Housing Act 1996
- Environmental Protection Act 1990
- Human Rights Act 1998
- Data Protection Act 1998
- 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

9. Confidentiality

Together with our partner agencies, we 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 Forum Anti-Social Behaviour Information Sharing Agreement and within the terms of the Data Protection Act 1998 and the Crime & Disorder Act 1998 (as amended).

10. 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.

South Derbyshire District Council will consider the implications of the Data Protection Act 1998 when considering whether to use publicity.

11. Staff

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

12. The Community Trigger

The Community Trigger gives those affected by ASB the right to request a case review of the response by agencies to their reports of ASB. The Community Trigger should only be used if you think your concerns have not been dealt with, or acted upon, by agencies.

For further information, please use the link below:

http://www.south-derbys.gov.uk/community_and_living/community_safety/anti_social_behaviour/community_trigger/default.asp

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.

13. Complaints about the Service

If you are not satisfied with the way your ASB complaint is being managed, you can contact us to request information about the Community Trigger (see section 12).

If you are unhappy for any other reason relating to your case, you can make a formal complaint by obtaining a copy of the booklet "How to complain about the Council's service" which is available either from the main reception desk or by telephoning 01283 221000 or emailing: customer.services@south-derbys.gov.uk.