



# **Anti-Social Behaviour Policy**

**2018 - 2021**

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## **1 Introduction**

- 1.1 Newark and Sherwood District Council (NSDC) is committed to reducing Anti-Social Behaviour (ASB) in our communities as it recognises the damage that persistent ASB can cause to the stability, cohesiveness and health of communities that experience it.
- 1.2 Although ASB can be difficult to define because of its impact being perception led, the Council has set out in section three of this policy, the definition and general principles that it will work to when addressing issues and complaints about ASB. The perception led nature of ASB has also required the Council to acknowledge the possibility of unreasonable complaints being made and that in those circumstances an investigation may be halted.
- 1.3 The Council also acknowledges the disproportionate impact that ASB can have upon vulnerable members of our communities, the link it has with safeguarding, the need for effective partnerships to exist, and that our primary responsibility is always to protect victims from further harm or distress. That's why the Council is committed to working with partners to ensure all victims, especially vulnerable victims, are listened to and kept informed and supported during any investigation.
- 1.4 This policy also provides an overview of the action(s) that the Council will take to deal with ASB and what route a person can take if they are not satisfied with the service they have received.

## **2 Policy Context**

- 2.1 The Council's current Corporate Plan (2016-2020) sets out the following vision:

*"We want Newark and Sherwood's urban and rural communities to take pride in being vibrant, sustainable and having a high quality of life. To achieve this, we want to deliver excellent, appropriate services and value for money".*

- 2.2 The Corporate Plan aims to achieve this vision through four strategic priorities;

1. Homes;
2. Economy;
3. Safety and Cleanliness; and
4. Healthiness.

- 2.3 The ASB Policy directly contributes to achieving 'Safety and Cleanliness' across the district and should be read alongside the Council's Corporate Enforcement Policy.
- 2.4 The Council is an active member of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) which brings together a number of organisations to work together with local people to build safer and stronger communities. The ASB Policy is a key document to help inform work carried out by the BNSCSP.

### **3 What is Anti-Social Behaviour (ASB)?**

3.1 ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves you feeling alarmed, harassed or distressed. It also includes fear of crime or concern for public safety, public disorder or public nuisance. Examples of ASB may include:

- Nuisance, rowdy or inconsiderate behaviour
- Vandalism, graffiti and fly-posting
- Street drinking
- Environmental damage including littering, dumping of rubbish and abandonment of cars
- Prostitution related activity
- Begging and vagrancy
- Fireworks misuse
- Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes

3.2 The Council will also work together with partners to utilise the resources and legal powers we have to reduce environmental crimes, problematic street drinking, graffiti, vandalism and all other types of ASB.

3.3 All of our activity to tackle ASB is intended to help make people in our communities feel safe, welcome and that they have a pleasant place in which to live, work and visit.

3.4 It is also important to acknowledge that some complaints about ASB can be considered malicious, vexatious, trivial, or unreasonable. Children playing in an area designed for play e.g. a skate boarding park or multi use games area, may fall within this category. Other examples may be someone having a one off event such as a milestone birthday party with some associated noise, a baby crying for attention, or a misplaced wheelie bin temporarily blocking access or egress. Although the incident may be annoying at the time, it is the role of the Council's officers when investigating complaints to decide whether the complaint is reasonable or not. An investigating officer will advise a complainant if they believe the complaint is unreasonable. This is done because persistent unreasonable complaints can often be perceived as harassment by the subject and lead to a counter complaint being made.

### **4 Policy Objectives**

4.1 The three objectives of this policy are:

- To work with partners to support and protect victims of ASB
- To deliver a range of appropriate interventions when responding to incidents of ASB
- To use enforcement and legal powers with partners to target those who continue to cause ASB

### **5 Responsibilities**

5.1 The response to ASB is provided across the Council and responsibilities are outlined as follows;

- **Homes and Communities Committee** – This committee has the responsibility for developing and adopting the Council's Anti-Social Behaviour Policy.

- **Director of Safety** – Responsibility for ensuring that the Council’s ASB Policy is in place and is being delivered effectively. The Director of Safety also has responsibility for the authorisation of high level ASB enforcement including service of a Closure Notice.
- **Business Manager Community Safety (BMCS)** - Responsible for the development of the ASB Policy for the Council and authorisation of enforcement requiring court action. The BMCS is also responsible for the monitoring of any raised risk ASB cases; responding to any complaints regarding the service and any Community Triggers made to the Council.
- **ASB Officers** – Responsible for dealing with all cases of ASB. They are responsible for notifying the Business Manager of any safeguarding concerns or any raised risk victims cases that they are dealing with. They have delegated authority to take forward any enforcement action not requiring court action. They have delegated authority to issue fixed penalty notices.
- **ASB Support Officer** – Responsible for an initial triage of cases reported to the Council and maintaining the Council’s database of ASB incidents. They will provide an initial response to incidents and support the ASB Officers in effectively performing their role.

## 6 Supporting the Victims of ASB

6.1 In accordance with the principles of the Anti-Social Behaviour, Crime and Policing Act 2014, the Council will give priority to supporting victims of ASB. To support the focus on victims, the Council will carry out the following actions:

- Refer cases to the commissioned service in our area for offering support to victims of ASB and crime. This is currently provided by Victim Care and is commissioned by the Office of the Police and Crime Commissioner.
- Set up multi-agency meetings as to identify how vulnerable victims could be best supported and take agreed actions;
- Train our staff to identify vulnerability and feel confident to take appropriate action;
- Work closely with other agencies to share information where appropriate so that victims do not get overlooked; and
- Conduct and record a risk assessment of victims to ensure vulnerable victims are identified at an early stage.

6.2 The Council takes the welfare and support of victims of ASB seriously and will continue to work with our communities to ensure that victims feel that they are listened to and supported. Complaints regarding ASB can be made online, by telephone, or in person and referrals are often made through partner agencies and services, e.g. Environmental Health, Police and Schools. These reporting options are important to ensure that victims can access the services they need as easily as possible.

## **7 Vulnerability and Safeguarding**

- 7.1 Whilst accepting that being a victim of ASB is distressing for anyone who is affected, the Council recognises that for some people the impact may be far worse because of an identified vulnerability. Vulnerable victims are likely to be disproportionately affected by ASB and vulnerabilities can be caused by a wide range of factors, such as; isolation, a mental health condition, physical disability, age, or substance misuse.
- 7.2 Sometimes it will be necessary to make a safeguarding referral and cases that require this course of action will be additionally recorded as part of our corporate safeguarding procedures. Concerns about ASB and safeguarding often overlap which reinforces the necessity for strong partnership working.

## **8 Actions and Enforcement**

- 8.1 To deal effectively with ASB the Council recognises that it is necessary to affect a long-term change in people's behaviour so that individuals are able to make alternative behavioural choices that are more acceptable to the communities within which they live.
- 8.2 The Council will take an uncompromising approach to the initiation of enforcement action for cases of ASB in order to achieve this goal and protect victims. However, the Council also recognises that behavioural change can be achieved in many other ways and will therefore explore all reasonable interventions that could bring about the desired change in behaviour.
- 8.3 The Council will take an approach to dealing with ASB, which is proportionate and appropriate to the behaviour being produced or complained about and table one below outlines some of the main actions we will take. Whilst the Council will do all that it can to reasonably prevent ASB, at the same time it will take proportionate enforcement action and will do so at the same time as employing preventative measures if necessary.

**Table One** – Potential Preventative Measures (not exhaustive).

<b>Mediation</b>	Using qualified experts in mediation to try to resolve issues and come to agreements on a way forward.
<b>Good Neighbour Agreements</b>	These are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving relationships.
<b>Education within schools</b>	This can be on a range of topics including: alcohol and drug awareness, healthy relationships, inter-generational work, cultural awareness. These are run either by internal staff, external agencies or a mix of partners
<b>Referral to support services</b>	There are a range of support services available, some of which are provided by the voluntary sector.

<b>Warnings</b>	Often it is appropriate to issue a warning, which could be either verbal or in writing. Warnings would be issued by either an individual agency e.g. social landlord, or from the partnership.
<b>CCTV</b>	The Council has a network of monitored cameras that it provides to act as a deterrent for those who would commit acts of ASB. Evidence may also be collected on the cameras to support enforcement activity.
<b>Acceptable Behaviour Contracts (ABC's)</b>	A more formal agreement which outlines expected behaviour and highlights potential repercussions if they are breached. ABC's are formally signed by the offender, the Council and Police staff.

8.4 If early intervention and preventative measures are not successful in resolving issues, then proportionate enforcement actions will be considered. Enforcement may be taken, for example, under the Anti-Social Behaviour, Crime and Policing Act 2014. Action can also be taken under housing legislation e.g. possession proceedings. This would be done in partnership with the relevant landlord or managing agents. There are also sanctions under criminal law, such as Harassment Warnings or Public Order offences.

8.5 Court cases may be taken which can result in fines, the issue of court orders, injunctions, and even imprisonment. In all cases these powers will be used proportionately and only when considered appropriate. Whenever enforcement powers are used they will be in accordance with the principles set out in the Corporate Enforcement Policy. Generally, preventative measures will be pursued either before or alongside formal enforcement action.

8.6 Although the Council will employ a range of measures to tackle ASB its **overriding principle is that victims must be protected from those who perpetrate ASB and the Council is committed to reducing ASB in its communities**. This means that the Council will use all legal powers at its disposal and also encourage partners to do likewise. To do this we may use various techniques including collation of evidence using both covert and overt CCTV, diary records and witness statements.

## 9 Partnership Working

9.1 To ensure that it tackles ASB effectively, the Council will work with a number of external partners and is committed to effective partnership working. Partners include:

- Nottinghamshire Police;
- Newark and Sherwood Homes and other Registered Social Landlords;
- Nottinghamshire County Council, specifically the Family Service and the Youth Support Service;
- Nottinghamshire Probation;
- Change, Grow, Live (Nottinghamshire's commissioned drug and alcohol service)
- Schools and educational facilities; and
- Nottinghamshire Fire and Rescue

- Other local authorities, including town and parish councils
- The Environment Agency
- Voluntary agencies and the third sector

9.2 By working with partners and sharing information, the Council is able to adopt the best method to deal with each individual case and in many cases enforcement action is jointly taken forward. Sometimes the Council may be the lead enforcement agency whereas on other occasions it may play a supporting role. This depends on the nature of the ASB and the matters being enforced.

9.3 The Council is an active partner of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) and will support this partnership to improve community safety generally and tackle ASB across the district.

## **10 Equalities**

10.1 The Council has made a commitment to ensuring that it complies with the requirements of the Equalities Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.

10.2 It also recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that our response is tailored accordingly. Hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk.

## **11 Policy Review and Updates**

11.1 This policy will be reviewed every three years. However interim amendments may also be required to reflect any legislative or procedural changes.

## **12 Complaints, Feedback and the Community Trigger**

12.1 Should you have a complaint or comments regarding this policy or how a case has been dealt with, please make us aware.

12.2 NSDC operates a complaints procedure that can be accessed through the website, via our Customer Service Team on 01636 65000, or by writing to the Council. More information on how to make an official complaint about the service you have received from the Council can be found [here](#).

12.3 The Community Trigger gives victims and communities the right to request a review of their anti-social behaviour complaints and brings agencies together to take a joined up, problem solving approach to find a solution. More information about the Community Trigger is on our website and may be accessed [here](#).