



Anti-Social Behaviour Policy

2015 - 2018

Introduction

Newark and Sherwood District Council (NSDC) is committed to reducing Anti-Social Behaviour (ASB) in our community. Between 2009/10 and 2013/14 the district saw a reduction of 56% in reported ASB, but issues do still occur.

There are no exact definitions of ASB. It can mean different things to different people but by way of example, it covers issues such as noisy neighbours, drunken behaviour, fly tipping and harassment. Victims can feel distressed, isolated and alarmed by such behaviour, particularly when they are vulnerable, or if they are repeatedly targeted. That's why NSDC is committed to working with partners to ensure all victims, but especially vulnerable victims are listened to, kept informed and supported during any investigation.

ASB came onto the political agenda in 1997 and subsequently specific legislation to assist in tackling it was first introduced in 1998. In 2011 the Government consulted on making changes to ASB legislation, in a bid to ensure that powers were more streamlined and that victims were put first.

This updated Policy outlines these changes and other changes in dealing with ASB, both locally and nationally. It also identifies how, by working with our partners, the Council will implement and enforce the new powers.

Policy Influences

- **Anti-Social Behaviour, Crime and Policing Act 2014**

The new Anti-Social Behaviour, Crime and Policing Act was passed in April 2014. One of the main aspects of the Act is to ensure that victims are put first in any enquiry or investigation. The Act brings in two new measures, Community Triggers and Community Remedy, both of which are specifically designed to give communities and victims a voice in how ASB is dealt with. The Act also seeks to simplify the various different powers to deal with ASB issues that were available to authorities and landlords under many different pieces of legislation. These have been reduced to just six, more flexible, powers that can be used to cover a wide range of issues. Further details regarding these changes and the powers available under the Act are set out within **appendix A**

- **Anti-Social Behaviour Act 2003**

Although much of this Act has been superseded by the 2014 Act, the approach and powers to tackle anti-social behaviour were initially developed under this Act. This included wider powers such as Crack House Closures, Parenting Orders and Dispersal Zones. Powers under this Act have been used to facilitate much of the work that professionals do today to tackle ASB and has allowed organisations to take action on numerous issues that were previously difficult to address.

- **Crime and Disorder Act 1998**

This Act brought in the first specific ASB legislation, and included the Anti-Social Behaviour Order. It also defined ASB "a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself". The Act also imposed a duty on Local Authorities to consider implications for crime and disorder in all decisions that they make.

Internal influences include:

- Newark and Sherwood District Council's Corporate Enforcement Policy
- Bassetlaw, Newark and Sherwood Community Safety Partnership Policy and vision

Policy statement

Newark and Sherwood District Council has four main priorities:

- *Prosperity*
- *People*
- *Place*
- *Public Services*

The ASB Policy will work specifically towards the overarching priorities of 'People' and 'Place'. It sets out how we will work with partner organisations to reduce ASB and the impact that it has on people and communities. This includes support for victims and witnesses of ASB, and intervention and enforcement against offenders.

We will also work together with partners to utilise the tools and powers we have to reduce environmental crimes, problematic street drinking, graffiti and vandalism.

All of this is intended to help make our communities safe, friendly and clean places in which to live and work.

This also links into the vision for the Bassetlaw, Newark and Sherwood Community Safety Partnership, which is that it will be '*A partnership delivering safe, friendly, communities*'.

Policy Objectives

- To work with partners to support and protect victims of ASB
- To carry out early intervention, diversionary work and education to prevent incidents of ASB
- To use enforcement and legal powers with partners to target those who continue to cause ASB

Actions and Enforcement

Prevention and enforcement of ASB can be achieved in many different ways. The Council has a staged approach to dealing ASB, which is proportionate and appropriate to the behaviour being produced or complained about. Below outlines some of the main actions we will take. Our policy is ALWAYS to try to prevent at the earliest opportunity before starting enforcement procedures.

Tools used to achieve this include the following:

- **Mediation** – Using qualified experts in mediation to try to resolve issues and come to agreements on a way forward.
- **Good Neighbour Agreements** – these are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving neighbourhoods.
- **Education within schools** – this can be on a range of topics including: - alcohol and drugs; (un)acceptable behaviour and consequences; breaking down barriers between different

generations etc. These are run either by internal staff, external agencies or a mix of partners.

- **Referral to support services such as Youth Intervention Projects** – This may involve taking young people on training courses or considering a young person or their family to be involved with the Nottinghamshire County Council Family Service
- **Informal and formal warning notices.** These can be ASB warnings or warnings linked to housing. The Police can also issue cautions.
- **Acceptable Behaviour Contracts (ABC's)** – these are more formal agreements which outline expected behaviour and highlight potential repercussions if these are breached. These are formally signed by both the offender and Council and Police staff.

However, if early intervention is not successful in resolving issues, 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.

Court cases may be taken which can result in fines, the issue of court orders, injunctions, and even imprisonment. In all cases these will be used proportionately and only when considered appropriate. Generally, other avenues will be pursued before enforcement is taken.

However, Newark and Sherwood District Council is committed to reducing anti-social behaviour in the community and WILL use all powers available to it and encourage partners to use enforcement where offences continue to be committed. To do this we may use various techniques including collation of evidence using both covert and overt CCTV, diary records and statements.

Supporting the Victims

Under the Anti-Social Behaviour, Crime and Policing Act 2014, the emphasis has moved away from simply targeting offenders, with the priority being to support victims. To underpin this, the Act introduced two new victim focused elements, the Community Trigger and Community Remedy. Details of our Community Trigger can be located on the Council's website (<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/communitysafety/antisocialbehaviour/20141031communityTrigger.pdf>).

To support the focus on victims, the Council has also carried out the following actions:

- In conjunction with the Police and Crime Commissioner, employed a Victim Support Officer specially trained to support vulnerable victims of ASB;
- Set up a multi-agency meeting which meets once a month to discuss how vulnerable victims could be best supported;
- Trained staff in restorative justice techniques and mediation;
- Work closely with other agencies to share information where appropriate so that victims do not get overlooked; and
- Brought in robust risk assessment processes of victims to ensure vulnerable victims are identified at an early stage.

The Council has the welfare and support of victims of ASB as a key priority 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. This is to ensure that victims can access the services as easily as possible.

Partnership Working

To ensure that it tackles ASB effectively, the Council will work with a number of external partners. These include:

- Nottinghamshire Police;
- Newark and Sherwood Homes and other Registered Social Landlords;
- Nottinghamshire County Council, specifically the Family Service and Youth Services;
- Nottinghamshire Probation;
- Schools and educational facilities; and
- Nottinghamshire Fire and Rescue.

By working with partners and sharing information, the Council is able to adopt the best method to deal with each individual case. In many cases enforcement action is jointly taken forward, ensuring that both the offender and victim receive a consistent message.

Responsibilities

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 sits within the Safety Directorate. The Director of Safety also has responsibility for the authorisation of high level ASB enforcement including Community Protection Closure Orders.

Business Manager Community Safety (BMCS) - Responsible for the development of the ASB Policy for the Council and authorisation of enforcement requiring court action. The Business Manager 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. The Business Manager also co-chairs the Vulnerable Persons Panel with Nottinghamshire Police.

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.

Performance Monitoring

Monitoring performance for dealing with ASB will be carried out both internally and externally in the following ways:

Internally

- BMCS to monitor high risk vulnerable cases on a weekly basis
- Monthly monitoring of breaches of orders
- Monthly monitoring of enforcement action

Externally

- Number of ASB incidents within the district recorded by Nottinghamshire Police. These can be broken down into the following categories
 - ASB nuisance
 - ASB personal
 - ASB environmental

These details are monitored externally through the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP), which provides monthly performance reports on both ASB and wider community safety issues. The Partnership has a Performance Group, chaired by a Police Superintendent, which examines performance every two months and reports on risks, changing trends and progress against plans to the Joint Strategic Group of the Partnership. This ensures that where trends change and emerging issues are found the partnership and the Council are able to respond.

Strategically, there is also the Safer Nottinghamshire Board, which considers performance across the county. The BNSCSP are represented at this meeting and where necessary are required to report on any performance issues and actions put in place.

Equalities

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.

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 take this into account and that our response is tailored accordingly.

Policy Review and Updates

This policy will be reviewed every 3 years. However interim changes may also be required to reflect any legislative or procedural changes.

Complaints

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

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.

Appendix A

ASB powers under the Anti-Social Behaviour , Crime and Policing Act 2014

Civil Injunctions

These are designed to tackle bad behaviour before it escalates. The injunction requires a civil burden of proof (being on the 'balance of probabilities'), making it quicker and easier to obtain than previous tools. For adults, breach of the injunction could see them imprisoned or fined. For under-18s a breach could be dealt with through curfews, supervision or detention.

Criminal Behaviour Orders (CBO's)

A CBO is applied for once a person has been convicted of a criminal offence. This could be any offence, not just one involving anti-social behaviour. The order would be made in a criminal court with a criminal burden of proof (being 'beyond all reasonable doubt'). Breach of a CBO is a criminal offence with a maximum sentence of five years' imprisonment. A CBO may ban an individual from certain activities or places and require them to address their behaviour for example attending drug treatment programmes. Through the use of a CBO it is possible to impose positive requirements as well as prohibitions.

Community Protection Notice (CPN)

A CPN may be used to order a person to do something (or stop doing something) in order to cease 'environmental' ASB, or behaviour having a detrimental effect on quality of life. There is a single order for local authorities to stop persistent environmental ASB like graffiti, neighbour noise or dog fouling (Level 1); and another for police and local authorities to deal with more serious disorder and criminality in a specific place such as closing a property used for drug dealing (Level 2). CPNs can be used against 16 and 17-year-olds. Bodies authorised to use CPNs are primarily the police, local authorities and 'a person designated' by the relevant local authority. This extends to providers of social housing. Officers would have to issue a written warning before issuing a CPN, which gives the offender adequate time for remedial action to be taken.

Where someone fails to comply with a CPN there are a number of options available, these are:

- **Fixed Penalty Notice (FPN)** - this can be served by a police officer, council officer, or if delegated, an officer representing a Social Landlord (SL). If the FPN issued by the Social Landlord is not paid, then the Council will be responsible for recovering the money and/or prosecution for the original offence.
- **Seizure of item(s) used in the commissioning of an offence** – this may be carried out by a person designated by the Local Authority, i.e. an officer of the Council or SL.
- **Prosecution** - dependant on the severity of the offence, a decision can be made to move straight to prosecution. This action would be carried out by the local authority where the CPN was issued by a social landlord or an officer of the Council.

- **Remedial works** – these are carried out by the Council.

The CPN cannot be used against noise that is classified as ‘statutory nuisance’, which will still have to be dealt with under the provisions of the Environmental Protection Act 1990.

Public Spaces Protection Order (PSPO)

The PSPO deals with a particular nuisance in a particular area that is negatively affecting the community’s quality of life. Unlike the CPN, it will apply to everyone and will impose conditions on the use of a particular area (e.g. restricting the use of a highway late at night by groups of people or the drinking of alcohol in a public space). Only local authorities may issue PSPO’s. The authority must reasonably believe that the behaviour is detrimental to the local community’s quality of life and that the impact of the behaviour warrants restrictions being implemented. The behaviour must be on-going or persistent (or there must be a reasonable belief that future behaviour will be on-going or persistent). Orders may last for up to three years and may be extended. The breach of an order will be a criminal offence subject to prosecution or a fixed penalty notice.

Closure Power

Both the police and local authorities will be entitled to apply for such an order although they may not be made unless the owner, landlord, licensee and anyone who appears to be residing in the premises have been consulted with. An order may be made if the police or local authority reasonably believes that there is a public nuisance or there is likely to be disorder imminently in the vicinity of, and related to, the premises and that the order is necessary to prevent the occurrence or reoccurrence of such disorder or behaviour. Breach of the order, without a reasonable excuse, will be a criminal offence.

Dispersal Powers

This is a power to direct any individual causing or likely to cause crime or disorder away from a particular place and to confiscate related items. This new power will also enable Police Officers to direct a person aged 10 and above who has committed, or is likely to commit, ASB to leave a specified area and not return for a specified period of up to 48 hours. The officer must be of the view that issuing the direction is necessary for the purpose of removing or reducing the likelihood of ASB or crime and disorder. Non-compliance carries a maximum penalty of a fine or three months’ detention.

The Community Trigger

This allows victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. The Community Trigger can only be accepted if three separate incidents of ASB have been complained about in the last six months and action has been taken. A framework for this has been agreed Nottinghamshire wide and locally agreed through the Bassetlaw, Newark and Sherwood Community Safety Partnership and is now available on the Council’s website (<http://www.newark-sherwooddc.gov.uk/asb/communitytrigger/>).