

**North East Derbyshire District Council**

**Cabinet**

**3 October**

**Anti-Social Behaviour Policy**

**Report of Councillor Barry Lewis, Portfolio Holder for Partnerships and Leisure**

This report is public

**Purpose of the Report**

- The purpose of this report is for Cabinet to consider and approve the Anti-Social Behaviour Policy.

**1 Report Details**

- 1.1 The Anti-Social Behaviour Act 2003 requires local housing authorities, to prepare and publish a policy in relation to antisocial behaviour (ASB) and procedures for dealing with occurrences of ASB. The Council doesn't currently have an Anti-Social Behaviour Policy
- 1.2 The Anti-Social Behaviour, Crime and Policing Act 2014 introduces a number of new powers as well as simplifying the existing ASB powers. Local authorities now have a wide range of powers to tackle ASB, including the civil injunction, the Community Protection Notice, the Public Spaces Protection Order and the absolute ground for possession.
- 1.3 The Council has been using the "new" tools and powers very successfully. This has included using Community Safety Warnings and Notices to tackle lower level ASB, as well as the more substantial and effective mechanism of being able to use close powers to close a premises to a tenant and all visitors, where the ASB causes serious nuisance to members of the public and the Orders are necessary to prevent the nuisance or disorder from continuing. We have also successfully obtained ASB Injunctions and Criminal Behaviour Orders against individuals.
- 1.4 The proposed policy takes into account these legislative changes to reflect the new tools and powers open to the Council when tackling ASB, as well as experience and knowledge from both within the council and from outside the council, and good practice.

- 1.5 The policy is intended to provide clarity of the Council's role, responsibilities and approach in addressing ASB. It confirms the Council's purpose and operating principles, how we work with partners and what the North East District community can expect.
- 1.6 The core message is that we are aligned with Home Office guidance that accompanies the legislation; namely that we will focus our attention on the impact that ASB has on victims and communities. The policy recognises the need to work in partnership with a range of agencies, both statutory and voluntary.
- 1.7 It also recognises the role that the North East Derbyshire Community Safety Partnership plays in helping to address ASB across the district.
- 1.8 The Policy sets out to define ASB, whilst recognising that it is defined against the backdrop that an individual's perception is the crucial factor in determining whether or not a person feels alarmed, harassed or distressed. The policy goes on to explain how the Council responds to reports of ASB, explains the investigation process as well as provide a list and description of the various enforcement options available.
- 1.9 Vulnerability and safeguarding are also addressed within the policy and it recognises the disproportionate impact that ASB can have on vulnerable people and the need to make safeguarding referrals in appropriate cases. The Council's safeguarding responsibilities are often intertwined with cases of ASB.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 It is a legal requirement to have an anti-social behaviour policy which sets out the procedures the Council has in place for dealing with ASB. This policy reflects current legislation and best practice. It ensures legal compliance and to ensure that we have an up to date and robust Anti-Social Behaviour Policy for which addresses the action taken by North East Derbyshire District Council is better able to resist a challenge in the courts.

## **3 Consultation and Equality Impact**

- 3.1 The Anti-Social Behaviour Policy has been developed with a number of officers in different departments including Community Safety, Rykneld Homes and Legal Services.
- 3.2 An equality impact assessment has been completed and approved.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 To do nothing is not an option, we have a legal requirement to publish an Anti-Social Behaviour Policy which refers to our procedures, current legislation and Home office guidance.

## 5 Implications

### 5.1 Finance and Risk Implications

5.1.1 There are no financial implications associated with the recommendation.

### 5.2 Legal Implications including Data Protection

5.2.1 There is a legal requirement for all local housing authorities to publish a statement of their policies and procedures in relation to anti-social behaviour.

### 5.3 Human Resources Implications

5.3.1 There are no human resource implications associated with the recommendation

## 6 Recommendations

6.1 That cabinet approves and adopts the updated Anti-Social Behaviour Policy.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All indirectly
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

Appendix No	Title
1.	North East Derbyshire District Council – Anti-Social Behaviour Policy
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers Statutory guidance for frontline professionals, Updated August 2019</p>	
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AGIN 6 (CAB 1003) 2019 – ASB Policy



**North East  
Derbyshire**  
District Council

# **Anti-Social Behaviour Policy**

**October 2019**



North East  
Derbyshire  
District Council

## *We speak your language*

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Polish

*Mówimy Twoim językiem*

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French

*Nous parlons votre langue*

---

Spanish

*Hablamos su idioma*

---

Slovak

*Rozprávame Vaším jazykom*

---

Chinese

我们会说你的语言

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## CONTROL SHEET FOR ANTI-SOCIAL BEHAVIOUR POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Anti-Social Behaviour Policy
Current status – i.e. first draft, version 2 or final version	Final Version
Policy author (post title only)	Contentious Team Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	Portfolio Holder for Partnership and leisure
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	Community Safety Partnership Legal
Final policy approval route i.e. Executive/ Council	Executive
Date policy approved	
Date policy due for review (maximum three years)	3
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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# 1. Introduction

North East Derbyshire District, is in the heart of the Country being a wonderful place to live, in either villages or towns, set in a predominantly rural location.

The Council aims to deliver services to enhance and improve the wealth profile, well-being and quality of life for the communities of North East Derbyshire District. The Council has set four priorities to achieve this aim:

- Our Residents - Enhancing our residents' quality of life.
- Our Environment - Protecting and promoting the character of our District
- Our Services - Delivering high quality cost-effective services by engaging with residents, partners and Council staff.
- Our Economy - Creating a business friendly District that develops skills and jobs.

The Council will meet the relevant priorities by working with partner agencies to support victims and tackle offenders as appropriate, tailoring services to individual needs and with an emphasis on preventing problems of Anti-Social Behaviour (ASB) and crime and disorder from occurring and reoccurring.

## 2. Scope and Aim

This policy is intended to provide clarity of the Council's role, responsibilities and approach in addressing ASB. It confirms the Council's purpose and operating principles, how we work with partners and what the North East Derbyshire community can expect from us.

As a landlord, the Council also has a duty to respond to ASB relating to tenants and any ASB affecting the properties they manage. The landlord duties and powers are different from, and usually act in addition to, the duties and powers available to deal with ASB affecting the wider community. The Council outsources its housing management functions to Rykneld Homes who have an Anti-Social Behaviour Policy which specifically deals with addressing housing related ASB.

The Anti-Social Behaviour, Crime and Policing Act 2014 brought these two aspects closer together. The Anti-Social Behaviour Act 2014 also introduced the concept of Community Trigger, which enables victims to require agencies to carry out a review of their response to the ASB they reported where they feel they did not get a satisfactory response. You can find out more information about this using this link <https://www.northeastderbyshire.gov.uk/index.php/29-resident/community-safety-emergencies/103-resident-community-trigger?highlight=W5pdHkLCJjb21tdW5pdHkncylslnRyaWdnZXliLCJjb21tdW5pdHkgdHJpZ2diciJd>

This document will also identify where enforcement powers apply both to Council tenancies and the wider community and how the Council will respond. This policy also ensures that the victim is at the heart of the approach in tackling ASB. To achieve this North East Derbyshire District Council is involved in the Anti-Social Behaviour Victims First Project (ECINS).

The purpose of this project is to build on our strong partnership working 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 anti-social victims, especially the most vulnerable
- Improve ASB case management for victims and offenders through ICT

This policy also has regard to the Council's Corporate Enforcement Policy found at [https://www.ne-derbyshire.gov.uk/images/Repository/C/CEP\\_Policy\\_Sep\\_2018.pdf](https://www.ne-derbyshire.gov.uk/images/Repository/C/CEP_Policy_Sep_2018.pdf)

### **3. Principles**

The Council is committed to tackling Anti-Social Behaviour. This Policy will explain how the Council is working with its partners to achieve the Corporate Aims whilst delivering services to enhance and improve the wealth profile, well-being and quality of life for the communities of North East Derbyshire District which may be affected by ASB.

The Council recognises individuals have the right to live the way they want to as long as it doesn't affect or impact on the quality of life of other people around them, being tolerant and respecting the needs and choices of other people.

The Council will:

- Encourage and help individuals to solve their differences wherever possible. This is often the easiest way to solving a problem, as often people do not realise they are causing a nuisance. We will get involved and work with people and other agencies to tackle ASB quickly and efficiently.
- Deal firmly but fairly with ASB, to discourage such behaviour and to encourage and support others to speak out about ASB.
- Where possible ensure that challenging families or individuals receive support to help them to modify their behaviour and then to take action against those families or individuals who continue to cause a nuisance.
- Commit to making sure our neighbourhoods are peaceful, safe and secure places to live. Recognising that ASB can have a severe effect and accept our responsibility to help tackle any problems in a timely manner.
- Take appropriate and prompt actions within our powers when dealing with any disruptive residents and other people causing a nuisance or harassment within the district.

### **4. Policy Statement**

The Council will:

- Support residents to enjoy their home and communities
- Respect confidentiality
- Respond to customers, normally within 5 working days, in an effective, sensitive and consistent way
- Investigate complaints of ASB thoroughly and take timely, effective action if required

- Encourage customers to resolve their own issues where this is appropriate
- Update customers and work with other agencies to provide support if appropriate and/or necessary
- Not tolerate unlawful discrimination and/or harassment
- Deal with all complaints of harassment in a sensitive and professional manner, always taking a victim centred approach
- Ensure staff are appropriately trained to deal with ASB
- Work effectively with partners in dealing with and preventing ASB.

## **5. Roles within the Council**

Various pieces of legislation provides Councils with a wide range of tools and powers to deal with ASB within our communities. This policy focuses on the Community Safety role. As described above the landlord and tenant ASB is largely contained in the Rykneld Homes ASB policy.

Other teams within the Council can have a role in addressing ASB for example, Environmental Health, Street Scene and Planning but they have their own policy which explains how they deal with enforcement action. There will be times when a multi-agency/team approach is taken which is explained in part 10 below.

### **5.1 North East Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council has a duty to work with the Police and other agencies to reduce crime and disorder in the North East Derbyshire District. In this role, the Council considers crime and disorder in all of its decision making across the Authority, plays a key part in dealing with ASB of all kinds and undertakes project and preventative work. The work undertaken by the North East Community Safety Partnership is to provide support to other agencies (including other teams within the Council) and to address ASB impacting the wider community.

### **5.2 Housing management/landlord role**

The Council owns and manages its housing stock consisting of 5105 properties as at September 2018. All tenants of North East Derbyshire District Council have signed a tenancy agreement, which sets out the rights and responsibilities of the tenant(s) and the Council. The tenancy agreement is a legally binding contract between the Council and the tenant(s). The tenancy agreement states how tenants, those residing at the property, and their visitors, should behave whilst at the property and within the locality of the property. In addition to the enforcement powers set out above, the Council can take specific enforcement action against its tenants which affects the use of the property and the security of tenure. This means that the Council can apply for possession of the property, relying on certain grounds for possession as set out in Schedule 2 of the Housing Act 1985 (as may be amended from time to time).

When considering this action, the Council will take into account the tenant's personal circumstances and the proportionality of the action the Council is taking.

## 6. What is Anti-Social Behaviour?

There have been a number of definitions of what behaviour is anti-social by the courts. As the legislation has developed over the years, the Anti-Social Behaviour, Crime and Policing Act 2014 now defines anti-social behaviour as:

- *Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;*
- *Conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises, or*
- *Conduct capable of causing housing-related nuisance or annoyance to any person (referring to directly or indirectly housing management functions of a housing provider or local authority).*

This latest definition gives the Council a greater opportunity for applying appropriate ASB tools and powers to address certain behaviours, issues or occurrences of ASB within our District in respect of tenants and the wider community.

The term 'Anti-Social Behaviour' covers a wide range of unacceptable activity which can blight the lives of many people on a daily basis. ASB may or may not include or consist of criminal activity. The key factor in deciding whether particular behaviour is anti-social or not, will be the impact of that behaviour on others.

The Act refers to housing related nuisance or annoyance which can include interference with the day to day running and strategic management of properties (either by the Council or other housing providers) which could include:

- Maintenance and repairs
- Rent collection
- Estate management
- Other tenancy management

Matters that might 'indirectly' affect the housing management function may include environmental clearance and refuse collection and other services the Council provides that enables the efficient operation of the housing service.

As outlined above at 5.2, the Councils housing management function is out sourced to Rykneld Homes, and they have an ASB policy which addresses their procedures.

Anti-Social Behaviour can also be caused by:

- A tenant of a private landlord
- An owner or person in control of a property
- An occupant of a privately owned property

Types of behaviours can include, but is not limited to, the following examples:

**Anti-Social Behaviour which targets a particular individual or specific group, or is aimed at having an impact on a particular individual or incident rather than a community at large including:**

- Verbal or written abuse
- Threats of violence
- Assault
- Damage to property
- Using or allowing premises to be used for illegal or immoral activity for example prostitution, handling/storing of stolen goods, handling/storing of drugs.
- Harassment – including hate related incidents or racial harassment
- Playing amplified sounds from televisions, radios or mobile phones for example

**Nuisance Anti-Social Behaviour that causes trouble, annoyance, inconvenience, offence or suffering to people in the local community in general rather than targeted at an individual including:**

- Playing amplified sounds
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Swearing
- Excessively loud and frequent parties
- Persistent alarms
- Persistent dog barking
- Using or handling weapons or bladed articles
- Domestic violence

**Environmental Anti-Social Behaviour that are inconsiderate actions which impact upon the natural, built and social environment including:**

- Littering
- Fly-tipping
- Graffiti
- Vehicles – burnt out/abandoned
- Dog fouling
- Flyposting
- Burning of controlled waste or nuisance burning
- Waste in gardens
- Vehicles – parking obstructions/noisy vehicles
- Invasion of privacy
- Property damage
- People congregating and causing nuisance or intimidation
- Problems surrounding alcohol and substance abuse/misuse
- Begging
- Street drinking public drunkenness

**Anti-Social Behaviour affecting the tenancy:**

- Failure by tenants to prevent children of visitors from behaving anti-socially
- Failure by tenants to adhere to all ASB related tenancy conditions

- Any act which directly or indirectly adversely affects the Council's housing management function as discussed above
- Misuse of communal area (including parking issues) and
- Use of motor vehicles in an Anti-Social manner by tenants or visitors

The impact of ASB can often leave victim's helpless, desperate and with a reduced quality of life in their homes and communities.

## **7. What may not be Anti-Social Behaviour?**

The types of behaviour complained about may not always be clearly ASB and there are some types of circumstances that may not constitute ASB. For example, some behaviour that individuals perceive as being 'Anti-Social' are unavoidable and may be day to day activities or out of the control by the other person. The Council will consider how to effectively address these types of issues to try to secure a positive outcome, for all parties, even the perceived perpetrator of the behaviour.

The type of issues which **may** not constitute ASB includes:

- Living or domestic noises
- A baby crying,
- Ordinary conversation levels through walls,
- Noise from children playing in a garden
- Domestic activities such as vacuuming, toilet flushing or using a washing machine.
- Children playing in the street or communal area
- People gathering socially
- Parking
- DIY and car repairs
- Civil disputes between neighbours (e.g. shared driveways, boundaries)

The Council will consider the facts of the complaint, history and nature of the behaviour and will determine the action, if any, to be taken.

## **8. Racial Harassment and Hate Crime**

Racial Harassment and Hate Crime includes not only physical attacks on persons and damage to property, but also verbal abuse, intimidation and any other form of behaviour which deprives people of the peaceful enjoyment of their homes and lives.

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victims:

- Race, colour, ethnic origin, nationality or national origins
- Religion or belief
- Gender or gender identity
- Sexual orientation
- Disability
- Age

Hate crime can take many forms including:

- Physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- Offensive and malicious communications which can include letters, emails, telephone calls, texts and posts on social media
- Threat of attack – groups hanging around to intimidate
- Unfounded malicious complaints, verbal abuse or insults, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace

The Council's definition of a hate crime is:

Any incident, which constitutes a criminal offence, which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or transgender status or based on perception of a persons' race, religion, sexual orientation, disability or transgender status.

The Council will not tolerate racial harassment or hate crime of any form and will work to address such issues by doing the following:

- Being proactive in preventing racial harassment and hate crime
- Recognising incidents of racial harassment and hate crime
- Responding to incidents of racial harassment and hate crime quickly and effectively
- Acting appropriately to support victims and witnesses
- Having clear procedural commitments to respond to incidents of racial harassment
- Ensuring a clear message is sent to perpetrators that racial harassment and hate crime will not be tolerated in any form
- Reporting and monitoring all racist and hate crime incidents

Please see link to Councils policy on Hate Crime: [https://www.norfolk.gov.uk/images/Repository/J/Joint\\_Hate\\_Crime\\_and\\_Incidents\\_Reporting\\_Guidance.pdf](https://www.norfolk.gov.uk/images/Repository/J/Joint_Hate_Crime_and_Incidents_Reporting_Guidance.pdf)

## **9. Safeguarding**

The Council is committed to safeguarding children and vulnerable adults. Safeguarding is 'everybody's business' and if Council officers are concerned about the welfare of children or adults alike, appropriate referrals and information sharing will be undertaken.

For more information about preventing, identifying and reporting if you suspect a child or vulnerable adult is at risk or is suffering from neglect or abuse you can contact specifically trained Safeguarding Link Officers on 01246 242424 or if it is out of normal office hours call Starting Point on 01629 533190 or 08456 058 058. (24 hours a day 7 days a week).

[https://www.norfolk.gov.uk/images/Repository/C/Child\\_Safeguarding\\_Policy\\_Jan\\_17.pdf](https://www.norfolk.gov.uk/images/Repository/C/Child_Safeguarding_Policy_Jan_17.pdf)

Domestic abuse will not be tolerated. The Council will work with the Police, Domestic Violence Officer and the Independent Domestic Violence Advocate (IDVA) and other relevant agencies to take informal steps and use legal remedies to address such behaviour.

## **10. Multi-Agency Working**

The Council plays a significant role in addressing and managing ASB caused by its residents whereby the behaviour impacts on the wider community. The Council takes its responsibility seriously both in responding to issues/complaints and in preventing occurrences in the first instance through proactive working.

The problems members of the public will need assistance with, may be complex and contain multiple issues. The Council will address all cases of ASB and nuisance, relating to domestic properties, privately owned land and premises or public places in a proportionate manner and in a staged approach where possible.

The Council will ensure that each victim/perpetrator is allocated to an appropriate officer who is trained and equipped to respond to each of the types of problems presented (which may then be referred to as a case). The appropriate officer may draw upon additional and/or specialist service providers or other key stakeholders to manage certain aspects of the case, but will remain the lead officer, unless required to hand over the case to a different agency, for example, where there are child protection concerns.

The responsibility for dealing with ASB will be shared between agencies and the communities concerned. Usually no one agency is best placed to respond to every type of behaviour. This can however, lead to confusion with who is responsible for managing the problem, therefore the Council seeks to ensure that the person responsible for the case is identified and appropriate agencies are worked with to identify and resolve the problem(s), prevent reoccurrence and reduce the risk of harm for all victims and witnesses of ASB but particularly the most vulnerable.

Communities themselves must play an active part in resolving issues. Officers will support residents so as to facilitate compromise and to find mutually agreeable and informal resolutions where possible. In some cases, the Council may not be able to use the powers available without the support and input from residents or the wider community.

The Council may work with a number of partner agencies to problem solve ASB issues and share information to ensure the victim is at the heart of the Council's approach to tackling ASB and to provide a consistent multi agency approach to the identification of vulnerable and repeat ASB victims. Partner agencies the Council may work with include:

- The Community Safety Partnership and its statutory partners
- Rykneld Homes
- Town and Parish Councils
- Derbyshire County Council Multi Agency Teams
- Residents and tenants



- The Police
- Fire Service
- Social Services
- Schools
- Community Groups
- Local businesses and Charities
- Victims and witnesses
- Youth Offending Teams
- Leisure Services
- Parenting Practitioner
- County Council
- Registered Social Landlords
- Private Landlords

## **11. How Does the Council Respond to Reports of Anti-Social Behaviour?**

For the purposes of this policy, a report of Anti-Social Behaviour is a request for service made to the Council to deal with the behaviour of residents within the community of North East Derbyshire District Council.

Reports of ASB may be made by letter, in person, by telephone or by email. There is no requirement for a report to be in writing.

The Council has a team of officers who may be involved in a complaint of ASB. The Council has an Anti-Social Behaviour Caseworker who will deal with the more complex housing related ASB and also wider community ASB. Rykneld Homes also has a team of Community Sustainment Officers who focus on housing related ASB and breaches of tenancy agreements.

## **12. Investigation Process**

The Council will use different methods to investigate complaints of Anti-Social Behaviour. Such methods may include but are not limited to:

- Use of diary sheets
- CCTV
- Noise monitoring equipment
- Officer observations
- Photographs
- Interrogation of social media
- Body worn video

Wherever possible all requests for cameras and other recording equipment to gather evidence for ASB will be referred to the Anti-Social Behaviour Team, who will make the decision on the necessity and priority of the deployment of the equipment. However, in relation to the investigation of alleged noise nuisance under the Environmental Protection Act 1990, the Council's Environmental Health Department may use noise monitoring equipment without the Anti-Social Behaviour Team's knowledge.

Anyone utilising covert or overt recording equipment will comply fully with the Regulation of Investigatory Powers Act (RIPA) and the Data Protection Act 2018 (as may be amended from time to time).

**Decision Making.** The Council will assess the evidence, consider the legislative test, as well as the reasonableness and proportionality of the action, taking into account the personal circumstances of both the victim and perpetrator. This Policy will be applied along with any other relevant Council policy which can be found on the Council's website.

The Equality Act 2010 (as may be amended from time to time) will also be taken into account when decisions are being made and enforcement action is being considered. The Council will undertake Equality Act Impact Assessments when such decisions are being made and will be reviewed and updated as investigations and proceedings are progressed.

### **13. Enforcement Options**

The Council, Community Safety Partnership and Rykneld Homes has a broad range of tools to tackle ASB. In the majority of cases, the ASB can be resolved without the need for legal action, particularly if customers are willing to support early intervention action, for example, by completing nuisance diary sheets and participating in mediation solutions. However, we do recognise that some cases can only be resolved through formal enforcement. The following are examples of tools available which the Council may use:

**Warning Letters** - Warning letters can be issued highlighting breaches of tenancy or general ASB.

**Home Visits** - Home visits are a useful tool for raising awareness of a particular problem face to face and to identify what needs or support may be required to address the problematic behaviour. These may be undertaken with other agencies.

**Mediation Service** -The Council offers a free, confidential and impartial service to help resolve disputes with neighbours, if appropriate and depending upon the circumstances of the case. Mediation works best when each party is willing to participate and can often help sort problems in the early stages.

**Acceptable Behaviour Contracts (ABC)** - An ABC is a written voluntary agreement between a person and the Anti-Social Behaviour Team not to carry out certain acts, which could be considered to be ASB.

**Community Protection Warnings and Notices (CPN / CPW)** - Community Protection Notices can be served to stop a person aged 16 or over, business or organisation committing ASB which spoils the community's quality of life. A written warning must be served before a notice can be issued. A CPN may contain:

- A requirement to stop doing things;
- A requirement to do specified things;
- A requirement to take reasonable steps to achieve specified results.

Any breach of a CPN can result in a Fixed Penalty Notice being served (see below) or could result in a prosecution.

The CPN will be reviewed 12 months from the date of service and a decisions made as to whether or not the CPN should remain in place.

**Criminal Behaviour Order (CBO)** - The Anti-Social Behaviour Team and Police will consider a CBO against a person who commits serious and persistent ASB. This is an order which is applied for once a person is convicted of a criminal offence. The criminal offence can be completely unrelated to the ASB.

**Civil Injunction** - The injunction under Part 1 of the Act is a civil power which can be applied for to deal with anti-social individuals. An Injunction is an Order of the Court and prohibits certain acts or instructs a course of action, including exclusions from certain areas or property. A power of arrest can be attached to the injunction order.

**Closure Order** - A closure notice can be served by the Police or Council which closes a premises for up to 24 hours but can be extended to 48 hours. The effect is that the premises is closed to a group or class of people save for the owner and persons habitually resident at the premises. The Notice has to be presented to the Magistrates Court who can then make a closure order for up to 3 months and can be extended for a further 3 months (a maximum total period of 6 months). The closure order can close the premises to those who own the premises or are habitually resident.

**Possession Proceedings** - Where there is a breach of tenancy, the Council can apply to the Court for a Possession Order of a property. This could lead to a person or family being evicted from their home. This type of action requires detailed evidence and complainants may be asked to keep detailed diary sheets of incidents.

**Absolute Ground For Possession** - The Act introduced a new absolute ground for possession of secure and assured tenancies where ASB or criminality has already been proven by another court, for example where there has been a relevant criminal offence has been committed. These possession proceedings mean that the Court has less discretion to allow the occupants to remain in the property.

**Tenancy Demotions** - A Secure tenant can be demoted under the Act, which reduces the rights and security of the tenure for a period of up to 12 months.

**Fixed Penalty Notices (FPN)** - Certain offences and behaviour are subject to fixed penalty notices where prescribed by legislation. Fixed penalties provide the Council with an effective and visible way of responding to low level areas of non compliance or unacceptable behaviour. Fixed penalty notices should only be used for the more minor offences, breaches of statutory Orders or Notices. Payment will be required within the specified period as set out on the notice and at the Contact Centres within the District.

## 14. Closure of Cases

The Council will ensure that the ASB complainant is kept fully informed of action taken and when satisfied that no more can be done for a complainant then they will be advised, in writing, when the case is closed.

A case may be closed for a number of reasons:

- Action that has been taken has resolved the matter
- If, after a reasonable amount of time, there has been no further problems.
- There is no evidence of nuisance being caused.

The decision to close a case lies with the case officer. On occasion this may be contrary to the opinion of the complainant.

A complaint can be made in writing to us at, Mill Lane, Wingerworth, Chesterfield, S42 6NG, or call the Contact Centre on 01246 231111.

## **15. Malicious and Vexatious Complaint**

If the Council discovers that a complaint has been made maliciously they will, wherever possible, seek to take legal action against the complainant to ensure that such behaviour is not repeated. In addition future complaints will not be considered unless they are addressed to Customer Services.

The Anti-Social Behaviour Team will follow the corporate procedure in relation to vexatious complaints as detailed in the Corporate Complaints Procedure. The link to the procedure is detailed below.

[https://www.ne-derbyshire.gov.uk/images/Repository/C/CCC\\_Policy\\_2018.pdf](https://www.ne-derbyshire.gov.uk/images/Repository/C/CCC_Policy_2018.pdf)

## **16. Support**

### **16.1 Victims and Witnesses of Anti-Social Behaviour**

The safety of victims and witnesses will always come first. The Council will endeavour to ensure that witnesses are supported and protected through the process of enforcement action.

Victims will be advised of the support provided by Remedi Restorative Services by Derbyshire Victim Services, see [links below](#).

<http://www.remediuk.org/what-we-do-victim-services/>

<https://www.victimsupport.org.uk/help-and-support/get-help/support-near-you/east-midlands/derbyshire>

The Council may also undertake a victims and witness risk assessment to ensure that victims and witnesses are fully supported in line with Anti-Social Behaviour Victims First Multi Agency Guidance document and it will be recorded on the Empowering Communities Inclusion and Neighbourhood Management system (ECINS). E-CINS is a multi-agency IT system to help Partners share information and manage medium and high risk ASB victims and perpetrators in Derbyshire.

Within the ECINS system the Council will use a risk assessment matrix tool (RAM) which will enable agencies to identify the most vulnerable, or those suffering the most harm as a result of ASB.

The Council may also offer and undertake referrals to other agencies who can deal with specialist issues such as domestic violence, victim support and home security to victims and/or witnesses of ASB.

### **16.2 Vulnerable Perpetrators of Anti-Social Behaviour**

In some cases, the conduct of perpetrators of ASB can be as a consequence of their own vulnerabilities, for example, a disability, mental health problems or drug and alcohol abuse. In these cases it may be appropriate to deal with the nuisance initially by offering support, which can help in stopping the behaviour or reducing the impact on others. The risk assessment and the Equality Act Impact Assessment carried out will assist in assessing what, if any support should be provided.

If support is provided in the alternative to enforcement action, the perpetrator will be advised that failure to engage in support may lead to enforcement action being taken.

Multi agency meetings may be held to engage and liaise with support agencies and to share information.

## **17. Juvenile Perpetrators of Anti-Social Behaviour**

The Council will always ensure that actions taken against juvenile perpetrators are compliant with our responsibilities under the Children Act and other legislation. It will seek to provide support and intervention in liaison through Derbyshire County Council Children's Services and other relevant youth services and the District's Senior Parenting Practitioner.

## **18. Publicity**

It is important to ensure that any publicity relating to ASB is necessary, appropriate, proportionate and contemporaneous.

## **19. Staff Training and Development**

The council are committed to training our staff and will ensure that all staff dealing with ASB follow this policy.

Refresher training and updates for changes in legislation or good practice changes will also be provided at appropriate times.

## **20. Parenting**

The Council, utilising the Senior Parenting Practitioner, will seek to provide education for parents to empower them to deal with the behaviour of their children as this is accepted as a successful method of dealing with problems relating to low level ASB. This can be provided in an evidence based parenting group over several weeks or on a one to one basis with parents.

In the cases of serious higher level ASB, the Senior Parenting Practitioner will work with parents to better manage the behaviour of their children. In some cases enforcement action may be taken against the child or the parent.

## 21. Information Sharing and Confidentiality

Any information provided to the Council will be treated in confidence and will be used and managed in accordance with the Data Protection Act 2018 or as may be amended from time to time and the Council's privacy statement on Anti-Social Behaviour. Information will not be shared, without the consent of the person who provided the information unless the law allows it, and/or it is necessary to do so to protect life or prevent crime or harm.

The Council will accept information anonymously and will investigate this information as far as is possible. Anonymous information can be used for enforcement purposes but can be easily challenged, however, it can be valuable information and used to build a picture of particular issues of ASB or support other evidence.

Sharing information can help inform and advise the wider communities about the work the Council and agencies with whom they work are doing to tackle ASB. This may take the form of local media coverage or targeted leafleting.

## 22. Sharing of Information with Other Agencies

The Council and Community Safety Partnership are under a duty to act to reduce crime and disorder and will share information where it is necessary to do so to achieve this objective. This sharing has a clear basis in law including the Crime & Disorder Act 1998 and Anti-Social Behaviour, Crime and Policing Act 2014 and is in accordance with the Data Protection Act 2018 which has provisions for crime and legal proceedings. The Council's privacy statement on Anti-Social Behaviour provides further detail. .

The Council is a signatory to the Derbyshire Partnership Forum Information Sharing Protocol which is an overarching document that sets out the framework for partner organisations across Derbyshire to manage, process and share personal and sensitive personal information on a lawful, fair and transparent basis to enable them to meet both their statutory obligations and the needs and expectations of the people they serve.

Specifically the Council is a signatory to the Anti-Social Behaviour Information Sharing Agreement and to the Information Sharing Agreement for the Empowering Communities Inclusion and Neighbourhood Management System (E-CINS) for Anti-Social Behaviour. The purpose of these Information Sharing Agreements is to co-ordinate and facilitate the sharing of information between partner organisations, who have a duty, or specific objective, of working with the perpetrators and victims of ASB, with the aim of reducing the harm caused by ASB. These agreements sit under the Derbyshire Partnership Forum (DPF) Information Sharing Protocol.

## 23. Glossary of Terms

<b>Acceptable Behaviour Contracts (ABC)</b>	An ABC is a written voluntary agreement between a person and North East Derbyshire District Council and often Derbyshire Constabulary; where conditions are agreed upon to prevent the person from engaging in Anti-Social Behaviour.
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<b>Anti-Social Behaviour (ASB)</b>	The term 'Anti-Social Behaviour' covers a wide range of unacceptable activity which can blight the lives of many people on a daily basis. ASB may or may not include or consist of criminal activity. The key factor in deciding whether particular behaviour is anti-social or not, will be the impact of that behaviour on others
<b>Anti-Social Behaviour Victims First Project</b>	Partners in Derbyshire are already familiar with multi-agency working to take enforcement action against perpetrators of ASB. Agencies with responsibilities for tackling ASB, and agencies responsible for supporting victims and witnesses of ASB, need to work together to identify, and then reduce, the risk of harm for all victims and witnesses of ASB, but particularly the most vulnerable.
<b>ASB Case Review</b>	See Community Trigger
<b>Closure Notice / Closure Order (Closure Power)</b>	<p>The Closure Power (Anti-Social Behaviour Crime and Policing Act. 2014) can be used to protect victims and communities by closing premises that are causing nuisance or disorder.</p> <p>A Closure Notice can be issued by the Council or the Police to close a premises for up to 48 hours.</p> <p>A Closure Order can be issued by the Magistrates Court for a period of up to 3 months. This can be extended by the Court for a period of up to 6 months.</p>
<b>Community Protection Notices (CPN)</b>	A Community Protection Notice (Anti-Social Behaviour Crime and Policing Act. 2014) can be used to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the communities quality of life. A breach of a CPN is a criminal offence.
<b>Community Protection Warnings (CPW)</b>	A CPW is a warning that must be issued prior to the use of a CPN.
<b>Community Trigger</b>	The Community Trigger is the name generally applied to the Response to Complaints section of the 2014 Act and enables victims to <b>require</b> agencies to carry out a review of their response to the anti-social behaviour they reported where they feel they did not get a satisfactory response. It is also known as the ASB Case Review. The two names are used interchangeably
<b>Criminal Behaviour Orders</b>	Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

<b>ECINS –</b> (Empowering Communities Inclusion and Neighbourhood Management System)	A multi-agency IT system to help Partners case manage medium and high risk ASB victims and perpetrators in Derbyshire.
<b>Fixed Penalty Notices (FPN)</b>	A fixed Penalty Notice (sometimes referred to as a 'fine') is a financial penalty that can be issued in relation to some offences.
<b>Mediation Service</b>	Mediation is the process by which we help parties to talk about and agree a solution in an attempt to resolve a dispute. This tool can be used if all parties are in agreement and it is appropriate.
<b>Perpetrator</b>	Someone who is responsible for causing anti-social behaviour and/or committing an offence.
<b>Police Community Support Officers (PCSO),</b>	Police Community Support Officers (PCSO) are uniformed civilian employees of the Police who have a number of powers to deal with low level crime and anti-social behavior.
<b>Public Spaces Protection Order (PSPO)</b>	Public Spaces Protection Orders (PSPO) are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.
<b>Regulation of Investigatory Powers Act (RIPA)</b>	The Regulation of Investigatory Powers Act 2000 is an Act of the Parliament of the United Kingdom, regulating the powers of public bodies to carry out surveillance and investigation
<b>Risk Assessment Matrix (RAM)</b>	A risk assessment tool to enable agencies to identify the most vulnerable, or those suffering the most harm, as a result of ASB.
<b>Vulnerable Adult Risk Management (VARM)</b>	A framework for professionals to facilitate effective multi-agency working, with adults who are deemed to have mental capacity and who are at risk of serious harm or death through self-neglect or other risk taking behaviour, for example self-harm or refusal or disengagement of services'