



**East Staffordshire Borough
Council
Anti Social Behaviour Policy
2015**

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POLICY STATEMENT AND COMMITMENT

1. Introduction

This policy sets out how East Staffordshire Borough Council will work to effectively manage and resolve reports of anti-social behaviour; building upon the excellent partnership work already operating across the Borough, and ensuring together that we continue efforts to reduce anti-social behaviour and provide every member of the community, with the highest possible standard of service.

It is recognised that as a Local Authority we will require the support and actions of Staffordshire Police and other agencies in order to resolve reports and incidents of anti social behaviour.

As a Local Authority, we do not underestimate the impact anti-social behaviour can have on the lives of individuals and communities. The primary focus of our policy is to put the needs of victims first; to provide effective support and ensure processes are in place to protect them from further harm. Key to this approach is the identification of repeat and vulnerable victims.

We also recognise, the importance in effectively tackling perpetrators of anti-social behaviour and the benefits of early intervention methods, to achieve long-term sustainable outcomes.

2. The Aim of the Policy

Aims

We aim to reduce instances of anti-social behaviour, and the numbers of people who are involved in or at risk from anti-social behaviour (both victims and perpetrators). Where anti-social behaviour does occur, we are committed to putting the victim first, particularly if they are vulnerable or a repeat victim.

Objectives

- Deliver a consistent response to anti-social behaviour across East Staffordshire, irrespective of location or service provider
- Provide improved service and protection to the public through the use of swift efficient processes
- Manage reports of anti-social behaviour effectively across partners agencies within East Staffordshire
- Improve the experience for victims and witnesses of anti-social behaviour through better engagement and understanding
- Identify repeat and vulnerable victims effectively and respond more efficiently
- Identify repeat perpetrators of anti-social behaviour and explore opportunities to implement interventions to reduce their negative impact on communities
- Tackle problem locations where anti-social behaviour is occurring

- Facilitate effective information sharing with partner agencies including attending Community Safety Hub (HUB) and the Anti Social Behaviour Action Group (ASBAG), allowing for a more joined up approach in managing high risk cases.

3. General Principles of the Policy

What is Anti-Social Behaviour?

‘Anti-social behaviour’ is the broad term used to describe a range of nuisances, disorder and crime that affect people’s daily lives. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another.

Issues that could constitute as anti-social behaviour include (this is by no means an exhaustive list);

- Noise nuisance
- Intimidation and/or threatening behaviour
- Littering or Fly-tipping
- Vandalism, graffiti and other deliberate damage to property or vehicles
- Using or dealing drugs
- Street drinking
- Rowdy behaviour in public
- Abandoned or burnt out cars
- Neighbour disputes

There is no single definition of anti-social behaviour but instead a series of different definitions for different purposes; introduced through the Anti-social Behaviour, Crime and Policing Act 2014. These definitions encompass a variety of behaviours covering a whole complex of activities which may be unacceptable in different contexts.

Agencies (Police, Local Authorities and Registered Social Landlords) will use these definitions to determine whether anti-social behaviour has occurred and if so, take the necessary action.

We acknowledge that anti-social behaviour does not exclude other criminal offences and understand that any act of anti-social behaviour associated with a crime will be dealt with accordingly; incorporating the required criminal sanctions into the intervention process.

4. Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 contains various measures to protect the public from anti-social behaviour, dangerous dogs, forced marriage,

sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services for victims and witnesses.

The key provisions to tackle anti-social behaviour include:

- Simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities
- Replace 19 powers to deal with anti-social behaviour with 6 broader powers, intended to streamline procedures to allow for a quicker response
- Introduces the Community Trigger and Community Remedy to give victims and communities a greater say in how agencies respond to their complaint and in the punishment of offenders out of court
- Gives landlords power to swiftly evict anti-social tenants.

To demonstrate our commitment to tackling anti-social behaviour and to ensure the measures introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 are used effectively throughout East Staffordshire, we have developed procedures for each of the new powers and tools.

5. Local Context

Current analysis of anti-social behaviour in East Staffordshire is conducted using data recorded by Staffordshire Police on reported incidents of anti-social behaviour and those collated by East Staffordshire Borough Council.

6. Working in partnership

We know that anti-social behaviour cannot be tackled by one agency alone and that to provide an effective response we must work together. Working in partnership is key to our approach and by doing so allows us to:

- Share appropriate information to identify anti-social behaviour trends and deliver proactive targeted responses
- Improve co-ordination across agencies to support and protect victims of anti-social behaviour, particularly the most vulnerable
- Increase and improve the sharing of good practice, skills, and experience across the Borough amongst both statutory and non-statutory agencies
- Train staff to effectively deal with reports of anti-social behaviour; utilising all the powers and tools available to them.

7. Anti-Social Behaviour Case Management

To support our response to anti-social behaviour partners (Police and Local Authorities) hold regular Community Safety Hub and Anti Social Behaviour Action Group meetings. These meetings are used to manage and co-ordinate all activity in response to high risk cases of anti-social behaviour e.g. repeat/vulnerable victims, persistent perpetrators and hotspot locations. This approach to partnership working

ensures that the agency who can manage the report of anti social behaviour most effectively takes the lead in each case.

To ensure effective and consistent identification of vulnerable and repeat victims and hot spot locations of anti social behaviour it is proposed to use the following definitions:

Vulnerable victims

‘A vulnerable victim is a person whose experience and/or effect of harm as a result of an incident are likely to be more significant because of their individual personal circumstances’.

This definition of vulnerability puts the emphasis on how the complainant is affected by a particular problem to determine risk, rather than assuming personal demographics automatically place them in the vulnerable or high risk category.

Although we must consider the nine protected characteristic of the Equality Act 2010 (age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation) it is the impact the anti-social behaviour is having on the individual or community that is important when identifying vulnerable victims of anti-social behaviour.

Repeat victims

‘Repeat victimisations occurs when a person is subjected to three incidents of anti-social behaviour within a rolling 12 month period’ It is widely recognised that victims rarely report their first experiences of anti-social behaviour, often waiting until it begins to impact upon their life. This definition, therefore, includes both reported and unreported incidents of anti-social behaviour within the 12 month time frame. It is the agencies responsibility to establish whether any previous incidents have occurred and consider this in their response.

‘Hot spot’ locations

‘A ‘hot spot’ location is an area where 3 or more incidents of anti-social behaviour have occurred in the same locality within a one month period, reported by more than one person’. ‘Hot spots’ locations tend to be those areas most accessible to the public, for example shopping precincts, children’s play parks, or public car parks, and can even expand to cover entire housing estates. They often involve multiple offenders and more than one victim, resulting in a wider impact on the community.

In conjunction with Staffordshire Police we will work together to identify and tackle area ‘hot spots’; considering the needs of the community as a whole, as well as individual victims affected.

Hate Crime

This policy is underpinned by a commitment to provide equality of access to services and support to every member of our communities; regardless of – age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It is widely understood that those most vulnerable in our society or those from diverse backgrounds are proportionally more likely to become victims of anti-social behaviour or hate crime. Incidents of hate crime often manifest themselves in low level forms of anti-social behaviour, which on the surface may appear minor but the impact on the victim and their family can be devastating if not dealt with quickly and effectively.

Understanding the Needs of Our Communities

We recognise that understanding communities and underlying tensions is key to responding effectively. It is therefore important that we listen to our communities and ensure they are included in the decisions making process.

8. Our Response

It is important to record anti-social behaviour based on the perception of the complainant. If the complainant believes their report is anti-social behaviour it should be recorded and investigated as such. The investigation may conclude that it is not anti-social behaviour, but the complainant's initial perception is paramount. It is also essential to identify repeat or vulnerable victims at the earliest opportunity, to protect them from further harm.

This policy lays out the appropriate initial response in respect of recording, risk assessing and managing complaints of anti-social behaviour to ensure all action is being taken to address the problem.

Consideration should also be given to any possible mental health or learning disability when responding to incidents of anti-social behaviour. If it is believed that the victim or perpetrator have a mental illness or learning disability efforts must be made to establish whether the person is subject to mental health services or adult social care and ensure appropriate information is shared with the agency.

When a complaint of anti-social behaviour is received the following principles will be employed:

- Record the complaint
- Treat the complaint seriously and act professionally
- Conduct an initial assessment to establish the required response based on threat, risk and harm
- Cross reference previous complaints relating to the victim, perpetrator or location and use this information to tailor the response

- Ensure all victims identified as vulnerable and/or repeat are managed appropriately and additional specialist support services are offered, if required
- Victims identified as high risk will be referred (with their consent) to the Anti-Social Behaviour Action Group (ASBAG) and Community Safety Hub (HUB) for multi-agency intervention and support
- Agree an action plan with the victim, outlining how they aim to investigate and resolve their complaint
- Provide the victim with a reference number (if possible) and a point of contact
- Keep the victim up to date with the progress of their case and give regular feedback.

9. Anti-Social Behaviour Action Group (ASBAG)

The Anti-Social Behaviour Action Group is a process that brings local agencies together to manage high risk victims, perpetrators or locations of anti-social behaviour. It provides a structured meeting to share information and consider and implement the required actions to reduce the risk of harm, using a multi-agency approach.

Supporting victims and witnesses

We understand that vulnerable victims can often have complex needs and therefore require specialist support, beyond the practical and emotional support provided by anti-social behaviour professionals. Vulnerability can be presented in various forms, from mental illness or learning difficulties, to social isolation or loneliness and can often increase the impact caused by anti-social behaviour. When action is taken to tackle an anti-social behaviour problem, whether informal or formal, we recognise the importance in ensuring that anyone experiencing anti-social behaviour, whether a victim or witness, is supported and kept informed. We also understand that the responsibility to support victims and witnesses does not end after the completion of court proceedings and we are committed to providing support for as long as required, whether it is directly or through other agencies.

Perpetrators of Anti-Social Behaviour

A proportionate response is always important in tackling anti-social behaviour. Our policy emphasises the use of preventative programmes and early intervention methods as an initial response (in most cases) to not only address the behaviour but also the causes behind it. It is understood, however, that such action is not always appropriate and immediate enforcement may be required.

Action taken to deal with perpetrators of anti-social behaviour will be aimed at achieving long-term solutions that reduce the impact on victims and enhance the opportunity for perpetrators to migrate towards a positive contribution within their community.

This will be done by:

- Considering all aggravating and mitigating factors, including the view of victims
- Assessing each case individually to determine the most appropriate action
- Refer persistent perpetrators to the Anti-Social Behaviour Action Group (ASBAG) and Community Safety Hub (HUB) for multi-agency intervention
- Work closely with parents and the Youth Offending Services to ensure young perpetrators of anti-social behaviour receive appropriate interventions and support
- Utilise support services to tackle the underlying causes of a perpetrators anti-social behaviour, considering the needs of the whole family not just the individual involved
- Use the full range of legislative powers where appropriate to resolve the most serious cases of anti-social behaviour
- Use education through schools as a primary method of preventing young people from committing or becoming victims of anti-social behaviour.

10. Prevention and Early Intervention

Often there may be significant underlying problems which contribute to a person's engagement in anti-social behaviour, such as abuse or neglect at home, alcohol and drug misuse or physical and mental health problems. Supporting perpetrators to identify and resolve their problems is key to helping them improve and change behaviour and must therefore form part of our response (alongside formal intervention measures, if necessary).

There are a range of services available in East Staffordshire that can be used to assist in tackling anti-social behaviour.

11. Intervention Options

Since the implementation of the Anti Social Behaviour, Crime and Policing Act 2014 in October 2014 the powers available to the Local Authority, Police and Registered Social Landlords have changed.

The powers available are listed below and are best used in partnership to address both low level and more embedded anti social behaviour, whilst putting the victim's needs first.

There are a range of civil and criminal sanctions available to different organisations to effectively deal with perpetrators of anti-social behaviour. East Staffordshire Borough Council will work with partner agencies to access an array of measures, beyond the capability of individual organisations, and choose the most appropriate action specific to each case. Some of the powers and tools available include:

Civil Injunction

The Local Authority, Police or Registered Social Landlord can apply for a Civil Injunction as a means to deal with anti-social individuals. The Injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators. There are two tests for a Civil Injunction; housing related and non-housing related. The use of either test will depend on the applicant and circumstances in which the anti-social behaviour has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the local youth offending team (YOT) before proceeding.

A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts, or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their anti-social behaviour. Breach is not a criminal offence and is dealt with as contempt of court.

Criminal Behaviour Order (CBO)

A Criminal Behaviour Order can be applied for by either the Crown Prosecution Service or Local Authority, when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders, where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced; therefore it is important agencies inform partners when they are aware a perpetrator of anti-social behaviour is being brought to a criminal court, to ensure a Criminal Behaviour Order can be considered.

If the offender is under 18 years of age the prosecution must find out the views of the local youth offending team (YOT) before applying for a Criminal Behaviour Order.

Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements. Breach (of either a prohibition or requirement) is a criminal offence.

Community Protection Notice (CPN)

A Community Protection Notice is intended to deal with unreasonable, ongoing problems or nuisances that are detrimental to the local community's quality of life. A Notice can be issued by the Local Authority or Police (following a written warning) to anyone over 16 or business/organisation and can require the subject to stop doing specific things, do specific things and/or take reasonable steps to prevent reoccurrence. Breach of a Community Protection Notice is a criminal offence punishable by a fine. A fixed penalty notice can also be issued.

Public Space Protection Order (PSPO)

Public Space Protection Orders are only available to Local Authorities, however often form part of a wider problem solving plan with Police and other agencies. They impose conditions on the use of an area, in order to address a particular nuisance or problem that is, or might become, detrimental to the local communities quality of life.

They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. Breach of the order, without reasonable excuse, is a criminal offence punishable by a fine.

Closure Power

The Closure Power is a two stage process that allows Local Authorities or Police to close premises. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last for 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled, the case is then referred to the Magistrates Court to consider whether a Closure Order should be made. The Order prevents any person from entering the property (including the owner/occupier) and can last for up to 6 months. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

Dispersal Power

This is a Police power to disperse people causing harassment, alarm or distress. It allows officers to direct a person who has committed, or is likely to commit, anti-social behaviour to leave an area and not return for up to 48 hours. The Dispersal Power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short term respite to a local community. Failure to comply with a direction to leave is a criminal offence punishable by fine or imprisonment.

Community Trigger

This is one of the key sections of the legislation that allows for individuals, or someone acting on their behalf such as a councillor or member of parliament to request that an anti social behaviour case be reviewed where it is considered that no action has been taken. Section 104 of the legislation states that a case review can be initiated,

- If that person or any person make an application for a review,
- and

- The relevant bodies decide that the threshold is met.

It is a way that members of the public can ask partners to collectively review their responses to complaints of anti social behaviour. Agencies must publish a point of contact for a victim who wants to use the community trigger.

The process for how this is delivered is broken down into two elements:

1. The single point of contact for a member of the public to request activation of trigger
2. The local processes that are put in place to allow the case review to take place.

12. Background Information

Further information can be found by visiting the Home Office website and the viewing the Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers, statutory guidance for frontline professionals July 2014.

13. Contact Details

How to make a complaint/report an incident

If you are suffering from any kind of anti social behaviour please contact us 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.

Telephone: 01283 508000

On line at: www.eaststaffsbc.gov.uk Anti Social Behaviour

Visit us at: Customer Service Centre, Market Place, Burton upon Trent,
Staffordshire DE14 1HA or High Street, Uttoxeter, ST14 7JQ

Write to us at: East Staffordshire Borough Council, PO Box 8045, Burton upon Trent
DE14 9JG

Partner Contact Details:

Staffordshire Police:

Telephone: 101 for non emergency number

On line at: www.staffordshire.police.uk

Trent and Dove:

Telephone: 01283 528528

On line at: www.trentanddove.org

14. GLOSSARY OF TERMS

COMMUNITY SAFETY HUB (HUB) - A group which meets weekly to facilitate effective information sharing with partner agencies. The agencies invited to attend are:

ESDAS – East Staffordshire Domestic Abuse Service

FARS - Fire and Rescue Service

FIP - Family Intervention Programme

M/H - Mental Health Social Care

Probation Service

Trent Dove

Orbit

One Recovery

YMCA – Young Men’s Christian Association

Anti Social Behaviour Action Group (ASBAG) - A group which meets monthly to discuss reports of anti social behaviour allowing a joined up approach in managing high risk cases. The meetings are attended by Staffordshire Police and East Staffordshire Borough Council and any actions for other agencies communicated.

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