

ANTI SOCIAL BEHAVIOUR POLICY
Councillor Winn
Cabinet Member for Communities

1 Purpose

- 1.1 To consider and approve the Anti Social Behaviour Policy.

2 Recommendations/for decision

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| 2.1 That the updated Anti Social Behaviour Policy be approved. |
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3 Supporting information

- 3.1 Community safety is a priority for the council so to introduce an Anti Social Behaviour policy to identify how the council will deal with cases of ASB will make the process clearer for staff and residents. The report submitted to the Environment and Living Scrutiny Committee (at it's last meeting) is appended to this report and this includes the updated policy.
- 3.2 Members of the Community Safety Partnership have been consulted on the draft policy and have agreed the terms included. The updated policy has also been considered by the Environment and Living Scrutiny Committee. The committee recommended a few changes which have been incorporated in the document appended to the committee report. The changes suggested by the scrutiny committee were to ensure that it is clear that ASB is subjective and can mean different things to different people and can impact people in different ways. Practitioners will determine an appropriate response to the incident. This change is highlighted on page 4 of the policy.

4 Options considered

- 4.1 To approve the draft Anti Social Behaviour Policy – this is recommended as it sets out the parameters that staff will use to deal with Anti Social Behaviour cases and will also make the processes and procedures clear to residents and partners.
- 4.2 To not approve the draft Anti Social Behaviour Policy – this is not recommended as it will leave the process for dealing with Anti Social Behaviour cases open to misinterpretation.

5 Reasons for Recommendation

- 5.1 To set out the parameters for staff to deal with Anti Social Behaviour cases in a timely and professional manner.

6 Resource implications

- 6.1 None as such. The updated policy will introduce a more efficient way of working for staff.

Aylesbury Vale District Council Anti Social Behaviour Policy

What is anti-social behaviour?

Anti-social behaviour (ASB) is a definition for a wide range of issues from crime and serious nuisance to less severe but frequent and annoying behaviour. The meaning of the term anti-social behaviour (ASB) is described in the Anti Social Behaviour, Crime and Policing Act 2014 as “*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*”. This is the generally accepted term.

ASB is further defined under certain circumstances, as follows:

For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “*conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises*”;

For the purposes of the housing management functions of a housing provider or local authority: “*conduct capable of causing housing-related nuisance or annoyance to any person*”

For the purposes of ASB case reviews (the “Community Trigger”): “*behaviour causing harassment, alarm or distress to members or any member of the public*”.

Complaints regarding noise, artificial light, odour, insects, animals, smoke, fumes or gases, and accumulations or deposits may constitute a statutory nuisance and are dealt with by our Environmental Health department. The problem must be excessive or unreasonable rather than an annoyance, and would not include children playing, babies crying, ordinary domestic living noise or road traffic noise as these circumstances are outside the scope of the law. These behaviours are not addressed as a part of this policy, but more information regarding environmental nuisances and how to report them can be found on our website [here](#).

AVDC’s responsibilities

AVDC has a range of responsibilities that arise from two distinct roles in dealing with ASB.

1. *Our role as a statutory member of the Aylesbury Vale Community Safety Partnership*
Under the Crime and Disorder Act 1998, we must work with the police and other agencies to reduce crime and disorder within Aylesbury Vale. In this role we play a key part in dealing with ASB and we have a dedicated ASB Officer within the Community Safety team.
2. *Our role in protecting the environment*
The Council has a wide range of responsibilities to deal with environmental ASB such as noise nuisance, graffiti, litter and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act.

This policy document addresses our responsibility under our point 1 above, our role as a statutory member of the Aylesbury Vale Community Safety Partnership, however due to the nature of the issues it is noted that there are often overlaps between these roles. If you are unsure how best to report the type of ASB that you are suffering, please contact AVDC’s ASB Officer who will guide you. Contact details can be found further down this document

under the heading 'Reporting of ASB'. This policy also aligns with AVDC's mission to secure the economic, social and environmental wellbeing of the Vale.

Multi-agency partnerships: Responding to incidents

In line with current government thinking, AVDC recognises that it may not always be the best avenue to respond to enquiries it receives. Many other local agencies respond to specific issues of ASB, such as registered social landlords, the Police and other services within local Councils (for example Environmental Health for statutory nuisances such as noise).

Within Aylesbury Vale, Thames Valley Police have an officer responsible for ASB who works in tandem with the council's ASB Officer. Reported incidents involving overlapping issues or which require a co-ordinated response, are best reported to the Neighbourhood Policing Team via 101, or 999 if a crime is in progress.

Incidents of ASB which require a partnership response are reviewed at case meetings. Cases are referred from partner agencies or services and will have been made by local residents to partner agencies or the team, or brought to their attention through other routes. Cases predominantly focus on individuals – both perpetrators and victims of ASB. The meetings will comprise of a varying selection of local representatives, dependant on the type of behaviour being considered, and will agree on the appropriate course of action in individual cases.

Where it occurs it is imperative to ensure these issues have been brought to the attention of the dedicated police/Council staff.

Reporting of ASB

If the perpetrator of the anti-social behaviour is a social housing tenant, we would ask you in the first instance to contact their housing provider – contact details for housing providers operating within Aylesbury Vale can be found further down this document in Appendix A. We will work with the housing provider to support and offer assistance where appropriate.

Reports can be made to the Police non emergency telephone number 101 (or 999 if a crime is in progress), or to AVDC in writing, by telephone on 01296 585088, or by email to communitysafety@aylesburyvaledc.gov.uk.

The agency receiving the initial complaint will take ownership of that case where appropriate. If, however, the complaint relates directly to behaviour where it would be most appropriate for another agency to take ownership, the officer will refer the person making the complaint to the appropriate organisation. If you are unsure who to report to in the first instance, please contact AVDC's ASB Officer as above who will direct you appropriately.

What service will we provide

ASB will be dealt with firmly, fairly and proportionally with concerns taken seriously.

We will deal with the most serious cases of ASB as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator; and

We will use all available and appropriate powers to address and resolve ASB;

We will take a victim centred approach: If you are a victim of ongoing ASB we will ensure you are fully supported and kept informed of progress and action taken;

We will ask you to keep a log of all acts of ASB including dates, times and details;

We will share relevant information relating to ASB within the council or police and with other partner agencies to help resolve the issue.

We will work with other agencies in order to deliver an effective service across the community;

Continue to be a member of the Aylesbury Vale Community Safety Partnership;

Work with housing associations, private landlords and businesses providing professional advice and support as required so that these agencies can act confidently to prevent or tackle ASB making use of their own resources. The AVDC Anti Social Behaviour Officer and Thames Valley Police ASB Officer have attended the AVDC Landlord Forum for private landlords to inform them of the support they can be offered if they are dealing with a tenant who is displaying Anti Social Behaviour or if their tenant is experiencing anti social behaviour from neighbours.

We will provide a high quality service that meets people's identified needs, so we will:

Ensure that staff dealing with ASB are qualified, trained and understand, and follow, agreed policies and procedures;

Regularly review this policy document at least once every two years;

Seek to ensure that all of our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

When an initial report is made to the council we will respond within 3 working days. When a report is made directly to Thames Valley Police via the non-emergency number the report will be logged immediately via the police enquiry centre.

Confidentiality and Data Protection

Effective partnership action requires information to be exchanged and shared with other agencies. It is important that the information shared is relevant, accurate and used for the purpose of reducing and detecting crime and disorder and reducing the fear of crime, thereby improving community safety.

AVDC adopts the general principle that information should only be disclosed to individuals with legitimate and reasonable right to that information. In general, information received

from victims and witnesses of ASB will be treated in confidence and will not be disclosed to third parties unless those providing the information have agreed that we may do so. We will advise witnesses that we will not disclose their details, but will advise that it may not always be possible to prevent their identity from becoming known (for example if there are specific allegations involved in reports).

Data obtained during the investigation of ASB cases will be kept by the police and AVDC officers. The length that this information is kept for differs. This includes information relating to any voluntary agreements (such as ABCs) or any voluntary undertakings made. All information will be handled within GDPR guidelines.

Information Exchange

Under Section 115 of the Crime and Disorder Act 1998 'relevant authorities' are required to share information for the purposes of community safety. A 'Countywide Information Sharing Protocol', the Buckinghamshire Community Safety Partnership Information Sharing Protocol, has been signed by the key partner agencies, and is held by the Bucks County Council to facilitate this exchange of information.

Tackling ASB

Most neighbour problems can be resolved by talking to each other in the first instance and we encourage this approach. A friendly approach to make your neighbour aware of the problem is often effective. In some circumstances this may not be possible, or may have been tried and the behaviour still continues. We will then look at other options available to us, placing an emphasis on prevention and early intervention. Options will be assessed on a case by case basis and only used when reasonable and proportionate to the ASB problem at hand.

ASB by its nature is subjective; it can mean different things to different people and impact them in different ways. Practitioners will determine an appropriate response to the ASB based on type, frequency, severity of incidents and impact on the victim.

We will pursue all available remedies by working with our partner agencies with a view to modifying the behaviour of offending individuals and affecting a lasting solution. Starting with low level early interventions such as visits and warning letters, if the problem does not cease or reduce to a reasonable level we will start to take increasingly stronger measures which may result in formal court action such as a Criminal Behaviour Order or Injunction if the informal and lower level interventions have been tried but do not have the desired effect. Formal action can only be taken immediately in exceptional circumstances where the case is serious enough to warrant this type of intervention.

Working with our partner agencies, these are some of the tools available to use when dealing with cases of Anti Social Behaviour. Support is given throughout the process and referrals to other organisations are made as and when appropriate.

Warning Letter

Where a person is alleged to be committing anti-social behaviour, a warning letter will be sent to them. In the case of a young person the letter is given to the parent. This is a warning

to that person to cease the behaviour and informs them of the nature and consequences of their behaviour.

As part of the warning the perpetrator can be asked to:

- Refrain from behaving in an anti-social manner
- Not to act in a way which may cause nuisance to the community
- Consider the impact of their behaviour on members of the community, respect people, their property and public places

It informs them that their conduct will continue to be monitored.

ABC-Acceptable Behaviour Contract

An Acceptable Behaviour Contract (ABC) is entered into voluntarily and takes the form of a written agreement between an individual or household that has been involved in ASB and one or more local agencies whose role it is to prevent such behaviour. Various agencies are able to take the lead on drawing up an ABC, therefore each case should be considered individually and the lead agency determined according to who would achieve the greatest impact on reducing the unacceptable behaviour.

An ABC will normally last for six months, although since it is not a statutory document any reasonable period may be specified. If it is deemed necessary, the contract can be renewed after this period, particularly if breaches have occurred or other forms of ASB are continuing.

The contract should specify a list of anti-social acts in which the individual/household has been involved and which they agree not to continue, i.e. write graffiti, smash glass, engage in loud or abusive behaviour etc. It can also include positive action which they agree to take forward. These can be written as “I will not” or “I will” for positive agreements. E.g. I will attend my meetings with.....

The individual/household should agree the conditions as this may encourage them to realise the impact of their behaviour and take responsibility for their actions.

Assistance and support should be offered to anyone who has difficulty in understanding the ABC before they are requested to sign it. This may be with reference to reading, writing or comprehension of the ABC. Additional support should be considered for these situations, for example offering a picture ABC alongside a written ABC.

Parents or Carers should be informed and involved in the process when a young person under the age of 18 is being requested to sign an ABC. An ABC may run alongside another multi agency intervention if deemed appropriate.

There is no formal sanction associated with non-compliance to sign however this may contribute to evidence in court to issue a Civil Injunction or Criminal Behaviour Order to prevent future behaviour.

Community Protection Notice

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over/business or organisation which negatively affects the community's quality of life by

targeting those responsible. A CPN can be issued if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable. Council Officers, Police Officers, PCSOs or Social Landlords can all issue a CPN. The notice consists of a written warning to the individuals demanding them to desist with the listed behaviour including requirements to take reasonable steps so future incidents are avoided.

The CPN can be used against a wider range of perpetrators and can be used to deal with noise nuisance and litter on private land. Penalty of breach is a fixed penalty notice of up to £100 for an individual or up to £20,000 for businesses.

Civil Injunction

A tool to stop/prevent individuals engaging in anti-social behaviour, by nipping problems in the bud before they escalate. Local Councils, Social Landlords and Police can all apply for an Injunction. A Civil Injunction may be used when the individuals behaviour is likely to cause harassment, alarm or distress or capable of causing nuisance or annoyance. It is issued by the County Court or under 18s the Youth Court. The injunction sets a clear standard of behaviour and includes prohibitions and can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach is not a criminal offence but breach must be proven to a criminal standard. Perpetrators aged over 18 who breach the terms of the injunction would be in civil contempt of court and face an unlimited fine or up to two years in prison. Under 18s penalties could be a supervision order or at the last resort a civil detention order of up to three months for 14-17 year olds.

Criminal Behaviour Order

A CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (in summary an anti-social individual commits a criminal offence and is prosecuted), for example a person being persistently drunk and aggressive in public.

The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements). It must also be determined what is needed within the CBO to tackle the underlying cause of the behaviour.

Penalty on breach, upon summary conviction, may result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. For under 18s they would be called in front of a youth court which could result in a 2 year detention and training order.

Closure Notice & Closure Order

The Closure Powers allow the police or council to swiftly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and disorder is related to the premises in question.

A Closure Notice is issued out of court first (closure up to 48 hours but can not stop those who habitually reside there accessing premises). A Closure Order (up to 6 months and restricts all access) can be sought through court after the Closure Notice.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public.

Breach of either is a criminal offence with penalties including:

Notice- Up to 3 months in prison

Order- Up to 6 months in prison

Both- An unlimited fine

Public Spaces Protection Order

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

Restrictions and requirements are set by the council after consultation with the Police, PCC and other relevant bodies. A PSPO may include stopping certain behaviours or restricting access to certain areas of a locality. Breach is a criminal offence and enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. An important add-on is that more than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wide range of behaviours than the orders it replaces.

Community Trigger

The Community Trigger, or case review, allows anyone to ask for their case to be reviewed if the local threshold is met. The local threshold for Aylesbury Vale is met if:

- an individual makes 3 or more reports of anti social behaviour within a 6 month period and they consider no, or inappropriate, action has been taken, or
- or a group of 5 or more individuals from the local community have separately reported incidents of anti social behaviour within the last 6 months that they deem no, or inappropriate, action has been taken.

More information regarding AVDC's Community Trigger Policy can be found [here](#)

Each stage will be communicated with the victim to let them know if they qualify for a review and what the next steps will be.

Appendix A

Useful Information for reporting anti-social behaviour:

If it's a hate crime (racial/homophobic/disablist incident) or suspected domestic violence

Report the incident to Thames Valley Police on 101 or 999 in an emergency.

If the problem is due to excessive, persistent noise or public health issues

Please [click here](#) for details

If you want to report an abandoned vehicle

Please [click here](#) for details

To report graffiti

Please complete [this form](#)

We can only remove graffiti that's on AVDC land; if it's on private property, we can make the owner aware and request them to remove it.

To report a concern about the safety of a child

You may want to contact Social Services on 01296 383999 or out of hours the Social Services Care Line on 0800 137915.

To report a concern about the safety of a vulnerable adult

You may want to contact Adult Social Care Services on 0800 137915

If you are suffering from Domestic Violence you can look for advice [here](#)

If the person responsible for the ASB is a tenant

Contact their landlord. If it is a private landlord or there is a management company, contact them in the first instance.

Where the landlord is unknown please contact the Police on 101 (or 999 if a crime is in progress) or the Anti Social Behaviour Officer at AVDC by telephone 01296 585088 or email asb@aylesburyvaledc.gov.uk.

Please see the list below for contact details for social landlords within Aylesbury Vale. They will take the lead for cases of anti social behaviour which involve their tenants. AVDC no longer have a housing stock, all council houses were transferred to the Vale of Aylesbury Housing Trust in 2006.

Please contact the individual organisation for a copy of their ASB policy and for details of support they can offer.

Aldwyck Housing Group	0300 500 6262	info@aldwyck.co.uk
Bromford Housing Group	0330 1234 034	
Catalyst	0300 456 2099	contactcatalyst@chg.org.uk
Haig Homes	020 8685 5777	enquiries@haighousing.org.uk

Guinness Partnership	0303 123 1890	customerservice@guinness.org.uk
Hastoe Housing	0300 123 2250	
Hightown Housing Association	01442 292300	housingservices@hightownha.org.uk
Home Group Ltd	0345 141 4663	
Orbit Housing Association	0800 678 1221	
Paradigm	0300 303 1010	enquiries@paradigmhousing.co.uk
Places for People	0845 850 9571 01772 667002	
Sanctuary Housing	0800 916 1522 or 0300 123 3568	contactus@sanctuary-housing.co.uk
Thames Valley Housing Association	0300 456 2929	info@tvha.co.uk
Thrive Homes	0800 917 6077 or 020 8428 4428	enquiries@thrivehomes.org.uk
Vale of Aylesbury Housing Trust (VAHT)	01296 732600	asbteam@vaht.co.uk

Environment and Living Scrutiny Committee

24 JULY 2018

PRESENT: Councillors S Jenkins, S Chapple, A Cole, S Cole, P Cooper, B Everitt, T Hunter-Watts and R King

IN ATTENDANCE: Councillors P Irwin, Sir Beville Stanier Bt and M Winn

APOLOGIES: Councillors M Bateman, S Jarvis and M Rand

1. TEMPORARY AND PERMANENT CHANGES TO MEMBERSHIP

The Committee was informed that Councillor Rand would be a permanent replacement for Councillor Winn.

2. ELECTION OF CHAIRMAN

RESOLVED –

That Councillor Mrs Jenkins be elected Chairman of the Committee for the ensuing year.

3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED –

That Councillor Everitt be appointed Vice-Chairman of the Committee for the ensuing year.

4. MINUTES

RESOLVED –

That the minutes of the meeting held on 22 May 2018 be approved as a correct record.

5. ANTI SOCIAL BEHAVIOUR POLICY

Anti-Social Behaviour (ASB) covered a wide range of terms which was generally accepted as conduct that caused, or was likely to cause, harassment, alarm or distress to any person. AVDC was a statutory member of the Aylesbury Vale Community Safety Partnership which involved working with the police and other agencies to reduce disorder and crime within Aylesbury Vale. AVDC also had a responsibility to tackle environmental ASB, which included noise nuisance, graffiti, litter and abandoned cars. In addition to an overview of ASB, Members heard details of national cases which highlighted failures of Local Authorities and the police in responding to individuals that were targets of ASB.

The Committee received a report which outlined a clearer process for staff and residents to follow when dealing with cases of ASB:

Hate crime (racial/homophobic/disablist incident) or suspected domestic violence

- Report the incident to Thames Valley Police on 101 or 999 in an emergency.

Excessive, persistent noise or public health issues (includes noise, artificial light, odour, smoke & animals) – Full instructions on this website: <https://www.aylesburyvaledc.gov.uk/section/nuisance>

The Policy contained contact details of social housing organisations so that landlords could be contacted by residents if their tenants were a cause of ASB.

Abandoned cars – there was an online form that needed to be filled out by the person reporting. The form, along with guidance and further information, was available at this website: <https://www.aylesburyvaledc.gov.uk/abandoned-vehicles>

Graffiti – AVDC could only remove graffiti that was on AVDC land; if it was on private property then AVDC would make the owner aware and request its removal. Reporting graffiti could be done online: https://eforms.aylesburyvaledc.gov.uk/ShowForm.asp?fm_fid=34

Report a concern about the safety of a child - contact Social Services on 01296 383999 or out of hours the Social Services Care Line on 0800 137915.

Report a concern about the safety of a vulnerable adult – contact Adult Social Care Services on 0800 137915

Domestic Violence – this included threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been, intimate partners or family members, regardless of gender or sexuality. Help and advice for various forms of domestic violence, including telephone contact details, could be found on AVDC's website: <https://www.aylesburyvaledc.gov.uk/domestic-violence>

Members sought more information from officers and were advised that:-

- i. Early ASB intervention was proven to be an effective methodology. The policy offered different tools of low level intervention first; for instance a telephone call to find common ground between the parties. Interventional action could then be escalated as appropriate.
- ii. AVDC officers in Community Safety worked closely with Police Community Support Officers and made Safeguarding referrals to Social Services at Buckinghamshire County Council. The Community Safety team also worked in partnership with Housing Trusts.
- iii. Noise complaints from a House of Multiple Occupancy would initially be referred to Environmental Health for investigation.
- iv. There was merit in circulating the ASB process to Parishes for their reference once Cabinet had considered the item.
- v. Proportionate action to ASB problems was on a case by case basis with reference to a police risk matrix process.

The Committee felt that AVDC should have its own risk matrix process so that there was no gap in a case which had no police involvement. This would be added to the policy by officers ahead of Cabinet consideration.

RESOLVED –

That the Scrutiny Committee's comments be referred to Cabinet when they consider the item on 11 September 2018.