



# **Anti-Social Behaviour Policy**

**2021 - 2024**

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## **1 Introduction**

- 1.1 Newark and Sherwood District Council (NSDC) is committed to reducing Anti-Social Behaviour (ASB) in our communities as it recognises the damage that persistent ASB can cause to the stability, cohesiveness and health of communities that experience it.
- 1.2 Although ASB can be difficult to define because of its impact being perception led, the Council has set out in section three of this policy, the definition and general principles that it will work to when addressing issues and complaints about ASB. The perception led nature of ASB has also required the Council to acknowledge the possibility of unreasonable complaints being made and that in those circumstances an investigation may be halted.
- 1.3 The Council also acknowledges the disproportionate impact that ASB can have upon vulnerable members of our communities, the link it has with safeguarding, the need for effective partnerships to exist, and that our primary responsibility is always to protect victims from further harm or distress. That's why the Council is committed to working with partners to ensure all victims, especially vulnerable victims, are listened to and kept informed and supported during any investigation.
- 1.4 This policy also provides an overview of the action(s) that the Council will take to deal with ASB and what route a person can take if they are not satisfied with the service they have received.
- 1.5 We will not tolerate incidents of anti-social behaviour (ASB). The Council will intervene appropriately where we can, and enforce matters relating to ASB when required. This approach will be made clear to all residents within and visitors to the district.
- 1.6 This policy will apply to all Newark and Sherwood District Council residents, their families and any other occupants or visitors. The same principles apply to our tenants, members of staff and any other persons working on behalf of the council.
- 1.7 The Council is committed to supporting tenants and leaseholders living in local communities to enjoy a quality of life which is not negatively impacted on by those who fail to meet the obligations of their Tenancy Agreements.
- 1.8 For those residents in council properties, there are conditions within the tenancy agreement in relation to anti-social behaviour and for those residents in council properties, enforcement may be taken against their tenancy conditions. This approach will be made clear to all tenants and prospective tenants.
- 1.9 Newark & Sherwood District Council has a responsibility to protect staff members whilst they are undertaking Council business. The Council will not tolerate anti-social behaviour directed towards staff and robust action will be taken against those that engage in such behaviour.

## **2 Policy Context**

- 2.1 The Council's current Community Plan (2020-2023) sets out the following vision:

*Newark and Sherwood already has much to be proud of. With its captivating history, beautiful countryside, characterful market towns, world renowned businesses and an enviable location*

*at the crossroads of the country's transport network. We want to do all we can to enable local residents and businesses to flourish and fulfil their potential as well as encouraging more visitors to enjoy all that Newark and Sherwood has to offer.*

*In order to achieve these, we will be locally focused and nationally connected - driven by what matters most to the people we serve and with a perspective and relationships stretching well beyond our boundaries.*

2.2 The Corporate Plan aims to achieve this vision through the delivery of seven objectives:

- Create vibrant and self-sufficient local communities where residents look out for each other and actively contribute to the local area.
- Create more and better quality homes through our roles as landlord, developer and planning authority.
- Enhance and protect the district's natural environment
- Improve the health and wellbeing of local residents
- Deliver inclusive and sustainable economic growth
- Continue to maintain the high standard of cleanliness and appearance of the local environment
- Reduce crime and anti-social behaviour, and increase feelings of safety in our communities

2.3 The ASB Policy directly contributes to a number of the above objectives and should be read alongside the Council's Corporate Enforcement Policy.

2.4 The Council is an active member of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) which brings together a number of organisations to work together with local people to build safer and stronger communities. The ASB Policy is a key document to help inform work carried out by the BNSCSP.

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

There's no single definition of what is meant by ASB. For the purpose of this policy, the Council have adopted the definition applied by the Anti-Social Behaviour Crime and Policing Act 2014:

- i. conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- ii. conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises,
- iii. conduct capable of causing housing-related nuisance or annoyance to any person, or
- iv. conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of business premises

- 3.1 ASB covers a wide range of unacceptable activity that causes harm to an individual, to their community or to their environment. This could be an action by someone else that leaves you feeling alarmed, harassed or distressed. Anti-Social Behaviour may include but is not limited to the following:

**Noise:**

- Loud music
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Persistent Alarms
- Excessively loud or persistent parties
- Dogs persistently barking

**Intimidation and harassment:**

- Verbal or written abuse including via social media
- Threats of violence
- Damage or threats to damage property
- Keeping or failing to control an aggressive dog

**Environmental:**

- Graffiti
- Dumping rubbish and littering
- Dog fouling
- Fly posting
- Abandoned vehicles
- Vandalism
- Anti-social behaviour as a result of alcohol or drug misuse, including street drinking
- Inconsiderate or inappropriate use of vehicles e.g. off-road motorbikes

- 3.2 What is not Anti-Social Behaviour and will not be investigated by officers of the District Council under this policy:

- Children playing in the street or communal areas
- Young people gathering socially unless they are being intimidating
- Being able to park outside your own home
- Parking related issues on a highway or shared access drive
- DIY and car repairs unless they are taking place late at night
- Civil disputes between neighbours, i.e. boundary disputes or disputes over shared driveways
- Reasonable day to day noise, i.e. children within a household, appliance noise,
- One off complaints about noise, e.g. parties

- 3.3 It is also important to acknowledge that some complaints about ASB can be considered malicious, vexatious, trivial, or unreasonable. Children playing in an area designed for play e.g. a skate boarding park or multi use games area, may fall within this category. Other examples may be someone having a one off event such as a milestone birthday party with some associated noise, a baby crying for attention, or a misplaced wheelie bin temporarily blocking access or egress. Although the incident may be annoying at the time, it is the role of the Council's officers when investigating complaints to decide whether the complaint is

reasonable or not. An investigating officer will advise a complainant if they believe the complaint is unreasonable. This is done because persistent unreasonable complaints can often be perceived as harassment by the subject and lead to a counter complaint being made.

3.4 The Council will also work together with partners to utilise the resources and legal powers we have to reduce environmental crimes, problematic street drinking, graffiti, vandalism and all other types of ASB. The Council will respond to an initial complaint within 5 working days

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

## 4 Policy Objectives

4.1 The three objectives of this policy are:

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

## 5 Responsibilities

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

- **Homes and Communities Committee** – This committee has the responsibility for developing and adopting the Council’s Anti-Social Behaviour Policy.
- **Director of Communities and Environment** – Responsibility for ensuring that the Council’s ASB Policy is in place and is being delivered effectively. The Director of Communities and Environment also has responsibility for the authorisation of high level ASB enforcement including service of a Closure Notice.
- **Business Manager Public Protection**- Responsible for the development of the ASB Policy for the Council and authorisation of enforcement requiring court action. The Business Manager is also responsible for the monitoring of any raised risk ASB cases; responding to any complaints regarding the service and any Community Triggers made to the Council.
- **ASB Officers** – Responsible for dealing with all cases of ASB. They are responsible for notifying the Business Manager of any safeguarding concerns or any raised risk victims cases that they are dealing with. They have delegated authority to take forward any enforcement action not requiring court action. They have delegated authority to issue fixed penalty notices.
- **ASB Support Officer** – Responsible for an initial triage of cases reported to the Council and maintaining the Council’s database of ASB incidents. They will provide an initial response to incidents and support the ASB Officers in effectively performing their role.
- **Community Protection Officers** – responsible for supporting and assisting with community and environmental ASB. They have delegated authority to issue fixed penalty notices.
- **Business Manager Housing & Estates** - Responsible for the development of the ASB Policy, in line with the Business Manager Public Protection, and authorisation of

enforcement requiring court action for Council tenants. The Business Manager is also responsible for the monitoring of any raised risk ASB cases and responding to any complaints regarding the service to Council tenants.

- **Tenancy Officers** – Tenancy Officers are responsible for the day to day management of complaints of anti-social behaviour from or about Council tenants. Tenancy Officers have delegated authority to take forward any enforcement action in line with the Council's procedures, which does not require court action. If a case escalates and legal enforcement or a tenancy breach is required, the case is escalated to the **Senior Housing Officer** or Business Manager for Housing & Estates.

**5.2** There are other posts within the Council that have a role to play in reducing ASB **these are:**

- \* **Licensing Officers**
- \* **Street Wardens**
- \* **Environmental Health Officers**
- \* **Park Wardens**
- \* **Environmental Protection Officers**

## **6 Supporting the Victims of ASB**

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

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

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

## **7 Vulnerability and Safeguarding**

- 7.1 Whilst accepting that being a victim of ASB is distressing for anyone who is affected, the Council recognises that for some people the impact may be far worse because of an identified vulnerability.

Vulnerable victims are likely to be disproportionately affected by ASB and vulnerabilities can be caused by a wide range of factors, such as; isolation, a mental health condition, physical disability, age, or substance misuse.

- 7.2 Sometimes it will be necessary to make a safeguarding referral and cases that require this course of action will be additionally recorded as part of our corporate safeguarding procedures. Concerns about ASB and safeguarding often overlap which reinforces the necessity for strong partnership working.

## **8 Actions and Enforcement**

- 8.1 To deal effectively with ASB the Council recognises that it is necessary to affect a long-term change in people's behaviour so that individuals are able to make alternative behavioural choices that are more acceptable to the communities within which they live.

- 8.2 The Council will take an uncompromising approach to the initiation of enforcement action for cases of ASB in order to achieve this goal and protect victims. However, the Council also recognises that behavioural change can be achieved in many other ways and will therefore explore all reasonable interventions that could bring about the desired change in behaviour and this will always be our initial focus whilst maintaining the right to take enforcement action, where appropriate.

- 8.3 As a landlord, the Council understands the importance of making our neighbourhoods safer places to live and the need to address anti-social behaviour as soon as we can. The Council's tenancy conditions clearly state tenant responsibility with regards to nuisance behaviour relating to the tenant, household members and any visitor(s) to the property. We will ensure that tenants are made aware of their responsibilities with regards to ASB at tenancy sign up and any subsequent visits.

- 8.4 Housing management's focus with tenants of the council will focus on supporting changes in unacceptable behaviours. This is in line with the Council's duties towards preventing homelessness where possible. An incremental approach will be taken to tenancy enforcement in line with the Tenancy Agreement.

- 8.5 The Council will take an approach to dealing with ASB, which is proportionate and appropriate to the behaviour being produced or complained about and table one below outlines some of the main actions we will take. Whilst the Council will do all that it can to reasonably prevent ASB, at the same time it will take proportionate enforcement action and will do so at the same time as employing preventative measures if necessary.



**Table 1 – Potential Preventative Measures (not exhaustive).**

|  |  |
|--|--|
| <b>Mediation</b>                             | Using qualified experts in mediation to try to resolve issues and come to agreements on a way forward.   |
| <b>Good Neighbour Agreements</b>             | These are informal agreements where neighbours agree to certain types of behaviour and can be a lever to improving relationships.  |
| <b>Education within schools</b>              | This can be on a range of topics including: alcohol and drug awareness, healthy relationships, inter-generational work, cultural awareness. These are run either by internal staff, external agencies or a mix of partners |
| <b>Referral to support services</b>          | There are a range of support services available, some of which are provided by the voluntary sector.   |
| <b>Warnings</b>                              | Often it is appropriate to issue a warning, which could be either verbal or in writing. Warnings would be issued by either an individual agency e.g. social landlord, or from the partnership.                             |
| <b>CCTV</b>                                  | The Council has a network of monitored cameras that it provides to act as a deterrent for those who would commit acts of ASB. Evidence may also be collected on the cameras to support enforcement activity.               |
| <b>Acceptable Behaviour Contracts (ABCs)</b> | A more formal agreement which outlines expected behaviour and highlights potential repercussions if they are breached. ABCs are formally signed by the offender, the Council and Police staff.                             |

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

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

**Table 2 – Potential Enforcement Measures – People**

|   |  |
|---|--|
| <p><b>Community Protection Warning</b></p>            | <p>To stop a person, business or organisation causing anti-social behaviour which spoils the community's quality of life. A Community Protection Warning can be issued by police or authorised officers of the council with delegated powers to do so. The officer must be satisfied that the behaviour has a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable.</p>  |
| <p><b>Community Protection Notice</b></p>             | <p>If there is evidence that a Community Protection Warning is not adhered to, a Community Protection Notice may be issued.</p> <p>The notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could also require the person responsible to take reasonable steps to ensure that it does not occur again.</p> <p>It would be a criminal offence if a person did not comply, with a sanction of a fine (or fixed penalty notice) or summons to court for non-compliance.</p> |
| <p><b>Criminal Behaviour Orders</b></p>               | <p>Issued within the criminal court whereby an individual has engaged in criminal and anti-social behaviour. Evidence based that has to satisfy the Court beyond reasonable doubt that the individual has engaged in behaviour that has, or is likely to cause, nuisance, harassment and distress to any person(s) and that an Order will stop the individual's behaviour.</p>   |
| <p><b>Civil/ASB Injunctions</b></p>                   | <p>To stop or prevent individuals engaging in anti-social behaviour. Issued in the County Court for over 18's and in the Youth Court for under 18's and to meet legal test, evidence shows that, on the balance of probabilities, the individual has engaged or likely to engage in behaviour that causes nuisance or annoyance and the Court finds it just to impose an Injunction.</p>   |
| <p><b>Mandatory Possession Proceedings Notice</b></p> | <p>Where ASB has already been proven in court, and the perpetrator is a Council tenant or a household member of a Council tenancy we can serve notice in order to regain possession of their property.</p>   |

**Table 3 – Potential Enforcement Measures – Places**

|                                      |  |
|--------------------------------------|--|
| <b>Closure Order</b>                 | An Order which provides the police or Local Authority to close a premises, which is being used, or likely to be used, to commit nuisance or disorder. An initial Closure Order can close a premises for 48 hours however, if the disorder is of such a level, the police or Local Authority can apply to the Magistrates Court for an Order for up to a period of maximum 6 months, which can see a premises closed and access to the premises restricted. |
| <b>Public Space Protection Order</b> | An Order designed to stop individuals or groups causing anti-social behaviour in a public space. Local Authorities have the powers to implements a PSPO and must be satisfied that the behaviour has a detrimental effect on the quality of life of those in the locality, be persistent in nature, and be unreasonable.   |

8.8 Where appropriate the Council will publish enforcement action outcomes in the press or via the Council’s social media platforms on a case per case bases, taking into account public interest, and the level of enforcement taken.

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

## **9 Partnership Working**

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

- Nottinghamshire Police;
- Registered providers of social housing;
- Nottinghamshire County Council, specifically the Communities Team, Family Service and the Youth Support Service;
- Victim Care
- Nottinghamshire Probation;
- Health
- Change, Grow, Live (Nottinghamshire’s commissioned drug and alcohol service)
- Schools and educational facilities; and
- Nottinghamshire Fire and Rescue Service
- Other local authorities, including town and parish councils
- The Environment Agency
- Voluntary agencies and the third sector

- 9.2 By working with partners and sharing information, the Council is able to adopt the best method to deal with each individual case and in many cases enforcement action is jointly taken forward. Sometimes the Council may be the lead enforcement agency whereas on other occasions it may play a supporting role. This depends on the nature of the ASB and the matters being enforced.
- 9.3 The Council is an active partner of the Bassetlaw, Newark and Sherwood Community Safety Partnership (BNSCSP) and will support this partnership to improve community safety generally and tackle ASB across the district.

## **10 Working with other Housing Providers**

Those social housing tenants responsible for behaving in an anti-social manner put themselves at risk of tenancy enforcement action. Those who live in accommodation provided by private landlords may also put themselves at risk of similar action. The Council will share information and support other Housing providers to enable their use of early intervention tools and offer guidance and support to them in developing effective policies in order to deal with anti-social behaviour. The use of legal remedies by other housing providers will be the responsibility of that landlord, however the Council will provide supporting evidence to them subject to the provisions of the Data Protection Act 1990, as amended and other relevant legislation.

## **11 Community Trigger**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced specific measures designed to give victims and communities a say in the way that complaints of anti-social behaviour are dealt with.

The Community Trigger (also known as the ASB Case Review) gives victims of persistent anti-social behaviour reported to any of the main responsible agencies (such as the council, police, housing provider) the right to request a multi-agency review of their case where a local threshold is met.

The Community Trigger process is different from a single agency complaints process which looks at faults in the way an agency has responded. The Community Trigger aims to bring agencies together to take a joined up, problem solving approach, to find a solution and ultimately stop the anti-social behaviour.

More information about the Community Trigger is on our website and may be accessed [here](#).

## **12 Equalities**

- 12.1 The Council has made a commitment to ensuring that it complies with the requirements of the Equalities Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.
- 12.2 It also recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that our response is tailored accordingly.

Hate motivated ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk.

### **13 Policy Review and Updates**

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

### **14 Complaints and Feedback**

- 14.1 Should you have a complaint or comments regarding this policy or how a case has been dealt with, please make us aware.
- 14.2 NSDC operates a complaints procedure that can be accessed through the website, via our Customer Service Team on 01636 650000, or by writing to the Council. More information on how to make an official complaint about the service you have received from the Council can be found [here](#).

### **15 Legal Framework**

As a minimum, the Council's approach to anti-social behaviour affecting the Council including,

Anti-Social Behaviour, Policing & Crime Act, 2014

Anti-Social Behaviour Act, 2003

Housing Act, 1996

Data Protection Act 1998 and 2003

Environmental Protection Act 1990

The Crime and Disorder Act 1998 (as amended)

Human Rights Act 1998

Police Reform Act 2020

Police and Criminal Evidence Act (PACE)

Mental Health Act 1983 (amended 2007)

Criminal Justice and Police Act, 2001

The Noise Act 1996, as amended by ASB Act 2003 and Clean Neighbourhoods and

Environment Act 2005

Children's Act 2004

Harassment Act 1997

Homelessness Act 2002

Freedom of Information Act 2000

Equalities Act 2010