

Anti-social Behaviour Policy

2020 to 2023

Date: March 2020

Review date: March 2023

1. **Anti-social behaviour policy overview**

This policy was adopted on (insert date) and is managed by the Community Safety and Wellbeing Service and Housing. It will be reviewed every three years.

This policy demonstrates a clear and consistent approach in tackling anti-social behaviour aimed at promoting safer, stronger communities and providing better quality of life for the residents of Ashford.

The policy is underpinned by the collaborative work of the community safety partnership.

**1.1 Introduction**

Anti- social behaviour (ASB) is defined as:

*“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing-related nuisance or annoyance to any person*”. Anti-social Behaviour, Crime and Policing Act 2014

ASB can have a significant impact on victim’s lives and wider communities. It can affect an individual’s feelings of personal safety, make a neighbourhood an unpleasant place to live or work and greatly reduce quality of life.

Residents are entitled to live in a peaceful environment and visitors have the right to visit and enjoy a safe and attractive borough.

Ashford Borough Council (the council) recognises that the problems created by ASB need to be dealt with in a robust manner. The council aims to work quickly and efficiently to tackle such incidents.

**1.2 Policy objectives**

The objectives of this policy is to:

* Detail the responsibilities in responding to and tackling ASB
* Record operational standards and outline our duty to share information with relevant partners
* Outline how victims of ASB will be supported
* Describe how residents report their concerns and how agencies communicate with them
* Detail how agencies work together to utilise all available tools and resources to tackle ASB and support communities

**1.3 Equality and diversity**

The council is committed to promoting equality of opportunities in its services. The Equality Act 2010 provides a framework to ensure ABC services are not provided in a discriminatory manner by having due regard to eliminating discrimination, harassment, and victimisation, advancing equality of opportunity and fostering good relations.

Under this policy, the council will also:

* Demonstrate that we have considered any vulnerability identified within the Act when deciding to proceed to legal action
* Have concluded that legal action is needed due to the effect of the ASB on either the health of the victim and/or perpetrator
* Ensure that the proposed legal action is a proportionate response to the ASB

**1.4 Our responsibilities**

 **Our role as a social landlord**

As a landlord, we have a duty to investigate allegations of ASB affecting those living in properties we own and manage. Our landlord duties and powers are different from, and in addition to, the duties and powers we have to deal with ASB in the wider community.

**Our role as part of the Community Safety Partnership (the partnership)**

Under the Crime and Disorder Act 1998, the council must work with the Police and other agencies to reduce crime and disorder within the borough. In this role, we play a key part in dealing with ASB of all kinds.

**Community Safety Unit (CSU)**

The CSU is the operational arm of the partnership. Their role is to implement the various projects, programmes and initiatives to meet the objectives set by the partnership. This is done through regular partner meetings and linking with other tasks groups operating within the borough.

It is then the responsibility of the CSU to deal with the ASB cases appropriately by working with partner’s agencies and internal departments.

The CSU organises and participates in multi-agency working groups dealing with specific ASB issues that are within certain hotspot areas and key locations. They also work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisation can act confidently to prevent or tackle ASB, making use of their own resources.

**Our environmental protection role**

The council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, bonfires, fly tipping and abandoned vehicles. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

**Our working arrangements**

Whilst these are four distinct roles, there are very strong links between them and close working arrangements have been developed between teams that deliver the various services. The key services involved in the council’s ASB work are:

* Community safety & wellbeing
* Housing
* Environment & land management

**2.0 Victim-centred approach**

The council considers the impact on victims crucial and operates a victim-centred approach when dealing with ASB.

Language barriers and certain forms of illness or disability may make it difficult for some people to express themselves or communicate clearly so officers will consider the use of advocates, translation services and/or make reasonable adjustments to meet the needs of the individuals.

**2.1 Examples of ASB**

* Noise nuisance, e.g. loud music, persistent shouting or excessive noise or frequent loud parties and other domestic noise
* Environmental ASB e.g. dumped rubbish and littering, vandalism, dog fouling, dog control, bonfires, graffiti, fly-posting, abandoned vehicles
* Commercial ASB e.g. construction noise, environmental waste

The council also works closely with the police regarding intimidation, harassment and violence. This joint working can include, but is not limited to threatening or aggressive behaviour, harassment, assault, damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as prostitution, selling, handling or storing or using illegal drugs or handling stolen goods, Domestic violence.

It should be noted that the above list does not cover every situation that may be deemed to be ASB. Therefore, each case will be assessed and how it is handled will vary depending on the specific circumstances of the alleged victim and the alleged perpetrator.

**2.2 When we may not be able to get involved**

ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and therefore will not be investigated by the council. Examples include, but are not limited to:

* Children playing in the street or communal areas and young people gathering socially, unless they are being threatening or deliberately intimidating
* Parking issues (not being able to park outside your own home)
* Civil disputes between neighbours e.g. shared driveways
* Complaints about normal household noise
* Disagreements between two neighbours where there are no impartial witnesses or evidence to support either party

**3.0 Our Commitments**

The council’s ASB policy is founded on the following principles:

* Reports of ASB will be investigated and dealt with professionally
* ASB will be dealt with fairly and proportionately
* We will work with partners in order to deliver an effective ASB service across the community

**3.1 How do we meet our commitment?**

 We will meet our commitment by following the principles below:

* We will publicise and promote the various services we provide to deal with ASB
* We will encourage people to report ASB and make it possible for them to do this using a range of reporting methods
* We will record each case that we take on and investigate the complaint
* We will seek to resolve ASB by taking the justified and proportionate response.
* We will use any of the tools and powers available to us under the law, according to our best professional judgement
* We will seek to respond to each report of ASB as quickly as possible in line with best practice.
* We will ensure that any crimes reported to the council is quickly passed to the Police
* We will provide information, instruction, training and supervision for ABC employees to help them understand their role in ASB management
* We will actively promote mediation where appropriate before taking formal action

**4.0 Additional Considerations**

**4.1 Confidentiality and information sharing**

Where appropriate, the council will share information with the Police and other key agencies under the Kent and Medway Information Sharing Protocols (KMISP). This ensures all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998.

The council will work within the provisions of the General Data Protection Regulations (GDPR) and Data Protection Act 2018 that provide a background for sharing information and the need for confidentiality and privacy.

**4.2 ASB Case Review (The Community Trigger)**

An ASB case review gives victims and communities the right to request a review of their situation to examine how local agencies have responded to previous ASB complaints and consider whether further action should be taken.

Across Kent, a common approach has been developed to support all agencies involved in case reviews. This provides victims of ASB with a clear and effective response regardless of where they live in the county.

Further information at: [**https://www.ashford.gov.uk/community-trigger/**](https://www.ashford.gov.uk/community-trigger/)

**4.3 Discretion**

This policy commits us to dealing with ASB in a fair and proportionate way. We may occasionally need to exercise discretion to vary our approach when dealing with ASB because each case is unique.

**5.0 Links to other corporate strategies and policies**

This policy links to and should be read in conjunction with the following:

* Council safeguarding policy
* Council corporate complaints policy
* Council CCTV code of practise
* Housing Letting policy

**6.0 Legislation**

The legislation listed below will be taken into consideration when implementing this policy:

* Anti-social Behaviour, Crime and Policing Act 2014
* Care Act 2014
* Children’s Act 2004
* Clean Neighbourhoods and Environment Act 2005
* Crime and Disorder Act 1998
* Data Protection Act 2018
* Environmental Protection Act 1990
* Equality Act 2010
* Freedom of Information Act 2000
* Harassment Act 1997
* Homeless Reduction Act 2018
* Housing Acts 1985, 1996 and 2002
* Human Rights Act 1998
* Local Government Act 2000
* Mental Health Act 1983 (amended 2007)
* Police and Criminal Evidence Act (PACE) 1984

**7.0 Partner Agencies**

We work in collaboration with a number of agencies to prevent and manage ASB. Which include but is not limited to:

* Kent Police
* Kent Fire and Rescue Service
* Kent Police and Crime Commissioner
* Kent Resource Partnership
* Housing Associations
* Community Mental Health Team
* Probation Service
* Kent Clinical Commissioning Group
* Kent County Council
* Neighbouring Local Authorities
* Ashford College
* Educational Establishments
* Ashford Partnership Against Crime
* Charitable and Volunteer organisations

**8.0 Policy Awareness**

This policy will be communicated through multiple channels:

* Cabinet;
* Management Team;
* Audit Committee; and
* Published on the intranet and the external website

**9.0 Policy Review**

This policy will be reviewed every three years. It will be amended, if necessary, to take into account new legal requirements, non-statutory guidance from central government and implementation of relevant industry standards.