

# **Anti-Social Behaviour Policy**

## **2021- 2024**



## **Policy Statement and Commitment**

This Corporate Anti-Social Behaviour (ASB) Policy document supports Stafford Borough Council's vision "A prosperous and attractive borough with strong communities."

It contributes and supports all the corporate business objectives and in particular, business objective two: 'To improve the quality of life of local people by providing a safe, clean, attractive place to live and work encouraging people to be engaged in developing strong communities that promote health and wellbeing'.

This policy sets out Stafford Borough Council's commitment to reducing anti-social behaviour and improving the quality of life for local people. It is recognised that if it is left unchallenged, anti-social behaviour can have a significant negative impact upon the lives of our communities, including those who live, work, visit and invest in our borough. To support our commitment to reducing anti-social behaviour we will:

- Place victims and witnesses at the centre of our procedures.
- Remain objective until a thorough investigation has been carried out.
- Make effective use of the powers, orders and mechanisms available to the council to deal with ASB.
- Participate fully in joint working with partner agencies i.e., Police and Housing providers, to enable the best possible outcomes for victims and communities.
- Raise awareness of what constitutes ASB and to address issues around tolerance.
- Publicise and promote services available, to divert from or tackle ASB by signposting to other services.

## **Our Approach and Responsibilities**

The council has a statutory responsibility for community safety, as defined by the Crime and Disorder Act 1998.

The Police Reform and Social Responsibility Act 2011 created a flexible framework for partnership working. This includes two inter-related duties to co-operate which set out a clear aim for partnership working across partners involved in community safety and criminal justice. The community safety duty specifies that a Police Crime Commissioner and the responsible authorities on a SCP must co-operate and take account of one another's priorities.

There are five 'responsible authorities' that must work together by law to reduce crime in the local authority area. These are:

- Local Authority
- Police
- Fire and Rescue
- Probation
- Clinical Commissioning Groups

These responsible authorities are under a statutory obligation to work together to tackle crime, disorder, and antisocial behaviour; alcohol and substance misuse, reduce reoffending and tackle any other behaviour which has a negative effect on the local environment. Each partner agency brings a range of expertise and experience and when these skills are brought together, they can help to resolve issues more quickly and effectively. The council makes a significant contribution to dealing with all kinds of ASB and undertakes investigations, enforcement, and preventative activities.

In addition to this, the council has a statutory duty to investigate issues of ASB as per the Anti-Social Behaviour Crime and Policing Act 2014.

Corporate Business and Partnerships take the lead role in investigating all incidents of ASB and there are designated officers who can utilise the powers in the Anti-Social Behaviour Crime and Policing Act 2014. The main responsibilities of these officers are as follows:

- Awareness raising, where tolerance can sometimes be an issue
- Supporting victims
- Investigation of ASB complaints
- Enforcement, using the designated powers from the Anti Social Behaviour, Crime and Policing Act 2014.

The Community Wellbeing Partnership has developed a delivery group (made up of a range of partners) that has responsibility for supporting the delivery of the priorities identified in the annual strategic assessment, including anti-social behaviour.

In addition, the council has other service areas that are involved in investigating ASB. For example, the councils licensing service investigate Fly tipping and Dog fouling.

## **Definition**

ASB can cover a wide range of behaviours. But generally, it is considered to include behaviour capable of causing nuisance or disturbance to any person or an act that causes, or is likely to cause harassment, alarm, or distress to one or more persons, not of the same household.

## **1 Anti-Social Behaviour Reporting**

There are several ways in which you can report ASB to Stafford Borough Council.

Telephone: 01785 619000

Email: [info@staffordbc.gov.uk](mailto:info@staffordbc.gov.uk)

Online: on Stafford Borough Council's website: [www.staffordbc.gov.uk/community-safety-anti-social-behaviour](http://www.staffordbc.gov.uk/community-safety-anti-social-behaviour)

After the borough council receive a report of ASB, the complainant may then be asked to complete a diary sheet (if the complaint concerns a neighbour dispute or noise from a neighbouring property).

Following receipt of any diary sheets a decision will be made, as to the best way to proceed. For example, in cases of verbal abuse we may consider utilising sound monitoring equipment.

You may be also asked some additional questions, so that the level of risk from the behaviour occurring is assessed.

Cases may be discussed with partner organisations i.e., police, fire, housing providers, to see if they are also investigating any issues relating to the same individuals/ locations.

Once evidence has been gathered, consideration could be given to the use of the enforcement powers which are available to the borough council as outlined in Section 2.

The complainant/ victim would be kept updated by the relevant officers in terms of any planned action to be taken and any discussions or meetings that are taking place regarding their case.

Registered social landlords do have powers under the same Act that they can utilise so if you feel you are a victim of ASB and live in a property that is managed by a social landlord or want to complain about a tenant of a social landlord, you need to report your issues directly to them.

The police also have the same powers under the Act. ASB can be reported to the police via their non-emergency number: 101.

## **2 Action we can take**

### **No Action**

In some cases, no action will be taken. This will be because there is little or no evidence that the behaviour being reported constitutes ASB or where the alleged offender has co-operated with what has been required of them.

The borough council also recognise that individuals have different tolerance thresholds, so we would expect both parties to work together before issues escalate and a complaint is made. We will take a common sense approach when we receive complaints of ASB.

### **Letters and or Word of Advice**

Occasionally a letter or phone call with an alleged perpetrator of low level ASB is all that may be required to resolve some issues. The perpetrator will be informed of the nature of the complaint about them; along with potential consequences should their behaviour continue or escalate.

### **Acceptable Behaviour/ Parenting Contracts**

These are voluntary written agreements between an individual, the council and sometimes other agencies including education and Staffordshire Police. They are useful in dealing with children aged 10 plus and in relation to truanting and ASB. These agreements are not legally binding however they are useful in highlighting children's behaviour to their parents and letting them know the consequences if they are not adhered to.

### **Community Protection Warning Notices and Community Protection Notices**

The Community Protection Notice (CPN) is intended to deal with, unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible. Both the council and police have the authority to issue, and they can be served on anyone over the age of 16.

A Community Protection Warning must be served before a full CPN can be issued. Positive requirements and prohibitions can be included in both the CPN Warning and the Community Protection Notice and will include reasonable timescales for certain actions to be carried out or behaviours stopped. These notices can be posted, but in some cases, will be served on an individual by the Police or a Police Community Support Officer.

If a breach of the initial warning letter occurs, evidence will be gathered to prove a breach and a full Community Protection Notice will then be considered. Failure to comply with a CPN is a criminal offence.

If the full notice is breached; a Fixed Penalty Notice (FPN) will be issued either via Recorded Delivery or to an individual by a designated Local Authority Officer or the Police.

The council will then monitor whether the fines have been paid and will notify the Legal Team if no payment has been received within the 14-day period.

In certain cases, individuals or businesses may be asked to cover costs of any remedial work.

If further breaches then occur, Stafford Borough Council may consider prosecution.

If the Police have led on the full notice, they would prosecute via the Crown Prosecution Service, and Stafford Borough Council would prosecute through our in-house Legal Team if it is led by us.

There is no expiry date on Community Protection Notices or Community Protection Warning Notices, but these should be reviewed every 6 months. Reminder letters can also be sent to perpetrators should a significant amount of time pass and there be a risk of the perpetrator reoffending.

### **Civil Injunctions**

This is a court order to stop or prevent individuals engaging in ASB. It can be used to stop issues escalating and positive requirements can be added to encourage the perpetrator to change their behaviour.

Injunctions can be used for anyone from the age of 10 years old. For juveniles, the Youth Offending team must be consulted before an injunction is sought from the courts.

Breach of an injunction can result in a fine or imprisonment for up to 2 years for over 18s. For children under 18 the court can issue a supervision order or detention of up to 3 months.

The council wouldn't consider the use of an injunction at the start of investigation, unless there were threats of violence made and that it was a proportionate power to utilise.

### **Public Spaces Protection Orders (PSPOs)**

This order imposes conditions which may include multiple restrictions and requirements either throughout the borough or in specific areas for example parks or communal areas, where ASB is being caused and is detrimental to the community.

They are designed to ensure that most people can enjoy public spaces and feel safe. For example, restrictions can be imposed around the consumption of alcohol, noise, or dogs.

A breach of a PSPO can result in prosecution or a Fixed Penalty Notice issued by any delegated officer of the council or Police Officer.

Further information on Stafford Borough Council's PSPOs can be found at:

[www.staffordbc.gov.uk/pspo](http://www.staffordbc.gov.uk/pspo)

## **Closure Powers**

This can be used by the police and authorised officers from Stafford Borough Council, where there are high levels of nuisance, disorder or illegal activity either currently ongoing or expected imminently. A Closure Notice can be served immediately closing the property for 48 hours. For a property to be closed longer than this, a Closure Order can then be requested through the court.

## **Criminal Behaviour Orders**

The Criminal Behaviour Order (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. The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, and persistently being drunk and aggressive in public.

## **Prosecutions**

In certain cases, prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect.

Prosecutions would be likely to follow if:

- A Fixed Penalty Notice is issued to an alleged offender and is unpaid within the 14 day payment period.
- An offence is of a size or nature where other enforcement actions are deemed insufficient.
- Previous actions have failed and there is no option for other enforcement action.
- The nature of the offence is deemed to be in the interest of the public.
- The offence has a serious or significant impact on the environment and community.

## **3 Community Triggers and Remedies**

Any person has the right to activate a Community Trigger if they feel their complaint(s) regarding ASB has not been dealt with appropriately.

The Community Trigger is designed to ensure the council and our partners are responding to cases of persistent ASB, especially where the victim is vulnerable or at greater risk.

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

Stafford Borough Council along with our partners in the Community Wellbeing Partnership have agreed that the threshold for activating a Community Trigger will be:

- Three separate incidents have been reported in the last 6 months to the police, council, or social landlord.
- The last report was within one month of the date of the trigger application.

A victim of ASB or someone acting on their behalf can ask to activate the Community Trigger by telephoning Staffordshire Police on 101. Local partners are required to carry out a case review of their response, by sharing relevant information with each other.

At Stafford Borough Council we have also provided a reporting form for Community Triggers and members of the public can complete the form which will then be forwarded to the Police. This form is available on our website.

[www.staffordbc.gov.uk/community-safety-anti-social-behaviour](http://www.staffordbc.gov.uk/community-safety-anti-social-behaviour)

A lead agency will then be identified in terms of updating the complainant, defendant on who the Community Trigger request was made to or other relevant factors.

The ASB Crime and Policing Act 2014, places a duty on the relevant bodies to respond to the victim at points in the Community Trigger process.

These include:

- The decision as to whether the threshold is met.
- The outcome of the review, and
- Any recommendations or actions agreed, as an outcome of the review.

## **4 ASB and Noise Monitoring**

Sound monitoring equipment can be utilised by the council, for some antisocial behaviour cases.

Before installing any sound monitoring equipment, the relevant officers would need to have received completed diary sheets and have spoken to a representative from Environmental Health to prevent any duplication.

Sound monitoring equipment can be installed in a premise, on a maximum of three occasions. If behaviour which warrants further action is not detected on any of these occasions, then equipment will not be installed again, except in exceptional circumstances.

We would need to notify any parties that we have received complaints before the installation of any monitoring equipment. This would ensure that the Regulation of Investigatory Powers Act 2000 (RIPA) legislation would be adhered to.

## **5      Safeguarding Our Staff**

Stafford Borough Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who shows acts of aggression towards any person carrying out their work in respect of this ASB Policy or any other service. We may involve the police if it is appropriate.

## **6      Complaints**

The Council recognise the importance of customer complaints and welcomes complaints as a valuable form of feedback about its services. The Council is committed to using the information it receives to help drive forward improvements.

You can complain in person at any council office, or you can telephone, fax or email your complaint using the details below:

Tel: 01785 619000

Fax: 01785 619119

Email: [info@staffordbc.gov.uk](mailto:info@staffordbc.gov.uk)

Online via the borough council's website:

[www.staffordbc.gov.uk/Complaints](http://www.staffordbc.gov.uk/Complaints)