



# **Harborough District Anti-Social Behaviour Policy**

**October 2014**

### 1. INTRODUCTION

Harborough District Council aims to achieve sustained low levels of anti-social behaviour (ASB), thus creating a safer environment. This Anti-Social Behaviour Policy is an integral part of achieving these objectives

This document provides a clear statement of the District Council's policies, and the way in which the Council will tackle anti-social behaviour. The content includes information on what a number of different agencies can do to address anti-social behaviour, reflecting how a partnership approach is the most effective means of dealing with anti-social behaviour.

#### **Policy Statement**

*“Harborough District Council is committed to tackling anti-social behaviour. We recognise the need to respond in a measured and appropriate manner in order to address the concerns of all the citizens of the District.”*

#### **Aims and Objectives.**

In meeting the aims of the policy the Council accepts that:

- Individuals have the right to their chosen lifestyle – providing this does not spoil the quality of life for others – and that this implies some degree of tolerance of, and respect for, the requirements and needs of others.
- The problem of ASB is robustly challenged across the district.
- Awareness and education of communities is required and residents and visitors of all ages have a key part to play in resolving problems.
- Local residents feel confident to report their concerns.
- Local residents feel satisfied with our response in relation to their complaint and the outcome achieved.
- Vulnerable people in our communities are identified and supported.
- As part of the Equality Act 2010, the Council, as a local authority, has a duty to pay ‘due regard’ to:
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.

### Definitions of Anti-Social Behaviour

Anti-social behaviour (ASB) is defined as:

“Acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves” (Crime and Disorder Act 1998).

“Conduct causing, or likely to cause, a nuisance or annoyance to a person residing, visiting, or otherwise engaged in a lawful activity in the locality” (Housing Act 1996).

Both definitions will be used according to the circumstances of the identified behaviour.

### 2. Types of Anti-Social Behaviour and how to report them.

Anyone may report ASB whether as a victim, witness or a third party.

Guidance on how to report the various categories of ASB will be available through the Council’s website, by visiting or calling the Council’s customers services or calling your local police.

The following should be reported to Harborough District Council, by telephone 01858 828282, or email at [customer.services@harborough.gov.uk](mailto:customer.services@harborough.gov.uk)

- Dumping, Littering and Fly-Tipping
- Graffiti
- Abandoned Vehicles
- Noise Nuisance – including music, vehicles, alarms
- Nuisance dogs

The following types of behaviour should be reported to Leicestershire Constabulary on 101 (in an emergency call 999)

- Vandalism and Graffiti;
- Threatening and abusive behaviour;
- Hate related ASB
- Drunk and rowdy groups;
- Drug related anti-social behaviour.
- Misuse of fireworks
- Nuisance vehicles

In cases of anti-social behaviour in social housing, the relevant Housing Association will investigate complaints and can pursue a course of action that can result in injunctions, committal proceedings and eviction. Harborough District Council and the police work closely with housing providers to help with enforcement action and support for victims.

### Elected Members (County, District and Parish) – Community Leadership

Elected members have a key role in the response to anti-social behaviour. As community leaders and advocates they can often be the first point of complaint by residents.

Members should not commence any form of investigation but, ideally, provide initial support and guidance to victims – to call HDC or 101. It is fundamental that anti-social behaviour is recorded and co-ordinated by the Community Safety Team.

### **Support for Witnesses and Complainants**

All HDC's services will take all complaints of anti-social behaviour seriously, whether made in person, writing or over the telephone. We will ensure that complainants and witnesses will be dealt with sympathetically, and treated in total confidence.

We will:

Arrange to keep the complainant informed of the progress of their complaint.

Seek the complainant's permission before contacting anyone else about the anti-social behaviour. Failure to give permission will mean that it may be difficult and slower to resolve the problem.

Do everything we reasonably can to find an effective solution to stop the anti-social behaviour and will advise the complainant if we decide to close the case.

With the consent of the complainant/ witness, make referrals to specialist support, where available e.g. counselling services, victim support.

Discuss every stage of legal action with witnesses.

In certain cases, further information or intelligence is required to provide evidence of anti-social behaviour. Complainants or witnesses may be asked to complete a written record – in the form of an incident diary kept over a period – to show the pattern of the behaviour, evidence of the nature of the complaint, and to aid in the identification of any offender(s).

### **Supervision and Monitoring Arrangements**

At each monthly Joint Action Group meeting all high risk ASB cases will be discussed and trends and patterns in anti-social behaviour identified. The Chair will ensure appropriate action is taken around issues identified by the meeting.

In the event that the numbers of complaints start to show local hot spots or persistent complaint areas this information will be passed to the Community Safety Partnership's Delivery Group\* with a view to implementing intervention and diversionary initiatives to seek medium to long terms solutions.

\*see section 5 for information regarding the Community Safety Partnership.

## Prevention

### Community Safety Partnership

Harborough District Council is part of the Harborough District Community Safety Partnership (CSP) which aims to maintain low levels of crime and promote safe, strong communities. Since April 2013 the Partnership Responsible Authority Members are:

Police - Leicestershire Constabulary  
Local Authority - Harborough District Council & Leicestershire County Council  
Fire and Rescue - Leicestershire Fire & Rescue Service  
Clinical Commissioning Group – Leicestershire CCG  
Probation Trust - Derbyshire, Leicestershire, Nottinghamshire and Rutland  
Community Rehabilitation Company (CRC)

### Diversionsary Activities

It is widely recognised that, for a significant number of young people, being engaged in activities, or having a space to meet and socialise in, can have a positive impact on the levels of anti-social behaviour in a community. This policy seeks to put in place a framework through which the Council can work with local communities to ensure the needs of young people are met within their community.

In order to ensure that cases of escalating ASB are dealt with, the Council will work with other members of the Community Safety Partnership and with other agencies who have the skills and resources to deal with more challenging behaviours. These may include;

- **Youth Offending Service –YOS**
- **Youth Inclusion Support Panel team – YISP**
- **Social Care**
- **Substance Abuse services**
- **Supporting Leicestershire Families**

### Planning – Built Environment

Every opportunity, within the District Council's planning procedures, will be taken to consider the impact on the risks of anti-social behaviour when designing/ approving planning applications and working with developers. Planning services will consider all the principles of designing out risk of anti-social behaviour in order to comply with the statutory requirements under section 17 Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006.

## 3. ENFORCEMENT

There are a range of formal methods that are available when dealing with instances of anti-social behaviour. Leicestershire, Leicester and Rutland have all agreed to follow an incremental approach to ASB, using the new tools and powers granted in the Anti-Social Behaviour, Crime and Policing Act 2014.

## Summary of Incremental Approach to tackling ASB

### Non-legal Stages

#### The Advice Stage

Advice is designed to highlight circumstances of ASB which have raised concern and the person may have involvement in. Can be verbal or written.

#### The Warning Stage

Warnings are given to show a person's actual involvement in ASB and to ask for this behaviour to stop.

#### Acceptable Behaviour Contracts (ABC)

ABC's are given to address a person's ASB and support them in ceasing that behaviour.

#### **Please Note.**

*A person can enter the incremental approach at any 'non-legal' stage dependent on the seriousness of the incident reported. In extreme cases OR for certain environmental offences a person may enter the Incremental process at a 'Legal Stage'.*

### Legal Stages

#### Injunction

Injunctions to Prevent Nuisance and Annoyance

#### Tools available under ASB legislation

- Community Remedies
- Community Protection Notice
- Dispersal Power (police)
- Public Spaces Protection Order (PSPO)

#### Orders available to providers of social housing

- Demoted Tenancies
- Injunctions
- Exclusion Order and power to arrest (attached to injunction)
- Possession Order
- Absolute grounds for possession
- Closure order

#### Orders available under Environmental legislation

- Fixed Penalty Notice
- Abatement Notice for statutory nuisance

#### Criminal Behaviour Order (CBO)

CBO's are a police power given to tackle the most persistence individuals who are also engaged in criminal activity

For further details see Appendix A – Incremental Approach or [Home Office Guidelines on reform of ASB powers 2014](#).

### **Neighbour Disputes**

Not all neighbour disputes should be dealt with as anti-social behaviour. Depending on the circumstances of a complaint, a complainant may be advised to seek their own legal advice in relation to their complaint.

### **Cessation Document**

This County agreement provides a structure for the closure of long standing cases of anti-social behaviour and disputes where the expectations of the complainant outweigh the ability of agencies to find a solution; or where complainants are unwilling to follow advice and guidance offered by agencies in finding a resolution.

**For further details see Appendix B -Cessation Document**

### **Community Remedies**

The Community Remedy gives victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. This means victims will get justice quickly, and the offender has to face immediate and meaningful consequences for their actions.

Punishments could include the offender signing an acceptable behaviour contract, paying compensation to the victim, or doing local unpaid work in the community. Any arrangement is determined in consultation with the victim of the anti-social behaviour.

## **4. THE COMMUNITY TRIGGER**

The Community Trigger is a process which allows members of the community to ask Harborough District Community Safety Partnership to review their response to complaints of anti-social behaviour. The Community Trigger can be used in the following situations:

- If you (as an individual) have complained to the Council, Police or a Registered Housing Provider (social landlord) about three separate incidents in your locality in the last six months.
- If three individuals in your local community have complained separately to the Council, Police or Registered Housing Provider (social landlord) in the last six months about the same incident of anti-social behaviour in the locality.
- If you have been a victim of a Hate Crime or Incident in the last six months.

**For further details see - Appendix -The Community Trigger**

## 5. STATUTORY OBLIGATIONS

- Crime and Disorder Act 1998
- Anti-Social Behaviour, Crime and Policing Act 2014
- Human Rights Act 1998
- Data Protection Act 1998
- Children Act 1989 and 2004
- Equality Act 2010
- Children and Families Act 2014
- Care Act 2014
- Housing Act 1996