

Cabinet 13 November 2013

# **CHESTERFIELD BOROUGH COUNCIL**

**CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY**

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# 1 Statement of policy

1.1 This policy sets out the council's commitment to reducing anti-social behaviour. It supports the council's vision **to put our communities first** and the following priorities:

- To make Chesterfield a thriving borough
- To improve the quality of life for local people
- To provide value for money services

## Policy aims

1.2 We recognise that left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our communities, including those who live, work, visit and study in our borough. In order to support our commitment to reducing anti-social behaviour, our aims are to:

- Place victims and witnesses at the centre of our procedures and support them throughout their case.
- Make effective use of the powers, orders and mechanisms available to us to deal with anti-social behaviour.
- Participate fully in joint working with partner agencies to enable the best possible outcomes.
- Raise awareness of what conduct constitutes anti-social behaviour.
- Encourage people to report anti-social behaviour to the relevant services.
- Publicise and promote our service and others that are available to tackle anti-social behaviour.

1.3 This document is the council's over-arching ASB policy document, and therefore outlines issues in their broadest form.

1.4 Service-specific documents are available on our website. These should be read in conjunction with this document.

## Partnership working

1.5 We may work with all relevant services and partners to tackle anti-social behaviour at all levels:

- At strategic level (e.g., by active participation in the Chesterfield Community Safety Partnership)
- With projects (e.g., to reduce crime and disorder on a particular estate, or to tackle a particular type of anti-social behaviour throughout the Borough)
- With individual cases where appropriate

## **Promotion of tolerance**

- 1.6 We will promote tolerance, balancing individuals' liberties with the impact of their behaviour on others.

## **The role of the community**

- 1.7 People in the community have the most important role in reducing anti-social behaviour. The organisations involved in tackling anti-social behaviour can only act where there is a partnership with the community. Where appropriate, we encourage informal resolution of disputes before we are asked to intervene.

## **Employee authority**

- 1.8 Authority to issue formal notices and to enact legal interventions will only be given to employees that are suitably qualified and experienced. All authorised employees must have received appropriate training and have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

# **2 Definitions, responsibilities, powers, descriptions**

## **Definition of Anti-social Behaviour**

- 2.1 The definitions of anti-social behaviour vary according to specific laws and the legal measures available to deal with it. Therefore we do not include an explicit definition of anti-social behaviour in this policy because this may restrict our capacity to take action that would otherwise be within our powers. However in general terms, we consider anti-social

behaviour to include:

- Behaviour that is likely to cause, harassment, alarm or distress to any person.
- Behaviour capable of causing nuisance or annoyance.
- Disorderly, offensive, immoral or criminal behaviour.
- Behaviour that has a detrimental effect on the quality of life of other people.

The above are examples of types of behaviour that we consider to constitute anti-social behaviour. It is not intended to be an exhaustive list

## **Powers and responsibilities**

- 2.2 As a borough council, we have a range of powers and responsibilities in dealing with anti-social behaviour, including:
- As a statutory partner within the Community Safety Partnership. As such, we have a shared legal responsibility with Derbyshire Constabulary to formulate and implement a strategy for the reduction of crime and disorder.
  - As a member of the Community Safety Partnership, we work in partnership with other agencies on projects to prevent anti-social behaviour.
  - As a local council, we have a range of powers to deal with anti-social, disorderly, offensive and criminal behaviour on public land, residential accommodation and other premises. In such cases, we will work with partners to decide who is best placed to take action.
  - As a social landlord, we have these powers where the housing related nuisance is directly or indirectly related to our housing management function. We also have powers and responsibilities arising from the landlord and tenant relationship.
  - We have a range of powers and responsibilities to deal with environmental anti-social behaviour.
- 2.3 We will take into account the views of those involved in a case. However it will remain our decision about what action we take or do not take.

## **3 Our general approach**

### **Putting victims first**

- 3.1 In responding effectively to anti-social behaviour, we will provide or work with partners to arrange support for victims and witnesses, including:
- Ensuring that a systematic and continuous assessment of the risk of harm is carried out for victims and witnesses and that appropriate action is taken.
  - Ensuring contact is maintained with victims and witnesses at every stage of the investigation.
  - Ensuring that timely and appropriate action is taken against those engaging in anti-social behaviour where possible.
  - Where appropriate, making referrals to specialist support providers.
- 3.2 We will participate in initiatives to identify vulnerable and repeat victims and to work with other services to carry out multi-agency case reviews.

### **Early intervention and prevention**

- 3.3 Early intervention is important in preventing anti-social behaviour from escalating. We will therefore ensure that it is easy for people to report problems to us and we will respond within an appropriate time.
- 3.4 We recognise the importance of preventing anti-social behaviour through services for vulnerable people who may be engaging in anti-social behaviour. We may therefore provide support directly or by referral to another specialist support provider for people whose anti-social behaviour may be a result of a disability. We will take reasonable measures to ensure that an assessment takes place before taking legal action against a person who has, or who we suspect may have a protected characteristic. Exceptions include having to take action in situations where an urgent application to court is required without notice to any person who is alleged to have engaged in anti-social behaviour that warrants such an application.
- 3.5 If someone who is engaging in anti-social behaviour has a disability, we must balance their rights with any legitimate aim, such as the need to prevent and stop anti-social behaviour and enforce compliance with the law, rules, regulations and agreements, such as tenancy agreements. A

legal measure such as eviction or an injunction may be sought where it is proportionate to achieve a legitimate aim.

### **Incremental approach**

- 3.6 Where appropriate, we will take an incremental approach, where legal action is only considered if other measures are not appropriate or have not worked, particularly where those engaging in anti-social behaviour are more vulnerable. However, we may take any action, including legal proceedings, without warning or consideration of other measures if, in our opinion, the circumstances warrant it.

### **Evidence**

- 3.7 We base our interventions, investigations and action upon evidence. If there is no evidence to show that it is more likely than not that there has been anti-social behaviour, we will not consider taking enforcement action.

### **Reporting anti-social behaviour**

- 3.8 We will try to be accessible to all. Where people have difficulty in communicating with us, we will make reasonable adjustments to make communication easier.
- 3.9 We will make available a range of ways to report anti-social behaviour. However we may not investigate or take further action unless we have direct reports from an individual or direct evidence such as a conviction, open source information or it is self-evident. If evidence from a witness is needed for investigation and enforcement, we will not normally accept anonymous reports or those made through a third party.
- 3.10 Reports in relation to the behaviour of others (e.g., someone making an allegation against a neighbour) will not be investigated under the council's complaints policy. Instead they will be reported as requests for service and managed in line with our policies and procedures.

## Safeguarding

- 3.11 We recognise our role in protecting the most vulnerable members of our community. We will ensure that all staff are trained appropriately to enable them to respond appropriately to safeguarding concerns, including reporting anything that is a cause for concern.

## 4 Information exchange, disclosure and publicity

- 4.1 Sharing information is an integral part of dealing with anti-social behaviour. We will share information with other organisations engaged in multi-agency working as part of a strategy to reduce crime and disorder. We will do this in compliance with the law and with protocols, agreements and guidance made with Derbyshire Constabulary and Derbyshire Safer Communities Board. These explain the information that can be provided and exchanged and the mechanisms to allow this.
- 4.2 Except for exceptional circumstances (e.g., where the public interest would otherwise be profoundly and adversely affected, or if required by court order), we will not disclose the identity of a person making the report (the reporter) to the subject of their report without permission from the reporter.
- 4.3 Disclosure is possible where someone asks for information under the data protection law. We may refuse to supply information following a request made under the law if the purpose of the refusal is to prevent or detect crime or some other lawful purpose.
- 4.4 We may disclose third party information (e.g., information provided by a witness that may identify that person) to a data subject (normally the subject of the report) where the third party has withheld his or her consent to disclosure, if we consider it is reasonable in the circumstances to do so. However, when dealing with such requests we will be sensitive to, and give proper consideration to this potential conflict between the data subject's right of access and the third party's right to respect for his or her private life before deciding whether to disclose third party information. We will normally seek the third party's consent before disclosure. We may advise the third party of this and give the option to withdraw the report rather than have the information disclosed.



- 4.5 We may disclose personal information to various teams within the Council, but we will only do this with that person's consent or where permitted under the law.
- 4.6 All council employees have an obligation to protect confidentiality and a duty to make sure that information is only disclosed to those who have a right to see it.
- 4.7 All council employees will be trained and be fully aware of their responsibilities to maintain the security and confidentiality of personal information.

## **Publicity**

- 4.8 The community needs information about anti-social behaviour. We will therefore publish information where appropriate.
- 4.9 We may publish details about individual orders that are granted in open court, including personal details of the perpetrator. In each case, we will consider the impact, including the human rights, on the named person and any associated people. If the court imposes reporting restrictions on the press, we will also consider whether and how to restrict our publication.

# **5 Employees, councillors and contractors**

## **Protection**

- 5.1 We do not tolerate the abuse of council employees elected councillors and people working for the council as agents or contractors. Abuse includes:
- abusive or threatening words or behaviour
  - violence and the threat of violence
  - making false, malicious, nuisance or vexatious complaints or allegations about council employees or its agents or contractors or services

There is an assumption that we will take legal action where appropriate against any person who engages in such abuse.

- 5.2 All incidents will be dealt with in compliance with the council's health and safety policies and procedures.
- 5.3 Acts of violence, threats or aggression will be recorded, and reported to the police where appropriate.

## **Training**

- 5.4 We acknowledge the difficulties faced by employees who respond to anti-social behaviour. These difficulties include the need to make balanced assessments when confronted by conflicting accounts of behaviour, the avoidance of "confirmation bias", the need to follow procedures and to remain impartial when people demand early resolution in their favour. Good decision-making is made possible only when good training is provided and justified evidence-based assessments are backed up by senior management and elected representatives.
- 5.5 We will inform and train employees and elected representatives as appropriate on anti-social behaviour in general and the policies and procedures relevant to the council.
- 5.6 We will work in partnership with other organisations to provide training for our staff on any relevant aspects of the response to anti-social behaviour.

## **6 Policy implementation and update**

- 6.1 Our corporate management team will ensure that this policy is communicated to employees.
- 6.2 We will review this policy after three years or in response to relevant significant change.

