

Chesterfield Borough Council **Anti-Social Behaviour Policy** **2015 - 2019**

Policy statement and commitment

This policy sets out the Council's commitment to reducing anti-social behaviour, improving the quality of life for local people and reducing crime and fear of crime within our communities.

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 we will:

- 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
- publicise and promote services available to tackle anti-social behaviour

Definition of anti-social behaviour

Anti-social behaviour can cover a wide range of behaviour. We take a wide view of what may be considered anti-social behaviour, it is considered to include behaviour capable of causing nuisance or annoyance 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. Some common examples of anti-social behaviour include:

- Noise nuisance including loud television and music, persistent alarms, excessively loud or frequent parties, shouting or yelling etc.
- Nuisance from pets as dogs barking or failing to control an aggressive dog

- Property damage
- Verbal and written abuse
- Threats of violence to damage property
- Environmental issues including fly-tipping, vandalism, dog fouling, graffiti, fly posting, abandoned vehicles etc.
- Hate behaviour including harassment directed at a person because of race, nationality, faith, gender, sexual orientation, disability etc.

Our approach to tackling to reducing anti-social behaviour

We work with our partner agencies using a wide range of measures to prevent and combat anti-social behaviour. Some of these are listed here:

- we will use a range of early informal interventions including warning letters, acceptable behaviour contracts, dog behaviour contracts, mediation
- we have a tenancy agreement which outlaws anti-social behaviour – this is fully explained to all new tenants
- we will use a wide range of legal interventions with our partner agencies to address both low level and more embedded ant-social behaviour while putting victims first. These include criminal behaviour orders, civil injunctions, community protection notices, public space protection orders, closure powers, dispersal/direction powers, absolute grounds for possession, community trigger and community remedy

More information about the relevant legislation, intervention options and council response is available in Appendix 1.

Working together, sharing information, managing cases and assessing risk

Each partner agency (including police, councils, fire and rescue, health services and community and voluntary sector) brings with it a range of expertise and experience that, when brought together, can assist in resolving issues more effectively. As part of this joined-up approach we have developed an effective information sharing protocol to ensure that appropriate information flows between partners quickly and so victims can see a real difference in the response to their reports. It has been agreed by partner agencies in Derbyshire that we will use the ECINs IT system will be used to share information, manage cases and assess the risk to victims.

Effective case management underpins all our activity to deal with anti-social behaviour, starting from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims, whose complaints form the basis of any action is the the main consideration at every stage of the process. This ensures that partner agencies provide a fair and consistent service to the public, taking timely, appropriate action to tackle anti-social behaviour.

Assessing the risk of harm to the victim is also an important part of case management. It is important to identify the effect the Anti-Social Behaviour is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. A continuous and organised risk assessment helps to identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim.

How to make a complaint/report an incident

If you are suffering from any kind of anti-social behaviour please contact us as soon as possible. You can make a complaint or report an incident in person, in writing, by telephone, via our website or through a third party such as a Councillor.

Complaints and reports can also be made anonymously, however this may restrict the amount of investigation and action we can undertake and will not allow us to provide the complainant with information and support. We would recommend therefore, that complainants give us their name and address.

Call us on –	01246 345345
Complete an online enquiry at -	www.chesterfield.gov.uk
Visit us at -	Customer Services Centre, 85 New Square, Chesterfield, S40 1SN
Write to us at -	Chesterfield Borough Council. Town Hall, Rose Hill, Chesterfield, S40 1LP

How we will ensure that this policy is implemented

Chesterfield Borough Council's Corporate Management Team will be responsible for ensuring this policy is communicated to employees and

that they are able to access appropriate training supported by the Community Safety Partnership

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

Legislation, intervention options and services

1.0 **Key Legislation**

1.1 **Anti-Social Behaviour, Crime and Policing Act 2014**

This Act provides the tools for practitioners and agencies to effectively tackle Anti-Social Behaviour. The Act strengthens and, in some aspects, replaces existing legislation to stream-line and re-enforce the powers that are available to practitioners.

1.2 **Crime and Disorder Act 1998**

The purpose of this Act is to tackle crime and disorder and help create safer communities. The Act gives the lead responsibility for crime and disorder to the Police and the Local Authorities and consequently after its introduction Crime and Disorder Partnerships were formed based in the District and the County Councils. The 1998 Act provides additional powers for agencies to use when carrying out their work to reduce crime, these include:

- Section 115 which allows for the sharing of information for the purposes of preventing crime and disorder without contravening the Data Protection Act 1998
- The establishment of local partnerships between Police, Local Authorities and others to help fight crime
- Section 17 places a duty upon local authorities to consider the community safety within their district for any function that it may undertake. This section dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues.

1.3 **Police Reform Act 2002**

This Act makes provisions about the supervision, administration functions and conduct of Police Forces, Police Officers and other persons serving with or carrying out functions in relation to the Police. In relation to Anti-Social Behaviour the 2002 Act strengthened the arrangements in the Crime and Disorder Act 1998 for Anti-Social Behaviour interventions:

- Extending the use of Anti-Social Behaviour interventions to the British Transport Police and Registered Social Landlords
- Extending the area over which an Anti-Social Behaviour intervention can be made within the United Kingdom
- The provision of imposing an Anti-Social Behaviour intervention in addition to a sentence on conviction for a criminal offence involving Anti-Social Behaviour
- Section 59 of the Police Reform Act 2002 introduced Police powers to deal with the anti-social use of motor vehicles on public roads and off road.

1.4 **Housing Acts 1985 and 1996**

These Acts gave measures to registered social landlords to enforce the terms and conditions of tenancy where there are breaches which may be considered to be nuisance or annoyance and where the registered social landlord may wish to seek possession.

1.5 Housing Act 1996 as amended by Homelessness Act 2002

The Housing Act 1996 section 160a sub-section 7 and 8 (allocation only to eligible persons) can be used by a local housing authority in the allocation of its properties and this has linkages to the prevention of Anti-Social Behaviour. Sub-section 7: a local housing authority may decide that an applicant is to be treated as ineligible for housing accommodation by them if they are satisfied that:

- a) he, or a member of his household, has been guilty of unacceptable Behaviour serious enough to make him unsuitable to be a tenant of the authority and
- b) in the circumstances at the time his application is considered , he is unsuitable to be a tenant of the authority by reason of that Behaviour.

Sub-section 8: the only Behaviour which may be regarded by the authority as unacceptable for the purposes of sub-section 7a is :

- a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under Section 84 of the Housing Act 1985 (c.68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or
- b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order.

1.6 Other relevant Legislation

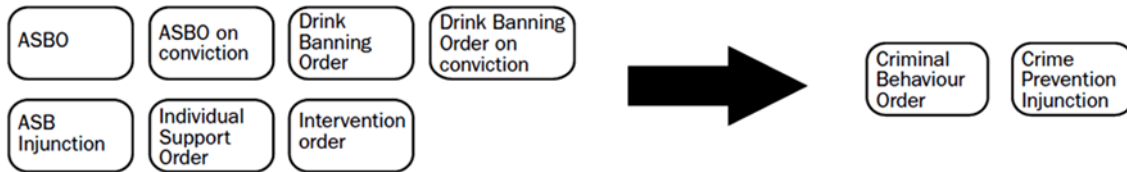
- Children Act 1989
- The Regulation of Investigatory Powers Act (RIPA) 2000
- Local Government Act 2000
- Homeless Act 2002
- Housing Act 1996
- Environmental Protection Act 1990
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Clean Neighbourhoods and Environment Act 2005
- Equality Act 2010

2.0 Intervention Options

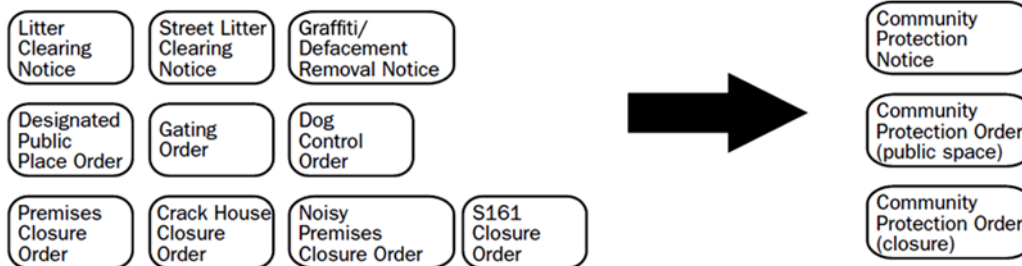
2.1 Since the implementation of the 2014 Anti-Social Behaviour, Crime and Policing Act in October 2014, the powers available to the Council and the police have changed,19 interventions have been reduced to 6, please see the chart below to explain the changes.

SIMPLIFICATION: FROM 19 TO 6

People



Places



Police powers



2.2 Intervention Options

The legal and informal interventions to address anti-social behaviour, available to both the Council and the Police, are listed below. These interventions are best used in partnership to address both low level and more embedded anti-social Behaviour, whilst putting the victim's needs first.

2.2.1 Warnings

Verbal warnings: In deciding to use a verbal warning, the Council officer should still consider the evidence. For instance, the Council officer should have reason to believe that the anti-social behaviour has occurred, or is likely to occur, and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning, the Council officer should make clear to the individual what conduct is causing concern, the effect of the conduct on the victim/ community and the consequences of continued, unacceptable conduct.

Written warnings: As with a verbal warning, a written warning should contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or local community. Agencies should alert each other that the warning has been given so that it can be effectively monitored via the case management system (ECINS). Agencies may wish to consider what level of detail they go into at this stage regarding the consequences of further anti-social behaviour and more serious sanctions – for instance, an Acceptable Behaviour Contract (ABC), court proceedings for a Civil Injunction to Prevent Nuisance and Annoyance (IPNA) or even criminal proceedings if the behaviour continues or escalates.

2.2.2 Mediation

In many cases of Anti-Social Behaviour, mediation can be an effective tool to resolve the issue by bringing all parties together for facilitated discussion. This

can be very effective in neighbour disputes, family conflicts, lifestyle differences including noise nuisance complaints, where it can be difficult to establish who the victim is.

2.2.3 Acceptable behaviour contracts

Acceptable Behaviour Contracts (ABCs), sometimes called acceptable behaviour agreements, can be an effective way of dealing with Anti-Social individuals, especially where there are a number of problem behaviours. They can also be very effective, as an early Intervention, to nip problem behaviours in the bud before escalation. ABCs are a written agreement between a perpetrator of anti-social behaviour and the agency or agencies.

2.2.4 Parenting contracts

Where informal interventions are used against under 18s, the parents or guardians of the young person should be contacted in advance of the decision to take action. In many cases, the parents or guardians can play an important role in ensuring the individual changes their behaviour.

2.2.5 Support and counselling

In many cases, there are underlying causes of the Anti-Social Behaviour. The new powers allow professionals to actively deal with these through the use of positive requirements. However, there is no need to wait until formal court action before offering help. Substance misuse or alcohol dependency can drive Anti-Social Behaviour and low level crime, and support can have a positive impact. Intervening prior to a descent into criminality, e.g. by supporting them to escape addiction, can save thousands of pounds in enforcement action over a person's lifetime. The Troubled Families Programme has already identified many of the issues faced by young people.

2.2.6 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, persistently being drunk and aggressive in public or criminal damage.

2.2.7 Civil Injunctions

The injunction under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Non-housing related:

For anti-social behaviour in a non-housing related context the test is conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

Housing-related:

For anti-social behaviour in a housing context the nuisance or annoyance test will apply, that is, where the conduct is capable of causing nuisance or

annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police will be able to apply for an injunction under these provisions in the legislation. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not even tenants of the social landlord who is applying for the order. The new Civil Injunction can be considered for people over the age of 11, in line with former Stand Alone ASBOs.

2.2.8 Community Protection Notices

The Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible.

In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice.

However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so police officers and police community support officers will also be able to support the issue of CPNs.

In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of anti-social behaviour every year.

Where it is appropriate, Chesterfield Borough Council can designate social landlords in their area to issue CPNs.

2.2.9 Public Spaces Protection Order

Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

The Council will be responsible for making the new PSPO although enforcement powers will be much broader. Chesterfield Borough Council will take the lead. It is expected that the new PSPO will replace current Council By-laws such as Park By-laws, Dog Control Orders and Designated Public Space Orders. The PSPO will be reviewed every 3 years and any amendments or new orders will need to be agreed by the Police and Crime Commissioner for Derbyshire.

The new power is not available to town, parish or neighbourhood Councils in England.

2.2.10 Closure Powers

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by Chesterfield Borough Council or the police without initial recourse to the court. However, following the issuing of a closure notice, an application must be

made to the magistrates' court for a closure order, unless the closure notice has been cancelled.

2.2.11 New Absolute Ground for Possession – Landlords

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour. The evidence shows this is the case with over 80% of anti-social behaviour complaints resolved by social landlords through early intervention and informal routes without resorting to formal tools. It is, however, a source of frustration for landlords and victims that in exceptional cases where anti-social behaviour (or criminality) persists and it becomes necessary to seek possession, the existing process for evicting anti-social tenants is often very lengthy and expensive for landlords and the courts and, most importantly, prolongs the suffering of victims, witnesses and the community. The purpose of the new absolute ground for possession is to speed up the possession process in cases where a tenant:

- has been convicted of a serious criminal offence in the locality of the home or against a neighbour anywhere else, or
- has breached an existing anti-social behaviour related order under the ASB Crime and Policing Act 2014 (e.g., a Civil Injunction, Criminal Behaviour Order, Closure Order) or a Noise Abatement Notice

2.3 **Community Trigger and Community Remedy**

The Community Trigger gives, those affected by anti-social behaviour, the right to request an anti-social Behaviour case review of the response by agencies to their reports of anti-social behaviour. The Community Trigger should only be used if you think your concerns have not been dealt with, or acted upon, by agencies.

Concerns about individual officers, or services, should continue to be directed to the relevant organisation's complaints procedure and/or the Ombudsman or the Independent Police Complaints Commission.

For further information, please use the link below.

http://www.saferderbyshire.gov.uk/what_we_do/asb/how_we_can_help/community_trigger/default.asp

The Community Remedy, which gives victims a say in the out-of-court punishment of offenders for low-level crime and Anti-Social Behaviour.

3.0 **Services provided by the Council to prevent and deal with Anti-Social Behaviour**

3.1 There are a range of services to deal with Anti-Social Behaviour available to Chesterfield Borough Council dependent on the specific nature of the complaint.

3.2 Chesterfield Community Safety Partnership

The Chesterfield Community Safety Partnership are co-located with Chesterfield Borough Council and will assist with cases when intervention is needed to protect against violence, hate crime, criminal damage, harassment and intimidation within the Private sector and public open spaces.

3.3 Housing Services

Housing Services is the landlord of approximately 10,000 tenancies. Each tenant has a tenancy agreement that prohibits the tenant, members of the

tenant's household and their visitors from behaving in a manner that causes harassment, nuisance or annoyance in the vicinity of their home. Where it is necessary and proportionate, breaches of this obligation can be enforced by a range of measures, including eviction.

Tenancies are managed by the Neighbourhoods Team. Its priorities are:

- Where anti-social behaviour is reported, to intervene as early as possible.
- To prevent anti-social behaviour without the need for legal action.
- Where prevention does not work, to take swift enforcement action.
- To support witnesses and victims.
- To work in partnership with individuals and services that can help prevent anti-social behaviour.

Housing Services also has the power to seek an injunction to stop anyone from causing nuisance or annoyance to a Council tenant near the tenant's home or anyone whose Anti-Social Behaviour affects its functions as a local authority landlord.

The Neighbourhoods Team also manages many estates within the Borough. It is therefore responsible for taking action, either alone, or with appropriate partners against environmental ASB, such as dog fouling, littering, damage to land and property and rubbish in communal areas of flats.

The Tenancy Support Team is within the Neighbourhoods Team. It provides support for vulnerable tenants, often with multiple needs who may be engaged in, or victims of, ASB.

The Tenant Engagement Team is within the Neighbourhoods Team, it manages, promotes and organises projects such as diversionary schemes, the use of funds and land to reduce crime and disorder and community engagement and development.

These activities are funded from the Housing Revenue Account.

3.4 Environmental Health

Environmental Health is the lead service for the control of statutory nuisance and administers the licensing regime for the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment. Environmental Health makes a significant contribution to achieving the Council's aims relating to a cleaner, safer and greener borough. This includes tackling behaviour that adversely affects the environment, commonly referred to as 'environmental crimes'. These include fly tipping, littering and dog fouling.

Environmental Health will work with others to prevent environmental anti-social Behaviour. This includes schools for litter, responsible authorities for alcohol related incidents and engaging with business to reduce nuisance and improve the street scene.

3.4.1 Statutory Nuisance

Environmental Health will investigate a range of nuisance complaints such as noise and smoke to determine if they are a 'statutory nuisance'. We will tell you what to expect from us and what information and assistance we expect from the complainant. Our interventions will be consistent with current codes for regulation and will include advice and education and the possible use of Community Protection Notices.

For serious and/or persistent breaches of abatement notices, as well as prosecution other remedies will be considered. These include seizure of equipment (such as a loud stereo) and seeking a criminal behaviour order prohibiting further behaviours causing harassment, alarm or distress. Officers can act as professional witnesses and information will be shared with partner agencies to ensure the most effective solution to a problem. Evidence might be passed to Housing Services or Registered Social Landlords in cases involving tenants

3.4.2 Licencing

Chesterfield Borough Council has a published Licensing Policy and a Cumulative Impact Policy for the Town Centre which are consulted on and reviewed periodically. We will work with licensees and responsible authorities to ensure the licensing objectives are met. These include the prevention of public nuisance and crime and disorder.

Responsible authorities and interested persons can seek a review of a premises license where there is evidence of anti-social behaviour relating to particular premises.

3.4.3 Street Scene – Environmental Crimes

The Council has authorised officers to issue Fixed Penalty Notices for a range of environmental offences. It has adopted several dog control orders to require the removal of dog faeces, excluding dogs and to keep dogs on leads.

Environmental Health may use camera surveillance methods to identify fly-tipping offences in key locations, which will be marked with appropriate signs.

Environmental Health will carry out a range of campaigns each year in response to information we have about environmental crimes in the area. We will use a range of methods to communicate with the community including radio, leaflets, road shows, community assembly meetings, mobile signs and visits to businesses and homes.

Environmental Health will investigate reports of abandoned and nuisance vehicles and have them removed where appropriate. We will investigate waste crimes such as fly tipping and the duty of care to manage waste responsibly.

3.4.4 Animal related problems

Environmental Health deals with stray dogs as well as complaints about

animals in homes. They may be investigated as a statutory nuisance. Roaming dogs also foul public places so owners may be traced and be issued fixed penalty notices for failing to pick up dog faeces. We will give advice about dog behaviour and control and will support the Police in enforcing the Dangerous Dogs Act 1991 in relation to dogs causing alarm or distress. The Council may use the Community Protection Notice in cases where informal advice and warnings have not been followed.

3.5 Planning Enforcement

Under the Town and Country Planning Act 1990 the Planning Service is responsible for the control of development and development carried out without the benefit of planning permission or the failure to comply with conditions imposed on a planning permission can result in the Council serving an Enforcement or Stop Notice.

The Planning Service investigates where a breach occurs and will normally give the owner or person carrying out the works the opportunity to rectify the matter informally. This can be either through the submission of a retrospective application for permission or by ceasing the activity or by removing the unauthorised works.

In some cases the breach may be so minor or of so little consequence that no further action could be taken. Where matters cannot be resolved informally the Council has recourse to formal powers to issue notices to secure a satisfactory remedy. Failure to comply with a formal notice is an offence which can be prosecuted in the Magistrates Court.

The Planning enforcement team monitors the development and use of land to ensure it is being carried out in accordance with permissions given.

The Planning enforcement team also deals with unauthorised works to listed buildings and trees and with advertisements. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is an offence to alter, extend or demolish a listed building in a way which affects its character as a building of special architectural or historic merit without the consent of the Council.

It is also an offence to carry out works to a protected tree or to erect certain advertisements without the Council's permission (Town and Country Planning Act 1990).

The Planning enforcement team also deals with untidy sites and buildings under S215 of the Town and Country Planning Act 1990 where they damage the amenity of the local area

The Planning Service is also responsible for enforcing High Hedge complaints

and fly posting under the Anti-Social Behaviour Act 2004.

3.6 Leisure Services

Leisure Services manage and develop public parks, open spaces and play areas across the Borough and uphold Byelaws in relation to these. Park rangers and other parks staff provide a visible presence on sites. Leisure Services work with a wide range of agencies and community groups to provide events and diversionary activities and to take appropriate action against anti-social behaviour.

Main facilities, such as the Sports centres, offer diverse activity and event programmes and provide opportunities for positive engagement with young people and the wider community

The Council's Parks and Open Spaces Strategy 2014 sets out our ambitions to ensure high quality provision of open space. We will consider the appropriateness of adopting Public Space Protection Orders for open spaces where there is evidence of persistent anti-social behaviour.3.7

Community Assemblies and Equality, Diversity and Social Inclusion

Community Assemblies work with partner agencies and the community to help shape the future of our neighbourhoods. This can involve key crime and anti-social behaviour messages, promoting and organising events and activities which respond to anti-social behaviour. They also help to fund projects including diversionary activities via the two grant programmes Community Chest and Minor Grants.

Through our Equality, Diversity and Social Inclusion activities including supporting the work of the Equality and Diversity Forum, a range of promotional, education and celebration events and activities are undertaken throughout the year. These often link to the anti-social behaviour agenda.

3.8 Other Enforcement Agencies and Advice Agencies

Where the enforcement action is outside of the local authority's remit the following agencies may be contacted:

- Derbyshire Constabulary
- Derbyshire County Council
- Registered Social Landlords
- Environment Agency
- Chesterfield Law Centre

The following agencies provide advice and support regarding Anti-Social Behaviour:

- Victim Support
- Derbyshire County Council
- Drug and Alcohol Action Teams
- Independent Legal Advice
- Citizens Advice Bureau
- Domestic Violence Services/ Women's Aid.
- Troubled Families Programme
- Youth Inclusion Support Programme
- SPODA