

East Staffordshire Borough Council Anti-Social Behaviour Policy 2023-2028

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POLICY STATEMENT AND COMMITMENT

1. Introduction

This policy sets out how East Staffordshire Borough Council will work to effectively manage and resolve reports of anti-social behaviour; building upon the excellent partnership work already operating across the Borough, and ensuring together that we continue efforts to reduce anti-social behaviour and provide every member of the community, with the highest possible standard of service.

It is recognised that as a Local Authority we will require the support and actions of Staffordshire Police and other agencies in order to resolve reports and incidents of anti-social behaviour.

As a Local Authority, we do not underestimate the impact anti-social behaviour can have on the lives of individuals and communities. The primary focus of our policy is to put the needs of victims first; to provide effective support and ensure processes are in place to protect them from further harm. Key to this approach is the identification of repeat and vulnerable victims.

We also recognise, the importance in effectively tackling perpetrators of antisocial behaviour and the benefits of early intervention methods, to achieve long-term sustainable outcomes.

2. The Aim of the Policy

Aims

We aim to reduce instances of anti-social behaviour, and the numbers of people who are involved in or at risk from anti-social behaviour (both victims and perpetrators). Where anti-social behaviour does occur, we are committed to putting the victim first, particularly if they are vulnerable or a repeat victim.

Objectives

- Deliver a consistent response to anti-social behaviour across East Staffordshire, irrespective of location or service provider
- Provide improved service and protection to the public through the use of swift efficient processes
- Manage reports of anti-social behaviour effectively across partners agencies within East Staffordshire
- Improve the experience for victims and witnesses of anti-social behaviour through better engagement and understanding
- Identify repeat and vulnerable victims effectively and respond more efficiently
- Identify repeat perpetrators of anti-social behaviour and explore opportunities to implement interventions to reduce their negative impact on communities
- Tackle problem locations where anti-social behaviour is occurring

 Facilitate effective information sharing with partner agencies including referral to the Harm Reduction Hub, Partnership meetings and/or direct referral to Staffordshire Police and other appropriate Agencies.

3. General Principles of the Policy

What is Anti-Social Behaviour?

'Anti-social behaviour' is the broad term used to describe a range of nuisances, disorder and crime that affect people's daily lives. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another.

Issues that could constitute as anti-social behaviour include (this is by no means an exhaustive list);

- Noise nuisance
- Intimidation and/or threatening behaviour
- Littering or Fly-tipping
- Vandalism, graffiti and other deliberate damage to property or vehicles
- Using or dealing drugs
- Street drinking
- Rowdy behaviour in public
- Abandoned or burnt out cars
- Neighbour disputes

There is no single definition of anti-social behaviour but instead a series of different definitions for different purposes; introduced through the Anti-social Behaviour, Crime and Policing Act 2014. These definitions encompass a variety of behaviours covering a whole complex of activities which may be unacceptable in different contexts.

Agencies (Police, Local Authorities and Registered Social Landlords) will use these definitions to determine whether anti-social behaviour has occurred and if so, take the necessary action.

We acknowledge that anti-social behaviour does not exclude other criminal offences and understand that any act of anti-social behaviour associated with a crime will be dealt with accordingly; incorporating the required criminal sanctions into the intervention process.

4. Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 contains various measures to protect the public from anti-social behaviour and also includes changes to improve the provision of services for victims and witnesses.

The key provisions to tackle anti-social behaviour include:

- Simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities
- Replace 19 powers to deal with anti-social behaviour with 6 broader powers, intended to streamline procedures to allow for a quicker response
- Introduces the Community Trigger and Community Remedy to give victims and communities a greater say in how agencies respond to their complaint and in the punishment of offenders out of court

To demonstrate our commitment to tackling anti-social behaviour and to ensure the measures introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 are used effectively throughout East Staffordshire, we have developed procedures for each of the new powers and tools.

5. Local Context

Current analysis of anti-social behaviour in East Staffordshire is conducted using data recorded by Staffordshire Police on reported incidents of anti-social behaviour and those collated by East Staffordshire Borough Council.

Precision Policing work is undertaken by Staffordshire Police utilising their document "Assessment of Vulnerability Crime". This document shapes policing activity and it focuses on Burton Town and Uxbridge, Winshill and Stapenhill and Burton urban wards.

6. Working in partnership

We know that anti-social behaviour cannot be tackled by one agency alone and that to provide an effective response we must work together. Working in partnership is key to our approach and by doing so allows us to:

- Share appropriate information to identify anti-social behaviour trends and deliver proactive targeted responses
- Improve co-ordination across agencies to support and protect victims of antisocial behaviour, particularly the most vulnerable
- Increase and improve the sharing of good practice, skills, and experience across the Borough amongst both statutory and non-statutory agencies
- Train staff to effectively deal with reports of anti-social behaviour; utilising all the powers and tools available to them.

7. Anti-Social Behaviour Case Management

To support our response to anti-social behaviour partners (Police and Local Authorities) hold regular. Partnership Meetings. These meetings are used to manage and co-ordinate all activity in response to high risk cases of anti-social behaviour e.g. repeat/vulnerable victims, persistent perpetrators and hotspot locations. This approach to partnership working ensures that the agency who can manage the report of anti-social behaviour most effectively takes the lead in each case.

To ensure effective and consistent identification of vulnerable and repeat victims and hot spot locations of anti-social behaviour it is proposed to use the following definitions:

Vulnerable victims

'A vulnerable victim is a person whose experience and/or effect of harm as a result of an incident are likely to be more significant because of their individual personal circumstances'.

This definition of vulnerability puts the emphasis on how the complainant is affected by a particular problem to determine risk, rather than assuming personal demographics automatically place them in the vulnerable or high risk category.

Although we must consider the nine protected characteristic of the Equality Act 2010 (age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation) it is the impact the anti-social behaviour is having on the individual or community that is important when identifying vulnerable victims of anti-social behaviour.

Repeat victims

'Repeat victimisations occurs when a person is subjected to three incidents of antisocial behaviour within a rolling 12 month period' It is widely recognised that victims rarely report their first experiences of anti-social behaviour, often waiting until it begins to impact upon their life. This definition, therefore, includes both reported and unreported incidents of anti-social behaviour within the 12 month time frame. It is the agencies responsibility to establish whether any previous incidents have occurred and consider this in their response.

'Hot spot' locations

'A 'hot spot' location is an area where 3 or more incidents of anti-social behaviour have occurred in the same locality within a one month period, reported by more than one person'. 'Hot spots' locations tend to be those areas most accessible to the public, for example shopping precincts, children's play parks, or public car parks, and can even expand to cover entire housing estates. They often involve multiple offenders and more than one victim, resulting in a wider impact on the community.

In conjunction with Staffordshire Police we will work together to identify and tackle area 'hot spots'; considering the needs of the community as a whole, as well as individual victims affected.

Hate Crime

This policy is underpinned by a commitment to provide equality of access to services and support to every member of our communities; regardless of – age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It is widely understood that those most vulnerable in our society or those from diverse backgrounds are proportionally more likely to become victims of anti-social behaviour or hate crime. Incidents of hate crime can include harassment, intimidation, abusive language, criminal damage/ damage to property, threats and physical violence. They can occur online as well as in person and may be found to be targeted against a victim's identity such as their race, religion, sexual orientation, disability or transgender identity.

The impact on the victim and their family can be devastating if not dealt with quickly and effectively

Understanding the Needs of Our Communities

We recognise that understanding communities and underlying tensions is key to responding effectively. It is therefore important that we listen to our communities and ensure they are included in the decisions making process.

8. Our Response

It is important to record anti-social behaviour based on the perception of the complainant. If the complainant believes their report is anti-social behaviour it should be recorded and investigated as such. The investigation may conclude that it is not anti-social behaviour, but the complainant's initial perception is paramount. It is also essential to identify repeat or vulnerable victims at the earliest opportunity, to protect them from further harm.

This policy lays out the appropriate initial response in respect of recording, risk assessing and managing complaints of anti-social behaviour to ensure all action is being taken to address the problem.

Consideration should also be given to any possible mental health or learning disability when responding to incidents of anti-social behaviour. If it is believed that the victim or perpetrator have a mental illness or learning disability efforts must be made to establish whether the person is subject to mental health services or adult social care and ensure appropriate information is shared with the agency.

When a complaint of anti-social behaviour is received the following principles will be employed:

- Record the complaint
- Treat the complaint seriously and act professionally
- Conduct an initial assessment to establish the required response based on threat, risk and harm
- Cross reference previous complaints relating to the victim, perpetrator or location and use this information to tailor the response
- Ensure all victims identified as vulnerable and/or repeat are managed appropriately and additional specialist support services are offered, if required
- Victims identified as high risk will be referred to the relevant Partner Agencies for multi-agency intervention and the victim kept up to date with the progress of their case.

East Staffordshire Borough Council addresses matters of anti-social behaviour through a two tiered approach of strategic and operational working.

9. Community Safety Strategic Priorities

Anti-social behaviour is a key priority for East Staffordshire Borough Council for 2023 onwards.

In January 2023 the Strategy Team at Staffordshire County Council produced "East Staffordshire Community Safety Partnership: Community Safety Strategic Assessment: Full Assessment Report (2022)".

This Community Safety Strategic Assessment provides evidence and intelligence to inform the strategic decision-making process - helping commissioners and partners to determine the priorities that require particular attention in their local area.

The assessment is attached.

Local Strategic Partnership

The Local Strategic Partnership (LSP) sets out the approach for tackling crime and making communities safe in East Staffordshire on a three yearly basis and reviewed annually.

The LSP is a board of local government organisations and the voluntary sector that work together to improve outcomes for the residents of East Staffordshire with the shared vision of partners working collectively with the common aim of reducing crime and anti-social behaviour and emphasis placed on the impact it has on victims and witnesses.

Members of the LSP include East Staffordshire Borough Council, Staffordshire Police, Staffordshire Fire and Rescue, Staffordshire County Council with the meetings chaired by East Staffordshire Borough Council's Open Spaces Manager.

When setting the strategic priorities for the Borough consideration is given to:

- Focussing on volume crime thereby maximising the positive impact of our actions on victims and witnesses
- Developing preventative solutions that will stop crimes happening in the first place rather than focusing on detection after the event
- Taking action at a local level focusing on those areas where the highest volumes of crimes are taking place
- Involving the voluntary sector alongside communities in designing the right interventions in combination with implementing evidence based approaches
- Pooling resources, financial and human, to ensure impact is maximised at the same time as making best use of limited resources 5. Priority Themes The annual Community Safety Strategic Assessment has identified the following four priorities;
- Domestic abuse
- Antisocial behaviour (ASB)
- Public place violence including youth violence
- Community cohesion and tackling extremism
- Vulnerable persons (cross cutting theme)

Through the LSP, East Staffordshire Borough Council works with Senior Officers from the partner organisations to commission services to address anti-social behaviour. To illustrate, Burton Albion Community Trust have been commissioned to deliver a programme of diversionary activities across East Staffordshire.

Operational matters are investigated by internal departments, including the Enforcement Team, the Community and Civil Enforcement Team, the Open Spaces Team and Environmental Health where the anti-social behaviour is related to noise nuisance.

The Teams work in collaboration through intelligence sharing to utilise the appropriate enforcement powers in a proportionate response to reports and through joint working in a holistic approach to address matters, for example, through cross-team meetings and intelligence-led Initiative work at hot-spot locations.

The Teams also work closely with key Partner Agencies to respond to incidents and make effective use of the resources and measures available to tackle anti-social behaviour.

10. Partnership Meetings

Partnership Meetings bring local agencies together to manage high risk victims, perpetrators or locations of anti-social behaviour. They provide a structured meeting to share information and consider and implement the required actions to reduce the risk of harm, using a multi-agency approach.

Supporting victims and witnesses

We understand that vulnerable victims can often have complex needs and therefore require specialist support, beyond the practical and emotional support provided by anti-social behaviour professionals. Vulnerability can be presented in various forms, from mental illness or learning difficulties, to social isolation or loneliness and can often increase the impact caused by anti-social behaviour. When action is taken to tackle an anti-social behaviour problem, whether informal or formal, we recognise the importance in ensuring that anyone experiencing anti-social behaviour, whether a victim or witness, is supported and kept informed. We also understand that the responsibility to support victims and witnesses does not end after the completion of court proceedings and we are committed to providing support for as long as required, whether it is directly or through other agencies.

Perpetrators of Anti-Social Behaviour

A proportionate response is always important in tackling anti-social behaviour. Our policy emphasises the use of preventative programmes and early intervention methods as an initial response (in most cases) to not only address the behaviour but also the causes behind it. It is understood, however, that such action is not always appropriate and immediate enforcement may be required.

Action taken to deal with perpetrators of anti-social behaviour will be aimed at achieving long-term solutions that reduce the impact on victims and enhance the opportunity for perpetrators to migrate towards a positive contribution within their community.

This will be done by:

- Considering all aggravating and mitigating factors, including the view of victims
- Assessing each case individually to determine the most appropriate action
- Refer persistent perpetrators to the appropriate agency through directly reporting or referral through the Partnership Meeting or Harm Reduction Hub for multi-agency intervention
 - Use the full range of legislative powers where appropriate to resolve the most serious cases of anti-social behaviour
- Use focussed intervention with partners as a primary method of preventing young people from committing or becoming victims of anti-social behaviour

Prevention and Early Intervention

Often there may be significant underlying problems which contribute to a person's engagement in anti-social behaviour, such as abuse or neglect at home, alcohol and drug misuse or physical and mental health problems. Supporting perpetrators to identify and resolve their problems is key to helping them improve and change behaviour and must therefore form part of our response (alongside formal intervention measures, if necessary).

There are a range of services available in East Staffordshire that can be used to assist in tackling anti-social behaviour.

11.Intervention Options

Since the implementation of the Anti-Social Behaviour, Crime and Policing Act 2014 in October 2014 the powers available to the Local Authority, Police and Registered Social Landlords have changed.

The powers available are listed below and are best used in partnership to address both low level and more embedded anti-social behaviour, whilst putting the victim's needs first.

There are a range of civil and criminal sanctions available to different organisations to effectively deal with perpetrators of anti-social behaviour. East Staffordshire Borough Council will work with partner agencies to access an array of measures, beyond the capability of individual organisations, and choose the most appropriate action specific to each case. Some of the powers and tools available include the following with additional powers referred to in the Glossary of Terms

Civil Injunction

The Local Authority, Police or Registered Social Landlord can apply for a Civil Injunction as a means 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. There are two tests for a Civil Injunction; housing related and non-housing related. The use of either test will depend on the applicant and circumstances in which the anti-social behaviour has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the local youth offending team (YOT) before proceeding.

A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts, or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their anti-social behaviour. Breach is not a criminal offence and is dealt with as contempt of court.

Criminal Behaviour Order (CBO)

A Criminal Behaviour Order can be applied for by either the Crown Prosecution Service or Local Authority, when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders, where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced; therefore it is important agencies inform partners when they are aware a perpetrator of anti-social behaviour is being brought to a criminal court, to ensure a Criminal Behaviour Order can be considered.

If the offender is under 18 years of age the prosecution must find out the views of the local youth offending team (YOT) before applying for a Criminal Behaviour Order.

Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements. Breach (of either a prohibition or requirement) is a criminal offence.

Community Protection Notice (CPN)

A Community Protection Notice is intended to deal with unreasonable, ongoing problems or nuisances that are detrimental to the local community's quality of life. A Notice can be issued by the Local Authority or Police (following a written warning) to anyone over 16 or business/organisation and can require the subject to stop doing specific things, do specific things and/or take reasonable steps to prevent reoccurrence. Breach of a Community Protection Notice is a criminal offence punishable by a fine. A fixed penalty notice can also be issued.

Public Space Protection Order (PSPO)

Public Space Protection Orders are only available to Local Authorities, however often form part of a wider problem solving plan with Police and other agencies. They impose conditions on the use of an area, in order to address a particular nuisance or problem that is, or might become, detrimental to the local communities quality of life.

They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. Breach of the order, without reasonable excuse, is a criminal offence punishable by a fine.

Closure Power

The Closure Power is a two stage process that allows Local Authorities or Police to close premises. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last for 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled, the case is then referred to the

Magistrates Court to consider whether a Closure Order should be made. The Order prevents any person from entering the property (including the owner/occupier) and can lasts for up to 6 months. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

Community Trigger

This is one of the key sections of the legislation that allows for individuals, or someone acting on their behalf such as a Councillor or Member of Parliament to request that an anti-social behaviour case be reviewed where it is considered that no action has been taken. Section 104 of the legislation states that a case review can be initiated,

- If that person or any person make an application for a review,
 and
- The relevant bodies decide that the threshold is met.

It is a way that members of the public can ask partners to collectively review their responses to complaints of anti-social behaviour. Agencies must publish a point of contact for a victim who wants to use the community trigger.

The process for how this is delivered is broken down into two elements:

- 1. The single point of contact for a member of the public to request activation of trigger
- 2. The local processes that are put in place to allow the case review to take place.

A request for a Community Trigger review needs to be made to the Enforcement Team Manager by emailing: Enforcement@eaststaffsbc.gov.uk or telephoning: 01283 508506 and Staffordshire Police by telephoning 101 or through the website https://www.staffordshire.police.uk/advice/advice-and-information/asb/sf/asb-community-trigger/

12. Background Information

Further information can be found by visiting the Home Office website and the viewing the Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers, statutory guidance for frontline professionals.

13. Contact Details

How to make a complaint/report an incident

If you are suffering from any kind of anti-social behaviour please contact us 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.

Telephone: 01283 508000

On line at: www.eaststaffsbc.gov.uk Anti-Social Behaviour

Write to us at: East Staffordshire Borough Council, PO Box 8045, Burton upon Trent

DE14 9JG

Partner Contact Details:

Staffordshire Police:

Telephone: 101 for non-emergency number

On line at: www.staffordshire.police.uk

Trent and Dove:

Telephone: 01283 528528

On line at: www.trentanddove.org

Victim Support

- Call Supportline on 08 08 16 89 111
- Text Relay: use the Relay UK app or contact us in BSL
- Use the online report page on the Victim Support website: WWW.Victimsupport.org.uk

ASB Harmony

- Call 0330 1757 258
- For the out of hours Supportline call 08 08 16 89 111

 Use the online chat provision on the ASB Harmony website: <u>www.victimsupport.org.uk/resources/harmony-asb-support-service-staffordshire-and-stoke-on-trent</u>

14. GLOSSARY OF TERMS

HARM REDUCTION HUB (HUB) - A group which meets weekly to facilitate effective information sharing with partner agencies. The agencies invited to attend are:

- FARS Fire and Rescue Service
- MPFT- Midlands Partnership Foundation Trust (NHS)
- Social Services
- Mental health
- Humankind Staffordshire Treatment and Recovery Service
- Trent and Dove- Social Housing Provider
- ESBC
- YMCA- Young Men's Christian Association
- Victim Support
- USAH- Stop Hate UK
- New Era- Domestic Abuse Service for Staffordshire and Stoke

Civil Injunction

The Local Authority, Police or Social Landlords can apply for a civil injunction to stop or prevent individuals engaging in anti-social behaviour, where, on the balance of probabilities:

- The respondent has engaged in, or threatens to engage in:
- Conduct that has or is likely to cause harassment, alarm or distress (non housing related anti-social behaviour);or
- Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and
- It is just and convenient to grant the injunction to prevent anti-social behaviour

Criminal Behaviour Order (CBO)

A Criminal Behaviour Order can be issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social behaviours who are also engaged in criminal activity.

The Order is issued by any criminal court on conviction of any criminal offence.

The anti-social behaviour does not need to be part of the criminal offence.

The Order will include prohibitions to stop the anti-social behaviour but can also include positive requirements to get the offender to address the underlying causes of their behaviour.

Agencies must find out the view of the youth offending team for applications in respect of anybody under 18.

Community Protection Notice (CPN)

A Notice can be served by Council Officers, Police Officers and Social landlords (where designated by the Council) to stop a person aged 16 or over, business or organisation from committing anti-social behaviour which spoils the community's quality of life.

The behaviour has to:

- Have a detrimental effect on the quality of life of those in the locality;
- · Be of a persistent or continuing nature; and
- Be unreasonable

The Community Protection Notice (CPN) can deal with a range of behaviours, for instance, it can deal with noise nuisance and litter on private land.

The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour from occurring again

A written warning must first be issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.

A CPN can then be issued including the requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour

It can allow the Council to carry out works in default on behalf of a perpetrator.

Public Space Protection Order (PSPO)

They are designed to stop individuals or groups committing anti-social behaviour in a public space by imposing conditions on an area where behaviour is having, or be likely to have, a detrimental effect on the quality of life of those in the locality; be persistent or continuing in nature; and unreasonable.

Closure Power

The Closure Power allows the Police or Council to close premises quickly where they are being used, or likely to be used, to commit nuisance or disorder and where the following has occurred, or is likely to occur, if the closure power is not used:

- (a) Closure Notice (up to 48 hours):
 - Nuisance to the public, or:
 - Disorder near those premises
- (b) Closure Order (up to six months):
 - Disorderly, offensive or criminal behaviour on the premises;
 - Serious nuisance to the public, or
 - Disorder near the premises

Dispersal Power

Dispersal Powers enable Police Officers in uniform to require a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.

Where applied, the Power must:

- Specify the area to which it relates and can determine the time the route to leave by;
- Can confiscate any item that could be used to commit anti-social behaviour
- Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours
- A direction can be given to anyone who is, or appears to be, over the age of 10.
- A person who is under 16 and given a direction can be taken home or to a place of safety.

Community Trigger

The Community Trigger gives victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim.

Consideration is given to:

- The persistence of the anti-social behaviour
- The harm or potential harm caused by the anti-social behaviour

The adequacy of response to the anti-social behaviour