



# **Anti Social Behaviour Policy**

## **Version 2 – October 2014**

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## **Scope and purpose of this policy document**

This document is one of two that tells you about Wycombe District Council's anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the **policy** document. It tells you what we mean by 'anti-social behaviour' and sets out our objectives for the Council's ASB services. It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance our objectives.

This document does not say how we will deal with ASB on a day to day basis. This is explained in our procedure document, which should be read alongside this one.

## **The Council's ASB responsibilities**

The Council has a range of responsibilities to tackle ASB. These arise from two distinct roles, which are:

### **1. Our role as part of the Wycombe Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council must work with the police and other agencies to reduce crime and disorder in the Wycombe district. In this role we play a key part in dealing with anti-social behaviour of all kinds, and also undertake project and preventative work.

### **2. Our environmental protection role**

The Council has a range of responsibilities to deal with 'environmental' ASB like noise, graffiti, dumped rubbish and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990, and the Clean Neighbourhood and Environment Act 2005.

Whilst these are distinct roles, there are very strong links between them. In addition, there are strong links with Red Kite Community Housing, who now manage the previous Council Housing stock, along with other Social Landlords who own properties within the district. However, the policies described within this document mainly concern our Community Safety Partnership role and so tend to say more about the role of the Anti-Social Behaviour Team. Environmental ASB is tackled by a number of different teams within the Council. Contact details for these teams can be found in Appendix A.

## **Introduction**

Wycombe Community Safety Partnership wants everyone who lives and works within the District to enjoy the best possible quality of life. It is important we provide a joined up approach, which includes working with key agencies and service providers but most importantly with our communities. By doing this we will help to tackle anti social behaviour and make a contribution towards reducing crime and disorder and tackling the fear of crime.

The Anti-Social Behaviour Team is a merged team of Police and Council ASB staff who actively encourage all its partner agencies to take joint action against anti-social behaviour and send a strong message to perpetrators that communities will not tolerate the minority spoiling the public environment and the quality of life for the majority. By adopting a positive stance and taking a leading role in co-ordinating activity, the Council and Police, together with other partners, intend to tackle anti-social behaviour in local communities and neighbourhoods, thereby promoting a culture of respect and improving the quality of life for all communities in our District.

## **Links to key Strategies**

By tackling anti social behaviour we will contribute to a considerable number of key Strategies and targets across both Wycombe and Buckinghamshire.

These include contributions to:

- Wycombe Community Safety Partnership Plan
- Thames Valley Policing Plan - Neighbourhood Policing agenda
- Thames Valley Police Anti-Social Behaviour Policy

## **What is anti-social behaviour?**

Anti-social behaviour incorporates a host of activities but, in essence, is defined in the Crime and Disorder Act 1998 as

***“Behaviour which is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator”.***

The Thames Valley Police ASB Policy also refers to the Association of Chief Police Officers (ACPO) definition of ASB:

‘Behaviour by an individual or group that results in:

- another party feeling personally threatened,
- creates a public nuisance, or
- has a detrimental impact upon the environment, or
- has a detrimental effect upon the quality of life of an individual or the community as a whole.

## **Examples of ASB**

The term (ASB) is broad in definition and the behaviours that are deemed to constitute it are similarly wide ranging. Such behaviour may include:

Noise

- Loud televisions
- Shouting or yelling
- Persistent alarms
- Excessively loud or frequent parties
- Dogs persistently barking

#### Intimidation, harassment or alarm

- Verbal or written abuse
- Threats of violence
- Assault
- Damage to property

#### Environmental ASB

- Dumping rubbish and littering
- Vandalism
- Dog fouling
- Graffiti
- Abandoned vehicles

#### Hate behaviour directed at a person's:

- Race or nationality;
- Gender;
- Sexual orientation;
- Disability; or
- faith

Although it may not necessarily be criminal behaviour, invariably it involves issues that adversely affect people's quality of life.

At the heart of ASB lies a lack of respect for values and basic consideration for others. It may not necessarily be intentional, but it can intimidate, harass and be disproportionately distressing, particularly to vulnerable members of our community. It can also, in some circumstances, be a precursor to more serious types of offending and criminality, if left unchallenged.

It is important that we make every effort to tackle this type of activity and so improve the quality of life for those affected by such behaviour.

#### **Persistent and Resistant**

Cases that the police have identified as persistent and resistant are discussed monthly – the outcomes of actions reviewed and new actions set for the forthcoming month. This information is monitored centrally by Thames Valley Police to ensure the victims are fully supported.

#### **Risk Assessments**

Whenever an anti-social behaviour incident is called into the Police or Anti-Social Behaviour Team and is categorised as 'personal', a Risk Assessment is undertaken to ascertain the severity of the case and decide on the most appropriate course of action.

Risk Assessments are continuously reviewed throughout the investigation of the case to ensure the victim(s) is fully supported.

When a Risk Assessment score is increased due to additional risk to the victim being identified, this is referred to the relevant Duty Inspector or Sergeant.

### **Anti-Social Behaviour Team**

The Anti-Social Behaviour Team consists of both Police and Wycombe District Council staff along with regular contributions from other key services, who will work closely with legal staff at the District Council and Thames Valley Police.

The Team comprises a Sergeant who will manage the team and cases, a dedicated police officer, and Wycombe District Council's Anti Social Behaviour Coordinator.

In addition there will be further management support from both the Police and District Council.

### **Aims and Objectives of the Anti-Social Behaviour Team (ASBT)**

Our policy is to deliver:-

- A consistent and robust approach to tackling Anti Social Behaviour across Wycombe.
- Effective interventions at the most appropriate time and in the most appropriate way.
- A reduction in ASB through improved prevention and enforcement measures.

### **We will:-**

- Establish effective working relationships between Wycombe District Council, Thames Valley Police, Buckinghamshire County Council; Buckinghamshire Fire and Rescue Service, other District Councils, Youth Offending Service and other parties/agencies likely to be involved with the investigation and reduction of complaints of ASB.
- Co-operate in the development and delivery of policies and procedures which effectively improve the tackling of crime, ASB and harassment, including racial harassment.
- Pursue all available remedies with a view to modifying the behaviour of offending individuals and affecting a lasting solution. Officers of all parties may resort to legal remedies in both criminal and civil courts if necessary.
- Seek to increase the confidence of our communities in the ability of the Police, Local Authorities and other agencies to tackle ASB as per the Neighbourhood Policing and Neighbourhood Management agenda's.

### **Outcomes**

By adopting the above standards and commitments we aim to:-

- Increase the community's confidence in reporting ASB incidences and in agencies' intentions and abilities to deal with it.
- Create stronger, more capable communities, where people are less willing to accept and more prepared to report unacceptable behaviour, thereby creating a greater sense of neighbourhood spirit and better community cohesion.
- Improve quality of life.
- Reduce the number of repeat incidents of ASB and, eventually, the overall number of incidents across the District.

## **Anti-Social Behaviour in Wycombe and across the County**

Across the County, each District has different issues in respect of reported ASB matters and in how they manage these problems. All the Districts and County Council are signed up to a Countywide Strategy for dealing with ASB. This policy will sit alongside the County's Strategy and will whenever possible ensure our activity supports County objectives.

### **Overarching Partnership Structure**

In 2008 the strategic ASB partnership structure in Buckinghamshire was reviewed to ensure there was a clear and consistent approach to driving forward the ASB agenda. The new structure consists of an ASB Strategy Group, Practitioners Group and more local multi-agency case meetings.

### **Countywide ASB Task and Finish Group**

The ASB Task and Finish Group is made up of nominated representatives from Bucks County Council, each District, police representatives and representatives from statutory and non-statutory agencies that are crucial to delivering the ASB agenda. The remit of the group includes:

- Ensure new legislation is implemented, and innovative projects or national recommendations are considered
- Make recommendations on new practice/ASB policies and report concerns
- Deal with any concerns raised by the ASB Practitioners Groups

### **ASB Practitioner Group**

It is important that knowledge, best practice, issues and concerns are shared amongst the practitioners working to tackle ASB. The Bucks frontline ASB staff meet on a regular basis to discuss these issues. The remit of this group includes:

- Consider partnership ASB activity and make recommendations to the ASB Strategy Group
- Share good practice and learn from recent cases
- Update officers on national/local changes to ASB policy or legislation
- Identify training that will develop the skills of frontline officers

### **Multi-agency case meetings**

Incidents of ASB which require a partnership response are reviewed at case meetings with partner agencies. The course of action taken will be dependent on the severity and frequency of the behaviour. During these meetings agencies can:

- Discuss measures which can be put in place to support the victims of the anti-social behaviour.
- Identify action which can be taken by any agency to tackle the ongoing anti-social behaviour, including interventions such as Warning Letters, Acceptable Behaviour Contracts (ABCs), and Anti-Social Behaviour Orders (ASBOs)
- Identify support packages, where appropriate, for perpetrators engaging in anti-social behaviour and support them to refrain from committing further acts of anti-social behaviour

More details of these meetings are contained in the procedure document.

## **Examples of the Tools we can use to Tackle Anti-Social Behaviour**

- Warning letters – which can be sent to the perpetrators of anti-social behaviour, explaining the impact of their behaviour, and that their behaviour is being monitored so that if it does not desist, further action may be taken.
- Acceptable Behaviour Contracts – these are voluntary contracts which outline the specific types of behaviour the perpetrator is engaging in. The perpetrator signs the contract to say they will desist from engaging in them, and the contracts are monitored by the ASB Team for 6 months. Any breaches to the contract are dealt with through meetings between the Team and the perpetrator, and breaches could be used as evidence for further action by the Team.

Following the introduction of the Anti-Social Behaviour, Crime and Policing Act 2014 there have been changes to the tools available to us for tackling anti-social behaviour:

- Part 1 of the Act makes provision for a Civil Injunction to prevent nuisance and annoyance. This is a power the District Council can apply for which offers a quicker and more effective protection to victims and communities, stopping the perpetrator's behaviour from escalating. The case will be heard in a County Court where, if the behaviour meets the nuisance and annoyance test (using civil standard of proof on the balance of probabilities), an injunction will prohibit an individual from certain behaviours for 2 years and can require them to do something to address their behaviour (i.e. address a substance misuse problem with support services). A breach of the order can result in maximum 2 years imprisonment as it is considered to be a contempt of court.
- Part 2 of the Act makes provision for a Criminal Behaviour Order (CBO) on conviction to prevent behaviour which causes harassment, alarm or distress. These orders are issued by any criminal court against a person who has been convicted of an offence, and will tackle the most persistently anti-social individuals who are also engaged in criminal activity. TVP or WDC can request that the Court considers adding the CBO where an individual is being charged with a criminal offence. Orders will include prohibitions to stop the anti-social behaviour and also include positive requirements to get offenders to address root causes of their offending.
- Part 3 of the Act contains a power for the Police to disperse people causing harassment, alarm or distress. This will enable officers to require a person who has committed, or is likely to commit, anti-social behaviour to leave a specified area and not return for up to 48 hours.
- The Community Protection Notice is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. District Councils, the Police and Social Landlords (where delegated by the Council) can issue these kinds of notices, which are similar to, but do not replace the powers and procedures operating within Environmental Health for such offences as bonfires, noise and fly tipping under the statutory nuisance powers of part 3 of the Environment Protection Act 2000.
- The Closure Notice/Order allows for the closure of any premises that are causing nuisance or disorder to communities (including licensed premises).
- Public Space Protection Orders are intended to deal with particular nuisance or problems in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area. They are designed to ensure the law-abiding majority can enjoy public spaces. This power is applied for by the local authority.

## **Support for Victims of Anti-Social Behaviour**

The Wycombe District Council Anti-Social Behaviour Coordinator is available during normal office hours; however we encourage people to call the police as they are available 24 hours a day. The Council ASB Coordinator works from the Wycombe Police station, and works closely with the police ASB Officer, so all calls that are made to the police regarding ASB are also passed to the ASB Team.

The Council will work with local agencies and community groups to help provide support, both practical and emotional, for victims of anti-social behaviour.

The Council is committed to providing a high level of service to both victims and witnesses of ASB, and the Council will keep the victims of ASB updated with action being taken.

The Anti-Social Behaviour, Crime and Policing Act 2014 includes new measures designed to give victims and communities a say in the way anti-social behaviour is dealt with:

- The Community Trigger gives victims the ability to demand actions, starting with a review of their case, where the locally defined threshold is met
- The Community Remedy gives victims a say in the out-of-court punishment of perpetrators of low-level crime and anti-social behaviour. The Community Remedy document is produced by the Police and Crime Commissioner, but will be available to the ASB Team to utilise in appropriate cases.

### **The Community Trigger**

The Community Trigger can be used when either:

Three reports have been made to the Council, police or registered social landlord about the same issue in the last 6 months and the victim believes that no action has been taken

OR

Five individuals have separately reported the same issue in the last six months and they believe no action has been taken

Details of the Community Trigger process are included in the Procedure document.

### **Safeguarding vulnerable people**

Wycombe District Council acknowledges that through its work with all people, including staff, professionals, victims, witnesses and perpetrators; we will endeavour to provide a safe environment so that people are protected from abuse. Abuse can take a variety of forms including: physical, emotional, sexual, financial, neglect, institutional and discrimination.

If it is suspected that a vulnerable person, child or young person is being abused, there are policies for Child Protection and also Safeguarding Vulnerable Adults within Wycombe District Council which provide guidance for officers.

### **Information Sharing**

Effective partnership working requires information to be exchanged and shared with other agencies. It is important, however, that the information shared is relevant, accurate and used for the purpose of reducing and detecting crime and disorder and reducing the fear of crime, thereby improving community safety.

#### **If you decide to share information - key points to consider:**

What information do you need to share?

- Only share what is necessary.
- Distinguish fact from opinion.

How should information be shared?

- Information must be shared securely.
- Ensure you are giving information to the right person

Consider whether it is appropriate/safe to inform the individual that you have shared the information.

### **Record your decision**

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

A Countywide Information Sharing Agreement has been signed by key partner agencies and is designed to facilitate the exchange of information.

### **Regular Monitoring**

The Council, the Police and other agencies already record cases of ASB in a variety of ways for their own monitoring and management purposes. It is recognised that many of these cases will be duplicated (i.e. reported by several different people and/or reported to more than one agency).

Data is currently kept in paper form by the ASBT along with being monitored on the police systems. More information on the monitoring of cases is provided in the procedure document.

### **Retention of documents**

Data obtained during the investigation of the anti-social behavior case will be kept on file for as long as the case remains live.

Case files will be kept by the ASBT for three years after the case has been closed. However, in more serious ASB cases there may be a requirement to retain the case file for longer.

Data obtained from S35 notices will be held for 1 year.

### **Human Rights**

The Human Rights Act makes it unlawful for a public authority to act or fail to act in a way that is incompatible with the European Convention on Human Rights (ECHR). All partner agencies will comply with the ECHR at all stages of the process taking into account the need to protect the rights and freedoms of the community at large as well as those of the potential defendant.

Those in charge of a case at any given stage will, in consultation with legal advisors, therefore need to be satisfied that:-

- All procedural and substantive rights under the ECHR are complied with;
- Any interference with the defendant's rights is reasonable and proportionate to the anti social behaviour in question,

- The ASBO being applied for is in such terms that the defendant has a reasonable ability to comply with it.

### **Supporting Legislation**

- Crime and Disorder Act 1998
- Data Protection Act 1998 and 2003
- Anti-Social Behaviour Act 2003
- Police Reform Act 2002
- Police and Criminal Evidence Act (PACE)
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Clean Neighbourhoods and Environment Act 2005
- Anti-Social Behaviour, Crime and Policing Act 2014

## **Appendix A**

### **Environmental Services contact details to report noise or public health issues**

- Phone: 01494 421 734
- Email: [environmentalhealth@wycombe.gov.uk](mailto:environmentalhealth@wycombe.gov.uk)

### **Waste and Cleansing contact details to report graffiti or litter related issues**

- Phone: 01494 586 550
- Email: [wasteteam@wycombe.gov.uk](mailto:wasteteam@wycombe.gov.uk)