



Broxtowe
Borough
COUNCIL

ANTI-SOCIAL BEHAVIOUR POLICY 2024-27

Cabinet January 2024

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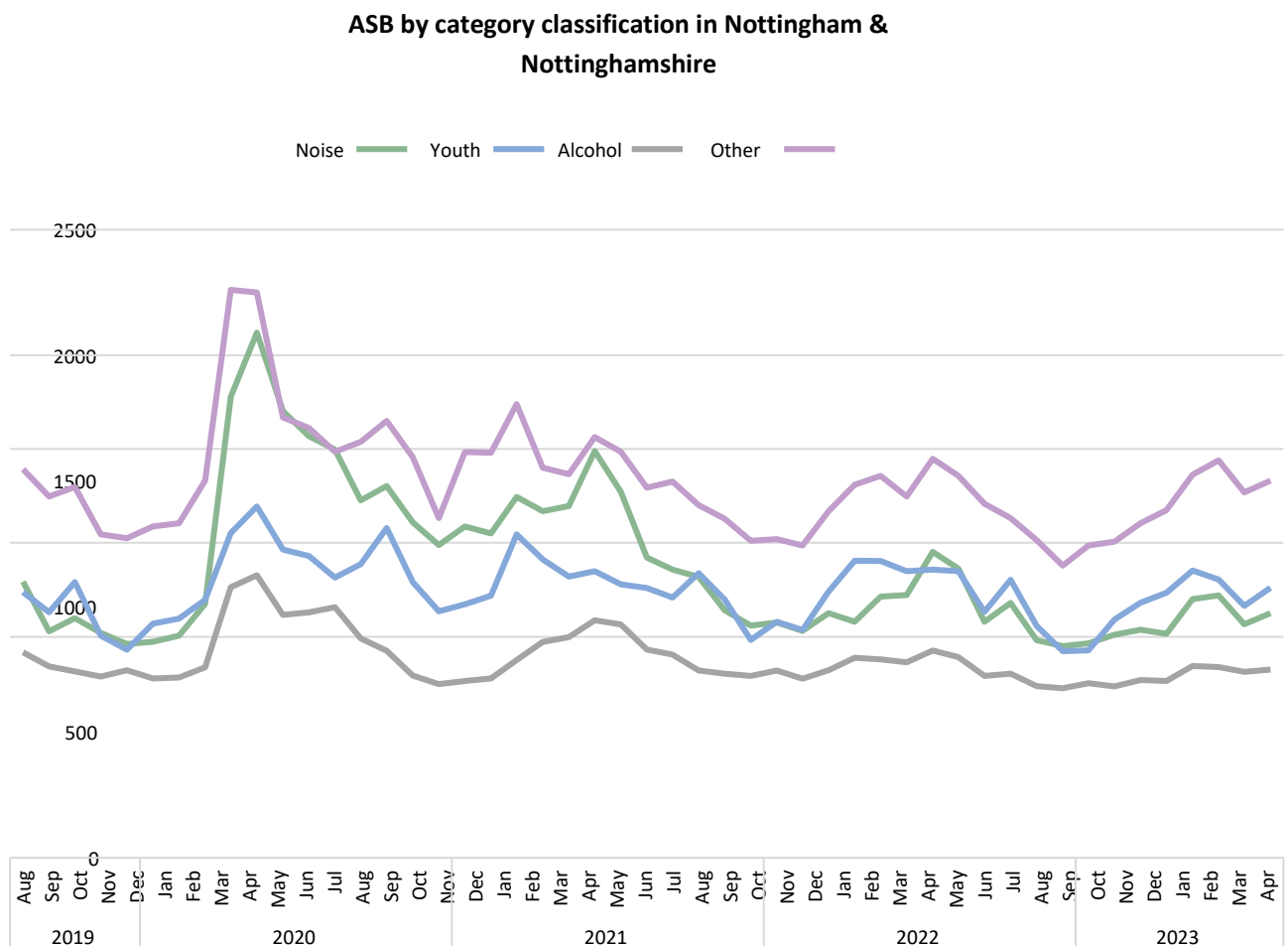
Broxtowe Borough Council Anti-social Behaviour Policy

1.0 Introduction

Anti-social behaviour (ASB) is unacceptable. It can be distressing – especially so if it is persistent and on-going. Broxtowe Borough Council (the Council) recognises that the problems created by anti-social behaviour need to be addressed in a proportionate manner. Residents should not be subjected to anti-social behaviour, and where appropriate, the Council will endeavour to tackle incidents quickly and efficiently.

The detailed definition of anti-social behaviour is covered later in this policy but it covers a wide range of behaviours which although they may not be criminal in their own right, can certainly cause harassment, alarm, or distress.

Although the number of cases of anti-social behaviour reported to Nottinghamshire Police has dropped considerably in recent years (see Figure 1 below), it still accounts for a considerable percentage of the incidents reported to the police.



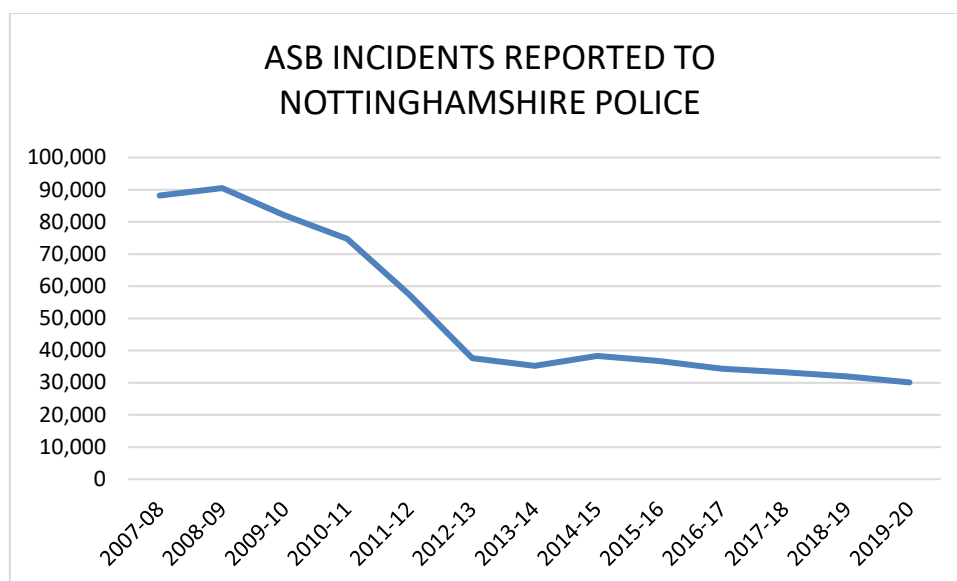
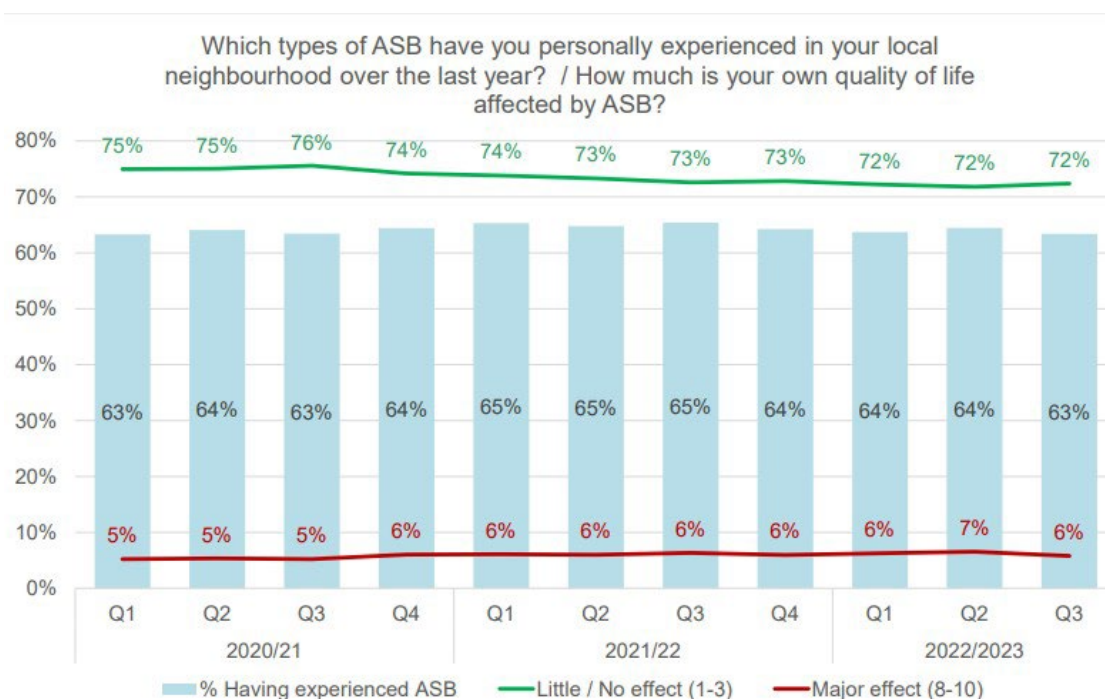


Figure 1. Number of anti-social behaviour cases reported to Nottinghamshire Police (Office of National Statistics)

Nottinghamshire PCCs Crime Survey 2022-23 shows that 63% of residents have personally experienced ASB in their neighbourhood in the last year, of which only 6% reported that the ASB had a major effect on their quality of life (8-10 on a 10 point scale). This has remained relatively stable over the last year.



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Base: Year to Dec 20 = 3,946 / 3,538 , Year to Dec 21 = 4,001 / 3,659 , Year to Dec 22 = 3,961 / 3,640 Q: Which of the following types of ASB, if any, have you personally experienced in your local neighbourhood over the last 12 months? How much is your own quality of life affected by ASB?

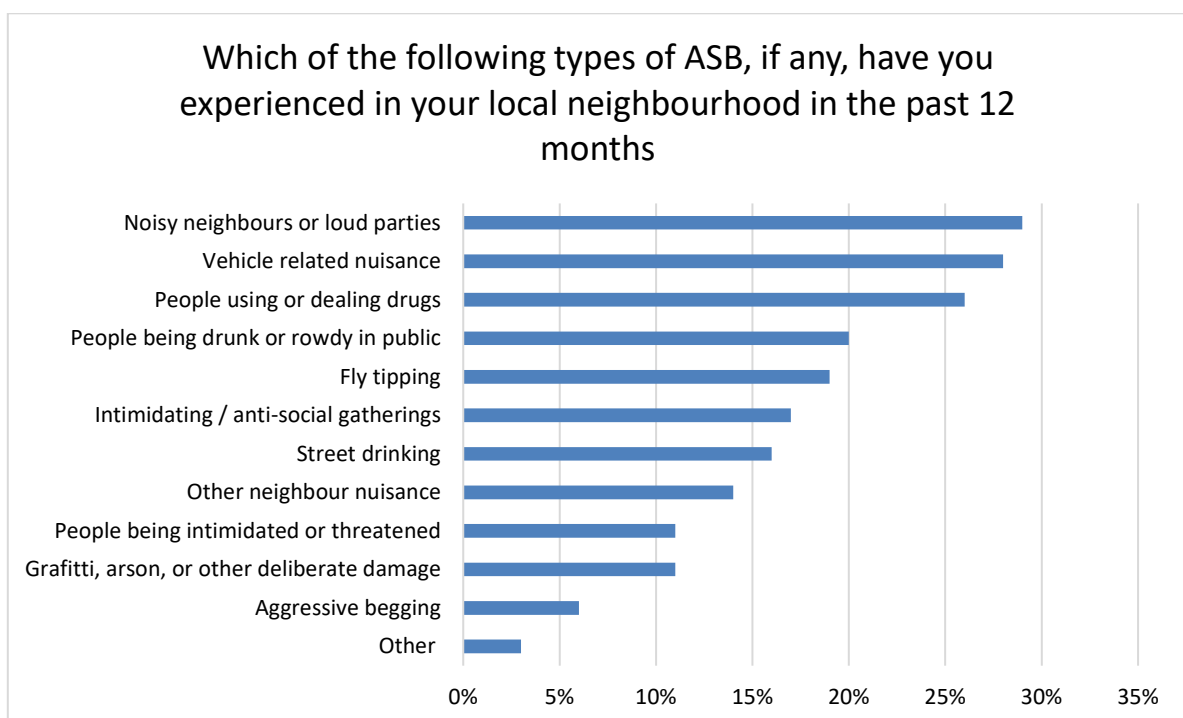


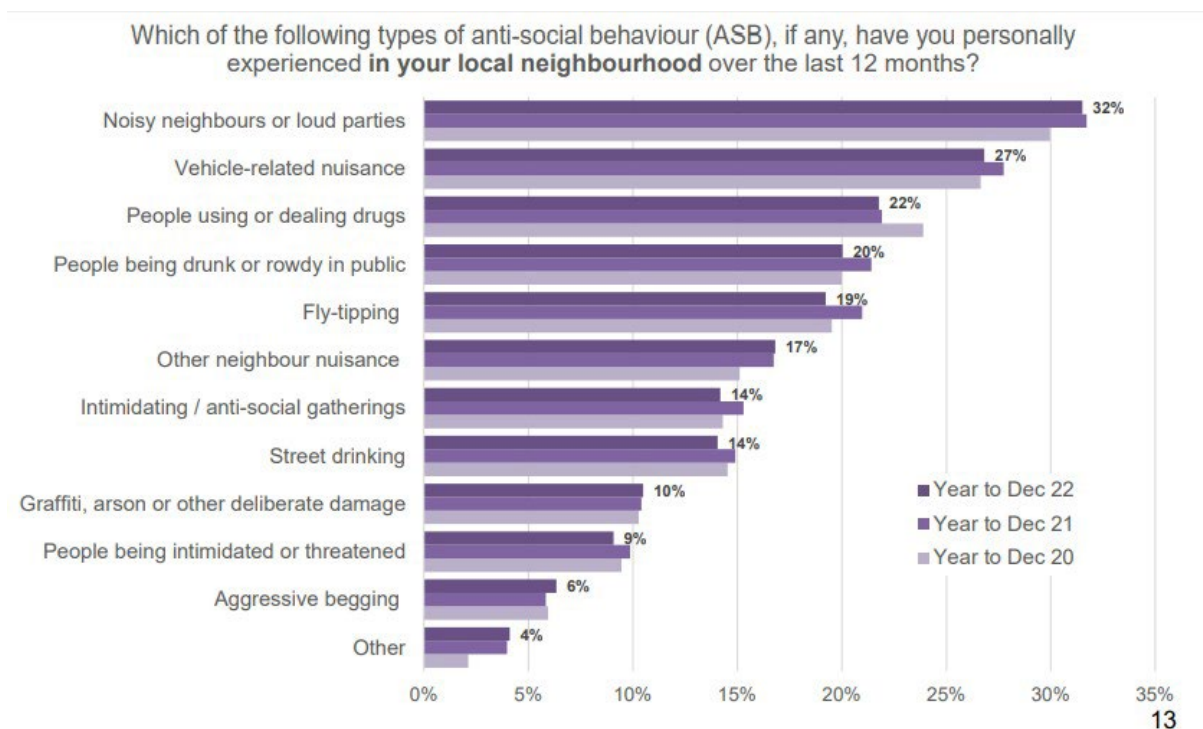
Figure 2: Types of ASB reported to Nottinghamshire Police (office of national statistics)

According to the Nottinghamshire Police and Crime Needs Assessment 2019, ASB101 remains the most common community safety issue affecting local residents. Incidents are heavily concentrated in city and town centres, correlating with concentrations violent crime and criminal damage in the night time economy.

Questions introduced within the Nottinghamshire Police and Crime Survey (PCS) in December 2022 found that around 74% of respondents who had personally experienced ASB in their local neighbourhood over the last year did not report it, while around 15% reported the issue to their local authority and 14% reported the issue to the police, 3% reported to their local housing provider and 1% reported to Crimestoppers.

The most common forms of ASB experienced by residents were noisy neighbours and loud parties (32%), vehicle-related nuisance (27%) and people using or dealing drugs (22%). Of these, people using or dealing drugs and vehicle related nuisance were the most frequent, with between 38% and 36% of those experiencing these ASB types stating that the issue occurred most weeks.





Figures show that 24% of all incidents reported to the police in the United Kingdom are classified as anti-social behaviour (www.ukcrimestats.com). To tackle anti-social behaviour effectively requires a positive approach from not just the police, but other partner organisations which have a role to play, including Broxtowe Borough Council.

This document, which will be supported by a number of procedural guides for the relevant actions, provides a clear statement of the Council's policy, and the way in which it will tackle anti-social behaviour

2.0 Policy Statement

"Broxtowe Borough Council is committed to tackling anti-social behaviour and recognises the need to respond in a proportionate manner in order to address the concerns of residents of the borough."

3.0 Policy context and statutory framework

This policy is intended to address anti-social behaviour across the district, whether personal, nuisance or environmental, wherever it occurs. There is a wide range of legislation to consider both in our role as a local authority dealing with anti-social behaviour, as well as in the management of social housing across the district.

In terms of the strategic context at Broxtowe, the Council's Corporate Plan 2020-2024 has Community Safety (Broxtowe – a safe place for everyone) as one of its five strategic priorities. This priority was developed following a survey which highlighted that reducing the amount of anti-social behaviour in the borough was the most supported objective among residents.

In addition, as a landlord, Broxtowe Borough Council has a duty to investigate and respond to anti-social behaviour in properties owned and managed by the authority. In terms of the landlord function, the Council has signed the Chartered Institute of Housing's 'Respect: Anti-social Behaviour Charter for Housing'. This makes a public declaration that the Council, in undertaking its housing functions, commits to:

1. Demonstrating leadership and strategic commitment
2. Providing an accessible and accountable service
3. Taking swift action to protect communities
4. Adopting a supportive approach to working with victims and witnesses
5. Encouraging individual and community responsibility
6. Having a clear focus on prevention and early intervention
7. Ensuring a value for money approach is embedded in the service

As a landlord, our own tenancy agreements and those of social housing providers with stock in our district, have additional requirements relating to the behaviour of tenants and that of their household members and visitors. These will be set out in individual tenancy agreements and are in addition to the rights and responsibilities of all residents in the district with regard to anti-social behaviour generally.

This policy will also be directly relevant to a number of other Council policies including Safeguarding Adults Policy, Safeguarding Children Policy, and Hate Crime Policy.

The Borough Council is a signatory to the Responding Effectively to Anti-Social Behaviour in Nottinghamshire, Partnership Agreement and Roles and Responsibilities Protocol.. **The signatories to this agreement are committed to ensuring that:**

1. ASB is considered strategically, across Nottingham and Nottinghamshire, giving priority attention to prevention, early intervention and tackling the drivers of ASB
2. Partner agencies work together to tackle ASB, cognisant of their respective roles, responsibilities, powers and resources
3. ASB issues are effectively prioritised on the basis of the impact they have on individuals and communities
4. Residents and communities are made aware of what constitutes ASB, how to report it and what they can expect as a result of doing so

5. Pathways for reporting and triaging ASB cases are clear, accessible and effective, with a view to minimising multiple reporting and misplaced demand
6. Effective processes are in place to assess and manage risk and vulnerability among those reporting or affected by ASB
7. ASB-related data is consistently collected and shared where appropriate to inform profiling, problem solving and case management activity
8. The response to ASB is evidence-led and informed by our knowledge and understanding of 'what works'.

4.0 The Council's responsibilities in respect of anti-social behaviour

The Council's wide range of functions is reflected in its responsibilities to tackle anti-social behaviour. It should be noted, however, that much of the relevant legislation grants "powers" to local authorities to deal with anti-social behaviour as opposed to imposing "duties". It should also be noted that evidence of ASB relating to the complainant gathered in investigations will also be acted upon.

The responsibilities arise from the Council's three distinct roles which are:

Landlord role

As a landlord, the Council has a duty to respond to anti-social behaviour affecting the properties it manages and the associated residents. The landlord duties and powers are different from, and in addition to, the duties and powers available to deal with anti-social behaviour in the wider community.

Role as part of the Community Safety Partnership

Under the Crime and Disorder Act 1998 and the Anti Social Behaviour, Crime and Policing Act 2014 the Council must work with the police and other partnership agencies to reduce crime and disorder in Broxtowe. In this role we play a key part in dealing with anti-social behaviour of all kinds and also facilitate project and preventative work.

Environmental protection role

The Council has a range of responsibilities to deal with 'environmental' anti-social behaviour, such as noise, litter, bonfires, dumped rubbish and abandoned cars. These responsibilities arise from a number of pieces of legislation, including the Environmental Protection Act 1990, and the Crime and Disorder Act 1998, which places a duty on a local authority to "exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, (a)crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)."

Whilst these are distinct roles, there are very strong links between all three and close working arrangements have been developed between the teams that deliver the various services.

5.0 What is anti-social behaviour?

Legally, anti-social behaviour is defined as behaviour which causes, or is likely to cause, harassment, alarm or distress. It can, in cases where an injunction is applied for, mean conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises. Also, it can mean conduct capable of causing housing-related nuisance or annoyance to any person, where "housing-related" means directly or indirectly relating to the housing management functions of a housing provider or a local authority.

Some behaviours which are described as anti-social may also be crimes, such as criminal damage, graffiti, vandalism, and hate crime. However, anti-social behaviour is not necessarily criminal. It may be the cumulative effect of an individual's actions which cause a nuisance to another individual or to the community in which they live – for example, a person who persistently plays loud music at night. Authorities have a range of civil powers to help prevent anti-social behaviour, and we are committed to combatting the damage caused to communities by anti-social behaviour by appropriately using the range of powers available to us.

Anti-social behaviour is defined under section 2 of Anti-social Behaviour, Crime and Policing Act 2014¹ as:

(a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,

(b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or

(c) Conduct capable of causing housing-related nuisance or annoyance to any person.

The activities and behaviours which can be classed as 'anti-social' according to this definition are, therefore, often subjective and circumstance / situation specific.

Consequently, partner agencies have identified the following broad categories of ASB, informed by national research² and professional experience:

- • Misuse of Public Space [Nuisance]
- • Disregard for Community / Personal well-being [Nuisance]
- • Acts directed at people [Personal]
- • Environmental damage [Environmental]

These categories aim to distinguish types of ASB on the basis of their nature, context and the anticipated intent of the perpetrator. Further sub-categories of ASB are shown overleaf, and should be used by partner agencies to support the consistent recording and classification of ASB incidents.

Whilst agencies have a greater suite of tools and powers available to respond to persistent and ongoing issues ASB, it should be noted that ASB can also involve

isolated and one-off incidents which have potential to impact negatively upon the quality of life and feelings of safety of those affected.

Limited resources may also require agencies to target their resources on the issue and areas that they can have the greatest impact upon.

Anti-social behaviour may include (but is not limited to):

- loud televisions and music
- persistent, unnecessary or excessive noise nuisance
- persistent alarms
- frequent loud parties
- dogs persistently barking
- unkempt gardens and high hedges homelessness.
- street drinking
- dumping rubbish and littering
- vandalism
- dog fouling
- graffiti
- fly-posting
- abandoned vehicles

Hate behaviour directed at a person's:

- race or nationality
- gender
- sexual orientation
- disability
- faith
- lifestyle
- appearance
- age

Anti-social behaviour affecting our landlord role (in addition to the above):

- failure by tenants to prevent children or visitors from behaving anti-socially
- failure by tenants to observe any anti-social behaviour-related tenancy condition
- any act (whether or not committed by a tenant or leaseholder) which directly or indirectly adversely affects the Council's housing management function
- misuse of communal areas (including parking areas)
- use of motor vehicles in an anti-social manner by tenants or visitors.

5.1 What is not anti-social behaviour?

It is not the responsibility of the Local Authority to resolve arguments between neighbours and some behaviour can be difficult to categorise specifically. However, there are some actions which we would not ordinarily class as anti-social behaviour and which would therefore not normally be investigated by the Council.

Examples include (not an exhaustive list):

- People gathering socially (unless they are being intimidating which is a Police matter)

- Parking in unrestricted areas
- Essential construction work carried out by contractors during reasonable hours of the day³. N.B. Works will, on occasion, have to happen during anti-social hours
- Reasonable levels of household or highway noise during reasonable hours of the day - including noise from domestic appliances, DIY, lawnmowers, car repairs or vehicles carrying out their routine activities
- One off / occasional household activity which may cause temporary annoyance, such as parties, barbecues, bonfires, incinerators or cooking smells
- Children playing or gathering in their own gardens or public places or falling out with each other in public
- Low-level neighbour disputes (civil disputes) relating to issues such as land boundaries, trees, bins, shared driveways and parking
- Complaints of being stared at or looked at in a non-sexually intrusive way
- Activity of emergency vehicles and essential services

However, some of these issues may have implications in respect of tenancy agreements and as such, may be investigated by the Housing Division in relation to the Council's housing stock.

It should be noted that it may be inappropriate to take action against someone with a diagnosed physical or mental health condition which prevents them from moderating their behaviours or complying with any order.

The Council is unable to accept anonymous reports of anti social behaviour as it is unable to gather witness statements from the complainant as evidence to proceed, the complainant is unable to provide continued monitoring to show the persistent and ongoing nature of the ASB.

6.0 Policy objectives

This policy has the following five objectives:

1. No one should have to tolerate anti-social behaviour.
2. Reports of anti-social behaviour will be treated seriously and dealt with professionally.
3. Anti-social behaviour will be dealt with fairly, proportionately, and in accordance with available resources.
4. The Council will work with partners in order to deliver an effective anti-social behaviour service across the community.
5. The Council will provide a high quality efficient service which meets the identified needs of the community.

6.1 Objective 1. No one should have to tolerate anti-social behaviour

We will aim to:

- i. make people aware of what anti-social behaviour is and is not
- ii. publicise and promote our various services to combat anti-social behaviour

- iii. encourage people to report anti-social behaviour and make it possible for them to do this using a range of reporting methods
- iv. seek to respond to each reported case of anti-social behaviour in a timely manner, prioritising urgent cases and using officer time as efficiently and effectively as possible
- v. support victims of anti-social behaviour throughout the case in a manner appropriate to its seriousness

6.2 Objective 2. Reports of anti-social behaviour will be treated seriously and dealt with professionally.

We will aim to:

- i. assess (and periodically reassess) the seriousness of anti-social behaviour reported to us, and take action according to our target times
- ii. treat all reports as confidential, sharing information only with other organisations that can assist with the problem (for example the police) and observing data protection laws and information sharing agreements
- iii. provide accurate advice to complainants where reports need to be made to other agencies in the first instance
- iv. register each case we open
- v. fully investigate the complaint, which may involve interviewing any complainant, alleged perpetrator, and third party witnesses
- vi. refer cases between the different departments of the Council and to other agencies as necessary in a timely manner
- vii. refer cases to Mediation and Victim Care where this is assessed as appropriate
- viii. notify the complainant of, and fully record, the transfer of any case referred to another Council department or external agency
- ix. formally close all cases in writing, giving reasons for the closure
- x. respond promptly to complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint
- xi. explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this.

6.3 Objective 3. Anti-social behaviour will be dealt with firmly, fairly and proportionately.

We will aim to:

- i. fully investigate all the facts and circumstances of any matter reported to us
- ii. act impartially in relation to evidence provided by both complainants and perpetrators
- iii. take any necessary early action to protect people and property, once facts are established
- iv. respond in a proportionate manner and seek always to resolve cases at the lowest level of intervention, but escalate to more formal action where appropriate
- v. use any of the tools and powers available to us, according to our best professional judgment
- vi. take into account when a victim or a perpetrator is a vulnerable person

6.4 Objective 4. We will work with partners in order to deliver an effective anti-social behaviour service across the community.

We will aim to:

- i. play a full part as a key member of the South Nottinghamshire Community Safety Partnership
- ii. participate in relevant strategic or preventative initiatives
- iii. participate in permanent or ad-hoc multi-agency workgroups dealing with specific anti-social behaviour issues
- iv. work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle anti-social behaviour making use of their own resources

6.5 Objective 5. We will provide a high quality service which meets people's identified needs.

We will aim to:

- i. ensure that staff dealing with anti-social behaviour are appropriately trained
- ii. ensure that staff dealing with anti-social behaviour understand and follow agreed policies and procedures
- iii. review the policy on a regular basis reflecting new legislation and lessons learnt
- iv. seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need and consideration of available resources

7.0 Our approach to dealing with anti-social behaviour

It is recognised that some cases will require minimal intervention whilst others need a more complex multi-agency approach. The action taken in each case will be determined by the officer assigned the case, in consultation with their line manager if necessary. The action will be appropriate and proportionate and an incremental approach will be adopted. As stated earlier, officers will seek to resolve cases at the lowest level of intervention, there is no duty on Local Authorities to escalate action where this is deemed unnecessary, inappropriate or is judged not to be a good use of public funds.

Enforcement action should not be a last resort but a proportionate response to anti-social behaviour which will stop problems. The provisions of the Council's Enforcement Policy will also be referenced.

Some of the intervention tools available which can be used when dealing with ASB are detailed below.

7.1 Tenancy Agreement

Under the terms and conditions of the Council's tenancy agreements, tenants are responsible for the behaviour of everyone in their household (including children) together with their visitors, whether in the home or in the vicinity of the property.

Upon moving into Council Housing, the tenant will receive a tenancy agreement, which clearly outlines the rights and responsibilities placed on the tenant for the duration of their tenancy and the consequences of any breaches.

All new social housing tenants will initially be given an Introductory tenancy, if their introductory period is successful this will convert to a Secure tenancy. If there are issues with anti-social behaviour during the introductory period the Council may bring the tenancy to an end.

7.2 Home visits

Home visits to both complainants and perpetrators can be a useful tool for raising awareness of a particular problem, establishing the full facts surrounding a case or discussing how it might be possible to resolve it. We may carry out a visit ourselves, and in some cases it may be more appropriate for a partnership organisation to do so.

7.3 Warning letters

Warning letters may be issued requiring a change of behaviour. If the person receiving the warning also has a tenancy agreement with the Council or one of our partners, we will highlight if they are in breach of it.

7.4 Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs) are voluntary written agreements between the person who has been involved in committing the anti-social behaviour and one or more local agencies, whose role it is to prevent such behaviour. Usually this is the Council and the Police. The Acceptable Behaviour Contract will contain a number of requirements and lasts for six months. Although it is not legally binding, if the person does not agree to sign, or the conditions are breached, further enforcement action may be taken.

7.5 Abatement Notice

An Abatement Notice can be served under the provisions of the Environmental Protection Act 1990 where the Council is satisfied that a statutory nuisance exists. These are often served in cases of noise nuisance.

7.6 Civil Injunctions

These were introduced by the Anti-social Behaviour Crime and Policing Act 2014, and replaced Anti-social Behaviour Orders and Anti-social Behaviour Injunctions. The purpose of a civil injunction is to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. They can be

applied for by local councils, social landlords, police (including British Transport Police), and Transport for London.

The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying.

An Injunction is issued by the County Court and High Court for over 18s and the youth court for under 18s. It will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.

Breach of the injunction is not a criminal offence, but a breach must be proved to the criminal standard, that is, beyond reasonable doubt. The consequences of a breach vary depending on the age of the person but include fines, prison sentences, suspension orders, and civil detention orders.

7.7 Criminal Behaviour Order

The Criminal Behaviour Order 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 Criminal Behaviour Order 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. It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the Criminal Behaviour Order. The court has the power to impose serious penalties on conviction, including fines or prison sentences, or both.

7.8 Community Protection Notice

The Community Protection Notice is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A warning letter (Community Protection Warning) must be issued, prior to the Community Protection Notice being served, requesting the nuisance behaviour to cease.

A Community Protection Notice can be served if the Council has sufficient evidence and is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality,
- is persistent or continuing in nature, and
- is unreasonable.

Community Protection Notices can only be issued for behaviours that are persistent, continuing and unreasonable and must take into account any diagnosed physical or mental health conditions which may affect the behaviour concerned.

7.9 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. Examples include restricting the consumption of alcohol in a public space, restricting dogs from a children's playground, and keeping dogs on leads. Other methods of dealing with the ASB should be explored before the making of a Public Spaces Protection Order.

7.10 Closure Order

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 the Council or the police out of court. 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. Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment or a fine or both.

7.11 Possession Orders (for Broxtowe Borough Council tenants)

Possession proceedings allow the Council to apply for, and possibly take back, possession of a property in cases where there has been a breach of the tenancy or where the Council considers other orders or agreements to be inappropriate. A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing may be made. It will be for the judge to decide if it is reasonable for the perpetrator of the anti-social behaviour to lose their home.

7.12 Amendments to the discretionary grounds for possession

As a result of amendments to the 1985 and 1988 Housing Acts brought in by the Anti-social Behaviour, Crime and Policing Act 2014, the Council can seek possession where a tenant (or person living in or visiting the tenant's home) is guilty of conduct likely to cause nuisance or annoyance to the Council, or someone employed in connection with the Council's management functions, where the conduct relates to, or affects, those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

7.13 Absolute grounds for possession

If a tenant, a member of the tenant's household, or a person visiting the property has been:

- convicted of at least one of a list of ‘serious’ offences, or
- found by a court to have breached a civil injunction, or
- convicted for breaching a Criminal Behaviour Order, or
- convicted for breaching a noise abatement notice, or
- the tenant’s property has been closed for more than 48 hours under a closure order for anti-social behaviour,

then the Council can apply to the court for a mandatory possession order. As with all such action, there are rights of appeal.

7.14 Fixed Penalty Notices

These can be used in certain circumstances where the relevant legislation allows, for example in respect of littering, dog fouling, fly tipping, and graffiti.

7.15 Surveillance

In the most serious cases of anti-social behaviour, the Council will consider the use of surveillance or the use of professional witnesses to assist in its investigations.

Professional witnesses could include observations from professionally trained staff and would be undertaken under the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA).

In appropriate circumstances we may use noise monitoring equipment or Surveillance Cameras (see below) to record and monitor anti-social behaviour. We will consider using these tools within the context of the issue of anti-social behaviour that we are investigating and with due regard of the provisions set out in the Regulation of Investigatory Powers Act 2000 (RIPA).

7.16 Surveillance cameras

The Council operates a network of surveillance cameras throughout the borough. Such cameras, just by their presence, can act as a deterrent to those who may commit anti-social behaviour. Also, the video footage provided by these cameras can be used by the Police and local authority, in strictly regulated circumstances, to provide evidence of acts of anti-social behaviour as well as acts of a criminal nature. However, the use of surveillance cameras is very closely regulated and has to be justified in all cases. The use of such cameras will almost invariably be used to conduct overt surveillance and as such, signs indicating the presence of the cameras will have to be clearly displayed.

“Body-cams” (body worn cameras) will also be used by officers in some situations and the evidence provided used as appropriate.

7.17 Noise monitoring

The Council will use noise monitoring equipment in appropriate cases to determine if a statutory nuisance or anti-social behaviour is taking place.

8.0 Other issues

8.1 Closing a case

A case can be closed if any of the following apply:

- It is evident from monitoring sheets that anti-social behaviour is no longer taking place
- There is insufficient evidence to take action
- Where evidence provided by the complainant is assessed as not relating to ASB or is deemed to be due to low tolerance levels
- If evidence within monitoring sheets are not returned in the stated period
- It has been assessed that the behaviour complained of is not anti-social behaviour and therefore does not fall within the Council's Anti-social Behaviour Policy
- Where the complainant does not provide information that is reasonably requested and in a timely fashion
- Where the victim or alleged perpetrator moves out and away from the area
- If the lead officer has made several reasonable attempts to contact the complainant without success and therefore can no longer monitor the case
Where the complainant refuses to consent to information sharing with other agencies to facilitate the investigation

The complainant will be informed why and when their case has been closed along with other parties involved in the case where appropriate.

8.2 Protection of staff

Unfortunately, officers of the Council investigating complaints of anti-social behaviour may from time to time be threatened, abused or physically harmed by both complainants and perpetrators in the course of their duties. Such threats against staff are criminal acts will be reported to the Police in addition to any enforcement action that we take directly against the perpetrator. Anyone who attacks or abuses a member of staff, or threatens to, can expect action to follow as such behaviour is totally unacceptable.

8.3 Equality and Diversity

Broxtowe Borough Council aims to treat all tenants, leaseholders and members of the community fairly, equally and no less favourably than anyone else. We are committed to promoting diversity within the community and expect staff and customers to respect diversity including those with diagnosed physical or mental health complaints which may affect their behaviour. We therefore aim to limit the impact of anti-social behaviour to create an inclusive community for everyone within the borough. When dealing with complaints and progressing anti-social behaviour cases, we will consider the access to service implications throughout the investigation and potential enforcement. This applies in respect of both complainants and perpetrators or perceived perpetrators.

8.4 Data protection measures for anti-social behaviour

To comply with its duties under data protection legislation, the Council will:

- Keep all records of anti-social behaviour cases in accordance with the legislation
- Advise customers we need to share data with other agencies, explain the process and seek their consent to do so, where this consent is denied and this affects the Council's ability to investigate the complaint the case will be closed
- Share information with other relevant agencies such as the police, children's services, adults' services or mental health services without consent, in certain situations, in order to:
 - a. prevent crime or disorder; or
 - b. safeguard adults at risk of abuse, or safeguard children
 - c. protect an individual's health and wellbeing.

This will be done within the relevant legislative framework and any agreed local guidance.

8.5 Support for victims and perpetrators of anti-social behaviour

The Council recognises that vulnerabilities can exist for both the perpetrators or perceived perpetrators of antisocial behaviour and the complainants. We will attempt to ensure that any vulnerability is considered fully within the context of the situation and any action the Council can reasonably expect to take is given due consideration.

We will endeavour to highlight vulnerability at the earliest opportunity and work in partnership with relevant agencies to support victims. When approaching alleged perpetrators, we will give consideration to issues of vulnerability such as disabilities, mental health issues, drug and alcohol abuse, etc. Where such issues exist, we will seek intervention and support from relevant agencies and departments to assist in addressing the problematic behaviour. Vulnerability in itself will not prevent the Council from taking action to bring an end to complaints of anti-social behaviour unless a diagnosed physical or mental health condition is responsible for the behaviour when it would be an injustice for the Council to do so. Therefore, we will continue to deal with the anti-social behaviour complaint and adopt appropriate methods to try and resolve the issues.

Individuals, both complainants and / or perpetrators, who give their written consent, will be referred, in appropriate circumstances, to the Complex Cases Panel. The Panel sits monthly and has representatives from the Police, Council, Youth Justice, Victim Support, Social Care, Mental Health and Fire and Rescue Service. The Panel seeks to raise the profile of vulnerable people across agencies and ensure that all appropriate services are being provided. If further support is recommended then the appropriate referrals will be made to external supporting agencies.

We will work closely and make referrals where appropriate to partner agencies, such as the Drug and Alcohol Teams and Community Mental Health Teams to provide support for perpetrators to overcome their problems without having to resort to enforcement action, if possible.

Support may be used as a positive condition of a Community Protection Warning, Notice or an Injunction or a Criminal Behaviour Order.

8.6 Performance indicators for anti-social behaviour

The Council will set, monitor and report on performance in relation to anti-social behaviour within individual services, at a corporate level, and within the Community Safety Partnership.

8.7 Discretion

This policy provides a framework and commits the Council to dealing with anti-social behaviour in Broxtowe in a way that aims to be fair and, in all important respects, consistent across cases of a similar kind. However, due to the individual nature of cases, officers may occasionally use their discretion to vary the approach from that described in this document, following appropriate consultation with senior management.

9.0 Roles and responsibilities

9.1 Safer Nottinghamshire Board

The Safer Nottinghamshire Board is a countywide strategic group that is required under The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 to ensure the delivery of shared priorities and a community safety agreement.

The Board supports local Community Safety Partnerships, which were set up as statutory bodies under the provisions of the Crime and Disorder Act 1998, and aims to bring together agencies and communities to tackle crime and anti-social behaviour in local areas.

9.2 South Nottinghamshire Community Safety Partnership

In 1998, the Crime and Disorder Act came into force which placed a statutory obligation on local authorities and the police to work in partnership with other agencies to develop and implement a strategy for tackling crime and disorder in their area. In August 2009 the three Crime and Disorder Reduction Partnerships for Broxtowe, Gedling and Rushcliffe, that had been in existence since 1998, came together to formally merge into the single partnership which exists today to address, in a coordinated manner, crime, disorder and the fear of crime in the three boroughs.

9.3 Elected Members

Elected members are responsible for the monitoring and review of this policy.

9.4 General Management Team and Heads of Service

The General Management Team, led by the Chief Executive, will lead the authority with regard to anti-social behaviour responsibilities. The General Management Team in conjunction with Heads of Service, will ensure that this policy and the associated procedures are properly implemented to ensure the Council's duties and responsibilities with respect to anti-social behaviour are properly discharged.

9.5 Head of Legal Services

The Head of Legal Services is responsible for assessing the evidence and deciding if legal proceedings should be instigated in cases of anti-social behaviour.

9.7 Head of Housing

The Head of Housing is responsible for:

- Implementing this policy in respect of the Council's housing stock
- Ensuring appropriate training is provided for staff in the Housing Division to enable this policy and any associated procedures to be properly implemented
- Production of working procedures for the Housing Division to enable the policy to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases within the Housing Division.

9.8 Chief Environmental Health Officer

The Chief Environmental Health Officer is responsible for:

- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the section
- Overall monitoring of cases being handled by the section
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases.
- Implementation of the Council's Anti-social Behaviour Policy (with the exception of anti-social behaviour relating to the Council's housing stock)
- Championing action to deal with anti-social behaviour and the dissemination of this policy and associated guidance across the Council

9.9 Chief Communities Officer

The Chief Communities Officer is responsible for:

- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Representing the Authority at the South Nottinghamshire Community Safety Partnership Executive Group
- Representing the Authority on local and regional groups
- Line management of the Senior Communities Officer Crime and ASB Enforcement Officer
- Liaison with Nottinghamshire Police
- Administer the E-CINS case management system
- Convening and managing the Case Review (Community Trigger) process on behalf of all relevant agencies in the borough
- Representing the authority at the South Nottinghamshire Community Safety Partnership Strategic Group
- Chairing the Complex Cases Panel
- Chairing the ASB Panel
- Implementation of the Council's Anti-social Behaviour Policy (with the exception of anti-social behaviour relating to the Council's housing stock)
- Championing action to deal with anti-social behaviour and the dissemination of this policy and associated guidance across the Council

9.10 Senior Communities Officer Crime and ASB

The Senior Communities Officer Crime and ASB is responsible for:

- Identifying any anti-social behaviour hot-spots, groups or individuals and liaising with the Police to take appropriate action
- Identifying vulnerabilities in victims and perpetrators and making appropriate referrals
- Providing necessary performance information in respect of anti-social behaviour cases
- Preparation and presentation of applications for, and in, court
- Line management of the Anti-Social Behaviour Enforcement Officer and the Licencing and Anti-Social Behaviour Enforcement Officer
- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the Communities Section
- Overall monitoring of cases being handled by the section
- Liaison with Nottinghamshire Police
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Representing the Authority on local and regional groups
- Acting as a professional witness

9.11 Licencing and Anti-social Behaviour Enforcement Officers

The Licencing and Anti-social Behaviour Enforcement Officers are responsible for:

- Managing a case-load of anti-social behaviour cases reported to the Council
- Identifying any anti-social behaviour hot-spots, groups or individuals and liaising with the Police to take appropriate action
- Identifying vulnerabilities in victims and perpetrators and making appropriate referrals
- Providing necessary performance information in respect of anti-social behaviour cases
- Preparation and presentation of applications for, and in, court.
- Acting as a professional witness
- Administration of the Complex Cases Panel
- Administration of the ASB Panel

9.12 Head of Environment

The Head of Environment is responsible for:

- Producing, and keeping up to date, procedures for dealing with anti-social behaviour cases dealt with by the Environment Division
- Overall monitoring of cases being handled by the Division
- Ensuring appropriate training is provided for staff in the section to enable this policy and any associated procedures to be properly implemented
- Providing necessary performance information in respect of anti-social behaviour cases.
- Implementation of the Council's Anti-social Behaviour Policy (with the exception of anti-social behaviour relating to the Council's housing stock)
- Championing action to deal with anti-social behaviour and the dissemination of this policy and associated guidance across the Council

9.13 Neighbourhood Wardens

The Neighbourhood Wardens are responsible for:

- Investigation of cases of low-level anti-social behaviour
- Investigation and enforcement of dog fouling, fly-tipping, litter, graffiti, and fly posting and abandoned cars
- Providing necessary performance information in respect of anti-social behaviour cases
- Collection of evidence and preparation of legal cases.

9.14 Legal Services

Officers within Legal Services are responsible for:

- Preparing and presenting cases and applications for, and in, court

- Advising on aspects of related law, procedures, and documents
- Advising on drafting of Public Spaces Protection Orders
- Assessing evidence before service of Community Protection Notices

9.15 Learning and Development Coordinator

The Learning and Development Coordinator is responsible for:

- Working with appropriate senior officers to develop and monitor suitable training for staff and members.

9.16 Customer Contact Centre

The Customer Contact Centre is responsible for:

- Receiving anti-social behaviour related enquiries into the Council and directing them to the relevant service department or other relevant agency

9.17 Business Support Unit

The Business Support Unit is responsible for:

- Receiving anti-social behaviour related enquiries into the Council for Environment and Environmental Health, inputting them onto relevant systems and directing cases to the relevant service

9.18 Environment Division

The Environment Division is responsible for:

- Responding to cases on public or Council land to remove litter, fly tipping, graffiti, abandoned vehicles, or drugs paraphernalia.

9.19 Anti-social Behaviour Panel

The aim of the Panel, which is convened by the Council, is to reduce the incidence of anti-social behaviour within the Borough of Broxtowe. The Panel meets monthly and has representatives from the Police, Council, , Victim Support, Youth Justice, Social Care, Mental Health and Fire and Rescue Service. Input from all partner agencies enables a coordinated approach to existing and emerging anti-social behaviour issues.

9.20 Complex Cases Panel

The Panel, which is convened by the Council, meets monthly and has representatives from the Police, Council, , Victim Support, Youth Justice, Social Care, Mental Health and Fire and Rescue Service. The Panel seeks to raise the profile of those with

complex needs across agencies and ensure that all appropriate services are being provided for the individual. If further support is recommended, then the appropriate referrals will be made to external supporting agencies.

9.21 Nottinghamshire Police

The Council works closely with the police to address crime and anti-social behaviour in Broxtowe. Where individual cases include acts of a criminal nature, the Council will signpost such cases to the police, providing a joint response where appropriate, without jeopardising any criminal investigation. The Council will also work collaboratively with the police to monitor and investigate anti-social behaviour. Police Neighbourhood Teams, including Police Community Support Officers, provide people with reassurance, can patrol hotspot areas, and can support enforcement action taken to tackle anti-social behaviour. The police can also provide a response out of hours, including an emergency response where cases have escalated.

The police also set and update their priorities on a regular basis and the Council has feedback into this process.

9.22 Social Housing providers

The Council recognises that housing providers have powers to address anti-social behaviour caused by tenants or leaseholders, their household members and their visitors, through tenancy and lease enforcement and anti-social behaviour legislation. The Council will signpost all relevant cases to housing providers for a response. Where such cases have escalated, the Council will ensure they are discussed with relevant partners and joint action plans put in place where appropriate.

9.23 Victim Care

Victim Care is an independent charity which provides emotional and practical help to people who have been affected by crime in Nottinghamshire. They can be contacted for support regardless of whether or not the police have been contacted, and no matter how long ago the crime took place. They provide help for victims for as long as it takes to overcome the impact of crime.

10.0 Anti-Social Behaviour Case Review (Community Trigger)

The Anti Social Behaviour Case Review (community trigger) is a mechanism introduced by the Anti-social Behaviour Crime and Policing Act 2014 for victims of persistent anti-social behaviour to request that relevant bodies undertake a case review where action has not been taken.

A case review is triggered by the victim if they have reported at least three separate anti-social behaviour incidents to the Council, the Police, or their housing provider within a period of six months. The trigger must be applied for within six months of the first report of anti-social behaviour, and each report must have been made within one month of the incident of anti-social behaviour.

It may be that victims only trigger a case review if they are dissatisfied; however, the community trigger is not a complaints process but rather an opportunity for better collaborative working between relevant authorities. It is expected that the majority of anti-social behaviour cases will be dealt with effectively. The Council has a separate complaints procedure, and we are aware that our partners and relevant authorities do as well.

A case review entails the relevant bodies sharing information in relation to the case, discussing what action has previously been taken, and collectively deciding whether any further action could be taken. If it is identified that more be done to solve the victim's issue, then a new action plan will be put in place with agency support for the victim.

When the community trigger is activated, all the relevant case history must be gathered and a review panel assembled. In most circumstances this panel will be made up of representatives from each of the partner organisations.

The review panel considers the actions taken by each organisation as part of the case, and determines the adequacy of those actions. The panel may decide that inadequate action was taken, and recommend that further action be taken to resolve the case. The victim will be informed of any recommendations made, which will include timescales and individuals or organisations responsible for further action. The outcome of a meeting may also include recommendations about service provision more generally, so that identified gaps in the anti-social behaviour casework processes can be resolved and bridged.

Victims who activate the trigger can appeal if a case review is not undertaken. If a review is undertaken they may also appeal the decision and recommendations of the case review panel. Applicants wishing to appeal must first make an informal appeal to the panel itself, to see if a local solution can be agreed.

In Broxtowe, the Borough Council will lead on all requests for an anti-social behaviour case review which are made to any of the relevant organisations (Police, Local Authority, Social Housing Provider).

What you can expect from the Council

When a complaint of anti-social behaviour is received by the Council, we aim to:

- Record the details and allocate the case to the appropriate team within one working day.
- Keep complainant details confidential as far as legally and operationally possible
- Respond to the complainant by telephone, e-mail, or in writing within five working days to advise them if the case will be accepted by the Council. If the case is accepted, the complainant will be advised of the next steps. If the case is not one the Council can deal with, the complainant will be advised and given information on any further appropriate action they can take
- Provide complainants with the name of the Lead Officer dealing with their case
- If the next stage involves the issue of monitoring sheets, these will be issued within the five working day period
- Close the complaint if monitoring sheets are not returned at the end of the specified monitoring period, the monitoring sheets are not signed as being a true record of events or the monitoring sheets do contain sufficient evidence to proceed with the case
- Liaise with partner agencies if it is felt they can assist in dealing with the issue
- Assess monitoring sheets when they are returned
- Arrange for noise monitoring equipment to be installed if appropriate.
- Try to resolve problems quickly and without having to use legal action wherever possible
- Keep complainants updated on progress
- Advise complainants if the case is closed and the reasons for that
- Where it is deemed appropriate, explore the possibility of mediation if parties cannot sort out problems between themselves
- Where it is deemed appropriate refer parties to Victim care or other support agencies to support their health and wellbeing
- Keep proper records of each case, including details of visits, interviews and contacts with other departments/agencies/organisations.
- Keep complainants fully informed of how the investigation of their complaint is progressing

Reporting anti-social behaviour and contact information

Anyone may report anti-social behaviour whether as a victim, witness or a third party.

If one or both parties are a tenant of Broxtowe Borough Council, contact the Housing Division at the Council on 0115 917 7777 or by e-mail at hps@broxtowe.gov.uk

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

- Criminal damage
- vandalism
- Threatening and abusive behaviour
- Hate related anti-social behaviour
- Drunk and rowdy groups
- Drug related anti-social behaviour
- Misuse of fireworks
- Nuisance vehicles on the public highway
- Aggressive dogs

The following should be reported to Broxtowe Borough Council by telephoning 0115 917 7777 or email customerservices@broxtowe.gov.uk

- Dumping, littering and fly-tipping
- Graffiti
- Dog fouling
- Abandoned vehicles
- Nuisance dogs
- Noise nuisance – including barking dogs, music, vehicles not on the public highway, house alarms
- Rubbish on neighbouring property
- Persistent bonfires
- Untidy gardens or high hedges
- Homelessness
- Persistent street drinking

Details of the Anti-social behaviour Case Review (Community Trigger) can be found at: <http://www.broxtowe.gov.uk/index.aspx?articleid=16155>

Victim Support can be contacted on 0300 303 1967 (out of hours 0808 16 89 111) or <https://www.victimsupport.org.uk/help-and-support/get-help/request-support>

[Broxtowe Mediation Partnership](mailto:mediation@ca-broxtowe.org.uk) can be contacted on mediation@ca-broxtowe.org.uk or **01773 768363**. Clients under 25 years of age will be offered an appointment with [Broxtowe Youth Homelessness](#).