

Key Decision Required:	No	In the Forward Plan:	No
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CABINET

18 MARCH 2016

REPORT OF WELL-BEING AND PARTNERSHIPS PORTFOLIO HOLDER

A.6 NEW CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY

(Report prepared by Leanne Thornton)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To seek approval of the new Corporate Anti-Social Behaviour (ASB) Policy in line with the additional tools and powers granted to Local Authorities in the Anti-social Behaviour, Crime and Policing Act 2014.

EXECUTIVE SUMMARY

- The Anti-social Behaviour, Crime and Policing Act 2014 introduced new powers for Local Authorities to tackle ASB.
- Guidance has been published setting out details of how agencies are expected to tackle Anti-social Behaviour
- A new Corporate ASB Policy has been prepared to:-
 - i) Explain what is meant by ASB and set out the guiding principles for those officers in the Council who deal with ASB.
 - ii) Set out the Council's policy on Anti-Social Behaviour (ASB) and the procedures to be followed on receipt of a complaint of ASB to Tendring District Council.
 - iii) Recognise the importance of providing an excellent standard of customer service to our residents which is central to this policy and in particular the resolution of ASB complaints. The Council is not always the most appropriate agency to deal with some complaints and the policy aims to provide guidance on which agency residents should direct complaints in order to avoid unnecessary delays in resolving their issues/concerns.
- The policy was considered by Community Leadership and Partnerships Committee on 22nd February.

RECOMMENDATION(S)

It is recommended that:-

- (a) The Corporate Anti-Social Behaviour Policy attached at Appendix A be agreed.**
- (b) The responses of the Portfolio Holder to the comments of the Community Leadership and Partnerships Committee be agreed.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Most activity should be mainstreamed into existing community safety and anti-social behaviour principles within the Council. Including where departments already have existing policies and powers within their own remits at the Council ie: Tenancy Management or Environmental Services. This Corporate policy is designed to complement those existing policies or strategies.

FINANCE, OTHER RESOURCES AND RISK

None, unless mediation services are required. This in most cases will be funded through the Community Safety Partnership funding stream.

LEGAL

The Anti-social Behaviour, Crime and Policing Act 2014 came into effect on 20 October 2014.

OTHER IMPLICATIONS

Each case would need to be considered on its own merits but will need to ensure other policies are adhered to where appropriate, particularly Crime and Disorder and Equality and Diversity.

All wards in the District will be affected.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The Anti-social Behaviour, Crime and Policing Act 2014

The Act is to make provision about anti-social behaviour, crime and disorder, including provision about recovery of possession of dwelling-houses; to make provision amending the Dangerous Dogs Act 1991, the Police Act 1997, Schedules 7 and 8 to the Terrorism Act 2000, the Extradition Act 2003 and Part 3 of the Police Reform and Social Responsibility Act 2011; to make provision about firearms, about sexual harm and violence and about forced marriage; to make provision about the police, the Independent Police Complaints Commission and the Serious Fraud Office; to make provision about invalid travel documents; to make provision about criminal justice and court fees; and for connected purposes. [13th March 2014]

Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers

‘There will be a new approach to dealing with ASB which includes overhauling the whole system to ensure that agencies are putting the victim first’

Rationalisation of ASB Tools, under previous legislation there were 19 powers to tackle ASB, under new legislation there will be 6 new powers.

Anti-social Behaviour, Crime and Policing Act 2014 – ‘ASB Definition’

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;
- Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation or residential premises; or
- Conduct capable of causing housing-related nuisance or annoyance to any person.

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people’s lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

Victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as ‘low level’ anti-social behaviour, when targeted and persistent, can have devastating effects on a victim’s life.

The reforms are designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.

The Home Office has issued statutory guidance under sections 19, 32, 41, 56, 73 and 91 of the Anti-social Behaviour, Crime and Policing Act 2014.

“Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.” October 2014 – Appendix 2

- i) This guidance is written primarily for the police officers, council staff and social landlords who will use the new powers. Part 1 looks at the new measures being introduced to give victims a greater say in the way their reports of anti-social behaviour are dealt with. Part 2 then outlines the new powers. We have worked closely with frontline professionals, victims and others in the development of the legislation, and we will continue to work to ensure that this guidance helps professionals make best use of the new powers to protect the public.

Essex Police – ASB Policy and Procedure – Issued August 2015

Essex Police’s ASB Policy and Procedure sets out the way Essex Police will now deal with cases of ASB.

Key points from their current policy include:

Essex Police will use the definition as defined in the Anti-social Behaviour, Crime and Policing Act 2014 – ‘ASB Definition’, they also for the purpose of recording an incident state that ASB can also be identified as incidents that meet the following criteria:

- i) Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities:or
- ii) Behaviour that unreasonably interferes with other people’s rights to use and enjoyment of their home and community

Essex Police will deal with reported ASB differently under their new policy, they will no longer

attend every single report of ASB, they have 3 general categories.

- Personal
- Nuisance
- Environmental

Each case is assessed on its circumstances, call handlers use the THRIVE (Threat, Harm, Risk, Investigation, Vulnerability, Engagement) process to make an initial assessment.

Police will only investigate incidents that fit within one or more of the risk categories:

- Cases involving vulnerability and / or
- High risk of threat / harm
- Tackling repeat locations
- Tackling repeat offenders
- Tackling repeat callers/victims

Unless there is a high risk of harm, incidents that fall into the categories of Nuisance or Environmental are unlikely to require Police attendance.

Local Authorities have additional powers and responsibilities than that of the Police for responding to incidents of ASB. As well as the Statutory Obligations under the Crime and Disorder Act 1998, they continue to be Social Landlords and have a role in Environmental Protection. Those people that contact the Police regarding ASB may not be aware that other agencies may lead in the issues they are reporting.

ASB that has a housing related element or is linked to a public space, such as anti-social parking, street drinking or public rowdiness – are all issues that the Local Authority can address and the Police have few powers to resolve. Essex Police will work with partners to resolve persistent high end ASB that impacts on the community.

Civil disputes over boundaries or private roads are not issues Police have powers to investigate, in such cases callers may be advised to contact a Solicitor, Citizens Advice Bureau or local council.

The Restorative Justice Hub should be considered for a referral where mediation services may resolve the conflict (this can be done through Essex Police or the Council's Community Safety Team). Victims can self refer by accessing the Police and Crime Commissioners website for a referral application.

In response to the changes in legislation and after receiving a letter (September 2015) from Essex Police informing the Council that Essex Police were changing the way that they tackle ASB in the future, they also have a new ASB Policy and Procedure (as above). To encapsulate the powers of the Anti-social Behaviour, Crime and Policing Act 2014, recognise the change in the Police approach and set out a clear position for the Council the attached policy:-

- i) Sets out the Council's policy on Anti-social Behaviour (ASB) and the procedures to be followed on receipt of a complaint of ASB to Tendring District Council.
- ii) Explains what is meant by ASB and sets out the guiding principles for those officers in the Council who deal with ASB.
- iii) Recognises the importance of providing an excellent standard of customer service to our residents and this is central to this policy and in particular the

resolution of ASB complaints. The Council is not always the most appropriate agency to deal with some complaints and the policy aims to provide guidance on which agency residents should direct complaints in order to avoid unnecessary delays in resolving their issues/concerns.

CURRENT POSITION

Guidance for frontline professionals has been published setting out the detail to the change in thinking about how professionals tackle ASB.

Government has set out a new approach to crime, policing and community safety, based on a fundamental shift from bureaucratic to democratic accountability through directly elected Police and Crime Commissioners, increased transparency, and increasing professional discretion. This new approach includes overhauling the whole system of dealing with anti-social behaviour to ensure agencies are putting the needs of victims first.

This marks a decisive shift from the target-driven, top-down, directive approach of the past. It makes no sense for officials in Whitehall to decide local anti-social behaviour priorities, say how agencies should respond to specific issues, or set crude targets that can result in perverse working practices and outcomes.

Over the past few years, the police, councils and others have started to adopt a range of effective mechanisms that improve the response they provide to victims. From Multi-Agency Risk Assessment Conferences to taking on board the lessons identified in the anti-social behaviour call handling trials, victims have now become the focus of the response in many areas. This has resulted in an end-to-end risk assessment process, ensuring that vulnerable victims are better supported in cases of anti-social behaviour.

In terms of the behaviour itself, what is seen as 'anti-social' will vary from victim to victim, and community to community. For this reason the way in which incidents of anti-social behaviour are reported has changed, no longer focusing on the behaviour, but on the impact it has on the victim.

The right response will depend on a range of factors, but most importantly, on the needs of the victim and the impact the behaviour is having on their lives. Solutions need to be jointly developed by local agencies, each bringing their own experience and expertise to work together with communities and victims. Frontline professionals must be free to use their judgment rather than following a prescribed 'one size fits all' approach.

The Corporate ASB policy has been sent for consultation and comment by all relevant members of staff that have a responsibility in relation to ASB and members of the Corporate Enforcement Group. In addition, it was considered by the Community Leadership and Partnerships Committee on 22nd February. Following this some minor wording changes have been made to the report and the Committee made some comments to Cabinet which are set out below together with the responses of the Portfolio Holder.

Comments from the Committee	Responses of the Portfolio Holder
The need to evaluate the resources available and what the Council can deliver before the Policy went public.	Agreed
It was essential that the Council did not give the impression it could deliver solutions for all requests for assistance.	Staff do balance the expectation of complaints when dealing with ASB cases, however, this can be made clear on the

	Council's website and when the policy is published.
That performance monitoring be undertaken to evaluate the operation of the Policy	Agreed that suitable performance monitoring be put in place.
The Committee would like to review the new Corporate Antisocial Behaviour Policy six months after implementation	Agreed.
The presentation of information on Anti Social Behaviour on the Council's website be reviewed.	Agreed.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix A – Tendring District Council Corporate Anti-Social Behaviour Policy

Tendring
District Council



Corporate Anti-Social Behaviour Policy

MARCH 2016

Summary Sheet

Purpose of this document:

This document sets out the Council's policy on Anti-Social Behaviour (ASB) and the procedures to be followed on receipt of a complaint of ASB to Tendring District Council.

It explains what is meant by 'anti-social behaviour' and sets out the guiding principles for those officers in the Council who deal with ASB.

The Council recognises the importance of providing an excellent standard of customer service to our residents and this is central to this policy and in particular the resolution of ASB complaints. The Council is not always the most appropriate agency to deal with some complaints and this document aims to provide guidance on which agency residents should direct complaints to in order to avoid unnecessary delays in resolving their issues/concerns.

Document owner / prepared by:

Tendring District Council, Community Safety Team.

Leanne Thornton, Community Safety Manager.

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1. Policy Statement

Tendring District Council recognises the need to tackle ASB as it can have a detrimental impact upon our residents, communities and visitors to the District. We will work in partnership with other agencies to support those experiencing ASB.

2. Definition of Anti-Social Behaviour

It is not always easy to pinpoint exactly what is, and what is not, ASB. People's judgement and tolerance may differ about what is acceptable behaviour.

The Government defines ASB in the Crime and Disorder Act 1998 as:

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

In order to ensure that the Council provides the appropriate level of service to complainants the focus needs to be on those behaviours that have a significant, negative impact on others' quality of life, but does not necessarily take the form of criminal behaviour such as drugs, criminal damage, assault etc.

In order to assist in determining whether a complaint meets the threshold, ASB includes, but is not limited to, the following:

- Being threatening, intimidating or verbally abusive
- Persistent nuisance behaviour
- Environmental issues including fly-tipping, vandalism, dog fouling, graffiti, fly posting etc.

Behaviour which results from different lifestyles or which would not generally be considered unreasonable is not ASB. As mentioned earlier it is important to be tolerant of other people's lifestyles.

The Council will not usually take action in circumstances such as the following:

- One-off noisy party within reasonable times
- Normal living noises, such as walking across the floor, closing doors, flushing the toilet etc
- Noise from children playing
- Personal differences/family disputes
- Disagreements about parking
- Civil disputes such as boundary issues
- Groups of young people gathering who are not acting in an intimidating manner

3. Who is responsible for dealing with Anti-Social Behaviour?

It is important that complainants initially contact the authority/agency with the most appropriate powers to resolve the matter to ensure that action is taken without any unnecessary delays caused by reporting to the wrong agency. Call takers and investigating officers must work within the definition provided in this document to assess whether ASB is being committed in the first instance and what, if any, response is required. Once this has been established the complaint should then be referred to the appropriate service area for investigation.

Where the call taker is unclear on who should investigate, the complainant should be directed towards completion of the ASB reporting form.

Service areas responsible for complaint types:

Tenancy Management	Environmental Health	Private Sector Housing	Seafronts & Parking	Open Spaces	Planning	Community Safety Team
01255 868482	01255 686774	01255 686617	01255 686969	01255 686647	01255 686150	01255 686359
Nuisance neighbours / youths	Nuisance (Noise, smoke, bonfires).	Gypsy and traveller incursions	Misuse of beaches, promenades, general areas, shelters, all public conveniences, all public Council owned car parks	Misuse of open spaces, including, recreational Grounds, playgrounds children's play areas, parks and ornamental gardens.	Anti-social behaviour in relation to planning enforcement	Will co-ordinate action where a multi-agency response is required
Neighbour disputes		Illegal eviction and harassment (landlords evicting tenants without proper notice or court order)				
Anti-social behaviour in relation to tenants or property		Disrepair in private rented housing				
		Problems with multiple occupancy properties i.e. HMOs and licensed HMOs. Problems could be both from tenant behaviour and landlords				

Where incidents include acts of a criminal nature such as drugs, assault or serious violence, the complainant should be directed to Essex Police.

Equally where the Council is not the landlord the complainant should be directed to the housing provider.

Reported incidents involving overlapping issues will require a joint or coordinated response. Assistance in these cases may be sought from the Community Safety team.

In October 2015 the Restorative Justice Hub was launched in North Essex based at the office of the Police & Crime Commissioner. The hub offers mediation for neighbour disputes and low level ASB as well as referrals for Restorative Justice. Therefore investigating officers should consider offering mediation when appropriate and refer cases to the Hub. For further information there are two Restorative Justice Champions within the Council. They are:

Charlotte Root	Community Safety	croot@tendringdc.gov.uk	01255 686359
Leanne Thornton	Community Safety	lthornton@tendringdc.gov.uk	01255 686353

For all Housing related queries relating to ASB please refer to Tendring District Council – Housing Anti-Social Behaviour Strategy 2015 - 2018

Landlord Obligations

The Council has its own housing stock and is responsible for reminding tenants and leaseholders of their responsibilities and obligations outlined within their tenancy agreement and resolving low level problems at the earliest opportunity, through established tenancy management processes, preventing unnecessary escalation.

Issues that could reasonably be resolved through tenancy management processes through the provision of appropriate advice/instruction, partner liaison and independent mediation, as mentioned above, include (but are not limited to) those listed below;

- Noisy neighbours
- Car parking disputes – not Council owned public fee paying car parks – see Seafronts and Parking service
- Property/Boundary disputes
- Damage to property
- Untidy gardens
- High hedges/overhanging trees & shrubs (liaison with Planning Services)
- Uncontrolled animals/pets
- Dog fouling
- Inappropriate use of premises (car repairs, etc.)
- Abandoned cars
- Impeding access to communal areas
- Ball Games/Games in restricted areas

All tenants of the Council have signed a tenancy agreement, which sets out the rights and responsibilities of the Council and its tenants. The obligations of new tenants are emphasised to them during the tenancy sign up process. The Council also makes use of introductory and demoted tenancies, to emphasise further the importance of tenancy terms.

However, as mentioned earlier there are a number of housing providers in the borough who will have their own tenancy agreements and processes in place which will equally advise tenants of their rights and responsibilities. Complainants should be directed to their housing provider for assistance.

Essex Police

Essex Police have recently reviewed their policy on dealing with ASB and as a result will now only deal with high risk cases where there is threat, risk or harm.

Where ASB enquiries include reports of criminal offences for which an individual could be charged and prosecuted, the matter should be referred to Essex Police to determine whether it would be more appropriately investigated by them.

Victim Support

Victim Support is an independent UK charity which helps people cope with the effects of crime. They provide free and confidential advice and support to help victims, witnesses and their families.

4. Reporting incidents of anti-social behaviour

Reported allegations of ASB can be made to the Council through the following routes:

Telephone	
Community Safety	01255 686359
Tenancy Management	01255 686482
Environmental Health	01255 686774
Street and Seafronts	01255 686969
Open Spaces	01255 686647
Private Sector Housing	01255 686617
Planning	01255 686150
Website	www.tendringdc.gov.uk
Email	asb@tendringdc.gov.uk
Post	Tendring District Council Town Hall Station Road Clacton on Sea Essex CO15 1SE
In person	Town Hall – Community Safety Tenancy Management Private Sector Housing Weeley Offices – Environmental Health Planning Northbourne Depot – Street and Seafronts Open Spaces

Other routes could include:

- Contacting the appropriate landlord or letting agency who will have their own ASB policy and procedure in place.
- Face to face at Neighbourhood Housing offices (where appropriate).
- Through Hate Crime Reporting Centres
- At hostels and other temporary accommodation.
- Through Essex Police on the non emergency number **101**.

Complaints can be reported by:-

- The victim
- The victim's family
- Friends of the victim
- Witnesses of an incident
- Councillors/Members of Parliament
- Other relevant agencies

5. Operational Procedures

Enquiry handling

However reported, Council officers receiving a report of ASB from residents will take a detailed account of reported incidents, where information is immediately available, to ensure good quality information is obtained from the complainant and any potential vulnerability issues identified, from the outset. The officer will log details on the Council's ASB case management system (Uniform) or similar and allocate to the appropriate officer or service area to assess and deal with the complaint. The resident (complainant) will expect to receive a minimum standard of service from the Council (see below).

Where reports of Anti Social Behaviour are received by officers/teams that are not able to deal with the enquiry, the complainant should be asked to complete the form attached at Appendix D which will enable the Community Safety Manager to assist, where able, in signposting the complainant to the appropriate route.

Minimum Standards of Service

- record complaints
- categorise the actions to be taken
- plan their investigations
- build profiles on subjects/perpetrators
- select suitable, proportionate and effective enforcement action
- keep complainants and victims informed

Anonymous reports will not be accepted.

Case Investigation

The Council recognises that the complexities involved in investigating ASB cannot be readily mapped out in a one size fits all process but call handlers and investigating officers must refer to the definition used within this document.

Whilst each case will require a tailored and proportionate response there are up to six strands of activity that need to be considered/followed in tandem to ensure investigations are thorough and effective;

- i) Risk Assessment Matrix (RAM)
- ii) Evidence collation & statement taking
- iii) Tenancy Enforcement
- iv) Interventions
- v) ASB Enforcement
- vi) Partner agency liaison / Community Safety Hub Referral

Council managers/supervisors will conduct regular case reviews to ensure investigating officers utilise all problem solving opportunities and consider appropriate legal interventions where necessary.

Contact with the Complainant

The investigating officer will ensure that all actions outlined in the following checklist are carried out or that their own departmental policies are complied with.

Where it transpires that reported behaviour may include criminal incidents the complainant will be encouraged to report the matter to Essex Police, to keep a record of incident numbers and retain the name/details of the attending officer.

ASB Investigating Officers Initial Contact Checklist (Complainant)	Completed
Introduce themselves, providing the complainant with their contact details should the complainant need further information or wish to report further incidents.	
Fully explain not only what the complainant can expect from us, but what we will require from them and record on the Uniform System.	
Explain the purpose of, and complete a RAM(Risk Assessment Matrix).	
Obtain as much detail as possible about the alleged ASB including if appropriate photographic evidence of any reported damage.	
Establish whether any other professional body/solicitor/Councillor or MP has been contacted or is already involved in this case.	
Agree with the complainant how the case will be investigated, discussing with the complainant their expectations in relation to the case.	
Advise the complainant on how the case may progress and what options are available at this stage including independent mediation/restorative justice.	
Advise the complainant that the accurate completion of diary sheets will form a vital part of the evidence gathering process noting that if they are completed correctly and of good quality with detailed evidence of recent incidents, only a few should be required.	
Explain that if as a result of preventative interventions the alleged behaviour ceases, the case may be closed and no further action taken.	
Ensure that the complainant understands that should the Council decide to take legal action, it may be necessary for the complainant to provide evidence at a court hearing later in the case	

Obtain consent of the complainant to approach alleged perpetrators, advising the complainant that whilst their identity will not be disclosed to alleged perpetrators (unless they have given consent that they are happy for their identification to be disclosed) they may be identified to the alleged perpetrator through the disclosure of specific incidents or should legal proceedings be scheduled, (given the legal requirement to disclose evidence to the defence) through the evidence provided to the court.	
Identify any risk factors which may deter the complainant giving evidence at court.	
Provide the complainant with leaflets and information relating to currently available support services/organisations that may be able to assist the complainant.	
Advise the complainant that if they feel their case has not been dealt with to their satisfaction and they meet the threshold they may request a review of their case using the ASB Case Review process.	

Risk Assessments

Each report will be assessed and dealt with by the investigating officer in accordance with the risk status after completion of the Risk Assessment Matrix (RAM). (See *appendix A*). The RAM is based on a Home Office guidance document and is the refined version used in the Fenland ASB pilot September 2011.

The RAM determines risk based on a points system taking into account the history of the complaint, vulnerability of the complainant and support available to the complainant.

The RAM enables the investigating officer to include a professional assessment based on experience which allows flexibility in determining risk level. The investigating officer will complete the list of actions and support recommendations based on the risk assessment outcome on the Uniform ASB case management and the reasons why they have been implemented or disregarded.

Vulnerabilities will be reassessed at regular intervals throughout the investigation to re-assess support needs in response to ongoing incidents, changes in personal circumstances and any significant case actions i.e. legal notices served.

All Safeguarding referrals will be notified to the Council's safeguarding lead or, in their absence, the nominated deputy.

The complainant will be informed verbally that information will be shared with other organisations and verbal consent obtained so as not to slow or impede the process of investigation. The consent will be recorded on the Uniform ASB case management system.

If consent to share information is refused this will be recorded by the investigating officer on Uniform ASB case management system and the complainant informed that appropriate resolution may not be possible without this consent.

Reports of Child Protection or safeguarding issues, Hate, Race or Domestic Abuse will always be referred to the police dedicated liaison officer whether consent is granted or not and a record made of the name/rank/collar number of the officer reported to. All referrals will be in writing and a record kept on the Uniform ASB case management system.

If the complaint is of a simple nature and dealt with at first point of contact through advice or sign-posting there will be no need to complete a RAM.

Contact with the alleged perpetrator

Once all details are obtained of the alleged complaint from the complainant contact should be made with the alleged perpetrator.

Investigating officers should ensure the following checklist is adhered to when contacting the alleged perpetrator or that their own departmental policies are complied with.

Case Officers Initial Contact Checklist (Perpetrators)	Completed
Explain the role of Tendring District Council and the purpose of the interview/meeting.	
Inform the alleged perpetrator of the allegations made and obtain their version of events/incidents, noting any admission or counter allegation.	
Advise the alleged perpetrator on how the case may progress and what options are available at this stage including mediation (if not already considered).	
Explore with the alleged perpetrator any options to prevent further ASB through diversionary and/or supportive interventions, and voluntary agreements and/or contracts.	
Where the alleged perpetrator is under the age of 18, discuss the allegations with the parent/guardian, seeking an assurance of support to ensure no further ASB is perpetrated.	
(Council tenants) Advise the alleged perpetrator of the consequences of further ASB resulting in a breach of tenancy and any potential actions against the named tenant.	

Counter allegations

Where an alleged perpetrator makes a counter allegation it should be treated seriously, logged as a new enquiry on Uniform by the receiving officer and processed in accordance with agreed procedures to agreed service standards.

A manager/supervisor will depending upon the complexity of the case, determine whether any counter allegation case is investigated by the Officer dealing with the original case or whether it needs to be passed to a second officer for investigation.

Evidence collation & statement taking

It is important that throughout the process of investigating reports of ASB all information is recorded properly and formally. This means that accurate, clear and objective records must be kept.

The records include details of meetings, discussions, telephone conversations and file notes, e-mails and letters.

This forms an essential part of the information gathering exercise and ensures the highest degree of professionalism required to achieve a successful outcome.

When incidents are reported to a particular service area it may be the case that ASB case management is not an area that is usually undertaken by the officer. For example ASB within our parks should be referred to the appropriate officer based at the depot. Officers receiving such complaints should always consider a referral to the Community Safety Hub for additional support and assistance. The Hub is a multi agency forum that meets monthly to discuss cases of Community Safety / ASB or Hate Crime. They also act as the review panel for all ASB Case Reviews. However, ownership of the case will remain with the service area.

Evidence can take the form of witness statements, CCTV footage, letters of complaints, reports to police, intelligence reports, previous convictions, previous interventions. In some cases hearsay can be used, however, this should be supported by corroborative professional evidence to give greater credibility.

In many instances the investigation of a complaint will require the completion of ASB diary sheet as mentioned above. Diaries provide a clear audit trail by complainants and witnesses of contemporaneous notes of alleged anti-social behaviour. The diaries themselves can, if necessary, be presented to a court to support the accuracy of the evidence being presented.

Consideration should be given to the use of other means of evidence which can include:-

- Overt CCTV (refer to CCTV Operations Officer for installation and signage).
- Covert CCTV. The legal requirement for a directed surveillance authority under The Regulation of Investigatory Powers Act 2000 (RIPA) as amended by Protection of Freedoms Act 2012 must be followed prior to deployment.
- Still photographs. Statements will be required from person taking and images secured and exhibited to the required court standard.
- Video evidence from witnesses or complainants – as above
- Evidence from other agencies e.g. housing officers, environmental health officers, police staff and other professional witnesses.
- Prior enforcement action e.g. Acceptable Behaviour Contracts, Injunctions, cautions, warnings, criminal convictions
- Medical evidence regarding the health and impact upon the victim and or the physical or mental health of the perpetrator (where permission is given by the victim to contact the perpetrator)
- Community Impact statements
- Evidence of other agency involvement
- Intervention methods previously offered or implemented and outcome
- Historic evidence of any other previous incidents

Interventions

Complainants will be contacted in 10 working days from initial reporting of ASB to advise of the next steps, if any. If the matter is taken forward and once the investigation has been completed, a proportionate response should be identified and the complainant informed of the proposed action to be taken and the period of time it will happen in. They should have the opportunity to comment on the proposed action and raise any issues or concerns on how it may affect them. The proposed action may have to be altered to accommodate concerns expressed by the victim/witness. All complainant contact and responses will be recorded on the ASB case management system.

With the agreement of the complainant the investigating officer will contact the perpetrator and give them the opportunity to explain any of the allegations made. It

must be explained that failure by the complainant to give permission for the perpetrator to be contacted could hinder any action being considered.

Details of the complainant(s) will never be disclosed (either directly or indirectly) to the perpetrator without their consent. However, if Court action becomes necessary the Council may have to disclose complainant's details or in some circumstances the complainants may be required to give evidence at Court.

The Council will consider all supportive and diversionary interventions and referrals that are appropriate to the perpetrators tenure, age, and support needs, balancing the support needs of the perpetrator against the seriousness of the ASB and the need to protect victims and witnesses.

Interventions used will include both diversionary activities and pre-enforcement contracts and agreements including, referrals to intervention providers (YOT, Council projects, drug programmes, Housing advice, Homelessness etc), verbal and written warnings, Acceptable Behaviour Contracts (ABC's), Good Neighbour Agreements, and Noise Abatement Notices, Community Protections Orders, Injunctions and Criminal Behaviour Orders, and/or tenancy enforcement including eviction in the most serious cases.

Where perpetrators are engaged on supportive or diversionary interventions, Case Officers will regularly consult with service providers to assess the impact of engagement against reported behaviour recognising the potential to undertake enforcement action in conjunction with ongoing intervention & support where appropriate.

Appendix C sets out the powers available regarding ASB and where the authority to use those powers sits. For Tendring District Council, the specific officer delegation is also included in the Council's Scheme of Officer Delegation under the Constitution. The available powers are as follows:

Acceptable Behaviour Contracts

Written contracts between an individual (and their parent/carer if they are under 18), the Council or Housing Provider, and the Police. Although not legally binding, the contract is a promise that the individual will not carry out certain acts which could be seen as anti-social. The Contract may include support for the individual in tackling the behaviour.

Contract terms will be agreed with the perpetrator through face to face meetings at which behaviours are fully discussed and their impact recognised. It is not always necessary to use an ABC before taking other action (e.g. where the behaviour is very serious) but it is a step that would be considered in most cases.

Parenting Contracts

In some cases it may also be appropriate for the parent to enter into a Parenting Contract, where the parent agrees to certain measures to try and stop the anti-social behaviour being caused by their son/daughter.

Noise Abatement Notice

Where an Officer is satisfied that that a noise problem amounts to a statutory nuisance an abatement notice, under Section 80 of the Environmental Protection Act 1990 shall be served on the person responsible for the nuisance or the landlord/owner of the property within 7 days of the nuisance being witnessed.

The notice will require the person to stop causing a disturbance and may also require works to achieve this to be carried out within a specified time

ASB Case Review (Formerly the Community Trigger)

The purpose of the ASB Case Review is to give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution. Responsible Authorities and other relevant bodies are responsible for taking the problem solving approach. The threshold for an ASB Case Review is three complaints in the previous six month period (*See Appendix B*).

When a request to use the ASB Case Review is received, the Single Point of Contact (SPOC) which in Tendring's case is Leanne Thornton, Community Safety Manager, must meet with the other agencies and they must decide whether the threshold has been met and communicate this to the victim.

If the threshold is met, a case review will be undertaken. Agencies will share information related to the case, review what action has been previously taken and decide whether additional actions are possible. The local ASB Case Review procedure should clearly state the timescales in which the review will be undertaken. The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of ASB.

The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.

A case review can be requested by a victim of ASB or another person acting on behalf of the victim such as a carer or family member, MP or Councillor. The victim can also be an individual, a business or a community group.

Community Remedy

The Community Remedy give victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB.

The Act places a duty on the Police and Crime Commissioner to consult with members of the public and community representatives on what punitive, reparative or rehabilitation actions they would consider to be on the Community Remedy Document.

A Restorative Justice (RJ) Hub was rolled out in the Tendring area in October, all referrals to the RJ Hub should go through the Community Safety Team at the Council. Further information is available on the Police and Crime Commissioner's website at www.essex.pcc.police.uk

The Injunction to Prevent Nuisance and Annoyance (IPNA)

A civil power to stop individuals engaging in ASB by quickly, nipping problems in the bud before they escalate. Various agencies including Local Councils and Police can apply for an IPNA. The test is that it is based on the balance of probabilities, behaviour likely to cause harassment, alarm or distress (non-housing related ASB) or conduct capable of causing nuisance or annoyance (housing-related ASB) and just and convenient to grant the injunction to prevent ASB.

Issued by the County Court and High Court for over 18's and the Youth Court for under 18's. Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying cause of their ASB.

Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt.

Criminal Behaviour Order (CBO)

A Court Order to tackle ASB which is applied following a conviction for any criminal offence can include prohibitions and positive requirements. The ASB does not need to be part of the criminal offence. If the Court is satisfied beyond reasonable doubt that the offender has caused or is likely to cause harassment, alarm or distress to others and the CBO will help prevent it.

Dispersal Powers

A Police power requiring a person committing or likely to commit ASB, crime or disorder to leave an area for up to 48 hours if authorised by a police inspector or above.

Community Protection Notice (CPN)

To stop a person aged 16 or over, business or organisation committing ASB which spoils the community's quality of life. Council Officers, Police Officers and other designated Officers can issue a CPN. The test is that 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.

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

A CPN (Notice) will be issued including requirement to stop things, do things or take reasonable steps to avoid further ASB. This can allow Councils to carry out works in default on behalf of a perpetrator.

Breach of the CPN is a criminal offence, A fixed penalty notice can be issued of up to £100 if appropriate. A fine of up to level 4 (for individuals) or £20,000 for business.

Public Spaces Protection Orders (PSPOs)

The ASB Crime & Policing Act introduced PSPOs which are designed to protect public spaces from persistent anti-social individuals or groups. For example: persistent dog fouling in an area or street drinking in a town centre. They are designed to stop individuals or groups committing ASB in a public space.

Councils issue a PSPO after consultation with the Police, PCC and other relevant bodies.

The behavior being restricted has to be having, or likely to have, a detrimental effect on the quality of life of those in the locality, be persistent or of a continuing nature and be unreasonable.

There will be restrictions and requirements set by the Council, these can be blanket restrictions or requirements or can be targeted against certain behaviors by certain groups at certain times. Can restrict access to public spaces where that route is being used to commit ASB.

Breach of the PSPO is a criminal offence, Enforcement Officers can issue a fixed penalty notice of up to £100 if appropriate. A fine can be issued up to level 3 on prosecution.

Absolute Ground for Possession

A power which offers protection and faster relief to victims by quickly evicting the most anti-social tenants. It can be used by the landlord (Council, Housing Provider, Private Landlords) on a premises where ASB is causing nuisance or disorder such as noisy premises, environmental pollution, drug/alcohol related ASB.

Closure Power

To allow the police or council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder.

Power to close premises for up to 48 hours out of Court (Closure Notice) or up to 6 months via the Court (Closure Order)

More information on all of the above powers can be found in the “Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour power. Statutory guidance for frontline professionals – July 2014.

Tenancy Enforcement

The Council will adhere to agreed processes for dealing with ASB related to secure tenancies.

Enforcement measures used for tenancies are:

- Written warnings
- Notice to Quit
- Notice of Seeking Possession
- Housing Injunction

Injunctions under s.153 Housing Act 1996.

An injunction is a court order prohibiting a person from committing certain acts. If any injunction is breached, this will be contempt of Court, and the council can apply for this contempt to be punished by a fine or committal to prison.

It may also be possible to obtain a power of arrest and exclusion zone (including exclusion from someone's home), as part of the injunction if the individual has used or threatened violence or there is a significant risk of harm to victims.

In very serious cases it may be possible to apply for an injunction without telling the perpetrator that the council is applying to court for an order.

Injunctions for trespass

The Council can send a prohibition letter banning individuals from entering council owned property. If the letter is ignored this will be trespass and the council can apply for an injunction banning the individual from continuing the trespass. In the case of schools, the law requires the parent of a child to be consulted before such a ban is made against them.

Injunctions under s.222 Local Government Act 1972

The Council can use the authority of s. 222 Local Government Act 1972 to bring proceedings in the County Court to prohibit a person from continuing to cause a public nuisance, if it can be shown that it is expedient for the promotion or protection of the interests of the inhabitants of the area. These can be used to deal with problems such as drug dealing, begging or prostitution.

Tenancy Enforcement – Introductory Tenancies

The Council will adhere to the legal process set out for dealing with ASB related to Introductory Tenancies.

Enforcement measures used for Introductory Tenancies are:

- Extension of Introductory Tenancies
- Termination of Introductory Tenancies
- Final Warnings
- Possession

Community Safety Hub referrals

Hub Tasking is a multi-agency problem solving meeting attended by practitioners from the Council, Essex Police, Housing Providers, Youth Offending and other interested parties.

Referrals can be made by any practitioner who has a role in tackling anti-social behaviour in the District. The Hub Tasking takes place monthly.

Each referral will be discussed and actions allocated to appropriate officers. The case will be formally reviewed each meeting where actions will be determined until a successful resolution has been achieved.

All parties attending the Hub Tasking sign a confidentiality statement.

Resolution

A case can be resolved at any stage. Resolution means an outcome that has been implemented after careful and thorough investigation. It may not be the outcome that the complainant wants.

Outcomes are often reached more by intervention, prevention and diversion than enforcement actions. However a twin track approach of enforcement and support are also effective.

The investigating officer must ensure that Uniform, the ASB case management system is updated and the case will not be closed before being reviewed and authorised by the line manager.

6. Staff Training

The Council places a high importance on training of staff and will deliver training to staff at regular intervals to ensure staff are fully informed of any changes to procedures, processes and legislative tools and powers.

The Council will in addition update its partners on any changes to practice, legislation and continually raise awareness of anti social behaviour strategies and procedures.

7. Data Protection and Confidentiality

The Council needs to process personal data and private information in order to deliver many of its services.

Confidentiality

In accordance with the Data Protection Act the Council adopts the general principle that information should only be disclosed to individuals with a legitimate and reasonable right to that information.

In general, all information received from victims and witnesses of ASB will be treated as having been given to Tendring District Council in confidence, and will not be disclosed to third parties unless those providing the information have agreed that we may do so.

We will treat every case in confidence and officers will do all they can to protect the identity of victims and witnesses.

We will advise witnesses that:

- Their information will be treated as confidential and not be disclosed without their permission, and that we will do all we can to protect their identity when we speak to other people.
- We will not disclose their details, but advise them that it may not always be possible to prevent their identity from becoming known (for example, if there are specific details in the allegations put to alleged perpetrators).
- Officers will conduct their enquiries in a way that reduces to a minimum any opportunity that will lead to the identification of victims and witnesses.

Sharing information with our partners

The Council and our community safety partners use an agreed Information Sharing Protocol created under the Crime and Disorder Act, 1998.

We may share information with these other agencies for the purpose of preventing ASB or crime.

Sharing information with tenants and the community

The Council works proactively with the media to publicise successful actions to prevent or tackle ASB.

The Council regularly communicates with its tenants and residents on a variety of matters, including anti social behaviour. The Community Safety Partnership will send out a newsletter to residents on community safety issues.

Recording of decisions made under delegated powers

The Openness of Local Government Bodies Regulations, which came into force on 6 August 2014, requires local authorities to record and publish certain significant officer decisions made under delegated powers.

There are exemptions to the Regulations and officers should refer to guidance available on the staff intranet or their line manager to ensure they comply with the Regulations and record appropriate decisions.

For example, if an officer seeks to use the Public Spaces Protection Order this should be recorded on the Delegated Decision Record Sheet, and published..

8. Protection of Staff

The Council has a policy on violence at work to protect its staff. Risk Assessments required under the Management of Health and Safety at Work Regulations 1992 are carried out in respect of staff with duties to undertake anti-social behaviour work.

9. Complaints

We are committed to giving you the best possible service at all times, but sometimes we make mistakes. If this happens, we want you to contact us and let us know.

Where complaints cannot be resolved by local managers, complaints will be referred to the performance core for further review and response.

If you have a complaint, compliment or a comment about the council, you can talk to the member of staff concerned or their manager, you can:

Phone us on

01255 686520

Use the online form on the Council Website at www.tendringdc.gov.uk

Email us at asb@tendringdc.gov.uk

Write to us at: Tendring District Council
 Management and Members Support
 Town Hall
 Station Road
 Clacton on sea
 Essex
 CO15 1SE

10. Media Strategy

The Council will wherever appropriate seek to publicise its work to promote positive case outcomes and provide reassurance to residents in its ability to tackle anti-social behaviour.

All news stories resulting from the Council's casework and initiatives in the borough will be processed through the Council's Communications Team.

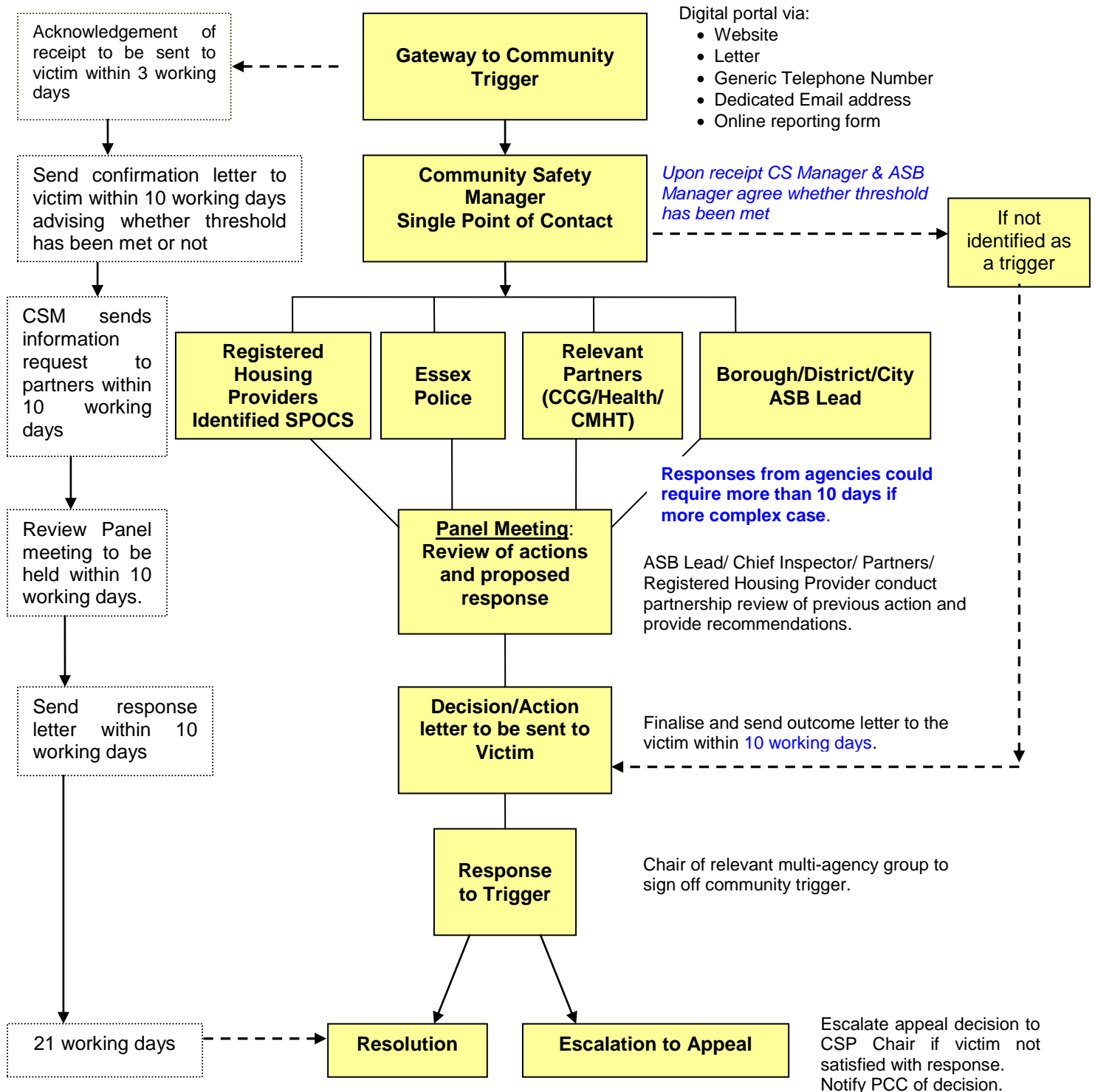
11. Policy & Procedure Review

This document will be reviewed as a minimum, on an annual basis to ensure it remains relevant and up to date.

Risk Assessment Matrix		
Name:		M3 Ref:
Address:		
Tel No:	Score	Scoring Points
H I S T O R Y	Other than this occasion how often do you have problems?	0 – None previously 3 – Occasionally 5 - Frequently
	Do you think that incidents are happening more often and/or are getting worse?	0 – No 2 - Yes
	Do you know the offenders?	0 – No 1 – Yes 2 – Know each other well
	Is anyone in particular being specifically targeted by this behaviour?	0 – No 1 – A number of people 2 – Your family 3 - You
	Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, age, gender or disability?	0 – No 3 - Yes
	Does the perpetrator (or their associates) have a history of or reputation for intimidation or harassment?	0 – No 2 – Have not harassed the complainant, but have a history or reputation for harassment or violent behaviour 3 – Have harassed the complainant in the past 5 – Currently harassing the complainant
V U L N E R A B I L I T Y	How affected have you been by what has happened?	0 – Not at all 2 – Changed routine or avoid locations 4 – Distressed 6 – Affected physical or mental health
	Do you have any friends, family or professionals to go to for support?	0 – A close network of people to draw on for support 1 – A few people to draw on for support 3 – Lives alone and is isolated
	In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (eg. Because of personal circumstances?)	0 – No 3 - Yes
Scale	<u>Are there any other agencies involved with this problem?</u>	
	Apart from any effect on you, do you think anyone else has been affected by what has happened?	
Officer's personal assessment Reasons:		
Officer's assessment: STANDARD/MEDIUM/HIGH		
Score:	0-11 = STANDARD 12-23 = MEDIUM 24+ = HIGH	OVERALL RISK ASSESSMENT: STANDARD MEDIUM HIGH
Officer completing assessment		
Signature:		Name:

ESSEX COMMUNITY TRIGGER MODEL

Threshold: ASB reported 3 times in the previous 6 months period and the victim feels that there has been no action taken, unless defined as Hate Crime where trigger will be activated if ASB reported 1 time in the previous 6 months and the victim feels like no action has been taken.



Delegation of ASB Powers

Intervention / Order	Who is Responsible
<p>Acceptable Behaviour Contracts (written contract between an individual and the Council, (Only Housing Provider – when housing related) and the Police)</p> <p>Page 15 of ASB policy</p>	<p>Tendring District Council Corporate Director (Life Opportunities) Housing Manager</p> <p>Housing Providers Essex Police</p>
<p>Parenting Order (as above – but agreed measures to try and stop the ASB being caused by their son/daughter)</p> <p>Page 16 of ASB policy</p>	<p>Tendring District Council Corporate Director (Life Opportunities) Housing Manager</p> <p>Housing Providers Essex Police</p>
<p>Noise Abatement Notice (Section 80 of the Environmental Protection Act 1990)</p> <p>Page 16 of ASB policy</p>	<p>Tendring District Council Corporate Director (Life Opportunities) Environmental Services Manager</p>
<p>ASB Case Review (formerly Community Trigger)</p> <p>Page 16 of ASB policy</p>	<p>Tendring District Council Corporate Director (Corporate Services) Community Safety Manager</p>
<p>Community Remedy Referral to Restorative Justice Hub</p> <p>Page 17 of ASB policy</p>	<p>Tendring District Council Corporate Director (Corporate Services) Community Safety Manager (Contact Charlotte Root (RJ Hub Champion) Community Safety Team)</p>
<p>Injunction to prevent Nuisance and Annoyance (INPA)</p> <p>Civil Power</p> <p>Page 17 of ASB policy</p>	<p>Tendring District Council Corporate Directors Housing Manager Environmental Services Manager Parking and Seafronts Manager Open Space and Bereavement Services Manager Strategic Housing and Needs Manager in consultation with Legal Services Manager</p> <p>Housing Providers</p>
<p>Criminal Behaviour Order</p> <p>Crown Prosecution Service (CPS) following a request from Police or Council</p>	<p>Tendring District Council Corporate Director (Corporate Services) Community Safety Manager in</p>

Page 17 of ASB policy	consultation with Legal Services Manager
Dispersal Powers Page 18 of ASB policy	Police Request can be made to Police from Tendring District Council Corporate Directors Relevant Service Managers
Community Protection Notice (CPN) Page 18 of ASB policy	Tendring District Council Corporate Directors Environmental Services Manager Parking and Seafronts Manager Regeneration Manager <i>(can only be enacted by those who have the appropriate accreditation)</i> Police PCSOs Social Landlords
Public Spaces Protection Orders (PSPO) Page 18 of ASB policy	Tendring District Council Corporate Director (Corporate Services) Community Safety Manager in consultation with Legal Services Manager Police Police and Crime Commissioners
Absolute Grounds for Possession Page 19 of ASB policy	Tendring District Council Corporate Director (Life Opportunities) Housing Manager Housing Providers Social Landlords
Closure Power Page 19 of ASB policy	Tendring District Council Corporate Director (Corporate Services) Community Safety Manager in consultation with Legal Services Manager Police

Those with delegated responsibility must comply with the procedures set out in the “Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour power. Statutory guidance for frontline professionals – July 2014

Appendix D

Tendring District Council ASB Reporting Form

Data Sharing Information

In order for agencies to consider your request to have your incident investigated, it is necessary for Tendring District Council to request information from housing providers, external agencies and external partners to share information with each other in order to conduct an investigation.

Please select "Yes" to confirm that you authorise Tendring District to obtain and share information in respect of your case.

- Yes
- No

Information about the incident (s)

Can you confirm that the incident (s) are in relation to:
behaviour

Anti-social

Hate Crime

Who have you reported this issue to:

Please provide names of organisations, contact name and any reference numbers in the box:

What has happened ?

Where have these incidents happened ? (location, street name, and/or postcode etc?)

Who was involved in these incidents and what was their role ? (witness, victim, perpetrator)

Has anyone else witnessed this ? (if so, please specify In box)

Does this issue affect more than one household or business premises ?

How are the incidents affecting you ?

Date(s) of incident(s)

Has previous action been taken ? (If yes, please give details in the box)

Please complete and return this form to:

Community Safety Team
Town Hall
Station road
Clacton on Sea
Essex CO15 1SE