

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

REPORT TO CABINET

Date: 6 JUNE 2018

Title: Anti-social Behaviour (ASB) Policy
Submitted by: Sarah Moore – Partnerships Manager
Portfolios: Community Safety and Wellbeing
Ward(s) affected: All

Purpose of the Report

To seek Cabinet approval for the adoption of an Anti-social Behaviour (ASB) Policy for the Borough Council in Newcastle-under-Lyme.

Recommendations

To approve the proposed ASB Policy and accompanying procedure for delivery in the Borough.

Reasons

The Anti-social Behaviour, Crime and Policing Act (2014) provides powers to local authorities and their partners, and places a number of statutory obligations on councils when responding to incidents of ASB.

The ASB Policy provides guidance for Council Officers, Members, Partners and the public on how the Partnerships Team responds to complaints of ASB.

1. Background

- 1.1 A report was presented to Cabinet on 15th October 2014 informing Members of the new powers under the Anti-Social Behaviour Crime and Policing Act 2014 that came into force that year, and the impact this would have for the Council in dealing with ASB.
- 1.2 The Act introduced a number of new tools for tackling ASB, as well as deleting some previously used tools, such as Anti-Social Behaviour Orders (ASBOs), which were no longer deemed to be effective.
- 1.3. In light of the above, it has been necessary to formalise the Council's ASB Policy associated to reflect these changes.
- 1.4. Officers from the Partnerships Team have worked with colleagues in Environmental Health services and with a number of other partners to produce an ASB Policy and accompanying Procedure, in order to outline the Council's approach to tackling ASB and to make the best use of the powers available from the 2014 Act.

- 1.5 The Council's Partnerships Team has responsibility for community safety and related partnership work within the Newcastle Partnership and administers the Community Safety Partnership (CSP) to discharge statutory obligations, including ASB powers.
- 1.6 The Council's Environmental Health service has responsibility for discharging the Council's statutory duties – including dealing with complaints/enquiries regarding licensing, noise and other nuisances, dog controls, inappropriate storage of trade waste, litter enforcement, and as such often works alongside the Partnerships Team on issues affecting both service areas.
- 1.7 The Council's Legal service provides advice and assistance in relation to ASB and Environmental Health including the enforcement of civil proceedings with both the Partnerships Team and Environmental Health service.

2. Summary of the ASB Policy and accompanying Procedure

2.1 In summary the new ASB Policy:

- Defines the Council's approach to tackling ASB in partnership with other statutory agencies.
- Sets out the Council's commitment to reducing anti-social behaviour, improving the quality of life for local people and reducing crime and fear of crime within our communities.
- Encourages residents to resolve issues themselves wherever possible and where problems escalate into more serious and wide spread issues, confirms that the Council will proactively work with partners and residents to tackle ASB in our communities.
- Incorporates the revised definition of ASB included within the 2014 legislation.
- Highlights the types of ASB recognised by the Council.
- Outlines what the Council is unlikely to be able to investigate or assist with e.g. private disputes, legally parked vehicles, household noise etc.
- Explains how cases will be managed and risk assessed by the Partnerships Team.
- Explains how the Council will approach Data Protection and other legislative requirements regarding information sharing.
- States that the Policy will be reviewed every 3 years.

2.2 In summary the new ASB Procedure;

- Highlights how an ASB complaint can be made.
- Gives further detail around the ASB case management process and in particular risk assessments and categories for prioritisation.
- Explains the range of approaches that will be used in prevention and early intervention such as information, diversionary activities, target hardening, community resolution and mediation.
- Explains the informal action that may be taken by the Council such as verbal or written warnings, acceptable behaviour contracts or parenting contracts and community protection notices.
- Explains the formal action that may be taken by the Council in a small number of cases such as civil injunctions, criminal behaviour orders, community protection notices, public space protection orders and closure orders.
- Explains the process for case resolution and closure.
 - Highlights the escalation process if a complainant is dissatisfied with the outcome of an investigation, through either the statutory Community Trigger process or the Council's complaints procedure.

3. Proposal and Reason for Preferred Solution

- 3.1 To approve the proposed ASB Policy and accompanying procedure for delivery in the Borough. The ASB Policy and accompanying Procedure provides guidance for Council Officers, Members, Partners and the public on how the Partnerships Team responds to complaints of ASB.
- 3.2 Reasons for the preferred solution include:
 - 3.2.1 The Council needs to ensure that it has robust mechanisms in place in order to appropriately co-ordinate ASB enforcement and diversionary activity in the Borough, using available resources.
 - 3.2.2 The Anti-social Behaviour, Crime and Policing Act (2014) provides powers to local authorities and their partners, and places a number of statutory obligations on councils when responding to incidents of ASB.

4. Outcomes Linked to Corporate Priorities

- 4.1 Performing the statutory duties under the Anti-social Behaviour, Crime and Policing Act 2014 through use of the ASB Policy and associated Procedure, contributes to meeting the Council's Corporate Priorities of Creating Healthy and Active Communities; Creating a Cleaner, Safer and Sustainable Borough; and Delivering a Co-operative Council.

5. Legal and Statutory Implications

- 5.1 The Anti-social Behaviour, Crime and Policing Act 2014 places statutory duties on and gives powers to local authorities in challenging ASB in the community.
- 5.2 The application of any enforcement powers under the Act will also take into account any statutory guidance / regulations and will reflect the requirements of the Act and the Council's adopted Enforcement Policy.
- 5.3 The Council's scheme of delegation gives clarity and legal certainty over who is able to exercise the various powers within the Act which fall within the remit of the Council.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment is being developed for this area of work.

7. Financial and Resource Implications

- 7.1 There are no specific additional financial implications or commitments required for the adoption of the Policy.
- 7.2 There are resource implications (using existing resources) for Council Officers who are involved in and will co-ordinate ASB activity, in particular coordinating partnership working and enforcement activity.
- 7.3 Enforcement of the legislation is predominantly civil and it is anticipated that this may therefore have financial implications for the Council in terms of increased legal costs. The potential increase expected is unknown at this time but Officers will provide further information when available. In the short term this will be managed by existing resources but kept under review.

8. Major Risks

- 8.1 Failure to take appropriate action regarding the use of ASB powers and legislation may result in the Council being unable to perform its statutory duties, leaving the Council open to legal challenge.
- 8.2 There is also a risk of reputational damage to the Council if it does not deliver its statutory duties lawfully and effectively.

9. Key Decision Information

- 9.1 This report can be considered key in the following ways: -
- It results in the Borough Council committing existing resources for the function to which the decision relates and;
 - To be significant in terms of its affects on communities living or working in an area comprising two or more electoral wards in the Borough.

10. Earlier Cabinet/Committee Resolutions

- 10.1 15/10/14 – Update on Anti-social Behaviour, Crime and Policing Act 2014.

11. List of Appendices

- 11.1 Appendix 1 – Anti-social Behaviour Policy 2018.

12. Background Papers

- 12.1 None.

Implications included	Head of Service agreed report, signed & dated	Financial Implications signed & dated	Legal & risk implications signed & dated
Financial			
Legal			
Risk			
Corporate format used			