

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO CABINET**

18 March 2020

Report Title: Anti-social Behaviour (ASB) Policy and Procedure

Submitted by: Partnerships Manager

Portfolios: Community Safety and Wellbeing

Ward(s) affected: All

Purpose of the Report

To seek Cabinet approval for the adoption of a revised Anti-social Behaviour (ASB) Policy and Procedure for the Borough Council in Newcastle-under-Lyme, following a number of amendments to reflect changes in working practice.

Recommendation

- 1) To approve the revised proposed ASB Policy and accompanying Procedure for delivery in the Borough.**

Reasons

The Anti-social Behaviour, Crime and Policing Act (2014) provides a range of tools to local authorities and their partners to deal with ASB.

The ASB Policy provides guidance for Council Officers, Members, Partners and the public on how the Partnerships Team responds to complaints of ASB. It is essential to keep this policy up to date to reflect changes in national guidance and changes in local circumstances.

1. Background

- 1.1** A report was presented to Cabinet in June 2018 and gave approval to a new Anti-social Behaviour Policy for the Council, following the introduction of the Anti-social Behaviour, Crime and Policing Act 2014 that came into force that year (and subsequent guidance issued, most recently in 2019), and the impact this would have for the Council in dealing with ASB.
- 1.2** The Anti-social Behaviour Crime and Policing Act 2014 introduced a number of 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** Officers from the Partnerships Team 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.

1.4 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.

1.5 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.

1.6 The Council's Legal service provides advice and assistance in relation to ASB and Environmental Health with both the Partnerships Team and Environmental Health service.

1.7 The original Policy is now coming up to 2 years old and although a commitment was made to review after 3 years in operation, there have been a number of recent changes to working practice which need to be incorporated to keep the Policy up to date.

2. **Issues**

2.1 In summary the 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 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 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 appropriate cases such as 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**

3.1 To approve the proposed revised 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 In summary the amendments to the ASB Procedure include;

- Additional information regarding matters that will not be investigated under the Policy e.g. illegally parked vehicles, fly tipping etc
- Signposting information to partners that may be able to assist with matters that will not be investigated (as above).
- Information regarding the Council's role in the community trigger mechanism, which is basically an appeal mechanism for the victim. If there have been 3 separate incidents recorded from the same complainant within a six month period of anti-social behaviour and the complainant does not feel that they have been dealt satisfactorily they can apply for a community trigger where the case will be reviewed.
- Changes in partnership forums that co-ordinate information sharing and tasking to respond appropriately to complaints.
- Changes to the categorisation used to record cases of anti-social behaviour for incoming complaints to high, medium and low risk.

4. **Reasons for Proposed Solution**

4.1 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. The amendments to the policy have been proposed to provide clarity to our customers and partner organisations.

4.2 By providing information on what is not covered by the policy and signposting to partner agencies the Council is seeking to manage customer expectations and to be helpful as to alternative potential support. By outlining the community trigger mechanism it should enable victims to seek a review where they feel additional action should have been taken. Changes to the partnership forums have been undertaken in consultation with our partners to ensure the forums are effective and focussed on meeting the needs of the customers. By changing the categorisation of the recording of ASB to high, medium and low risk this gives the customer some understanding as to the level of importance.

5. **Options Considered**

5.1 To review and refresh the Council's ASB Policy and accompanying Procedure – **Recommended.**

5.2 Not to review and refresh the Council's ASB Policy and accompanying Procedure – Not recommended.

6. **Legal and Statutory Implications**

6.1 Local Authorities have a number of statutory duties in relation to anti-social behaviour. These predominantly arise through its duties in respect of statutory nuisances which are often the result of anti-social behaviour. In addition, the Crime and Disorder Act 1998 requires the Council to have regard to reducing crime and disorder when discharging its functions, and to co-operate with the Police and other agencies to reduce crime and disorder in the borough. The Anti-Social Behaviour, Crime and Policing Act 2014 gives the Council and those other agencies a range of powers to use in order to discharge those duties. Government guidance updated in August 2019 focuses on putting the needs of victims first, whilst undertaking inter-agency ASB Case Reviews (the "Community Trigger") to ensure that locally determined thresholds have been met, and that the use of powers is proportionate to the specific behaviour that is causing harm or nuisance, without impacting adversely on behaviour that is neither unlawful nor anti-social.

6.2 Having an up to date Policy ensures that the Council and its partners has a transparent framework setting out when and how the relevant powers and procedures will be used.

7. **Equality Impact Assessment**

7.1 An Equality Impact Assessment has been developed for this area of work.

8. **Financial and Resource Implications**

8.1 There are no specific additional financial implications or commitments required for the adoption of the Policy. The Council's existing officer resource of 2 FTE will continue to co-ordinate ASB activity.

8.2 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.

9. **Major Risks**

9.1 Major risks around policy adoption this area arise where policies are not kept up to date to reflect national guidance, but to also appropriately take account of local priorities, issues and resourcing constraints. Policies need to provide clarity to those who are operating under them as well as those who may be subject to them, and should ensure the correct interventions at the appropriate time to ensure sustainable outcomes and the most effective use of resource.

10. **Sustainability and Climate Change Implications**

10.1 There are no implications.

11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 6th June 2018 – Anti-social Behaviour Policy and Procedure.

13. **List of Appendices**

13.1 Appendix 1 – Anti-social Behaviour Policy and Procedure 2020.

14. **Background Papers**

14.1 None.