

ASB Strategy

2018



North Kesteven
DISTRICT COUNCIL

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1. Introduction

The objective of this strategy is to promote the wellbeing, safety and health of North Kesteven's 100 flourishing communities, supporting vulnerable people and promoting respect.

The strategic aims will be to:

- Tackle the causes and impact of anti-social behaviour;
- Improve public perceptions and build confidence;
- Provide support to victims and vulnerable people;
- Detail the Councils approach to managing anti-social behaviour

2. Background

Statute has existed for many years to tackle types of behaviour that could be deemed as "anti-social." For example the Public Order Act (1986) and the Crime and Disorder Act (1998) which saw the beginning of the intense national drive to tackle anti-social behaviour in communities. The Act saw the creation of Community Safety Partnerships and introduced new civil orders to control the behaviour of persons aged ten years and above. Further legislation has followed, allowing amendments to the original act and introducing even more powers against perpetrators.

The Crime and Disorder Act 1998 was introduced in response to growing public concern about anti-social behaviour, and places an obligation on Local Authorities and partner agencies, to ensure that we have all aspects of Community Safety embedded into our planning, policies and operational activities. The Crime and Disorder Act also introduced legislation which provided a variety of powers and tools to manage and enforce against persons causing anti-social behaviour.

Subsequent to the introduction of the Crime and Disorder Act, further legislation has been introduced, including the Police Reform and Social Responsibility Bill, Policing in the 21st Century.

The ASB, Crime and Policing Act 2014 has also been introduced. This act is intended to provide simpler, more effective powers to tackle ASB that provides better protection for victims and communities. This Act puts victims at the heart of the response to ASB, and gives professionals the flexibility they need to deal with any situation. There have been 19 powers available through the courts to the ASB teams and police, and these are being reduced to 6 powers.

This strategy sets out North Kesteven District Council's vision, priorities and activities in tackling the causes and impact of anti-social behaviour that are affecting the District, its residents, businesses and visitors.

3. The Strategy

Definition of Anti-Social Behaviour (ASB)

Under the new legislation each power has a different formal definition. Historically the Home Office formal definition of anti-social behaviour was:

“Acting in a manner which causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household” (Crime and Disorder Act 1998)

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

It is recognised that even at the lowest levels anti-social behaviour can have a serious impact on those subjected to it. It can affect people’s quality of life as well as the way people feel about their own safety, security and their community.

Early and efficient interventions in dealing with anti-social behaviour in a timely manner, delivering effective and sustainable solutions will reduce the commitment of resources as well as providing a high quality service.

The extent of anti-social behaviour in North Kesteven

North Kesteven remains a low crime area, and has had the lowest recorded crime levels per 1000 head of population in the Country for a number of years. However wider concepts related to the fear of crime, perceptions and community engagement, participation and respect are areas of work that the Community Safety Partnership continue to work on.

The levels of anti-social behaviour for the North Kesteven area also remain low in comparison to other areas. The number of cases managed by the local authority has fluctuated over the years, and there have been some increases after promotion of the services available. Overall reports of anti-social behaviour to the police have also shown reductions within the last two years. An average of 3000 calls per year are received by Lincolnshire Police reporting incidents of anti-social behaviour, within the North Kesteven area.

This strategy is intended to reassure residents that North Kesteven District Council will continue to work with partners to make this District a safe place to live, work and visit.

Safer Lincolnshire Partnership

The Safer Lincolnshire Partnership board is a Lincolnshire wide multi-agency approach, recognising that no one organisation alone is able to deal with anti-social behaviour in isolation and therefore, partnership working is central to the approach required. They have identified ASB as being a County wide priority for the period 2018-2021.

The aim of this approach is to ensure that all communities in Lincolnshire receive the best service and support from all partners in respect of preventing, reducing and managing anti-social behaviour. The objectives of the Safer Lincolnshire Partnership are to:

- Manage incidents of ASB more effectively and efficiently across all partners in Lincolnshire;
- Provide improved services and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently; and
- Improve information sharing across all partners extending into third sector and charities.

This has also meant the introduction of a County wide anti-social behaviour recording system that is used by Lincolnshire Police, all seven local authorities and large registered social landlords. This system has a requirement that all persons involved in anti-social behaviour are risk assessed to see if they are vulnerable or repeat victims, with an appropriate support needs assessment being made. A County wide ASB policy has also been adopted; this provides a framework for the way all partners and agencies in Lincolnshire respond to ASB.

To ensure a consistency of service, all partners have adopted an “umbrella” policy document intended to cover all types of anti-social behaviour including hate crime. This policy underpins Lincolnshire’s multi-agency strategy to tackle anti-social behaviour.

The Respect Charter

The Charter is voluntary, and is a key part of the new, co-regulatory approach to standards in housing. It is not intended to be a wider community safety charter; it is about social landlords ASB services and their responsibilities. North Kesteven District Council is a signatory of the Respect Charter.

The Respect Charter aims to be outcome focused and not prescriptive or process driven. Its purpose is to improve ASB services, and consists of seven core commitments:

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

Powers and Tools available to tackle anti-social behaviour

The previous tools that have been used to tackle ASB through the Courts ceased in October 2014 with the introduction of the ASB, Crime and Policing Act. However the early intervention tools used will remain in place, including:

- Unacceptable Behaviour Warning Letters
- Acceptable Behaviour Contracts

Whilst the ASB legislation allows partners to use the most appropriate tool at the most appropriate time, dependant on the ASB being complained about, we will as appropriate, aim to resolve complaints as amicably as possible through the promotion of positive communication such as mediation or the consideration of other options from agencies.

We will take into consideration any possible vulnerabilities when responding to incidents of ASB. We will also consider an incremental approach to how cases are managed.

All cases that are reported to the ASB team will be recorded onto a shared ASB recording system, and case managed through the agreed user protocol.

Unacceptable Behaviour Warning letters

The Council with a partner agency will issue a warning to people who act in an anti-social manner. This will explain the impact and consequences of their behaviour. Warnings are either in a verbal or written format and are voluntary agreements. This is one of the main tools used by this authority and has proven successful in stopping repeat incidents of anti-social behaviour. These warning letters can remain in place for up to twelve months and are reviewed throughout this period.

Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs) are also voluntary agreements between the Council, the individual and a partner agent. Under an ABC the individual agrees not to be involved with certain anti-social acts. This contract lasts six months. When an ABC is entered into, appropriate support and intervention to prevent this behaviour will be sought. If a person refuses to sign or engage in an ABC, or breaches the ABC, this may be used as evidence for more serious enforcement action as appropriate.

The ASB, Crime and Policing Act provide the following powers to deal with complaints:

- Injunction to prevent nuisance and annoyance (IPNA);
- Criminal behaviour order (CBO);
- Community protection notice (CPN);
- Public space protection order (PSPO);
- Closure notices and closure orders
- Police dispersal power.

The list below provide an overview of the legislation concerning each power, and prior to any use of this legislation it will be managed in conjunction and compliance with the full legislation as laid down within the Act, agreed internal process and County wide policy agreement.

Injunction to prevent nuisance and annoyance (IPNA)

- › Purpose – to stop or prevent individuals engaging in ASB quickly, nipping problems in the bud before they escalate. Civil order for anyone aged over 10 years, civil standard of proof.
- › Applicants – Local Councils, Social landlords, Police. Environmental agencies, NHS protect.
- › Two Tests – If the person has caused or was likely to cause harassment, alarm or distress to any person and the court considers it is just and convenient to grant the injunction to prevent the person engaging in ASB. (However the nuisance test will still apply).

Criminal Behaviour Order (CBO)

- › Purpose – Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.
- › Applicants – The Crown Prosecution, either at its own initiative or following a request from the police or council, and the local authority.
- › Two tests – The person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household and the court considers that making the order will help prevent the offender from engaging in such behaviour.

Community Protection Notice (CPN)

- › Purpose – To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.
- › Applicants – Council officers, police, social landlords.
- › Test – 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.

Public Space Protection Order (PSPO)

- › Purpose – Designed to stop individuals or groups committing anti-social behaviour in a public space.
- › Applicants – Councils after consultation with the police.
- › Test – The behaviour being restricted has to be having a detrimental effect on the quality of life of those in the locality, be persistent or continuing in nature, and be unreasonable.

Closure notices and closure orders

- › Purpose – To allow the police or council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder.
- › Applicants – Local councils and police.
- › Test – The following has occurred, or will occur, if the closure power is not used – nuisance to the public, disorder near those premises,

Police Dispersal Powers

- › Purpose – Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for 48 Hours.
- › Applicants – Police and PCSO's in uniform.
- › Tests – Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.

Community Trigger

The Community trigger forms part of the wider changes that the Government have introduced in relation to how organisations can tackle anti-social behaviour. A Community Trigger is the process where by members of the community can request that the Community Safety Partnership review the responses to their complaints of anti-social behaviour, if it is believed that no action has been taken. The trigger is designed to ensure that we work together to try to resolve a complaint of anti-social behaviour. The trigger does not replace individual organisations complaints procedures if you are unhappy about the service you have been provided by an individual officer or service. When a Community Trigger is received it will be referred initially to the anti-social behaviour risk assessment conference (ASBRAC) working group to assess and deal, as set out within the Challenge project policy.

Hate Incidents

A hate incident is “any incident which may or may not constitute a criminal offence, which is perceived by the victim or any person as being motivated by prejudice or hate”. This definition is used by the Home Office. North Kesteven District Council will apply this definition, and will record any reported hate incident including both crimes and non-crimes. North Kesteven District Council in conjunction with Lincolnshire Police has signed up to “Stop Hate” a reporting and information help line for people that experience hate incidents, or wish additional advice or guidance. This will enable a consistency of service across the District, giving clear explanations for the process of reporting hate incidents. All staff are trained to understand the reporting mechanism for hate incidents to ensure consistency of service provision and recording. All reported incidents are recorded and managed within the anti-social behaviour team. A full hate policy has been completed and is available on the internet with full guidance and procedures.

Legislation is frequently being introduced in relation to anti-social behaviour, providing amendments and further tools to tackle the causes and impacts. The anti-social behaviour team are updated as to these changes, and will ensure all available powers and tools are utilised.

Housing and anti-social behaviour

The Council takes seriously its responsibilities, both as a strategic housing authority and as the biggest social landlord in North Kesteven. As a strategic authority, the Council is required to publish a tenancy strategy and this policy will meet all statutory requirements in respect of the types of tenancies offered.

As a landlord, the Council has a Tenancy Policy that allows the Council the widest possible options in the tenancies it uses in response to managing ASB in specific areas, including the use of Introductory Tenancies on a local lettings basis. The Council also has the option to take action to demote Secure Tenancies, to prevent the completion of the Right to Buy where ASB action is being taken. The Council has a clear approach to legal action where there is evidence of ASB and/or neighbour nuisance, as specified in its Legal Action for Tenancy Enforcement Policy. This allows the Council's ASB and Tenancy Services Teams to make sure their actions are co-ordinated, proportionate and in line with one another, but also gives the option of action against the tenancy, up to and including eviction for serious and/or repeated ASB or criminal behaviour.

High Hedges

Any complaints of high hedges will be dealt with in accordance with Part 8 of the Anti-Social Behaviour Act 2003. All complaints relating to high hedges will be forwarded to, and dealt with by, the appropriate department. Once informal options for resolving a high hedge dispute have been exhausted, a formal complaint can be made to the District Council. The Authority will take account of all relevant factors and strike a balance between the competing interests of the neighbours involved, as well as the interest of the wider community. There is a charge in relation to this service. After information is gathered about the complaint from all sides, the Council will make a decision, based on Government guidelines.

Information Sharing and Confidentiality

All information provided to the anti-social behaviour team will be treated in confidence. It will not be passed on to the person complained about, unless this is through proper legal process where formal high level enforcement action must be taken. Information will be exchanged by signatories of the Information Sharing Protocol and these include the Police, local housing providers, Fire and Rescue, Children Services, Primary Care Trust and other members of the partnership. All information will be kept confidential by the agencies concerned and will only be used for the purposes it was supplied for.

This exchange of information is permitted under the Crime and Disorder Act 1998 for the purpose of preventing crime and disorder and the risk to others, but must comply with the Data Protection Act. The Council will comply with the Freedom of Information Act 2004 but will not disclose information where exemptions apply.

Partnership working to reduce anti-social behaviour

General information about incidents can and will be shared with other agencies in compliance with information sharing agreements, and departments to help them build up a picture of incidents in the area that they may have interest or involvement in. Where any incident is reported which is serious, either because of the danger of recurrence or danger to the informant, this will be shared with other agencies, including the police. Any person making such a report will be advised which other agencies this information has been shared with.

Supporting victims and witnesses

North Kesteven District Council will support witnesses and victims of anti-social behaviour and hate incidents. All employees involved in the investigation of anti-social behaviour are fully aware of, and sensitive to, the needs of witnesses and victims. The District Council will, in appropriate cases seek specialist support from partner agencies to support the needs of witnesses and victims. A risk assessment will be undertaken for each person that is either a victim or perpetrator to ensure that all their needs are considered.

In many circumstances legal action regarding anti-social behaviour can be supported by composite professional witness statements, for example from a police officer. These can protect witnesses from having to give evidence and so being identified. It is recognised that this evidence does not carry the same weight as that of an individual whose own quality of life has been affected by the anti-social behaviour, so first hand witnesses will, where possible, be sought and encouraged to provide evidence. As the victims and witnesses of the anti-social behaviour may be known to the perpetrators, all partners need to be aware and act efficiently if either are subjected to further anti-social behaviour.

If an individual is asked to be a witness in court, the Council will liaise with the police and court services to provide support and information about the Court process to witnesses, victims and their families, before, during and after the hearing.

The Council recognises the impact that anti-social behaviour can have on residents, and have made available a support service for people that are repeat victims and those that are identified as being vulnerable. This is managed through the Sentinel case management system and a once a victim is identified as meeting the identified criteria, they are offered this support. This criteria is defined by the impact on the victim, their vulnerability and issues relevant to each case being considered.

The Council will support complainants by:

- Dealing with their complaint promptly, fairly and impartially;
- Record their concerns;
- Allocate an officer specifically to deal with their complaint;
- Respect their confidentiality;
- Keep them informed throughout the process;
- Advise them when a case is closed, and the outcome;
- Provide a comprehensive support package for victims and witnesses in enforcement cases as is appropriate.

- When legal proceedings are undertaken, or considered, the support and protection of victims and witnesses should be planned for at an early stage;
- The level of protection offered should be considered on the basis of the witnesses vulnerability and the likelihood of intimidation rather than primarily based on anticipated severity; and
- In any other way that may be appropriate to their circumstances.

Training of Staff in dealing with Anti-Social Behaviour

In dealing with anti-social behaviour it is important that all relevant staff have the confidence and knowledge to identify and investigate incidents and reports of anti-social behaviour and are equipped to take appropriate action. Staff training is regularly reviewed through the annual Employee Development Interviews. As appropriate, training is organised for staff in relation to new legislation in dealing with anti-social behaviour.

Communication, reporting and recording anti-social behaviour

Reporting Complaints of anti-social behaviour

North Kesteven District Council has an Anti-Social Behaviour department, and recognises it is equally important to prevent and deter anti-social behaviour. Where anti-social behaviour does take place, early intervention is important in resolving the matter and reducing people's concerns and fears.

How to report anti-social behaviour

Because complaints of ASB can be considered the responsibility of either housing, environmental protection or the ASB team, we ensure that we work closely together to manage complaints. You can report complaints of ASB in the following ways:

- On the Council's website;
- By telephone or e-mail;
- Directly at any Council office

North Kesteven District Council aims to provide a high quality of service to victims of anti-social behaviour and other complaints. People affected by inconsiderate, anti-social or illegal behaviour have a right to know what is happening to address this conduct. People who raise complaints or their representatives will be kept informed of how their complaint is being resolved.

In dealing with these matters the Council will:

- Treat everyone fairly and without prejudice;
- Work in partnership with other agencies and seek joint solutions to correct anti-social behaviour;
- Be open and democratic in our decision-making.
- Ensure that all staff has adequate training to effectively deal with complaints; and

The Council will:

- Providing a polite and courteous service;
- Use plain English
- Being accessible to all people in the District;
- Using customer complaints and comments to improve service;
- Providing a fair and unbiased service;
- Reporting our performance each year;
- Aiming to acknowledge letters and e-mails within four working days;
- Aiming to fully reply to letters or e-mails within 10 working days; and
- Aiming to answer the telephone within four rings.

We will also through literature and existing media opportunities provide information on anti-social behaviour, raise public awareness and confidence in what we are doing to tackle the causes and impact of anti-social behaviour and publicise when sanctions are sought through the Courts. We will also attend local community groups informing and consulting with them about their concerns.

Other Registered Social Landlords

Local registered providers and housing trusts have most of the same authority and obligations to deal with anti-social behaviour within their managed properties as does the District Council. Any tenants of any of these organisations need to contact their housing provider for guidance on dealing with complaints of anti-social behaviour. With the introduction of the new legislation there will be a duty on local authorities to support registered providers in the utilisation of certain powers.

Publicity

The purpose of any court action taken is to protect local people from harassment, alarm and distress that is caused, or is likely to cause by anti-social behaviour. Unless the anti-social behaviour is extremely localised, effective enforcement of the order will normally depend on the general public being aware of the conditions of the order, and of the identity of the person against whom it is made. Each case will be considered and the publicity appropriate to each order will be appropriate to the needs of the community.

All promotion will be in compliance with Home Office guidance on best practice.

In relation to other enforcement actions taken, details of individuals will not be made publicly available, although sanitised data may be provided to appropriate parties.

4. Monitoring, Review and Development Measures and performance

Monitoring Anti-Social Behaviour – North Kesteven District Council

We need to know how well we are performing and whether the interventions we have put in place are making a difference. All reports of anti-social behaviour will be recorded onto a secure data base and dealt with as outlined in our procedures.

All recorded complaints will receive satisfaction survey forms regarding the service that has been provided, the results of which are monitored and acted upon as appropriate.

Performance and measuring Anti-Social Behaviour

The measuring of anti-social behaviour is undertaken by various organisations and by various methods. Recording is undertaken by the police. North Kesteven District Council also records all complaints received to them. Survey data is also captured through other existing surveys taken by this authority. Data is also available within the partnership plan for the Community Safety Partnership.

Projects undertaken to address anti-social behaviour will also be subjected to evaluation.

Equality and Diversity

North Kesteven District Council is committed to providing equal access to its services regardless of an individual's race, gender, age, sexual orientation, ethnic origin, nationality, religion or belief or disability.

The Council will regularly review all strategies and functions; including new and proposed strategies to see if there is any evidence that:

- Different groups of people could be affected differently;
- There are different service outcomes for different groups of people; and
- There is any public concern that the Councils functions are being operated in a discriminatory manner.

The Council recognises that an individual may be more vulnerable as a result of discrimination. In applying all policies, the Council will be aware of additional levels of vulnerability.

Safeguarding

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expect all their entire staff share this commitment. This commitment includes accepting a responsibility for the protection of children, young people and vulnerable adults and ensuring that all concerns about their safety or well-being that comes to the attention of staff in the course of their work, will be followed up and dealt with as quickly and as sensitively as possible. It also includes ensuring that all activities are provided in a safe environment. All colleagues must accept and recognise their responsibilities to develop awareness of the issues which cause harm.

5. Links to Other Strategies

The documents referred to within this strategy can be accessed in full, through either the links on the North Kesteven District Council website or the Home Office website.

- Lincolnshire ASB Partnership Policy
- North Kesteven District Council Enforcement Policy
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Respect Charter
- Home Office paper, Putting Victims First
- Tenancy Policy
- Legal Action for Tenancy Enforcement Policy
- Safeguarding policy
- http://intranet.n-kesteven.gov.uk/Documents/Document_Details.aspx?DocumentID=2313

6. Complaints

Customer Focus' is one of our values – and we care about your experiences when using our services. We hope they are positive experiences and that's what we strive for. However, we recognise that we don't always get it right – sometimes you might be unhappy with a service you received and if that's happened we want to hear about it so we can learn from your experience.

Our Corporate Feedback process is designed to receive Compliments, Complaints and Comments because we feel that only by acknowledging all three can we ensure we're a Customer Focused Council. Feedback is shared with the service or specific officer that it relates to. We want to ensure that any lessons we learn from your feedback are recognised across the organisation and so we will share it with our other services too where appropriate. If we've left you dissatisfied we will need to evaluate whether we are able to manage your feedback through our corporate process. Unfortunately, our feedback process is not designed as an appeal system to question formal decisions of the Council, which were properly taken or to challenge policy. It is to check that everything that should have been done, has been done and that the procedures and policies have been followed appropriately.

How to make a complaint

The council always tries to give all its customers a positive experience, even if the subject matter is difficult, sensitive or upsetting. However, NKDC also recognises that if it leaves someone feeling dissatisfied, it needs to understand that customer's experience and explore whether it could have done things differently. The council will do this through a two stage internal process.

Stage 1

If correspondence details are provided, the council will acknowledge complaints within 4 working days and will advise the customer of the date when they can expect to receive a response. This will be 15 days from the point that we received and actioned the complaint. The complaint will be forwarded to the service that the complaint is about. A senior officer within the team who is not implicated in the complaint will conduct a full and objective investigation, by looking over relevant documents, exploring the transaction that took place and talking to any officers involved. Each point raised within the complaint will be addressed in full in the response. This will be signed off by the relevant Head of Service and the customer will receive a response in the allocated timescale. If the customer requires clarification of any part of the response or feels the council has not addressed certain points raised within their complaint, they should contact NKDC and the response will be reviewed.

Stage 2

If the customer is unhappy with the outcome of the stage 1 complaint they can request it to go to stage 2. This request must be received by the council within 3 months of the stage 1 response being sent. At this point the complaint will be reviewed by the Head of Corporate & Customer Services who is independent to the service which the complaint is about. If the complaint relates to Corporate & Customer services, another head of service will be chosen to review the complaint to ensure an independent view point is still achieved.

How can you give us your feedback?

You can tell us by whatever method is easiest for you.

- Via our online form
- Via email – **feedback@n-kesteven.gov.uk**
- Via traditional mail – **FREEPOST NKDC**
- Via a Customer Service Advisor – **01529 414155** or by visiting our Sleaford or North Hykeham customer service centres.
- Via your local District Councillor

We will accept feedback from you through whatever method you prefer. However, if a complaint is offered verbally, we will try to take it on a telephone that records the call (with your consent) or we will write it down and send it to you so you confirm that it is an accurate reflection of your complaint.

7. Contact Details

How to contact us:

District Council Offices
Kesteven Street
Sleaford
Lincs
NG34 7EF

Telephone: (01529) 414155

Out of Hours Telephone: (01529) 308308

Fax: (01529) 413956

Minicom: (01529) 308088

DX Number: 26909 Sleaford

E-mail: customer_services@n-kesteven.gov.uk

Opening Hours: Our Customer Services department operates from 9.00am to 5.00pm, Monday to Thursday and 9.00am to 4.30pm on Fridays (except bank holidays).

Email: ASB@n-kesteven.gov.uk