

Anti-Social Behaviour Policy 2023

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1. Introduction

The objective of this policy is to promote the wellbeing, safety and health of South Kesteven's flourishing communities, supporting vulnerable people and promoting respect in reports of anti-social behaviour.

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 Council's 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 ASB, Crime and Policing Act 2014.

This Act is intended to grant simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities. This Act puts victims at the heart of the response to anti-social behaviour and gives professionals the flexibility they need to deal with any situation. There had been 19 powers available through the courts to the ASB teams and police, and these are now reduced to 6 powers.

This strategy sets out South 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 Policy

Definition of Anti-Social Behaviour (ASB)

The legal definition of anti-social behaviour as defined within the Anti-Social Behaviour, Crime and Policing Act (2014) is:

- (a) conduct that has caused, or is likely to cause, **harassment, alarm, or distress**, to any person,
- (b) conduct capable of causing **nuisance or annoyance** to a person in relation to that person's occupation of residential premises, or
- (c) (c) conduct capable of causing housing-related **nuisance or annoyance** to any person

Anti-social behaviour covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another. 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 South Kesteven

South Kesteven remains a low crime area when considered within a national context. However, wider concepts related to the fear of crime, perceptions and community engagement, participation and respect are areas that the Community Safety Partnership continue to work on.

The levels of anti-social behaviour for the South Kesteven area remain low in comparison to other areas. The number of cases managed by the local authority has fluctuated over the years. Police data sets are available through their website.

This policy is intended to reassure residents that South 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 (SLP) is a Lincolnshire wide multi-agency approach, recognising that no one organisation alone can 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 2022-2025.

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 antisocial behaviour.

The SLP recognises the huge effect anti-social behaviour has on victims and communities and has therefore made it one of their key priorities. The key objectives of the SLP 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 (E-CINS) 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.

Powers and Tools Available to Tackle Anti-Social Behaviour

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 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. The below tool is predominantly used in relation to young people.

Acceptable Behaviour Contracts

Acceptable Behaviour Contracts (ABCs) are also voluntary agreements between the Council, the individual and a partner agent, usually the Police. 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. This is one of the main tools used by this authority and has proven successful in stopping repeat incidents of anti-social behaviour.

The ASB, Crime and Policing Act provides 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 provides 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 Service, 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 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.
- Council officers, police, social landlords.

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 and/or 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.

ASB Case Review (formally known as Community Trigger)

The ASB Case Review forms part of the ASB Crime and Policing Act 2014, which gives victims and communities the right to request a review of their anti-social behaviour case. It is a problem solving process that aims to find solutions for the victim. The ASB Case Review is designed to ensure that we work together to try and resolve a complaint of anti-social behaviour. The Case Review 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 request for a Case Review is received it will be referred initially to the Anti-Social Behaviour Risk Assessment

Conference (ASBRAC) working group to assess and deal with, as set out within the Lincolnshire ASB Case Review Policy.

Neighbour Disputes

Neighbour disputes are where two neighbours disagree about something that then becomes a source of distress and frustration. It is common for both sides of the dispute to have done things to annoy the other person, as a result it can be difficult for agencies to identify who is the victim or who is the perpetrator, often both are victims and both are perpetrators. It does not constitute anti-social behaviour if the issues are about normal day to day living. One way to solve these problems is by talking to your neighbour to try to agree a compromise, you can also consider mediation. If this does not work, you can pursue matters through civil redress.

Parking Spaces and Vehicle Obstruction

When it comes to parking your car, you do not have any rights to the section of road or pavement outside your property (unless there are local parking restrictions giving a right to a particular space). This means you do not have the right to park there yourself or prevent anyone else from doing so. You cannot put cones down to reserve the spot. You also cannot stop someone parking on your grassy verge if you have one. This can be very frustrating but there is nothing the Council can do about it.

We would suggest you talk to the car owner kindly and ask them if they could leave the space for you to park or avoid parking on the grass.

If someone else's car is blocking access to and from your property, there are a number of steps you can take. Lincolnshire County Council and the police have general powers to remove vehicles that are illegally parked or causing an obstruction. If it is an area with restrictions on who can park, then wardens can enforce those restrictions by issuing fines.

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. South Kesteven District Council will apply this definition and will record any reported hate incident including both crimes and non-crimes.

South 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 for 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 Tenancy Services Team.

Legislation is frequently being introduced in relation to anti-social behaviour, providing amendments and further tools to tackle the causes and impacts. The Tenancy Services 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 South Kesteven. As a strategic authority, the Council is required to publish a tenancy policy and this policy will meet all statutory requirements in respect of the types of tenancies offered. As a landlord, the Council operates the use of Introductory Tenancies which provide the Council with powers to act swiftly in managing ASB for those who are in their first year as tenants.

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, and will follow housing legislation and the ASB Statutory Guidance to make sure their actions are coordinated, 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.. 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

South 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 will support complainants by:

- Dealing with their complaint promptly, fairly and impartially;
- Recording their concerns;
- Allocating an officer specifically to deal with their complaint;
- Respecting their confidentiality;
- Keeping them informed throughout the process;
- Advising them when a case is closed, and of the outcome;

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.

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 appraisal process as well as periodic one-to-ones and check ins. 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

South Kesteven District Council considers the management of anti-social behaviour as part of overall tenancy management and as such utilises generic housing officers to deal with reports of anti-social behaviour via our Tenancy Services Team. 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 Police, 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 of our Council offices.

South 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 have adequate training to effectively deal with complaints.

The Council will:

- Provide a polite and courteous service;
- Use plain English;
- Be accessible to all people in the District;
- Use customer complaints and comments to improve service;
- Provide a fair and unbiased service;
- Report our performance each year;
- Aim to fully reply to letters or e-mails within 10 working days;

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 forums, meetings and other platforms to inform and consult with them about their concerns.

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 be caused 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.

4. Monitoring, Review and Development

Monitoring Anti-Social Behaviour – South 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 database and dealt with as outlined in our procedures.

Performance and Measuring Anti-Social Behaviour

The measuring of anti-social behaviour is undertaken by various organisations and by various methods including data sets from Lincolnshire Police as well as our own internal methods.

Equality and Diversity

South 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;
- 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 and ensure that necessary measures are in place to take this into account.

Safeguarding

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expect their entire staff to 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 come 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 or Policies

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

- Lincolnshire ASB Partnership Policy
- The Anti-Social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Tenancy Management Policy
- Safeguarding policy -

<http://www.southkesteven.gov.uk/index.aspx?articleid=12373>

6. Complaints

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 has 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 are 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 have left you dissatisfied we will need to evaluate whether we are able to manage your feedback through our corporate process. 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, South Kesteven District Council 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 10 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 South Kesteven District Council 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 another Head of Service who is independent to the service 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@southkesteven.gov.uk;
- Via traditional mail – FREEPOST SKDC;
- Via a Customer Service Advisor – 01476 406080
- By visiting our Grantham Customer Services Office.