

Anti Social Behaviour Policy – Community Safety

Anti social behaviour has a wide definition that incorporates many different behaviours, including those that would not meet a criminal threshold or a statutory nuisance. The impact that these behaviours can have on a community or an individual can be devastating. From an individual feeling targeted to a community losing faith in the services there to protect them the consequences in not challenging anti social behaviour can lead to long term lasting damage.

Evidence suggests that when anti social behaviour is challenged at an early stage and not be allowed to manifest over time the likelihood of the behaviour continuing is significantly reduced. Conversely if left unchallenged it is likely to escalate into behaviours that can cross into a criminal threshold.

The Anti Social Behaviour Crime and Policing Act 2014 (ASB C+P 2014) was introduced to allow local authorities, and where delegated Housing Associations, greater powers to work alongside the Police in addressing anti social behaviour. The definitions within the act encompass a variety of behaviours which could be considered as anti social and unacceptable in certain contexts. The incidents do not necessarily need to be criminal to be considered as anti social behaviour, nor do they have to be recorded with Police in order to be addressed.

Local authorities have previously relied on legislation such as Anti Social Behaviour Act 2003 in order to deal with reports they receive. The Anti Social Behaviour Crime and Police Act 2014 adds significant tools and powers to the existing legislation and also includes two new measures designed to empower victims of anti social behaviour:-

- **The Community Trigger – gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.**
- **The Community Remedy – gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.**

Within the act, and particularly relevant to local authority functions that consider the use of enforcement action, is the introduction of Community Protection Warnings (CPW's) and Community Protection Notices (CPN's). These allow the issuer to highlight and identify behaviour that has been identified as ongoing, unreasonable and having a detrimental effect to those in the community.

Purpose

This Anti Social Behaviour Policy has been drafted in line with the following principles and aims to ensure that all victims of anti social behaviour can expect the following. All enforcement action that is deemed necessary will also be subject to the same principles.

- Is fair, accountable, consistent, proportionate and transparent.
- Is an effective use of resources through a risk based methodology.
- Improves protection for the community and businesses within.
- Reduces the regulatory burden on businesses.
- Actively seek to involve both the community and businesses in any resolution.
- Seek to involve both the community and businesses in any review and development of the policy.

Our Objectives

- Reduce anti social behaviour.
- Put victims of anti social behaviour at the heart of any resolution.
- Develop, review and update policies aimed at tackling anti social behaviour.
- Use all legislation available to tackle anti social behaviour where enforcement is necessary.
- To take a multi-agency approach to tackling anti social behaviour ensuring the right agency is dealing. To work alongside Police, Housing and Environmental Health to ensure consistency.
- Provide clear guidance around policy so that public expectation can be met at all times.
- Embrace best practise and be open to change when further guidance is published.

How to report anti social behaviour to Woking Borough Council

- Online via the online reporting mechanism
- Phone
- Email
- In person at the front counter
- Letter
- 3rd party – via local councillors, Surrey County councillors, MP etc.

**** ALL REPORTS WILL BE HANDLED IN THE STRICTEST OF CONFIDENCE ****

What to expect once a complaint has been made

On receipt of a complaint via any means, you should expect a response within 2 working days (weekends and bank holidays will not be included towards this deadline). The initial response may simply be an acknowledgement of the complaint with no further update and where necessary a unique case reference number will be assigned to you.

If required, an information pack will be sent out which may contain practical advice on how to deal with anti social behaviour, information sheets, diary sheets or any other relevant paperwork. Within the pack will be guidance on how to complete any paperwork that may need to be returned along with a pre-paid envelope in order to return them.

When incident/diary sheets are returned, an assessment will be made in regards to the information provided which will then determine the next actions undertaken, in accordance to the level of the complaint, until such time as the case is closed.

If there is no receipt of requested materials within either 4 weeks, or an agreed timescale (later of the two options) then an assessment as to why this is will be made. If there are concerns that they have not been returned due to a fear of reprisal, language barrier or any other recognised reason, then you will be contacted again in order to establish what your expectations are and what it is we can offer to assist. If no return has been made and it is believed this is a result of no further incidents occurring you can expect your case to be closed and a letter sent to you with this justification. Details will be contained within the letter explaining a route to appeal this decision.

If your case is closed and you experience a repeat of any anti social behaviour from the same source your case will be reopened and this will be taken into consideration when looking at options available. If the anti social behaviour is from a different source you can expect to go through the same process as detailed above.

Timescales in which your complaint is dealt with will vary significantly, especially when the behaviour experienced is infrequent but ongoing. The complexity of the case may also result in the length before satisfactory resolution is met being longer than possibly anticipated.

Interventions

- Verbal warnings
- Warning letters
- Office interviews
- Referrals to other agencies, such as mental health or substance abuse services
- Mediation
- Acceptable Behaviour Contracts/Agreements (ABC's and ABA's)
- Referrals to other departments within the local authority for consideration of powers specific to that department (eg housing may consider Notice of Seeking Possession – NOSP)
- Referrals to Police for immediate enforcement action.

Legal remedies

- Community Protection Warning/Notice and any subsequent enforcement following a breach of Community Protection Notice (eg fine, remedial action, remedial order, forfeiture order, seizure and criminal behaviour order)
- Civil Injunction
- Court undertakings
- Any other enforcement action specific to another department within Woking Borough Council

Partnership Working

We work with partner agencies wherever necessary to achieve the best possible outcome for the victim. This may mean your case is discussed in a multi-agency forum with all relevant parties present. If this is the case, we will inform you of this prior to any discussions taking place.

Other examples where partnership work may be applicable include, but are not limited to:-

- Nuisance premises / partial house closures
- Dispersal Orders
- Animal nuisance and Abatement Notices under the Environmental Protection Act 1990
- Joint Action Group (JAG)
- Community Harm and Risk Management Meeting(CHaRMM)
- Surrey ASB Task Group
- Surrey Probation Service – Community Payback Scheme