

ANTI SOCIAL BEHAVIOUR POLICY

Relevant Portfolio Holder	Cllr Philip Thomas
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Head of Community & Housing Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	No

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to recommend the approval and adoption of the Bromsgrove District Council Anti-Social Behaviour (ASB) Policy set out in Appendix A.
- 1.2 Under the Crime and Disorder Act 1998, the council has a statutory duty to work with the police and other partner agencies to reduce crime, ASB and re-offending in its area. Section 17 of the Act also places a duty on the council to do all that it reasonably can to prevent crime, disorder and ASB.
- 1.3 The draft ASB policy outlines how the council will tackle anti-social behaviour, through a framework of prevention, early intervention, support and enforcement. A number of changes are reflected in the policy revision; including an updated definition of ASB in line with legislative changes, clarification on what is considered ASB, enhanced case management procedures and risk assessment processes and updated details about the tools and remedies available to address ASB.
- 1.4 The draft ASB policy replaces all previous ASB policies and guidance.

2. RECOMMENDATIONS

The Cabinet is asked to RECOMMEND that

- 2.1 The draft ASB policy (as set out at Appendix A) is adopted.**
- 2.2 The Head of Housing and Community Services be given delegated authority to update and amend the policy in line with any new legislation and guidance, as and when required.**

3. KEY ISSUES

Financial Implications

- 3.1 Failure to manage ASB effectively can lead to increased costs to the council due to damage to property and land, compensation claims via the Housing Ombudsman and court costs relating to compensation, enforcement and legal action.
- 3.2 However, tackling ASB and nuisance early and amicably could lead to reductions in costs to the council for repairs, damage and legal fees etc. There is also the option to seek to recover the costs of ASB damage and vandalism to council property directly from the perpetrator, once a case has been proven.

Legal Implications

- 3.3 Under the Crime and Disorder Act 1998 (as amended), district councils have a duty to plan jointly with other named responsible authorities to prevent and reduce crime, ASB, the misuse of drugs and re-offending. The responsible authorities (including the Police, other Councils, National Probation Services, Clinical Commissioning Groups and the Fire and Rescue Service) form the Community Safety Partnership alongside other invited and cooperating bodies.
- 3.4 To comply with Section 17 of the legislation, the council must have a clear policy, across all service areas of enforcement. This is to enable us to take proportionate preventative, supportive, and/or robust action to tackle the problems ASB causes within and to communities.
- 3.5 Council also works in partnership with social landlords who also have a range of powers at their disposal to deal with tenants who exhibit ASB. Those powers were extended and strengthened by the Housing Act 1996; the Anti-social Behaviour Act 2003; and the Housing Act 2004. The Anti-social Behaviour, Crime and Policing Act 2014, which gained Royal Assent on 13 March 2014, amended existing powers and extended social landlords' powers to secure the eviction of anti-social tenants in certain circumstances.

Service / Operational Implications

- 3.6 The ASB policy directly supports the council's strategic purpose "Communities which are safe, well maintained & green" and is also linked to the purposes "Affordable and sustainable homes" and "Living independent, active, healthy lives". The policy also contributes to North Worcestershire Community Safety Partnership's priority to "Reduce Anti-Social Behaviour"
- 3.7 Reducing crime and disorder is a corporate priority and introducing this policy will demonstrate how the council will deal with cases of ASB, making the process clearer for residents and staff.

- 3.8 The policy outlines the council's responsibilities in dealing with various of types of ASB, recognising that different council services can have an impact on poor behaviour, supporting victims and taking action on their behalf, as appropriate.
- 3.9 The policy reflects the definition of ASB contained within the ASB, Crime & Policing Act 2014 and sets out what the council considers to be anti-social behaviour, what powers and tools we have available to prevent ASB from occurring and what action we can take when it does. The policy also outlines instances where the council may not get involved and details the expectations placed on residents and their visitors to assist us in maintaining peaceful communities.
- 3.10 The policy is clear on the council's commitment to delivering a preventative and harm reduction centred approach to tackling ASB and provides a consistent and proportionate response to all behaviour we define as ASB

Customer / Equalities and Diversity Implications

- 3.13 The Equality Act 2010 provides people with a protected characteristic with protection from direct or indirect discrimination; harassment and victimisation. It is widely recognised that ASB can disproportionately impact on people with protected characteristics and can lead to or include hate crimes and incidents. The application of this policy utilises a two stage risk assessment matrix to consider the effect of ASB incidents on a victim, taking into consideration their individual circumstances. This process will ensure that where necessary additional steps and/or reasonable adjustments can be made in line with the requirements of the Equality Act.
- 3.14 There is the potential for negative effects where action may need to be taken against vulnerable groups perpetrating ASB, such as those under the age of 18 and those with mental health problems. An Equality Act Assessment has been included in the policy to ensure that the potential risks of taking any such action are fully considered and documented before any decisions are taken.
- 3.15 Each case will be fully risk assessed and the proportionality of any corrective action will be measured and recorded to identify any mitigating circumstances or additional support needs. Following this risk assessment it may still be considered that any potential negative impacts on the perpetrator are justified on the grounds of protecting the victim, the perpetrator themselves and/or the wider community.
- 3.16 Once the policy is agreed, communication on what the public can expect from the council, how we will deal with reports of ASB, how the services can be accessed and how quickly we will respond will be designed and publicised.

4. RISK MANAGEMENT

- 4.1 The council has a statutory duty to exercise its functions with due regard to the effect of those functions on crime, disorder, ASB and reoffending. The council

must also do all it reasonably can to prevent crime, disorder, ASB and reoffending throughout the borough.

- 4.2 Failure to manage ASB within communities presents a high reputational risk to the Council. This is significantly mitigated by having a robust policy and agreed procedures in place.

5. APPENDICES

Appendix A – Draft Bromsgrove District Council ASB Policy

6. BACKGROUND PAPERS

Anti Social Behaviour, Crime & Policing Act 2014 – Updated [Statutory Guidance](#) from the Home Office (Dec 2017)

AUTHOR OF REPORT

Name: Bev Houghton – Community Safety Manager
Email: bev.houghton@bromsgrovenandredditch.gov.uk
Tel.: 01527 534187