

Anti-Social Behaviour Policy

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Introduction

Anti-social behaviour (“ASB”) can cause significant harm to its victims as well as undermining community cohesion. It can affect mental and physical wellbeing and perceptions of public safety, resulting in a range of negative emotional, behavioural, social, health and financial impacts. Horsham District Council (“the Council”) acknowledges the right of individuals to live their lives free from intimidation and fear and is committed to identifying and protecting people who are suffering harm because of the behaviour of others. The Council recognises that the reduction of ASB is beyond the capability of any single agency alone and, as such, this policy adopts a harm-centred and co-ordinated, multi-agency approach with key community partners including the police and registered social landlords.

Our responsibilities

The Council has a wide range of responsibilities in dealing with ASB, which arise from two distinct roles:

1. Our role in protecting the environment: the Council has a range of responsibilities to deal with environmental ASB. Examples include noise, graffiti, litter, fly tipping and abandoned vehicles. These responsibilities arise from a number of statutes and local byelaws, but in particular from the Environmental Protection Act 1990.
2. Our role as a statutory member of the Horsham District Community Safety Partnership: under the Crime and Disorder Act 1998, the Council must work with the police and other agencies to reduce crime and disorder in the Horsham District by playing a key role in dealing with ASB of all kinds, and also undertaking project and preventative work as part of the Horsham District Community Safety Partnership. The Council’s Community Safety team carries out this role for the Council.

While these are distinct roles, there are very strong links between them, and close working arrangements have been developed and continue between the teams that deliver the various services.

What is anti-social behaviour?

ASB is an overarching term which is used to describe a broad range of socially unacceptable behaviour. Although there is no single legal definition of ASB, the generally accepted definition is found in Section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 which defines ASB as:

“...conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”.

ASB is further defined, under this Act, as follows:

- a) For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “Conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises”; or
- b) For the purposes of the housing management functions of a housing provider or local authority: “Conduct capable of causing housing-related nuisance or annoyance to any person”, or

- c) For the purposes of ASB case reviews (formerly known as the Community Trigger):
“behaviour causing harassment, alarm or distress to members or any member of the public.”

Scope

This policy sets out the Council’s harm-centred approach to tackling reported ASB incidents. Specifically, it covers how the Council:

- Recognises and records reports of ASB;
- Assesses the risk to individuals;
- Prioritises the response required; and
- Takes action with community partners to solve problems and prevent further harm from ASB.

The following issues fall outside of the scope of this policy:

- Neighbour disputes where both parties are social housing tenants of registered social landlords (RSLs): in a social housing context where the ASB is affecting the housing management functions of RSLs, the Council will expect the RSL to follow their respective ASB policies and procedures and deal with these reports appropriately. Social housing tenants can report ASB directly to their housing provider. Tenants living in the Council’s temporary accommodation should report ASB by another Council temporary accommodation tenant directly to the Council’s Housing Services team.
- Statutory nuisance including noise nuisance: the Council has a legal duty to investigate complaints of statutory nuisance, including noise nuisance, under the Environmental Protection Act 1990. For a noise to be a statutory nuisance, it must cause an unreasonable and substantial interference with the use or enjoyment of a person’s home or other premises or be a noise that causes injury or is likely to cause injury to neighbours or the nearby community. Not all noise nuisances are a statutory nuisance and there are some situations where noise can occur, but the Environmental Protection Act 1990 will not apply. The Council’s Environmental Health & Licensing Team deals with statutory noise nuisances. More information can be found here: www.horsham.gov.uk/environmental-health
- Criminal matters: acts of criminality, such as offences involving public order issues, hate crime, physical assault, theft, and harassment, are matters that are handled by Sussex Police and should be reported to them.
- Domestic Abuse incidents: domestic abuse incidents are dealt with by Sussex Police and should be reported to them.
- Driveway ownership, access and boundary disputes: disputes between parties concerning ownership, access or boundaries, are civil law matters between the affected parties and it is not the responsibility of the Council to intervene. Parties should take their own legal advice on their rights and responsibilities.
- Highway parking complaints: complaints of unlawful parking where a Traffic Regulation Order is in place, (e.g. parking on yellow lines), do not constitute ASB and are dealt with by the Council’s Parking Services team.

- Speeding and vehicle noise: motoring offences are handled by Sussex Police. Reports of anti-social driving can be made via the Operation Crackdown website: www.operationcrackdown.org.
- High hedges complaints: where there is a dispute between neighbours about a high hedge, the parties will be expected to take all reasonable steps to try to resolve the dispute before contacting the Council. If a resident owns the hedge, the local Parish Council should be asked to write to the owner in the first instance. Involving the District Council in a high hedge dispute should be a last resort if a resident cannot resolve the matter locally. If necessary, the Council will investigate the matter under its powers in Part 8 of the Anti-social Behaviour Act 2003. Such complaints should be made to the Council's Arboricultural Officer via trees@horsham.gov.uk. More information can be found here <https://www.horsham.gov.uk/planning/hedges-and-high-hedge-disputes>
- Lifestyle difference and one-off events: the following list, although not exhaustive, provides examples of lifestyle differences which are not in their own right considered to be ASB.
 - Day to day living noise between domestic dwellings;
 - Children playing in and around the vicinity of their own home;
 - One-off events, such as a party;
 - Cooking smells;
 - Talking too loudly;
 - Personal disagreements associated with social media and landline/mobile phones;
 - Groups of young people socialising/associating in a lawful manner in public places; and
 - Domestic CCTV, unless there is evidence that it is being used to harass someone or that it breaches a neighbour's privacy.

Procedures

The Council recognises that ASB can have a severe impact upon its victims and is committed to supporting those impacted by it (including any witnesses) to ensure they are treated fairly, with dignity and respect, in confidence and that the issues raised are dealt with in a timely manner. The Council aims to create an environment where those reporting incidents of ASB feel safe and secure in providing the required evidence and able to work with the Council and its partners to reach a resolution.

Where a report of ASB is made by a member of the public, the Council will:

- **Recognise and record reports of ASB** - speak to the complainant (we aim to provide an initial response within 2 working days of receiving contact) and log details of their complaint.
- **Assess the risk to individuals** - when appropriate, undertake a Hate and Risk Assessment (HARA) within 2 working days of having spoken to the victim.
- **Prioritise the response required** - agree with the complainant an appropriate response using the range of tools available to the Council.
- **Take action with community partners** - work with other council departments and partner agencies who may be better placed to use their powers to address the issues.
- **Use a staged process for dealing with individuals who are acting anti-socially** – focusing on early intervention and support before considering enforcement.

- **Treat victims and witnesses sympathetically and sensitively and signpost to other support services, if appropriate.**

Ways to tackle anti-social behaviour

Where **individuals** are reported to us as acting anti-socially, the Council will take a staged approach to dealing with these individuals. We will look at using informal measures first to try to resolve the issues via low level interventions, such as referrals to mediation, conducting home visits or writing acceptable behaviour contracts or warning letters. Should these measures prove ineffective, the Council will then consider enforcement measures under the Anti-social Behaviour, Crime and Policing Act 2014.

Where ASB is affecting areas of our **community**, the Council will work with our community partners to reduce the risk of harm to both individuals and the community, again taking a staged approach - prevention, intervention and enforcement, as outlined below:

Prevention

The Council is committed to working to try to build stronger, safer and more resilient communities by developing projects to improve community cohesion and by encouraging the reporting of ASB. Recent projects have included developing Neighbourly Networks (a project to bring neighbours together in a virtual group so that they can share information and resources), holding street briefings to encourage reporting and running events to bring the community together in areas where there have been increased reports of anti-social behaviour.

Intervention

Where ASB is being reported in specific locations within the Horsham District, the Council will organise problem-solving meetings with our local community partners to agree actions to resolve the issues.

Where young people are regularly coming to the attention of Sussex Police, the Council will commission interventions to provide support, with the aim of reducing ASB in the Horsham District. This includes 1:1 mentoring, knife crime prevention and group work around healthy relationships.

Enforcement

Where early intervention and informal warnings have not been effective in addressing ASB, the Council will look to use more formal powers available to it through anti-social behaviour legislation.

- **Community Protection Notices** A Community Protection Notice (CPN) is a written notice that requires the perpetrator to stop the behaviour that is causing the ASB. To issue a CPN, the behaviour complained of must be having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the local area and must be unreasonable. CPNs can be issued to an individual aged 16 or over or to a body such as a business. A written warning must first be issued, informing the perpetrator of the problem behaviour, requesting them to stop and advising them that a CPN will be issued if the behaviour continues. The CPN can include a requirement to stop doing something, to positively do something (such as clear land of litter) or to take reasonable steps to prevent the behaviour continuing. Failure to comply with a CPN is a criminal offence for which the individual or business can be subject to a Fixed Penalty Notice or prosecution through the courts, resulting in a fine upon conviction. The Council also has certain powers to carry out remedial action and to recover its costs from the defaulter. On conviction, the Council can also apply to the Court for a remedial order (to ensure that the requirements of the CPN are carried out) or a forfeiture order for any item that was used in the commission of the offence.

- **Civil Injunctions** The Civil Injunction is used to quickly stop or prevent individuals aged 10 or over from engaging in further ASB and to prevent its escalation. It is sometimes accompanied by a power of arrest where the behaviour/threatened behaviour consists of or includes the use or threatened use of violence against other persons or where there is a significant risk of harm to other persons from the perpetrator. Breach of an injunction order by someone aged 10 to 17 could result in a curfew, activity or supervision requirement being imposed by the Youth Court via a supervision order, or as a last resort, custody for up to three months for someone aged 14 to 17. Breach of an injunction order by a person aged 18 or over could result in up to two years' imprisonment or an unlimited fine.
- **Criminal Behaviour Orders** A Criminal Behaviour Order is issued by a 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. The CBO can deal with a wide range of anti-social behaviours including threatening violence against others in the community or persistently being drunk and aggressive in public.
- **Closure Power** The Closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are being used or are likely to be used to commit serious nuisance or disorder. A Closure Notice must first be issued by the Council or the police. The short-term Closure Notice can then be extended upon application to the Magistrates' Court for a Closure Order, provided certain grounds are met.

Partnership working

Community Safety Partnership

The Crime and Disorder Act 1998 (as amended) placed a requirement on a range of key public sector organisations to work in partnership to deal with crime and ASB. As a result, local Community Safety Partnerships (CSPs) were formed. Members of the Horsham District CSP include responsible authorities such as the Council, West Sussex County Council, Sussex Police, NHS Sussex Integrated Care, West Sussex Fire & Rescue Service and the Probation Service, as well as a local housing providers' representative and a local schools' representative, amongst others.

In addition to the Community Safety Partnership, the Council plays an active role in local multi-agency meetings that bring partners together to tackle ASB. In the Horsham District we are committed to attending regular Hate and Anti-Social Behaviour Risk Assessment Conference meetings and Prevention Panel meetings.

Hate & Anti-Social Behaviour Risk Assessment Conference (HASBRAC)

The HASBRAC is a monthly Police-led multi-agency meeting attended by practitioners from the police, the Council, registered social landlords and other interested parties. Referrals can be made by any practitioner within the Horsham District who has a role in tackling ASB. All medium and high-risk cases are reviewed at these meetings, actions are agreed and recorded. HASBRAC is accountable to the Community Safety Partnership Board and also Horsham District Council's Communities and Place Policy and Scrutiny Committee, acting in its capacity as Crime and Disorder Committee under the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

Prevention Panels

The purpose of the Prevention Panels is to discuss, in a multi-agency environment, vulnerable young people around whom there are contextual safeguarding concerns; whether this be the places where they are meeting (and related ASB) or with whom they are associating (either in the community or on-line). The aim of the group is to put in place early interventions to reduce the risk of involvement in ASB or exploitation and reduce the contextual safeguarding risk factors. The

meeting is co-chaired by a Horsham District Council Community Safety Officer and an officer at West Sussex County Council's community safety team.

Information sharing

Information will be shared in accordance with the 'Universal Partnership Information Sharing Agreement' between Sussex Police and all the CSPs to enable information to be shared for the prevention of crime and disorder.

What to do if you feel that appropriate action has not been taken

If you have reported ASB, either to the Council or another organisation (such as the police or a registered social landlord) and are not satisfied that appropriate action has been taken to try to resolve the situation, the following options are available to you:

- You can follow the complaints procedure for the organisation that has been dealing with your complaint.
- You can consider activating the Anti-Social Behaviour Case Review (formerly known as the Community Trigger) if you have made three or more complaints of ASB within a six-month period and you feel that the issue has not been resolved. If you make two or more reports of ASB within any six-month period, the Council or another organisation will explain the Case Review process to you, regardless of whether the formal threshold has been met. If a request meets the threshold, a multi-agency meeting will be arranged to review the actions already taken and to agree any further steps that may help resolve the situation. Activating the Case Review does not replace the need to report incidents as they occur. The Case Review process must be fully accessible to all victims. The Council or other organisation can make reasonable adjustments to enable your participation, including providing alternative formats or additional support as required. If a Case Review is activated, you will be kept informed throughout. You will be given a single point of contact, who will provide updates on progress and inform you when, and for what reasons, a case is being closed. You can choose your level of involvement in the Case Review. You will be invited to attend part of the Case Review meeting (either in person or virtually) so that the panel can better understand the level of harm and the impact the behaviour has had on you. You will also have the opportunity to submit a written impact statement outlining how the anti-social behaviour has affected you. In accordance with the Victims' Code (2023), you are entitled to support if you have suffered harm as a result of criminal conduct, regardless of whether the incident is formally recorded as a criminal offence or whether charges are pursued.

If you wish to activate the ASB Case Review process, please visit

www.horsham.gov.uk/community/safety-and-emergencies/anti-social-behaviour

How to report anti-social behaviour

The Council encourages residents to report ASB to enable us to identify and work with partners to address issues in our community.

To report ASB, please contact the Horsham District Council switchboard on 01403 215100 or report via email to communitysafety@horsham.gov.uk.

Reporting crime and anti-social behaviour

☎ 999

- A crime is happening now.
- Someone is in immediate danger or at risk of harm.
- Property is in danger of being seriously damaged.
- A serious disruption to the public is likely.

☎ 101

or report online
www.sussex.police.uk

- All non-emergency incidents where the crime has already happened or there is no immediate risk of harm.

CrimeStoppers.

☎ 0800 555 111

crime-stoppers-uk.org

- To report crime 100% anonymously.
- CrimeStoppers is not the police – it is an independent charity working to help communities.
- Information given will be shared anonymously with the police.

British Transport Police

☎ 0800 40 50 40
Text 61016

- Non-emergency incidents on a train or at a station can be reported direct to the British Transport Police online: www.btp.police.uk/reportcrime.
- There is also a Railway Guardian app.

Horsham District Council

communitysafety@horsham.gov.uk

- Report general anti-social behaviour and repeated public nuisance to the ASB team at Horsham District Council.
- You can also report litter, fly-tipping, graffiti, dogs and dog fouling online: www.horsham.gov.uk/report.

See it. Report it.

Reporting crime and ASB means we can work together to reduce it.



Horsham District
Community Safety
Partnership



Horsham
District
Council