

# **Tonbridge & Malling Borough Council**

## **Anti-social Behaviour Policy**

**2021 - 2024**



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# **Tonbridge & Malling Borough Council** **Anti- social behaviour Policy**

## **1. Introduction**

All Local Authorities and social landlords in England and Wales are required to prepare and publish policies and procedures in relation to anti-social behaviour (S12, Anti-Social Behaviour Act 2003).

This document fulfils the legal requirements and is designed to give a clear statement of our approach to anti-social behaviour.

Tonbridge & Malling Borough Council is committed to ensuring that we not only comply with this duty but that our neighbourhoods are safe and welcoming places to live. Incidents relating to Anti-Social Behaviour need to be addressed in a firm but fair manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate the Council will endeavour to act quickly and efficiently to tackle incidents of ASB.

This policy will apply to all Tonbridge & Malling Borough Council residents, their families and any other occupants and visitors. The same principles apply to members of staff and other persons working on behalf of the Council, regardless of housing tenure.

We will not tolerate incidents of anti-social behaviour (ASB), we will intervene appropriately where we can, and enforce matters relating to ASB when required.

## **2. Scope and Purpose of this Policy Document**

This document is one of two that tells you about Tonbridge & Malling Borough Councils anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the policy statement. It tells you what we mean by “anti-social behaviour” and sets out our objectives for the Council’s ASB services.

It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance our objectives.

This policy does not say how we will deal with ASB on a day to day basis. This is explained in our operational procedure documents, which should be read in conjunction with this policy.

## **3. What is anti-social behaviour?**

There is no commonly agreed definition of what is meant by the term anti-social behaviour, however, for the purpose of the policy, the definition of anti-social behaviour is consistent with that used in the Anti-Social Behaviour, Crime & Policing Act, 2014.

Section 2(1) of the Act defines the meaning of anti-social behaviour as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing related nuisance or annoyance to any person

The term anti-social behaviour (ASB) can be applied to a wide range of behaviours, impacting on a persons or community's quality of life.

However, let us start with what is **not** ASB and will not be investigated by officers of the Borough Council's Community Safety Team.

- Children playing in the street or in communal areas
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your own home
- DIY and car repairs unless they are taking place at night
- Civil disputes between neighbours e.g. shared driveways
- One off complaints against noise e.g. parties

### **Examples of ASB**

Anti-Social Behaviour may include but is not limited to the following:

Noise:

- Loud televisions and music
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Persistent alarms
- Excessively loud or frequent parties
- Dogs persistently barking

(Reports of noise may be passed to other departments in the Council to investigate as appropriate).

Intimidation, harassment and violence:

- Verbal or written abuse, which could also include social media posts
- Threats of violence
- Assault
- Damage to property
- Keeping or failing to control an aggressive dog
- Using or allowing the premises to be used for illegal activity such as prostitution, handling or storing drugs and handling or storing stolen goods

(Reports of intimidation, harassment and violence may be reported to the Police on your behalf or you may be advised to report it to the Police directly).

Environmental ASB:

- Dumping rubbish or littering
- Vandalism
- Dog fouling
- Graffiti

- Fly posting
- Abandoned vehicles
- Overgrown vegetation

(Reports of environmental ASB may be passed to other departments in the Council to investigate as appropriate).

Other ASB issues:

- Malicious behaviour from your neighbour
- Drone use which causes alarm, harassment, or distress
- Boundary issues/overgrown hedges

If you are a Housing Association tenant, you may also wish to report any ongoing ASB issues to them directly as they are also able to take actions against persistent anti-social behaviour.

#### **4. The Council's Objectives**

No one should have to put up with ASB.

Our policy is to:

- Make people aware of what anti-social behaviour is;
- Publicise and promote our various services to combat ASB;
- Encourage people to report ASB and make it possible for them to this using a range of reporting methods;
- Seek to respond to each reported case of ASB as quickly as possible and
- Support victims of ASB throughout the case to the extent the seriousness of the case requires.

Reports of ASB will be treated seriously and dealt with professionally.

- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example the police) and observing data protection laws and information sharing agreements;
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Electronically register each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses;
- Quickly and appropriately refer cases between the different departments of the Council and to other agencies as necessary;
- Continue to treat any case referred by the ASB team to another council department or external agency as an open case until, in the opinion of the Anti-social Behaviour Officer, the case can be closed;
- Respond promptly to all complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint; and
- Explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do so.

ASB will be dealt with firmly, fairly and proportionately.

Our policy is to:

- Take any necessary early action to protect people and property;
- Investigate the circumstances and seek to understand all the facts of the matter reported to us;
- Seek always to resolve cases at the lowest appropriate level of intervention taking formal action when the ASB is serious or persistent or when it threatens people's safety or health;
- Use any of the tools and powers available to us under the law and council policy, according to our best professional judgement;
- Take into account (adjust our approach as necessary) when a victim or perpetrator is a vulnerable person;
- Not intervene in low level disputes between households concerning minor lifestyle differences e.g. noise made by children playing in their home, garden or communal areas, or parking disputes involving non-allocated spaces;
- With consent of the people involved, we may refer suitable low-level cases to a meditation service.

We will work with partners in order to deliver an effective, value for money ASB services across the community.

Our policy is to:

- Play a full and active part as a key member of the Tonbridge & Malling Community Safety Partnership;
- Participate in relevant strategic or preventative initiatives
- Lead and participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues
- Work with housing associations, private landlords, letting agents and businesses providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB.

We will provide a high quality service which meets people's identified needs.

Our Policy is to:

- Ensure that staff dealing with ASB are appropriately trained;
- Ensure that staff dealing with ASB understand and follow agreed policies and procedures;
- The policy will be reviewed on a regular basis reflecting new legislation and lessons learnt;
- Formally seek the views of service users and partner organisations when the documents are reviewed;
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

## **5. Tools and powers available to tackle ASB**

There are a number of different tools and powers available to use by the Borough Council and these will be used/applied where appropriate and in a proportionate way.

Tools used may include:

#### A warning letter or Acceptable Behaviour Agreement

Warning letters may be sent in the first instance and provide the perpetrator with information as to why they are being investigated and what behaviour should cease. The letter is not legally binding but can let people know that the behaviour they are undertaking is causing distress to someone else.

An Acceptable Behaviour Agreement (ABA) is an agreement which is normally signed by a parent when a young person has been found to be causing anti-social behaviour. The ABA sets out what the young person should or should not be doing. These are not legally binding but provide guidance for the young people and their parents.

#### Referral to Mediation services

Mediation is a process through which parties in dispute have the opportunity to understand one another's point of view and negotiate an agreement which is arrived at by the parties themselves rather than one which is imposed. The process is facilitated by trained mediators who ensure that both sides have equal say and any agreements reached are based on what both sides think is fair.

The Anti-social Behaviour Office is able to refer to Mediation (with consent) as a means to resolve low level ASB which enables issues to be resolved amicably by both parties.

#### Community Protection Warnings and Community Protection Notice (CPN).

The CPW and CPN are intended to deal with particular, on-going problems, or nuisances that negatively affect the community's quality of life by targeting those responsible. CPWs are the initial first response to alleviate the issue without a need for further escalation. If the matter is not resolved, a CPN can then be served. CPW and CPN's can be used to tackle a wide range of problem behaviours including (but not limited to) graffiti, rubbish and noise. CPW and CPN's can be served on any person over the age of 16 or a body, including a business. Failure to comply with the requirements of a CPN, the offender may be offered the opportunity to discharge their liability to conviction, when a Fixed Penalty Notice may be issued using powers contained within the Anti-social Behaviour, Crime and Policing Act 2014, it is the Policy of this Authority that the amount shall be set at the maximum amount specified, which is currently £100.

#### Public Space Protection Order

The PSPO is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area which apply to everyone. This could include, but is not restricted to, placing restrictions on the use of parks, alleyways, or communal areas to prevent problems with misuse of alcohol, dogs or noise. Breach of a PSPO can lead to a Fixed Penalty Notice.

We will also work with our partners to utilise the tools that they have available to them. These tools may include Injunctions, Closure Orders and Acceptable Behaviour Agreements.

## **6. Legal Framework and Supporting Legislation**

As a minimum our approach to ASB is delivered in line with the legal requirements affecting the council including:

- Anti-Social Behaviour, Policing & Crime, Act, 2014
- Anti-Social Behaviour Act, 2003
- Housing Act, 1996
- Data Protection Act 1998 and 2003
- Environmental Protection Act 1990
- The Crime and Disorder Act 1998 (as amended)
- Human Rights Act 1998
- Police Reform Act 2002
- Police & Criminal Evidence Act (PACE)
- Mental Health Act 1983 (amended 2007)
- Criminal Justice and Police Act, 2001
- The Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environments Act 2005
- Children's Act 2004
- Harassment Act 1997
- Homelessness Act 2002
- Freedom of Information Act 2000
- Equalities Act 2010

## **7. Witness Support**

We recognise that witnesses are crucial to tackling anti-social behaviour; whether they are victims of anti-social behaviour or residents who have seen anti-social behaviour directed against someone else or in the wider neighbourhood.

We understand the needs of witnesses will differ from person to person and we will ensure that the support we provide is tailored to meet each individual's needs.

We are committed to providing a high level of service to both witnesses and victims of ASB.

Where possible (and subject to current Government advice) we will aim to visit you to discuss the issue with you. This could be at your home address or an address of your choice (e.g. the Borough Council's offices).

Victims of ASB will be kept updated with the action being taken. The Anti-Social Behaviour, Crime & Policing Act, 2014 includes new measures designed to put the victim and communities first and for them to have a voice in how ASB is dealt with. This is known as the Community Trigger. Community Trigger reviews give victims and communities the right to request a review of their case and bring agencies together to take a joined up problem

solving approach to find a solution. The Council as a statutory authority has a duty to participate in case reviews. Details about the Community Trigger can be found on the Borough Council's website

#### **8. Working with Perpetrators**

We acknowledge that some perpetrators of ASB may themselves be vulnerable or have been victims of ASB in the past. We will work with vulnerable people and tenants to ensure that they have access to appropriate support, whether this is through our own services or through our partners.

Where appropriate we will work with perpetrators to understand the reasons behind their behaviour and give them an opportunity to change.

#### **9. Information Sharing**

The Council will work within the provisions of the Kent & Medway Information Sharing Agreement which provides a background for the sharing of information and the need for confidentiality and privacy.

Where appropriate the council will share information with the Police and vice versa under the Information Sharing Agreement so that agencies can carry out their functions and duties in accordance with the Crime & Disorder Act, 1998.

The council will also work to ensure that residents are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.