

# Anti-Social Behaviour Policy 2023-2025



## Introduction

Ashfield District Council is committed to creating a safer, stronger, cleaner, and greener District by working closely with Nottinghamshire Police and other agencies to ensure Ashfield is a safe and secure place to live, learn, work and visit.

Anti-social behaviour (ASB) is taken very seriously by the Council, our Corporate and Community Safety Partnership (CSP) plan sets out key activities to address anti-social behaviour, nuisance, and environmental crime across the District.

The Council understands the impact anti-social behaviour and neighbourhood nuisance can have on individuals and communities and is committed to taking appropriate action against those who engage in such behaviour as set out within this Policy. We therefore expect all residents and Council tenants, and members of their families, including children or visitors to their home to show consideration and tolerance for their neighbours and the wider community.

## Aims and Objectives

This Policy provides an overview of key actions that the Council will take to tackle ASB and the route a person can take if they wish to raise a complaint or compliment about the services provided.

This Policy aims to:

- Demonstrate the Council's approach in fulfilling its legal obligations as an authority and landlord by taking all complaints about ASB seriously.
- Illustrate the Council's commitment to working in partnership to problem solve ASB and neighbourhood nuisance across Ashfield.
- Provide clarity on how the Council will address ASB using various tools and powers.
- Ensure the Council takes a victim-centred approach when supporting complainants or victims of ASB and safeguarding those who are vulnerable or at risk.
- Ensure all residents and customers are treated in a fair and equitable manner.

## Service standards and principles

We are committed to responding promptly and effectively to ASB and making use of legal powers where appropriate. Customers of Ashfield District Council can expect that we will:

- Acknowledge receipt of reports of ASB within 1 to 5 working days
- Respond promptly to urgent cases i.e. hate incidents, safeguarding and abuse
- Make contact to discuss the problem and agree a course of action
- Provide a named officer and contact number throughout the investigation
- Undertake a risk assessment for reports of ASB
- Maintain contact and provide updates on the progress throughout the case
- Offer referrals and signposting to support services if appropriate to do so
- Take appropriate action against individuals engaging in ASB
- Communicate clearly with all parties before stepping down our investigations

To support the Council and its partners to investigate reports of ASB and take action where necessary, we ask that customers who report ASB help us by:

- Being open and honest with us from the outset
- Allowing us to review all information available to support case investigation
- Reporting incidents to us within a timely manner
- Reporting criminal activity to Nottinghamshire Police
- Allowing installation of investigatory equipment if advised by the Council
- Supporting the gathering of evidence e.g complete and return diary sheets
- Being prepared to be interviewed and allowing a statement to be taken
- Attending court if required
- Providing feedback on the service to inform Council service developments

## What is Anti-Social Behaviour?

### Legal Definition

The Anti-Social Behaviour, Crime and Policing Act 2014 defines ASB 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.

In addition, the Council has responsibility for investigating Statutory Nuisance which is often reported as a form of ASB. Statutory Nuisance is defined under the Environmental Protection Act 1990 and can relate to complaints about noise, light pollution, smoke, smells, waste on land, smoke and fumes where those matters are deemed to be prejudicial to health or a nuisance.

**What does Anti-Social Behaviour mean?**

Anti-social behaviour covers a wide range of unacceptable activity that causes an annoyance or disturbance to an individual, their community or environment. This could be an action by someone that leaves a person feeling harassed, alarmed or distressed. If a problem becomes persistent and disputes happen frequently then this may constitute ASB.

**Examples of Anti-Social Behaviour may include:**

- Using loud foul and abusive language
- Verbal or written abuse including social media
- Malicious communications
- Underage drinking or smoking
- Threats of violence, intimidation, or harassment
- Arguing, shouting or fighting.
- Damaging, or threats to damage, property
- People gathering in groups acting 'rowdily'
- Drinking alcohol or swearing in a public place

**Examples of Environmental Anti-Social Behaviour may include:**

- Waste Accumulation
- Fly Tipping and Littering
- Dog Fouling
- Graffiti
- Bonfires
- Abandoned Vehicles
- Vehicle Nuisance
- Vandalism
- Persistent, Unnecessary, or Excessive Noise
- Persistent and/or Excessive Animal Nuisance or Noise
- Light Nuisance or Interference
- Smells and Odours

**What is not Anti-Social Behaviour and will not be investigated under this Policy:**

- Children or young people playing in the street (unless targeted behaviour)
- Overgrown gardens (no waste present)
- Parking or obstruction issues
- Matters relating to shared access or boundary disputes
- Babies crying (unless concerns relating to safeguarding or abuse)
- General living noise (toilet flushing, use of stairs, washing machine etc)
- Intermittent animal noise.
- Domestic cooking smells
- Home improvements carried out at reasonable times of the day
- Private boundary issues / disputes

- CCTV, “Ring” Door Bells or other surveillance equipment installed in domestic homes (this is a matter for the Information Commissioner’s Office)

## **Legal and Regulatory Framework**

This document has been informed by the legal provisions set out below:

- Crime and Disorder Act 1998
- Anti-Social Behaviour, Crime and Policing Act 2014
- Anti-Social Behaviour Act 2003
- Police Reform Act 2002
- Police and Criminal Evidence Act 1984
- Criminal Justice Act 2003
- Environmental Protection Act 1990
- Housing Acts 1985, 1996 and 2004
- Homeless Reduction Act 2017
- Data Protection Act 2018
- The Refuse Disposal (Amenity) Act 1978
- Equality Act 2010
- Human Right Act 1998
- Clean Neighbourhoods and Environments Act 2005
- Domestic Abuse Act 2021
- Human Rights Act 1998
- Town and Country Planning Act 1990
- Public Health Acts 1936 & 1961
- Prevention of Damage by Pests Act 1949
- Misuse of Drugs Act 1971
- Offences against the Person Act 1861
- Criminal Damage Act 1971
- Public Order Act 1986
- Protection from Harassment Act 1997.

## **Reporting incidents to the Council**

New reports of Anti-Social Behaviour can be made in the following ways: -

- By telephoning the Council on 01623 450000
- By emailing: [asbduty@ashfield.gov.uk](mailto:asbduty@ashfield.gov.uk)
- By emailing: [tenancy@ashfield.gov.uk](mailto:tenancy@ashfield.gov.uk) (Council tenant/property related ASB)
- Online via our reporting form: <https://www.ashfield.gov.uk>
- In writing or visiting Ashfield District Council, Council Offices, Urban Road, Kirkby-in-Ashfield, Notts. NG17 8DA.

All reported anti-social behaviour and neighbourhood nuisance will be triaged and rated as High or Low level. Once assessed, our acknowledgement times will be as follows:

- High level ASB reports – up to 1 working day
- Low level ASB reports – up to 5 working days

Whilst the table below sets out the types of reports that fall into each category, each reported issue will be assessed individually which may change the level of severity.

High Level	Low Level
Domestic Abuse	Nuisance from vehicles
Hate Crime	General Noise Nuisance
Serious Violence including Physical	Damage to property
Prostitution	Misuse of public/communal areas
Drug dealing and drug taking	Nuisance from vehicles
Harassment, intimidation, and threatening behaviour	Vandalism
Human Trafficking	Waste on Land
Abuse towards staff	Fly Tipping
Extremism or Terrorism	Dog Fouling
Modern Slavery	Littering
Weapon/Firearms related disclosures	Light Nuisance

In an emergency, where there is an immediate risk to life or property, complainants and witnesses should always ring 999 and ask for the appropriate emergency service. In such circumstances and where there is belief a crime is committed; we will also ask you to report incidents to the Police or other services (and do this on your behalf if appropriate to do so) as they may be the most appropriate agency to investigate the incident.

Whilst a response may be provided outside of core working hours, the Council will only be expected to respond to your complaints during working hours as set out below:

- Monday – Thursday (8:30 – 17:00 hrs)
- Friday (8:30 – 16:30 hrs)

The Council will not be expected to respond at weekends, bank holidays or periods when the Council is closed such as the Christmas/New Year period and you are advised to report any incidents of ASB during this period to the Police.

## Taking action

The Authority will take reports from all residents regardless of their housing status and are able to investigate matters relating to both private, owner/occupiers as well as Ashfield District Council properties.

As a landlord and as part of our housing management responsibilities, the Council has a statutory responsibility to deal with anti-social behaviour relating to tenants and visitors to these properties. For those residents in Ashfield District Council properties there are conditions within the tenancy agreement in relation to anti-social behaviour. In such circumstances where tenants breach these tenancy conditions, enforcement action may be taken.

We are committed to:

- Addressing reports of ASB, nuisance and environmental crime and seek both sides of the story where necessary.

Taking appropriate action based on the evidence available and the impact on the victim.

- Tackling ASB caused by any person whose behaviour impacts upon the communities that we serve. Therefore, we will work closely with partner agencies to resolve issues in the most effective way.
- Taking anonymous reports of ASB. However, we will not be able to provide a progress update or check certain facts with anonymous reports which may limit the scope of progressing the investigation and/or resolving the issues reported.
- Making partnership reports or referrals as the Council may not always be the most appropriate authority/agency/housing provider to deal with the issues reported. In such circumstances, we will redirect persons to the appropriate agency or department to provide information and support to the caller.
- Protecting vulnerable residents and those at risk by working and reporting safeguarding and criminal matters to the appropriate agencies.

## Interventions

Ashfield District Council has various tools and powers at its disposal to tackle Anti-Social Behaviour across the District. We will try to resolve complaints without the need for formal or legal action but when appropriate, we will initiate formal action. The range of legal and non-legal remedies which the Council will consider, include but are not limited to:

### Non-Enforcement related interventions:

The Council has adopted an incremental approach when investigating reports of ASB and neighbourhood nuisance. Unless it is deemed appropriate to take more formal action, the Council will consider non-enforcement approaches to resolve issues at the earliest opportunity. A list of low-level interventions are provided below:

<b>Verbal or Written Warnings</b>	Warnings can be issued by officers to provide warning about the reported behaviour. This can take the form of tenancy warnings, alleged conduct letters and verbal instructions.
<b>Diversionsary Activities</b>	Where appropriate, targeted work with alleged perpetrators of ASB will be attempted to divert them away from negative behaviours and engage them in more positive activities. Examples of which would be organised youth groups involving activities, sports and school assemblies.
<b>Referrals to support services</b>	Some ASB can be caused because of unmet support needs; therefore, work with families and individuals to address needs will be undertaken to help reduce ASB and improve the health and wellbeing of those affected. Where specialist support is required, referrals may be made to other agencies to support individuals and families to meet their needs.
<b>Acceptable Behaviour Contracts or Good Neighbour Agreements</b>	A perpetrator may be invited to voluntarily enter into a written agreement with the Council setting out and agreeing acceptable behaviour. This process demonstrates a willingness to resolve matters without resorting to enforcement.
<b>Mediation</b>	Residents will be encouraged to resolve their issues in an amicable and conciliatory manner whenever possible. Mediation will primarily be offered to address low level ASB, issues arising from incompatible lifestyles and instances where there are counter allegations made.

If issues / reports continue or it is warranted due to the seriousness or persistent nature of the ASB incident/s, the Council may be required to take enforcement action, as below:



## Anti-Social Behaviour Enforcement

<b>Injunction</b>	An Injunction may be imposed by the court against any person aged ten years of age and over who has, or has threatened to, engage in ASB. Breach of an Injunction can result in a custodial sentence for the most serious cases.
<b>Community Protection Warning Community Protection Notice</b>	A Community Protection Warning (CPW) may be issued to a person engaged in ASB setting out how the perpetrators' behaviour will need to be modified. A Community Protection Notice (CPN) may be issued to a perpetrator if the behaviour is continuing or persistent in nature, unreasonable and it is having detrimental impact on the quality of life of those in the locality. Breach of the Community Protection Notice may result in a Fixed Penalty Notice and fine of up to £100 being issued or a further fine if a prosecution is pursued through the courts.
<b>Direction to Move On</b>	A requirement under the current Public Spaces Protection Order for Ashfield, requiring an individual who is involved in ASB to move on out of the vicinity as directed by an accredited officer for a period of up to 48 hours.
<b>Fixed Penalty Notice</b>	These can be served for failure to comply with a CPN or failure to comply with a Public Space Protection Order. They can also be used for dog fouling, littering and fly tipping.
<b>Closure Notice &amp; Order</b>	Closure Notice and Orders can be applied to close premises (residential and commercial) across all tenures associated with serious nuisance or disorder.
<b>Criminal Behaviour Order</b>	Criminal Behaviour Orders are issued by the Magistrates' or Crown Court to individuals convicted of an offence, to prevent them from engaging in further ASB or criminal activity.
<b>Abatement Notice</b>	Abatement Notices will be issued to cease behaviour, activities or factors that result in a statutory nuisance
<b>Prevention of Damage by Pests Act - Notice</b>	A statutory Notice can be issued to responsible persons to keep land free from rats and mice.

In addition to the above tools and powers, Council tenants may also be subject to the below action under housing legislation.

## Tenancy Enforcement (Council Tenancies)

<b>Notice of Seeking Possession</b>	Where ASB constitutes a serious breach of tenancy a Notice of Seeking Possession (or Notice to Terminate for Introductory or Demoted Tenancies) may be issued. The notice will set out the breaches that have occurred and the potential consequences if the behaviour is not modified.
<b>Possession Order</b>	Where the tenant fails to address the ASB and the breaches of their tenancy, a Possession Order may be sought from the courts. This is usually a last resort when warnings and other actions have not resolved the issue.
<b>Absolute Grounds for Possession</b>	Outright possession may be sought in cases where the tenant has been found guilty of ASB or criminality by the courts. The court's discretion in these cases has been removed.
<b>Demoted Tenancies</b>	A Demoted Tenancy may be applied for via the courts to remove some rights from secure tenants, specifically in relation to Right to Buy, tenant improvements and taking in lodgers. A Demoted Tenancy can also be ended with a Notice to Terminate.
<b>Extension to Introductory Tenancy</b>	The Introductory Tenancy may be extended by a further six months (beyond the usual 12 months) where a tenant has not adhered to the requirements of the Tenancy Agreement. This will also restrict the rights of the tenant in relation to improvements, Right to Buy and successions.
<b>Notice of Proceedings for Possession Introductory Tenant (NOPPIT)</b>	A NOPPIT may be served on Introductory tenants where the ASB constitutes a serious breach of tenancy. The Notice will give the tenant four weeks' notice – after which the Council may apply to the Courts for a Mandatory Possession Order

## Ending our Investigation

We will normally only close a case of ASB when the situation has been resolved and the resident reporting the issue/s are satisfied with the outcome; however, in some circumstances it may be necessary to step down the case without their agreement.

This may occur when we have taken all reasonable steps and lines of enquiry to resolve the report/s, or where the resident reporting the issue/s has failed to respond to requests for contact. We may also close the case if it is considered that the

allegations made are false or malicious or if there is a lack of cooperation or refusal to work with the Council to resolve the alleged behaviour.

We will not assume that a situation has improved if we have not heard from the customer/s reporting the incident/s. We will attempt contact with them, and any other key parties involved in the case before it is closed, which will include telephone or other forms of electronic communication, however in all cases unless the address is unknown, it puts individuals at risk, or it is agreed otherwise, the complainant/s, witnesses, and those being investigated will be sent a letter explaining the reasons for why their case has been closed.

Cases will only be re-opened where there is new evidence of ASB or nuisance, or where there has been a material change to the case, which falls within the definitions of this Policy. If persistent, and potentially vexatious, complaints continue, then we will carefully consider the most appropriate course of action.

When each case has been closed, a survey will be sent to the customer reporting the issues to provide feedback on the service. Information can be provided anonymously if required to help review service delivery and understand customer need.

## **Partnership Working**

We work in partnership with various stakeholders in order to tackle anti-social behaviour, nuisance and environmental crime across the District and encourage behavioural change for those who have engaged in such activity.

A list of services we frequently work with have been provided below:

- Nottinghamshire Police
- Registered providers of social housing
- Nottinghamshire County Council
- Nottinghamshire Victim Care
- Domestic Abuse Services
- Nottinghamshire Probation Service
- NHS and Health Providers
- Change, Grow, Live (drug and alcohol service)
- Schools and educational facilities
- Nottinghamshire Fire and Rescue Service
- Other local authorities, including town and parish councils
- RSPCA
- Voluntary organisations
- The Environment Agency

There may be occasions where these organisations are better placed to deal with residents reports of ASB and the Council will make customers are aware of this upon assessing the report and/or throughout the investigation.

## **Safeguarding & Support**

Anti-Social Behaviour can have a detrimental effect on people's lives, and we understand the importance of supporting individuals when investigations are being carried out.

Where safeguarding issues arise, the Council will support and make referrals to our partner agencies in order to support and protect vulnerable adults and children.

The Council can also consider additional support by referring the customer/s case to the Complex Case Panel or via the Council's Complex Case Team.

Complex Case Panels are a group of professionals who meet regularly to discuss complex cases. Cases that are referred may involve individuals that require a variety of services to support them. More information relating to panel meetings such as the Policy and sharing of information can be found on the Council's website.

## **Protecting Our Staff**

Ashfield District Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who abuses or shows acts of aggression or intimidation towards any Council official or contractor. We will also involve the Police if it is decided that this is warranted.

## **Publicity**

Where we believe it is in the public interest, we will publicise details of enforcement action in the media. We do this to make sure communities are aware of the action we take and to discourage other people from committing crime and Anti-Social Behaviour.

## **Complaints and Compliments**

We welcome feedback from all customers reporting ASB and will seek to fully resolve any complaints about our service. Should you have a complaint about the service provided or wish to provide feedback, our complaints and compliments policy can be accessed through our website or by contacting the Council's Customer Service Team in writing or via telephone on 01623 450000. More information on how

to make a complaint or compliment can be found on the Council website at: [www.ashfield.gov.uk](http://www.ashfield.gov.uk).

We also provide a customer satisfaction form to all cases of anti-social behaviour upon closure, so we can review feedback on how we have handled the case and consider any potential learning from the feedback to inform future service improvements.

## **The Community Trigger**

The Community Trigger, also known as the 'ASB Case Review' is available to people who are suffering ASB and feel that the Council, Police, or other organisations involved are not doing enough to resolve the problem. This is where three or more reports within a six-month period have been made.

Where a trigger is raised, the Community Safety Team alongside any other organisations involved in the review and the action taken and make recommendations on any further action which can then be taken to resolve the problem.

Further information about Community Triggers can be found on the Council's website or from the Community Safety Team by contacting the Council on 01623 450000.

## **Sharing Information**

Ashfield District Council is committed to ensuring customer confidentiality and ensuring we are compliant with the Data Protection Act 2018 and Crime and Disorder Act 1998 around data processing and sharing of information.

Officers investigating Anti-Social Behaviour are experienced in processing sensitive personal data and we have robust procedures in place for the gathering and recording of consent for processing this information and disclosure. Although the Council will aim to gain consent prior to any information sharing, there may be instances where we have a statutory duty to share information without consent, e.g., where children or vulnerable adults are considered at risk, or for matters pertaining to the prevention and detection of crime.

## **Equalities**

The Council is committed to ensuring that it complies with the requirements of the Equality Act 2010. Part of this commitment requires an understanding of how policies may affect people with 'protected characteristics' under the legislation.

It also recognises that people with 'protected characteristics', such as those who are older or younger, who have disabilities or who are from a minority ethnicity or LGBT+ community, may be particularly vulnerable to ASB. The Council will work to ensure that any risk assessments or consultation takes this into account and that our response is tailored accordingly.

Hate related ASB or behaviour that is malicious in nature, offensive, or targeted towards a particular group of society will be dealt with as a high priority because of the elevated risk.

## **Policy Review**

This Policy will be reviewed every 3 years to ensure that any changes in legislation or best practice are included and updated. We will consult with service users, staff, internal and external partners in the review.