



# **Anti-Social Behaviour (ASB) Strategy**

**NEL**

***“Feel Safe Are Safe”***

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### 1. Statement of Purpose

This strategy sets out how agencies in North East Lincolnshire (NEL) will work together to effectively manage and resolve reports of ASB; building upon the excellent partnership work already operating across the borough and working to the outcome that all residents and

visitors to NEL “Feel Safe and Are Safe”. We will ensure that we continue our efforts to reduce ASB and that every member of the community receives the highest possible standard of service that is able to be delivered within our current provision.

As a partnership we do not underestimate the impact that ASB can have on a community, the lives of individuals and the problems it causes if left unchecked. The primary focus of our strategy is to put the needs of victims first; provide effective support and ensure processes are in place to protect them from further harm by eradicating the behaviour. We will maintain our approach to identify repeat locations and focus on the vulnerable victims who become targets for the perpetrators of ASB.

We also recognise the importance to effectively tackle perpetrators of ASB and the benefits of early intervention methods and engaging with parents where young people are involved to achieve long-term sustainable outcomes and effect a change in culture.

This strategy is intended to complement existing antisocial behaviour policies as a framework of activity adopted by agencies in NEL as an overarching approach to tackling ASB.

## **2. Introduction**

The NEL Community Safety Partnership (CSP) is a strategic multi-agency group set up to tackle countywide community safety issues as defined in statute. It is made up of both statutory and non-statutory organisations and works to the NEL outcome of “Feel Safe Are Safe”. The statutory organisations include Humberside Police, NEL Council, Humberside Fire and Rescue Service, The Probation Service, and the Clinical Commissioning Group and Public Health. The non-statutory organisations include Social Housing, The Voluntary Sector in the form of VANEL, The Alliance, and Victim Support, The Office of the Police and Crime Commissioner, and NAVIGO.

The NEL Outcomes Frameworks identifies indicators and performance measures to determine the direction of travel with a yearly performance assessment being carried out and recorded in the Joint Strategic Intelligence Assessment (JSIA). Each performance measure where appropriate is supported by a Thematic Task Group, which is responsible to develop an effective strategy, produce an action plan and report on performance progress through the CSP.

NEL recognises the huge effect anti-social behaviour has on victims and communities and the general public continue to highlight it as their number one concern. ASB remains a key partnership performance measure.

The ASB Thematic Group comprises of the following:

- NEL Anti-Social Behaviour Team
- Youth Offending Service
- Young and Safe Street Based Provision
- Child Criminal Exploitation
- Childrens Social Care (when required)
- Humberside Police
- Humberside Fire and Rescue
- Lincolnshire Housing Partnership

- Longhurst Group
- Equans (Private Sector Housing)
- Environmental Enforcement (ASB)
- Locality Teams
- Portfolio Holder for Safer Stronger Communities
- Victim Support
- Probation Service (when required)

This strategy is intended to support the actions identified in the ASB Action Plan. All activity in relation to this document will be led by the ASB Thematic Task Group and the chair will report to the CSP.

### **What is ASB?**

'ASB' is a broad term used to describe a range of nuisance behaviour, disorder and crime that affect people's daily lives. It has been described as causing harassment, alarm or distress to one or more persons not of the same household. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus, what is considered anti-social by one person can be acceptable to another.

Issues that could constitute as ASB include (this is by no means an exhaustive list);

#### **Personal ASB**

- Vandalism and damage
- Threats and or Intimidation
- Distressing behaviour aimed at individuals or businesses
- Abusive language or behaviour
- Neighbour disputes
- Gathering of rowdy groups
- Throwing eggs and flour at persons or property
- Inappropriate street drinking
- Aggressive begging
- Inappropriate and inconsiderate use of off road motor vehicles.
- Inappropriate use of motor vehicles on a road
- Drug dealing and associated behaviour

#### **Environmental ASB**

- Noise nuisance
- Littering or Fly-tipping
- Graffiti
- Abandoned or burned out cars
- Unacceptable levels of waste in gardens
- Nuisance Fires
- High Hedges

With the wide range of behaviours there is no single definition that can be applied to both personal and environmental ASB. The ASB, Crime and Policing Act 2014, sought to simplify things by reducing 19 separate powers into 6 by combining powers that covered similar areas into a single category. Each new tool was defined by a variety of behaviours which had to be or was likely to affect a community, be serious or persistent in nature and be unreasonable. This forms the definition for each power.

The definitions will form the basis for enforcement agencies to determine if ASB has occurred and if so to take the necessary action.

It is acknowledged that ASB does not exclude other criminal offences and understand that any act of ASB associated with a crime will be dealt with accordingly; incorporating the required criminal sanctions into the intervention process.

## **National Context**

This strategy compliments: -

- The Government's White Paper: Putting Victims First:
- More Effective Responses to ASB (published in May 2012)
- The ASB, Crime and Policing Act 2014 (as amended 2019)

The White Paper highlighted the failure of systems to adequately deal with complaints of ASB and emphasised the need to protect the most vulnerable in society. It proposed a series of reforms to improve how agencies deal with ASB; focusing on the needs of victims and introducing new legislation to allow professionals to take swift and effective action against perpetrators.

The ASB, Crime and Policing Act 2014 contains various measures to protect the public from ASB, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs which may be linked to organised crime groups. It also includes changes to improve the provision of services for victims and witnesses.

The key provisions to tackle ASB include:

Simpler more effective powers that are designed to change culture and put things right thereby giving better protection for victims and the communities where they live.

The ASB Crime and Policing Act introduces the: -

1. ASB Case Review (Often referred to as the Community Trigger) - which allows victims and their communities the right to an ASB case review where they believe adequate action was not taken to resolve their complaints under certain criterion.



ASB Case review or  
Community-Trigger-F

2. Community Remedy - allows the punishment of offenders without the need for the offender to go to court by providing close supervision and restorative actions to change behaviour pattern and put things right known locally as '*Out of Court Disposals*'.

It also brought about a social landlord's ability to swiftly evict anti-social tenants under certain circumstances.

The powers referred to in the ASB Crime and Policing Act 2014 is available to all enforcement agencies with powers able to be delegated to agencies where appropriate.

## **Local Context**

Current analysis of ASB in NEL is conducted using data recorded by the Police on reported incidents of ASB. We acknowledge that ASB is reported to a number of agencies and organisations, however at present there is no consistent approach to the storing and sharing of information in order to include all data within our analysis. As a result, there are areas of under reporting, particularly in those categories which affect households or the environment when the victim is more likely to report the incident to the Local Authority or to a Registered Housing Providers. We also accept that certain individuals will report the same incident to a number of agencies which could result in double counting by the utilisation of more data. However, all data will be utilised to determine our hotspot areas and where resources should be deployed.

Close partnership working and multi-agency involvement in ASB has resulted in a year on year reduction since 2008. Youth ASB has remained consistent and reduced to 42% of the total personal ASB reported throughout the time period. Public consultation shows ASB to be the public's number one concern and it is recognised that over 3,000 reported incidents per year is too high and there is a need to reduce it further by effective delivery of the actions identified within the ASB action plan.

## **Links with other relevant strategies and initiatives**

This strategy links with a number of existing borough wide strategies, policies and initiatives that contribute to tackling ASB. These include:

- Police and Crime Plan for Humberside
- NEL Joint Strategic Intelligence Assessment
- NEL CSP Plan
- NEL Early Intervention and Locality Programme
- NEL Restorative Practice Programme
- NEL Health and Wellbeing Strategy
- NEL Domestic Abuse Strategy
- NEL Adult Safeguarding Multi-Agency Policy and Procedures
- NEL Children's Safeguarding Policy
- NEL Council Public Protection plan
- Humberside Victim Charter

### **3. Aims and Objectives**

#### **Aims**

We aim to reduce instances of ASB and the numbers of people who are involved in, or they are at risk from ASB (both as a victim or a perpetrator). Where ASB does occur, we are committed to ensure that the victim is at the forefront of our actions, particularly if they are vulnerable or a repeat victim.

#### **Objectives**

- That all service providers deliver a consistent response to ASB in NEL regardless of where it is occurring.
- Provide the best service and protection for the public through the use of swift and efficient processes.
- Manage reports of ASB effectively across the partners in NEL.
- Improve the experience for victims and witnesses of ASB through positive engagement, support and understanding.
- Identify repeat and vulnerable victims effectively and ensure that appropriate support is in place to resolve the issues.
- Identify repeat perpetrators of ASB and take a scaled approach where appropriate to intervene and divert the individual away from ASB before enforcement action is taken.
- Adopt a multi-agency problem solving approach to tackle locations where ASB is occurring.
- Facilitate effective information sharing including the use of a shared IT system (Pentagull and Connect Partnership) which allows a more joined up approach to manage high risk cases.
- Hold parents to account and encourage them to take responsibility for the behaviour of their children

### **4. Our Approach**

#### **Working in partnership**

We know that ASB cannot be tackled by one agency alone and to provide an effective response we must work together. Working in partnership is essential in our approach and allows us to: -

- Share appropriate information to identify ASB trends or hot spot areas and deliver proactive targeted responses.
- Improve co-ordination across agencies to support and protect victims of ASB, particularly the most vulnerable.
- Increase and improve the sharing of good practice, skills, and experience across the borough between statutory, non-statutory agencies and the third sector.
- Train staff to effectively deal with reports of ASB, utilising a scaled approach and the tools and powers available to them.

## **ASB case management**

To support our most vulnerable victims North East Lincolnshire Council ASB Team operates a secure case management system which is potentially accessible by all partners involved in high risk cases of ASB and to coordinate activity..

A constantly reviewed and updated Information Sharing Agreement is in place to allow users to share appropriate information to tackle ASB more efficiently.

**The ASB Thematic Task Group has agreed the following definitions to ensure consistency in the identification of vulnerable and/or repeat victims and ‘hot spot’ locations.**

### **Vulnerable victims**

***‘A vulnerable victim is an individual who due to their personal circumstances is likely to be affected more significantly by an anti-social incident or incidents and take longer to cope and recover from their experience.’***

This definition of vulnerability shows how ASB affects a victim and allows the risk to that individual to be evaluated and the level of support to be determined from low level to a high risk category. Although we must consider the nine protected characteristic of the Equality Act 2010 (age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation) it is the impact the ASB is having on the individual or community that is important.

Partners will use the vulnerable victim scoring matrix (identified by the Home Office) as an aide only to identify a vulnerable victim. Any score can be overridden by the reporting officer’s observations and professional judgement.



Victim Assessment  
Matrix.doc

### **Repeat victims**

***‘Repeat victimisation occurs when a person is subjected to three incidents of antisocial behaviour within a rolling 6 month period’.***

It is widely recognised that victims rarely report their first experiences of ASB, often waiting until it begins to impact upon their life. This definition, therefore, includes both reported and unreported incidents of ASB within the 6 month time frame. It is the agencies responsibility to establish whether any previous incidents have occurred and consider this in their response.

Partners will work together to reduce the number of and the impact affecting repeat victims



## **'Hot spot' locations**

***'A 'hot spot' location is an area where 3 or more incidents of ASB have occurred in the same locality within a one month period, normally reported by more than one person'.***

'Hot spots' locations tend to be public open spaces and easily accessible. This can include (but not exclusively) shopping precincts or shop fronts, underpasses, public parks including children's play areas or car parks. Hot spots can expand to cover an entire housing estate, shopping centre or multiple streets of an estate. These hot spot areas are often linked to multiple offenders with more than one victim being involved or targeted. This results in a wider impact on the community.

Partners will work together to identify and tackle area 'hot spots'; considering the needs of the community as a whole, as well as the individual victims affected by the behaviour.

## **Hate Crime**

This strategy is underpinned by a commitment to provide equality of access to services and support to every member of our communities; regardless of – age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It is widely understood that those most vulnerable in our society or those from diverse backgrounds are proportionally more likely to become victims of ASB or hate crime. Incidents of hate crime often manifest themselves in low level forms of ASB, which on the surface may appear minor but the impact on the victim and their family can be devastating if not dealt with quickly and effectively. This was clearly highlighted in the case of Fiona Pilkington who killed herself and her 18 year old disabled daughter Francesca Hardwick, after suffering years of ASB and hate crime. A commitment to tackle hate crime at every level is a partnership performance measure which all partners have signed up to. Humberside Police have a dedicated Community Cohesion (Hate Crime Officer) who examines all reported hate crime cases with close ties to the ASB Team.

## **Understanding the Needs of Our Communities**

We recognise that understanding communities and underlying tensions is essential to respond effectively. It is therefore important that we listen to our communities and ensure they are included in the decisions making process. It has also been found that by involving the public in crime prevention work generates ownership and encourages residents to take responsibility for their own problems and improve their capacity for self-help, subsequently resulting in long-term sustainable outcomes (Liddle & Gelsthorpe 1994; Thomas 1999).

## **5. Our Response**

It is important to record ASB based on the perception of the complainant. If the complainant believes their report is ASB it should be recorded and investigated as such. The investigation may conclude that it is not ASB, but the complainant's initial perception is paramount. It is also essential to identify repeat or vulnerable victims at the earliest opportunity to protect them from further harm.

This strategy identifies the initial response in respect of recording, risk assessing and managing complaints of ASB. Partners agree that they will respond to reports based on their

assessment of risk; prioritising incidents based on the levels of harm and risk to those affected, rather than selectively attending or categorising incidents. The police will always tackle issues of crime that may be a symptom of ASB but will do so in partnership with other agencies to ensure all action is being taken to address the problem.

Consideration must also be given to any possible mental health or learning disability when responding to incidents of ASB. If it is believed that either the victim or perpetrator has or may have a mental illness or learning disability efforts must be made to establish if the person is subject to or known to mental health services or adult social care and ensure appropriate information is shared with that agency.

When a complaint of ASB is received the following principles will be followed:

- Record the complaint.
- Treat the complaint seriously and act professionally.
- Conduct an initial dynamic risk assessment to establish the required response based on threat, risk and harm.
- Cross reference previous complaints relating to the victim, perpetrator or location and use this information to tailor the response.
- Ensure all victims identified as vulnerable and/or repeat victims are managed appropriately (in line with each agencies internal policies and procedures) and additional specialist support services are offered, if required. Consideration should be given to notifying the Victim Support Service for all repeat or vulnerable victims of ASB.
- Victims identified as high risk will be managed by an ASB Coordinator who will directly support them and consider if other interventions are necessary namely a specialist agency or a referral (with their consent) to the Anti- Social Behaviour Risk Assessment Conference (ASBRAC) for multi-agency intervention and support.
- Agree a course of action with the victim, outlining how the incident will be investigated and resolve their complaint where possible.
- Provide all repeat or vulnerable victim with a named point of contact in addition to any support they receive from the Victim Support Service
- Keep the victim up to date with the progress of their case and give regular feedback.

### **ASB Risk Assessment Conference (ASBRAC)**

The ASB Risk Assessment Conference is a process that brings local agencies together to manage high risk victims where necessary. It provides a structured process to share information, consider and implement the required actions to reduce the risk of harm, using a multi-agency approach.

### **Supporting victims and witnesses**

Victim care is at the forefront of the action we take, and victim welfare is at the heart of what we do. When action is taken to tackle an ASB problem, either informal or formal, we recognise the importance of keeping the victim or witness supported and informed on the progress. We also understand that the responsibility to support victims and witnesses does not end after

the completion of court proceedings and we are committed to providing support for as long as required, whether it is directly or through other agencies.

The NEL ASB Team have voluntarily introduced a Victims Charter during early 2022 which is intended to inform victims of ASB of the service they have a right to expect and what options are available to them if they feel they have not been adequately supported.



Victim Charter  
2022.docx

## **Perpetrators of Anti- Social Behaviour**

A scaled approach will be adopted when dealing with the perpetrators of ASB. Intervention and diversion will always take priority over enforcement to curb and direct people away from their anti-social activities. That said we will not be deterred from using all available sanctions when a perpetrator has not responded, heeded the warnings or the matter is serious enough to warrant sanctions from the outset.

Action taken to deal with perpetrators of ASB will be aimed at achieving long-term solutions that reduce the impact on victims and allow the perpetrators to change their behaviour which enhances the quality of life for the local community.

This will be done by:

- Gathering evidence by the use of remote CCTV cameras where appropriate and in line with the national guidance.
- Considering all aggravating and mitigating factors, including the view of the victims.
- Assessing each case individually to determine the most appropriate action.
- Managing repeat locations via the ASB Thematic Group for multi-agency intervention and perpetrators via the ASB Panel.
- Utilise restorative practices to resolve issues and bring about behaviour change.
- Working closely with parents through the locality teams and the Youth Offending Services to ensure young perpetrators of ASB receive appropriate interventions and support.
- To tackle the underlying causes of ASB, by considering the needs of the whole family not just the individual involved.
- Use the full range of legislative powers where appropriate to resolve the most serious cases of ASB.
- Use education through schools as a primary method of preventing young people from committing or becoming victims of ASB.
- Explore the use of diversion and intervention on all occasions before a young person is criminalised unless the incident is so serious, or the offending is so persistent that the criminal justice route is the correct path.

## Remedies for ASB

### Mediation through restorative practice

In certain cases of ASB, in particular neighbour disputes, restorative mediation can be a useful approach to resolving the issue. Mediation empowers people to work together to resolve their problems when applied correctly. Solutions are offered by the parties themselves enabling them to remain in control of any outcomes. While agreements made are not legally binding, parties are more likely to adhere to them because they have created them themselves. Mediation should not be regarded as a last resort when all else has failed and should be used at the earliest opportunity if the resource is there to carry it out.

Remedi is the authorised provider of restorative services in NEL and suitable referrals can be made direct or via the Anti-Social Behaviour team where both parties agree to the intervention and the incident is linked to a criminal act. The service is available to the partner agencies where ASB is being dealt with.

### Restorative Practices/Justice

We are committed to using innovative and creative solutions to tackle ASB and promote the use of Restorative Justice as an out of court method to resolving complaints of minor crime and ASB.

***‘Restorative processes bring those harmed by crime or ASB, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward’*** (as defined by the Restorative Justice Council). Importantly, it also enables offenders to face the consequences of their actions and make amends, which has shown to be effective in motivating change and stopping future offending. The Police and Crime Commissioner through public consultation agreed certain suitable ‘out of court disposals’ that can be used by the Out of Court Service based within the localities- to resolve issues and affect behaviour change.

### Prevention and Early Intervention

Often there may be significant underlying problems which contribute to a person’s engagement in ASB. These can include.

- Domestic abuse or neglect,
- Alcohol or substance misuse,
- Physical and mental health problems.

Supporting perpetrators to identify and resolve their problems is key to helping them improve and change behaviour and forms part of our overall response (alongside formal intervention measures, where necessary).

NEL operates a place based approach with individual multi-agency locality teams working across the borough addressing whole family issues with identified families to bring about behaviour change. Each family receive tailored support to their individual needs including young people on the cusp of offending or committing ASB. With hard to reach families or

those reluctant to engage supporting tools such as warning letters, parenting contracts, community protection notices, ABC's or a civil injunction will be considered as a lever prior to court action being progressed.

The Street Based Team through an intelligence led approach will visit identified hotspot locations to engage with individuals and encourage behaviour change.

## **Intervention tools – A Staged Approach**

It is recognised that intervention and diversion will not work on every occasion, while it is accepted that this is the right course of action on occasions it will be necessary for a more robust approach and direct action to be taken to protect the victims.

The options outlined below are not a fixed menu that must be followed verbatim but a list of tools for consideration by the agencies at appropriate stages and seriousness of the behaviour exhibited. Where young people are involved a variety of interventions and monitoring are likely to be tried before moving to more formal interventions.

### **Verbal Warning**

A verbal warning is often used as an immediate response to an incident of ASB when the perpetrator is found to have no previous involvement in such activity. In issuing a verbal warning it should be made clear to the individual (and parents when a young person is at fault) what behaviour is causing the issue; what effect it is having on the victim or community and the consequences should the behaviour continue. This face to face contact with the perpetrator also provides an early opportunity to identify any contributing factors, such as substance misuse, mental health problem or learning disability, and provide the necessary intervention by means of a referral to the locality team for additional support.

Each agency needs to ensure that it keeps a record of when a verbal warning is given and should share such information with relevant partners.

Verbal warnings may be issued by a single agency or jointly through a home visit.

### **Advice letters**

Advice letters are used to alert a person that their behaviour is of concern and request that it stops. It is a particularly useful tool to inform parents/guardians that their child has been identified as being involved in ASB and provide details of the circumstances surrounding the incident.

### **Unacceptable Behaviour Warning**

An unacceptable behaviour warning contains specific details about what behaviour has occurred and why it is not acceptable, including the impact on any victims or local community. It also stresses the seriousness of the matter and details what further action may be taken should the person continue to engage in such behaviour. Local agencies should alert each other that the warning has been given so that it can be effectively monitored. NEL ASB Team

will retain a register of all warning letters served. Unacceptable behaviour warning will generally be issued through the multi-agency ASB Panel.

Best practice has found that when a warning is issued in person, the impact on the perpetrator is more significant. Furthermore, it also allows for discussion between the issuing officer, the perpetrator and their parent/guardian (if necessary).

### **Acceptable Behaviour Contract (ABC)**

An ABC is a voluntary agreement between the person involved in ASB and the partnership. The decision to issue an ABC is made at the ASB Panel meeting. Evidence is presented to a multi-agency panel with contributions being made from all agencies. The panel determines suitable prohibitions that the perpetrator must abide by and any positive requirements that will assist in diverting the person away from ASB. The ABC will last for a 6 month period and be monitored throughout its life. The ABC will be reviewed at the mid-way point to determine if it needs to be altered. The ABC can be extended where suitable evidence is presented or cancelled early where good behaviour permits.

An ABC is not legally binding but can be used as evidence to support a more formal process such as a Civil Injunction or Criminal Behaviour Order where criminal behaviour has accelerated to such a proportion that all parties agree this is the right course of action.

### **Civil Injunction**

The Police, Local Authority or Registered Housing Providers can apply for a Civil Injunction as a means to deal with anti-social individuals. The Injunction can offer effective protection for victims and communities and sets a clear standard of behaviour for perpetrators. The civil injunction can be used as a sanction where an Acceptable Behaviour Contract is continually breached with a more formal monitoring and intervention process.

There are two tests for a Civil Injunction; housing related, and non-housing related. The use of either test will depend on the applicant and circumstances in which the ASB has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the Youth Offending Team (YOT) before proceeding. A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their ASB.

Breach is not a criminal offence and is dealt with as contempt of court with varying penalties for adults and young people.

### **Parenting Contract and Parenting Orders**

**Parenting contracts** are a formal agreement between a parent and a support worker using accredited means to develop parenting skills and to assist a them to guide their child to achieve their potential. Each contract is individual to the needs and cover such things as boundary setting, school attendance and to encourage the child to act in a positive manner. Parenting contracts will be considered when a young person is made subject to an ABC and there has been no recognised change in behaviour.

**Parenting Orders** are a formal order issued by the Court where a parent or guardian has either refused to enter into a Parenting Contract or failed without reasonable cause to abide by the agreed contract when a child is displaying risk symptoms. The order will be specific to that individual and tailored to the identified requirements to effect behaviour change. A parenting Order will be considered when a young person has been made subject to a civil injunction to compliment the requirements of the injunction to effect positive behaviour made within the household.

### **Criminal Behaviour Order (CBO)**

A Criminal Behaviour Order can be applied for by the Crown Prosecution Service when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced therefore it is important agencies inform partners when they are aware a perpetrator of ASB is being brought to a criminal court and that a Criminal Behaviour Order can be considered if appropriate.

If the offender is under 18 years of age the prosecution must find out the views of the local Youth Offending Team (YOT) before applying for a Criminal Behaviour Order. Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements.

Breach (of either a prohibition or requirement) is a criminal offence.

### **Community Protection Notice (CPN)**

A Community Protection Notice is intended to deal with unreasonable, behaviour or nuisances that are persistent or serious in nature and having a detrimental effect to the local community's quality of life.

A Notice can be issued by the Local Authority, Police or Registered Social Landlord (following a written warning known as a Community Protection Warning) to anyone over 16, a business or organisation and can require the subject to stop doing specific things, do specific things and / or take reasonable steps to prevent reoccurrence. Breach of a Community Protection Notice is a criminal offence punishable by a fixed penalty fine or a court fine up to £2,500 for an individual or £20,000 for a company or body. Additionally, a court on application can make an order to put things right, such as clearing accumulated rubbish, seizure of equipment (noise making or graffiti) or making suitable orders (attend drug rehabilitation, etc.) to prevent a re-occurrence of the issue.

### **Public Space Protection Order (PSPO)**

Public Space Protection Orders are only available to Local Authorities, however, often form part of a wider problem solving plan with Police and other agencies. They impose conditions on the use of an identified area accessible by the public in order to address a particular nuisance or problem that is, or might become, detrimental to the local community's quality of life. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from ASB.

Breach of the order, without reasonable excuse is a criminal offence and can result in an individual being required to leave the area and not return for 24 hours, and / or receive a fixed penalty fine or a court fine up to £1,000.

### **Closure Power**

The Closure Power is a two stage process that allows Local Authorities or Police to close premises. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last up to 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled and it is force for 48 hours, the case must be heard in the Magistrates Court immediately to consider whether a Closure Order should be made.

The Order prevents any person from entering the property (including the owner/occupier) and lasts for 3 months which can be extended by a further 3 months if evidence suggests it is necessary. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

### **Dispersal Power**

This is a Police power to disperse people causing harassment, alarm or distress. It allows officers to direct a person who has committed, or is likely to commit, ASB to leave an area and not return for up to 48 hours. The Dispersal Power is a flexible power which the police can use in a range of situations to disperse antisocial individuals and provide immediate short term respite to a local community on the authorisation and permission of an Inspector or above. Failure to comply with a direction to leave is a criminal offence punishable by fine or imprisonment.

### **Further Intervention Methods**

Registered Social Housing Providers have a range of tools and powers available to them to effectively tackle ASB in relation to their tenants. This includes:

#### **Introductory Tenancies**

Introductory and starter tenancies provide landlords with greater flexibility to offer new tenants an appropriate level of security during the early stages of their tenancy, which will later be enhanced if the tenant has not in the meantime breached the terms of the agreement. Tenants must satisfy the landlord that they are able to abide by all conditions of their tenancy, including those regarding acceptable standards of behaviour.

Both introductory and starter tenancies enable a landlord to gain possession of a property more easily against tenants who behave anti-socially. These tenancies can only be granted where a Local Lettings Policy exists, for example; in an area with high crime or ASB. These can cover a street, a block of flats right up to a whole estate. These tenancies are for a fixed period of 12 months but can be extended for a further 6 months in certain circumstances.



## **Demotion Orders**

Registered Social Housing Providers have the power to apply for a demotion order on secure tenancies, where tenants or other residents of a dwelling, or visitors to a tenant's home, have behaved in a way that is capable of causing nuisance and annoyance, or where such a person has used the premises for illegal or immoral purposes. A demotion order has the effect of ending the existing tenancy and replacing it with a less secure demoted tenancy and mandatory possession. This removes the tenant's Right to Buy (where it applies) and their security of tenure for at least a year. These orders can be extended for a further 6 months if necessary.

## **Absolute Grounds for Possession**

Landlords will be able to choose to use the Absolute Ground for Possession, in addition to or instead of the existing discretionary ground for ASB, where any of the following five conditions are met:

- the tenant, a member of the tenant's household, or a person visiting the property has been convicted of a serious offence.
  - the tenant, a member of the tenant's household, or a person visiting the property has been found by a court to have breached a Civil Injunction.
  - the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Criminal Behaviour Order.
  - the tenant's property has been closed for more than 48 hours under a Closure Order for ASB.
- or
- the tenant, a member of the tenant's household, or a person visiting the property has been convicted for breaching a Noise Abatement Notice or order.

Where a landlord applies for possession under the absolute ground the court would have to grant an order for possession, subject to considerations of proportionality and the landlord having followed the correct procedure.

## **Tenancy Injunction**

Social Housing Providers can apply for an Injunction against a tenant for any breach (or anticipated breach) of their tenancy agreement. Failure to comply could result in up to 2 years imprisonment.

## **6. Performance Management / Monitoring**

The ASB Thematic Group is responsible for monitoring performance at a borough wide level. Performance is linked to the outcome 'Feel Safe Are Safe' with quarterly performance reports being made available to the CSP if required.

ASB performance is also given to the Communities Scrutiny Panel and viewed monthly at the Police Tactical Tasking and Coordinating Group.

## **ASB Case Review / Community Trigger**

The Anti-Social Behaviour Team will be the gate keeper for the ASB Case Reviews (which is subject to its own procedure in line with the amendments to the ASB Crime and Policing Act 2014 in 2020). An officer from the Office of The Police and Crime Commissioner will be made aware of each complaint and it will be used as an indicator to determine how well agencies are responding to reports of ASB and utilising a partnership approach to problem solve. The ASB Case Review gives victims, victim's representatives and communities the right to request a case review of their ASB case where

- three or more ASB incidents have occurred within the last 6 months and the incident being complained about was reported within a month of its occurrence; and an adequate response has not been provided to resolve the matter.

The ASB Case Review does not replace an agencies own complaints procedure where the complaint is against a single agency.

The ASB Case Review is a problem solving process that aims to find solutions for the victim as well as providing a mechanism for multi-agency accountability, which cannot be achieved through a single agency complaints procedure.

Delivery of this strategy should ensure that NEL's communities are satisfied with the response they receive to a reported ASB issue. However, if an ASB Case Review does occur that meets the essential criteria we need to ensure valuable lessons are learnt and acted upon to prevent reoccurrence.

If an ASB Case Review request does not meet the threshold, it may be decided to carry out a review regardless due to:

- The persistence of the ASB
- The harm or potential harm caused by the ASB
- The adequacy of the response from agencies



ASB Case Review  
Community Trigger P.

## **7. Monitoring/Review**

This Strategy will be monitored by the Anti-Social Thematic Group and reviewed annually by the ASB Manager with partner representatives when appropriate.