

Tonbridge & Malling Community Safety Partnership

Anti-social Behaviour Policy

2010



Tonbridge & Malling Community Safety Partnership Anti- social behaviour Policy

1. Introduction

The purpose of establishing an Anti-Social Behaviour (ASB) policy is to clearly identify, for the benefit of all Partners and other stakeholders, including the public, what the Community Safety Partnership (CSP) categorises as ASB, the priorities it has identified to be tackled in the Borough and the methods, powers and measures that will be used to tackle the issue. Within the policy the CSP will also identify those agencies who will take lead responsibility for tackling an ASB incident. This will ensure that there is clarity for the public, and partners, over who will deal with individual cases.

At the beginning of 2010 the Home Office required all CSPs to sign up to a set of ASB Minimum Standards. These Standards specified how each CSP would record and investigate cases of ASB, provide regular updates to residents on what was being done to tackle ASB and to provide support and help for victims of ASB. This policy gives details about how those ASB Minimum Standards will be achieved.

2. Definition of ASB

ASB is defined for the purposes of the law at Section 1(1) of the Crime and Disorder Act 1998, which states that ASB means acting in:

“a manner that causes or was likely to cause harassment, alarm or distress to one or more persons not of the same household.”

This definition has been adopted by the CSP.

In order to be clear about what types of ASB the CSP will tackle, partners have agreed to categorise ASB in line with the classifications suggested by Professor Simon Hallsworth in his document ‘Anti-Social Behaviour: Rethinking Definitions and Principles’ (2010). These are listed below. It is worth noting that there may be other types of ASB which have not been included in this list. This is because the CSP has decided that they are not an issue for the borough e.g. prostitution is not included as it is not an issue in the borough, although it may be an issue for other areas.

Social harms directed at individuals	Harassment Threats Verbal abuse Racial abuse Noisy neighbours Bullying Stalking
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Social harms directed at communities	Public drunkenness and disorder Drug dealing/misuse in public Abandoned cars Vehicle related nuisance e.g. <ul style="list-style-type: none"> - Car repairs in the street - Off road motorcycling - Speeding - 'Boy racers'/gathering of nuisance vehicles - Drink/drug driving - Illegal parking Inappropriate play (i.e. skateboarding in crowded public settings) Deliberate fires Animal related issues Noise from business/industry
Social harms directed against the environment	Flytipping Flyposting Littering Dog fouling Graffiti Vandalism

Just as important as defining what constitutes ASB is defining what **does not** constitute ASB, as a failure to do this could result in almost any behaviour being treated as such. The broad definition of ASB means that reaching agreement about the meaning of the term is extremely difficult, as whether or not a type of behaviour satisfies the definition(s) will undoubtedly depend on an individual's standpoint in relation to it.

Limited resources for all partners require any investigation to be targeted at the ASB which the CSP can have the greatest impact on and therefore it has been agreed that the CSP **will not** record or investigate the following:

- Children playing in a public place e.g. streets, where they are **not** making excessive noise, obstructing access to public space or causing damage.
- Low level neighbour disputes e.g. over land boundaries, location of bins (unless it is felt that this could lead to an escalation of incidents).
- Reasonable noise from vehicles on the highway carrying out their routine activities.
- Reports of inconveniently or illegally parked vehicles will be recorded, but may not be immediately investigated. Where a significant and repetitive problem develops further action may be taken.

3. How does the CSP tackle ASB

Many partners within the CSP take a lead in addressing ASB issues and the table below identifies the responsible lead agency for each type of ASB as classified above.

Type of anti-social behaviour	Lead authority
<i>Social harms directed at individuals</i>	
Harassment	Tonbridge & Malling Borough Council – ASB Officer/Kent Police (Housing Association if tenants)
Threats	Tonbridge & Malling Borough Council – ASB Officer/Kent Police (Housing Association if tenants)
Verbal abuse	Tonbridge & Malling Borough Council – ASB Officer
Racial abuse	Kent Police
Noisy neighbours	Tonbridge & Malling Borough Council – Environmental Health (Housing Association if tenants)
Bullying	Tonbridge & Malling Borough Council – ASB Officer (Housing Association if tenants)
Stalking	Kent Police
<i>Social harms directed at communities</i>	
Public drunkenness and disorder	Kent Police
Drug dealing/misuse in public	Kent Police
Abandoned cars	Tonbridge & Malling Borough Council – Environmental Health
Car repairs in the street	Tonbridge & Malling Borough Council – Planning
Off road motorcycling	Kent Police
Speeding	Kent Police
'Boy racers'/gathering of nuisance vehicles	Kent Police
Drink/drug driving	Kent Police
Inconsiderate parking – parking Management (enforcement)	Tonbridge & Malling Borough Council – Transportation
Inconsiderate parking – obstruction	Kent Police
Inappropriate play (i.e. skateboarding in crowded public settings)	Tonbridge & Malling Borough Council – ASB Officer (Housing Association if tenants)
Deliberate fires	Kent Fire & Rescue Service
Animal related issues	Tonbridge & Malling Borough Council – Environmental Health
Noise from business/industry	Tonbridge & Malling Borough Council – Environmental Health
<i>Social harms directed against the environment</i>	
Flytipping	Tonbridge & Malling Borough Council – Environmental Health
Flyposting – on private property	Tonbridge & Malling Borough Council – Planning
Flyposting – on highways land	Kent County Council
Littering	Tonbridge & Malling Borough Council – Environmental Health

Dog fouling	Tonbridge & Malling Borough Council – Environmental Health
Graffiti – criminal damage	Kent Police
Graffiti – removal	Tonbridge & Malling Borough Council – Environmental Health
Vandalism	Kent Police

Although lead agencies may be identified, this does not mean that other partners will not be involved in a case, it is expected however, that the named agency will take primary responsibility for dealing with the case. If other agencies receive a report about an incident (and they are not the lead agency) they should take the details from the complainant and pass the report onto the appropriate agency (rather than expecting the complainant to do this). It is then the responsibility of the lead agency to contact the complainant to resolve the issue.

Every ASB call received will be recorded by each individual agency, using their own database/system. If unable to respond immediately, the ASB Officer (or appropriate officer from each agency) will contact the resident as soon as possible (and within five working days at the latest). If the complaint is not deemed to be anti-social behaviour (as explained above), then this will be explained to the caller and, where appropriate, alternative courses of action will be suggested. This decision will also be recorded.

The police will provide enhanced support for repeat or vulnerable victims of ASB. A repeat victim is defined as a person who suffers from more than one criminal offence or incident within the previous 12 months and a vulnerable victim is defined as someone who due to the nature of the crime or incident is susceptible to immediate further attack or they are likely to be at risk of further crime or harm.

There are three tiers of support that the police will provide to repeat or vulnerable victims. If someone has been a victim of crime or incident twice in the last 12 months then they will receive a visit from the neighbourhood policing team (tier 1). If they become a victim of crime/incident three times in 12 months then the neighbourhood policing team will visit with other agencies and will make a referral to the police crime reduction officer. A record will be made of the actions taken (tier 2). If someone has been a victim of crime/incident four times in the last 12 months then the police crime reduction officer will conduct a survey of the premises/victim and consideration will be given to technical, target hardening or directed patrols. Any response undertaken will be subject to management review/scrutiny (tier 3). The aim is to reduce the number of repeat/vulnerable victims. This level of support may not be available from each agency and will depend on the resources available to each agency.

The CSP has agreed that if both the offender and the victim are tenants of a Housing Association, then that Housing Association will take responsibility for dealing with that issue (although other partners may be asked to assist with the case if appropriate).

If both the offender and victim are owner occupiers then the Borough Council's ASB Officer will take responsibility for the case. However, if either the offender or victim is a housing association tenant but is affecting an owner occupier, then the Borough Council's ASB Officer will work together with the housing association to resolve the case. If the victim privately rents their accommodation then they can choose to either report this directly to their landlord if appropriate (for example, an issue with neighbours) or to the Borough Council's ASB Officer.

As well as tackling the incidents reported by victims, the CSP will also work to identify and target offenders committing ASB. The CSP will look to address the root causes of why someone is committing ASB and target these issues. This will involve working with a number of agencies.

Some ASB incidents may be resolved quickly and easily by the lead agency; however the majority of ASB incidents are more complex and can involve a number of types of ASB, the solutions for which require the input of a number of different agencies. In order to ensure that all relevant agencies are involved, an Anti-Social Behaviour Task Group works to address the behaviour of the most persistent ASB offenders in the borough. The Task Group meets on a monthly basis to review progress and agree actions against individuals and families. The membership of the group represents those agencies with a 'front line' function and interest in the cases on the agenda. The Task Group is chaired and administered by the Borough Council. Anyone attending the Task Group is signed up to the Information Exchange Protocol.

Some cases may be more complex and involved in nature and where more detailed discussion is required, separate case conference meetings will be held involving all the relevant partners.

4. Powers and measures to address ASB

There are a number of powers and measures available to all partners to tackle ASB and these are contained within the Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003.

The principal measures which the CSP will apply when and where it considers appropriate (related to social harms directed at individuals and social harms directed at communities) are:

- (i) Warnings
- (ii) Support
- (iii) Legal Action
- (iv) Fixed Penalty Notices

Warnings

In many cases the first action that will be taken is to bring the incident to the attention of any known perpetrator whilst at the same time warning them about their behaviour and the consequences of it. Warnings may be in writing or verbal but in all cases they will be recorded by the agency giving the warning.

Support

Support may be given to individuals and families who have been found to be engaging in ASB through various mechanisms e.g. Acceptable Behaviour Agreements (ABAs), Mediation or referrals to other agencies. This type of action does require the co-operation of the perpetrator and a willingness to want to change their behaviour. It may also be necessary to offer support to parents or guardians or the perpetrators of ASB and this can also be provided through a variety of mechanisms e.g. parenting classes.

Legal action

Appropriate legal action will be taken against individuals who have failed to respond to the warnings given or support offered (although this should be as a last resort). The legal powers available to agencies within the Partnership are wide ranging and may include the use of Anti-Social Behaviour Orders, injunctions, dispersal orders, eviction or banning individuals from public places via the County of Kent Act.

Fixed Penalty Notices

Fixed Penalty Notices will be used particularly in relation to 'social harms directed at the environment' (for example littering and dog fouling). These are one off fines for anyone caught littering or allowing their dog to foul a public area. They are not the same as criminal convictions but failure to pay the fine may result in a higher fine being issued.

5. Recording and monitoring

All agencies that participate in data sharing and exchange will have agreed to be signatories to the CSPs adopted 'Information Exchange Protocol' in respect of personal information. In sharing and storing information they will also satisfy the requirements of all appropriate legislation. It is the responsibility of each agency to ensure that they are adhering to this legislation.

As there is currently no central database for recording all ASB within the Borough, each agency will record their own data, using an appropriate database system. Partners will be responsible for maintaining and updating their own records. The CSP has agreed to explore the opportunities for sharing data, but due to the complexities of achieving this aim, this may take a time to develop.

Where appropriate each agency will feedback to a complainant on the actions taken to resolve their issues. There will also be quarterly reports to the general public on actions taken to address anti-social behaviour and these reports will be co-ordinated by the Borough Council, although other agencies will also publish their own reports, e.g. the police through the 'You Said, We Did' campaign.

If residents feel that appropriate action to resolve their ASB issue has not been taken by members of the Partnership, they should first raise that matter using the complaints procedures of the individual agency of whom they are complaining about. Each agency will then investigate the complaint following their own complaints procedure. If residents are not satisfied with the

response they receive via that process they can, as a last resort, approach their local Councillor to request a 'Councillor Call for Action'. The Councillor can then decide whether to make a referral to the Borough Council's Community Safety Scrutiny Sub-Committee.

If a referral is made to the Community Safety Scrutiny Sub-Committee each appropriate agency who has been involved in the initial ASB case will be requested to attend the meeting (which may be a specially called meeting) to provide a review of the case and the actions they have taken in dealing with the initial complaint. The Sub-Committee will then decide whether any further action is justified by partner organisations. Any decisions taken will be fed back to the complainant and they would need to abide by this decision.