

12th March 2024

KEY DECISION? YES

INTRODUCTION OF ANTISOCIAL BEHAVIOUR POLICY

SUMMARY AND RECOMMENDATIONS:

This report seeks Cabinet approval for the introduction of a formal Antisocial Behaviour policy. The Policy will enable the Council to clearly set expectations and parameters when responding to complaints of Antisocial behaviour.

Cabinet is recommended to:

- Approve the proposed Antisocial Behaviour Policy attached at Appendix 1

1. INTRODUCTION

- 1.1. The purpose of this report is to seek Cabinet approval to implement the proposed Antisocial Behaviour Policy attached at Appendix 1.
- 1.2. This is a key decision as impacts all wards across the borough.

2. BACKGROUND

- 2.1. The Council has a statutory obligation to tackle crime, disorder and antisocial behaviour under the Crime and Disorder Act 1998. The in-house Community Safety team respond to day-to-day enquiries and work in partnership with other agencies to take appropriate action.
- 2.2. Currently there is no formal Antisocial Behaviour Policy in place to help residents understand the response they can expect from the Council and processes to follow. This lack of clarity can cause unnecessary uncertainty for both residents and partners.
- 2.3. The Community Safety Team have a significant case-load of ongoing work, legal action and work collaboratively with partners to manage cross-cutting issues. The Community Safety Team either lead on this work or signpost to the appropriate agency, ensuring follow-ups and actions are carried out in a timely manner. In addition to this, the team receive numerous routine enquiries across a broad range of subjects.

3. DETAILS OF THE PROPOSAL

General

- 3.1. In order to ensure residents are well informed a policy has been written detailing amongst others:
 - 3.1.1. The Council's principles for dealing with antisocial behaviour
 - 3.1.2. What the Council considers and does not consider antisocial behaviour
 - 3.1.3. Reporting procedure
 - 3.1.4. Tools and powers available to the Council
 - 3.1.5. Approach to enforcement
 - 3.1.6. Support for victims and vulnerable individuals
 - 3.1.7. The Antisocial Behaviour Case Review
- 3.2. This policy is applicable across the whole borough.

Alternative Options

- 3.3. Members may choose not to adopt the policy; however this will not help to provide greater certainty around the service that residents can expect.

Consultation

- 3.4. The policy has been written with the support of the Policy and Project Advisory Board having been discussed at the 26th November and 29th November meetings. Members of the board were particularly keen to ensure that the following areas were included in the policy:
 - 3.4.1. Ensuring the council state explicitly what can and cannot be dealt with
 - 3.4.2. Ensuring links to and mention of other council policies and departments where relevant
 - 3.4.3. Agreeing terms of feedback with customers at initial contact
 - 3.4.4. Expanding the enforcement section to underpin the importance of justifiable, proportionate, and necessary action.
- 3.5. Each of these were factored into the final draft of the policy and the board were happy to recommend the policy to Cabinet for approval.

4. IMPLICATIONS (of proposed course of action)

Risks

- 4.1. There are no significant risks associated with this report.

Legal Implications

- 4.2. The council is obliged to work within the relevant antisocial behaviour legislation and have regard to statutory guidance.

Financial and Resource Implications

- 4.3. There are no financial implications of the proposed Policy.

Equalities Impact Implications

- 4.4. The Equality Impact Assessment associated with the proposed policy is attached at Appendix 2 and concludes that there are no negative equalities impacts associated with implementing the policy.

Other

- 4.5. There are no other implications to consider.

5. CONCLUSIONS

- 5.1. The proposed Antisocial Behaviour Policy is recommended to Cabinet for approval.
- 5.2. The policy has been written with the support of the Policy and Project Advisory Board who were happy to recommend the policy to Cabinet for approval.
- 5.3. The proposed policy will provide clarity and confidence to residents of the borough on the response they can expect to complaints of antisocial behaviour.

LIST OF APPENDICES/ANNEXES:

Appendix 1 – Proposed Antisocial Behaviour Policy
Appendix 2 – Equalities Impact Assessment

BACKGROUND DOCUMENTS:

None

CONTACT DETAILS:

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Rushmoor Borough Council

Antisocial Behaviour Policy

DRAFT

Owner: Community Safety Manager

Version: 1.1

Issued:

Last updated:

Review date:

1. Scope and purpose of this document

This document serves as the policy document in terms of Rushmoor Borough Council's response to antisocial behaviour. It defines what the council means by "antisocial behaviour", outlines the principles the council applies to responding to antisocial behaviour and also documents tools and powers available.

2. The Council's responsibilities and working in partnership

Rushmoor Borough Council have a range of tools and powers to address antisocial behaviour as a local authority. Rushmoor Borough Council are also a statutory member of the Safer North Hampshire Community Safety Partnership as defined by the Crime and Disorder Act 1998. This act requires the Council to work with Police and other agencies to tackle crime, disorder and ASB across Rushmoor and as an authority are scrutinised on our actions on an annual basis.

The council has an in-house community safety team who work with other internal departments to address complaints, as well as key partner agencies including Hampshire and Isle of Wight Constabulary, Hampshire and Isle of Wight Fire and Rescue Service and local Housing Associations. Where appropriate and agreed the Council will lead an investigation into a complaint of antisocial behaviour, involving other agencies as and when required.

3. Prevention and early intervention

Rushmoor Borough Council believe that when it comes to dealing with antisocial behaviour that early intervention is key. We work to divert and support individuals with a view to keeping people out of the criminal justice system where possible and enforcement will be used when proportionate and justified in relation to the impact of those affected.

The community safety team operate under the 4s principal of Engage, Educate, Encourage and Enforce.

4. Our principles for dealing with antisocial behaviour

The following principles underline the Council's approach to tackling antisocial behaviour;

1. No resident, visitor or business of Rushmoor should have to suffer from antisocial behaviour
2. Reports will be treated seriously with regular updates on progress provided by the complainants preferred method
3. We will work with other Council departments and partner agencies in order to deliver an effective and prompt response to reports

4. Where cases involve a safeguarding concern we will ensure appropriate referrals are made as soon as possible after receiving the information, or immediately if deemed an immediate welfare risk
5. Where appropriate we aim to provide suitable support and onward referrals to those impacted by antisocial behaviour

5. What is antisocial behaviour?

Rushmoor Borough Council define antisocial behaviour as:

- Any behaviour that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household

Examples of this type of behaviour could include (but are not limited to):

- Rowdy or inconsiderate behaviour
- Threatening behaviour or intimidation
- Littering or drug paraphernalia
- Street drinking
- Nuisance noise (excluding statutory noise nuisance as dealt with by Rushmoor Borough Councils environmental team)
- Aggressive begging
- Vehicle nuisance or inappropriate use of vehicles
- Vandalism and criminal damage

The Council does not regard the following types of behaviour as antisocial behaviour and therefore will not investigate complaints as such:

- Persons using public facilities during reasonable daytime and evening hours (e.g. playing in a playpark, using a skate ramp or use of a sports pitch) where they are not making excessive noise, obstructing access to public space or causing damage
- Neighbour disputes involving land boundaries, location of waste bins, children playing reasonably in gardens or nearby and other civil matters
- Reasonable noise from vehicles on the highway carrying out normal activities
- Reports of inconveniently or illegally parked vehicles
- Homeless individuals whereby there are no associated negative behaviours e.g. street begging, street drinking, harassment etc

If any of the above falls under the remit of another council department or agency, the community safety team will pass the complaint to the other relevant department or seek permission to share the information with an outside agency if applicable, for example Police.

6. Antisocial Behaviour Reporting Procedure

Rushmoor Borough Council wants to ensure that it makes reporting antisocial behaviour as easy and accessible as possible. Residents can report antisocial behaviour to Rushmoor Borough Council via the following means:

1. Online form – Visit www.rushmoor.gov.uk or click here - [Report antisocial behaviour - Rushmoor Borough Council](#)
2. Email – communitysafety@rushmoor.gov.uk
3. Telephone – 01252 398399 (customer services)

Once reported, we will aim to provide an initial response to any enquiry within five working days. Response times may vary depending on current caseload and other commitments. The community safety team does not have provision to deal with antisocial behaviour complaints out of normal working hours or on bank holidays so in these circumstances further time should be allowed for a response. Once a report is received we will:

- Assess the nature of antisocial behaviour reported to us and plan a proportionate response and timescale (in line with principles detailed above)
- Treat all reports as personal information under the Data Protection Act 2018 and will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent (if required).
- Share information with partner agencies that may be able to help with the problem in accordance with information sharing agreements
- Encourage all criminal activities to be reported to the Police
- Register each case, give it a unique reference number and named lead officer
- Fully investigate the complaint which could involve liaison with other parties including witnesses, alleged perpetrators and partner agencies.
- Explain our reasons for our chosen course of action, and advise on other appropriate sources of support if necessary
- Review all opens cases of antisocial behaviour each month and set agreed terms of feedback to the person(s) who has reported the antisocial behaviour (including method, format and frequency of feedback required)

7. Tools and Powers

The Council have several tools and powers at their disposal and will consider their use on a case-by-case basis. As a general rule we will seek to resolve cases with the lowest level of intervention, only taking formal action when antisocial behaviour is serious and persistent. We will also take into account whether the victim or perpetrator is considered vulnerable, and what support could be offered alongside any formal action.

Warning Letters

Warning letters are designed to give an individual the opportunity to change their behaviour, as well as signposting them to any appropriate support. Warning letters are normally sent on receipt and

investigation of an initial incident of antisocial behaviour or residential cannabis use. If an individual is under 18, the letter will be addressed to the parent or guardian. If we have cause to write a second warning letter, an individual will be invited to sign an Acceptable Behaviour Contract.

Acceptable Behaviour Contracts

An Acceptable Behaviour Contract is a voluntary signed agreement between the person in question and various members of the Community Safety Partnership including Rushmoor Borough Council, the police, registered social landlords and Hampshire County Council.

Acceptable Behaviour Contracts are designed to give those involved the chance to acknowledge the impact of their actions, and realise the effects they have had on others and agree what they can do moving forward.

These contracts explain that the bad behaviour must stop and say what may happen if it doesn't. They aren't legally binding, but they can be referred to in court if the behaviour continues.

Parents and guardians will be involved where the subject is under 18 years old.

Mediation and Restorative Justice

Where suitable, and with consent of all parties we are able to refer individuals to a local mediation and restorative justice service. Restorative justice gives victims the opportunity to community directly or indirectly with the persons(s) responsible for an offence, explain how it has affected them and ask questions.

Community Protection Warnings and Notices

A notice requiring a person aged 16 or over, business or organisation which can require them to stop a certain behaviour. A notice can also contain positive requirements which an individual, business or organisation must carry out. The penalty for breach of a Community Protection Notice is a fixed penalty notice up to £100, or a fine of up to level 4 for individuals, or a fine for businesses. This can be issued directly by a local authority.

Civil Injunction

An order issued by the magistrates court on a person aged 10 and over requiring a person to either do a certain thing or to prohibit them from doing a certain thing, with the aim of stopping the antisocial behaviour and preventing any escalation of the behaviour. A power of arrest can be attached to certain conditions. Penalty for breach of a Civil Injunction can include a fine, a direction from a Judge or a custodial sentence.

Criminal Behaviour Orders

An order issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently antisocial individuals who are also engaged in criminal activity. Penalty for breach of a Criminal Behaviour for over 18s on summary conviction is up to six months imprisonment a fine or both. For over 18s on conviction on indictment the penalty is up to five years imprisonment a fine or both.

Closure Notice and Order

A notice and subsequent order allowing the Police or Council to close premises which are being used, or likely to be used to commit antisocial behaviour. Penalty for breach of a notice is up to

three months in prison, and penalty for breach of an order is up to 51 weeks in prison. Breach of either is also liable to an unlimited fine.

Public Space Protection Orders

A order restricting certain types of behaviour in a specific area, allowing police and other authorised officers to request an individual stops doing something. A Fixed Penalty Notice can be issued for breach of this order.

8. Enforcement

There may be instances where the use of more informal tools and powers available is not sufficient, and enforcement action must be considered. This will take into account wider impact on victims and the community. All enforcement action will be proportionate and justified.

Where an officer feels that a matter need escalating for enforcement action, the first stage is to discuss with the Community Safety Manager who will then initiate a discussion with the Legal team and any other interested parties. The Legal team will make a decision on whether external legal advice is required, and if so will contact relevant persons.

If it is a matter that the community safety team are leading on, the Community Safety Manager and other officers will build a casefile including overarching statements, witness statements and formal evidence before passing to the Legal team for review.

Examples of when enforcement action may be required include:

- Breach of a Community Protection Notice
- Application for a Civil Injunction
- Application for a Closure Order
- Non-payment of a fixed penalty notice issued under a Public Space Protection order

The community safety team have no control or influence over court listings, court waiting times and similar.

All enforcement action will be justified, proportionate and necessary.

9. Communications and Press

There may be instances where it is appropriate to share details of a case, injunction or similar with the press. This will be done with consideration for victims, offenders and the wider community whilst ensuring safety of those involved.

Where it is necessary to protect vulnerable perpetrators subject to successful action at court from press intrusion court orders will be sought restricting sharing of personal details.

The community safety team will seek to work with the councils' communications team to promote awareness of antisocial behaviour and related issues through targeted campaigns including (but not limited to) the annual council community safety survey, antisocial behaviour awareness week and white ribbon day

10. Support for victims and vulnerable individuals

We will ensure that victims, perpetrators, and any vulnerable individuals are given appropriate support when dealing with antisocial behaviour cases. Referrals to support services will be offered including (but not limited to):

- Adults and Childrens Services
- Stop Domestic Abuse
- Victim Support
- Restorative Solutions
- Inclusion Recovery
- Hampshire and Isle of Wight Rescue Service Safe and Well service

Consent for all referrals will be gained where possible. Where consent is not gained, cases will be assessed on an individual basis as to whether it would be appropriate and in the best interests of the person to submit a referral anyway.

Should significant concerns remain around an individual the community safety team will follow its safeguarding processes and may seek to establish a MARM process and ensure appropriate agencies attend and participate.

11. Antisocial Behaviour Case Review

The antisocial behaviour case review is a process which allows residents to request a review of their case if they feel that insufficient action has been taken to deal with an issue. The review cannot be used to report crime or antisocial behaviour generally.

To request a review, the following criteria must be met:

- Three separate incidents of antisocial behaviour reported within six months
- The request must be submitted within a month of the last reported incidents

Review requests can be submitted by calling Hampshire and Isle of Wight Constabulary on 101, by emailing the community safety team direct on communitysafety@rushmoor.gov.uk or by calling Rushmoor Borough Council on 01252 398399.

Once a review has been requested and if the criteria has been met, residents will be informed of the full process and expected timescales.

12. Relevant legislation and supporting policies

The **Crime and Disorder Act 1998** places a statutory duty on the Council to work with partner agencies to tackle crime, disorder and antisocial behaviour. Rushmoor Borough Council contributes to this duty by having a community safety team to tackle reports of antisocial behaviour from residents, as well as by being a key partner of the Safer North Hampshire Community Safety Partnership, covering the local authority areas of Basingstoke, Hart and Rushmoor. Other Partners

include Hampshire Constabulary, Hampshire and Isle of Wight Fire and Rescue Service, local Clinical Commissioning Groups, local Probation Services and Hampshire County Council.

The **Antisocial Behaviour, Crime and Policing Act 2014** provides the Council, Police and social housing providers with a number of powers to tackle antisocial behaviour including Community Protection Notices, Civil Injunctions, Closure Orders and Public Space Protection Orders. This act also introduced the Community Trigger case review, as detailed further below.

The community safety team will work with other council departments to ensure relevant policies and procedures are considered in day to day working including Safeguarding, Communications and the Supporting Communities Strategy.

13. Comments and complaints

We want to provide customers with the best service but recognise that sometimes things can go wrong. If you are unhappy with the service provided by the community safety team, we would ask that you contact us to explain the issue and see if we can further assist or put it right.

If after this you feel your complaint is still unresolved Rushmoor Borough Council has a procedure in place that sets out what we will do if you would like your complaint to be investigated further.

You can read about the Rushmoor Borough Council complaints procedure and submit a complaint by visiting the website at www.rushmoor.gov.uk. Alternatively you can contact our customer services team on 01252 398399 or by emailing customerservices@rushmoor.gov.uk.

If you want to provide general comments or positive feedback on the service received by the community safety team this can be emailed to customerservice@rushmoor.gov.uk or by calling 01252 398399.

Full Equality Impact Assessment

Guidance Notes

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics'.

This applies to policies, services and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, and how serious any potential impacts might be. We use this Equality Impact Assessment (EIA) template to complete this process and evidence our consideration. The EIAs analyse how all our work as a council might impact differently on different groups, help us make good decisions and evidence how we have reached these decisions.

When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the borough, or at a national level (eg: a change of legislation)

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

Equality Impact Assessment Template

Title of EIA	Antisocial Behaviour Policy
Date of EIA	January 2024
Department/Service	Community Safety
Focus of EIA	<p>1.1. The Council has a statutory obligation to tackle crime, disorder and antisocial behaviour under the Crime and Disorder Act 1998. The in-house Community Safety team respond to day-to-day enquiries and work in partnership with other agencies to take appropriate action.</p> <p>1.2. Currently there is no formal Antisocial Behaviour Policy in place which informs residents of the response they can expect from the Council and processes to follow.</p> <p>1.3. In order to ensure residents are well informed a policy has been written detailing amongst others:</p> <ol style="list-style-type: none"> 1. The Council’s principles for dealing with antisocial behaviour 2. What the Council considers and does not consider antisocial behaviour 3. Reporting procedure 4. Tools and powers available to the Council 5. Enforcement 6. Support for victims and vulnerable individuals 7. The Antisocial Behaviour Case Review <p>The Equality Act 2010 also establishes the Public Sector Equality Duty, which Rushmoor Borough Council, as a public body, is required to follow. The Duty requires that in the exercise of its functions, the Council has due regard for the need to:</p> <ul style="list-style-type: none"> ● Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; ● Advance equality of opportunity between people who share a Protected Characteristic and those who do not; and ● Foster good relations between people who share a Protected Characteristic and those who do not.

	<p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic; • Taking steps to meet the needs of people who share a relevant Protected Characteristic that is different from the needs of people who do not share it; and • Encouraging persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low. <p>The Council has implemented this by assessing the likely impacts that this Antisocial Behaviour Policy will have on those with a Protected Characteristic and considering whether there is a disproportionate impact on any particular groups and if so, whether or not it can be justified. This has been set out in more detail below along with support that is already in place or can be put in place.</p> <p>The policy has been reviewed on two occasions by the Policy, Projects and Advisory Board (PPAB), with comments taken on board and implemented into the document.</p>
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1.Previous EIA and outcomes
 What actions did you plan last time and what improved as a result?
 (If there is no previous EIA write Not applicable)

Not applicable

2.Equality analysis and potential actions
 Assessment of overall impacts on those with the following protected characteristics and what potential actions could be undertaken to mitigate impact.

Age	No impact anticipated
Disability	No impact anticipated
Gender Reassignment	No impact anticipated
Marriage or civil partnership	No impact anticipated
Pregnancy or maternity	No impact anticipated
Race	No impact anticipated
Religion or belief	No impact anticipated
Sex	No impact anticipated
Sexual orientation	No impact anticipated

3. Assessment of overall impact and potential actions

The Antisocial Behaviour Policy is designed to ensure all customers can expect the same level of service and outcome, regardless of any protected characteristics or level of vulnerability.

During review of the draft policy PPAB did not raise any concern about impact on any vulnerable group.

4.Consultation & community feedback

What consultation has taken place or will take place with each identified group?

Age	No consultation taken place or planned
Disability	No consultation taken place or planned
Gender Reassignment	No consultation taken place or planned
Marriage or civil partnership	No consultation taken place or planned
Pregnancy or maternity	No consultation taken place or planned
Race	No consultation taken place or planned
Religion or belief	No consultation taken place or planned
Sex	No consultation taken place or planned
Sexual orientation	No consultation taken place or planned

5. We understand the Council requires this Equality Impact Assessment and we take responsibility for its completion and quality.

Completed by: name and role	David Lipscombe Community Safety Manager	Date 30.01.24
Signed off by: Head of Service	James Duggin Executive Head of Operations	Date 30.01.24