



**Fylde Council Anti-Social Behaviour Policy
September 2015**

Contents

Introduction	4
Partners	4
Definition of anti-social behaviour	4
Principles underlying this policy	5
Legislative framework	5
Information sharing	6
Receiving a report of anti-social behaviour	6
Case management and investigation	6
Anti-Social Behaviour Multi-Agency Risk Assessment Conference (ASBRAC))	6
Closing cases	7
Customer feedback	7
Community trigger	7
Monitoring and feedback	9

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1 INTRODUCTION

Our vision is:

'Improving the quality of life for all those who live in, work or visit the Borough of Fylde'

Working with partners where appropriate, we have powers to address certain types of anti-social behaviour including:

- Abandoned vehicles
- Aggressive and dangerous dogs
- Dog barking/fouling/straying dogs
- Fly tipping
- Graffiti
- Harassment and intimidation
- Litter and rubbish
- Noise nuisance
- Rowdy and inconsiderate behaviour
- Vehicle related nuisance and inappropriate vehicle usage

This policy sets out our approach to tackling anti-social behaviour in the Fylde area.

2 PARTNERS

We work with a wide range of partners to tackle anti-social behaviour. These include:

- Lancashire Constabulary
- Lancashire Fire and Rescue Service
- Lancashire County Council
- NHS Fylde and Wyre Clinical Commissioning Group

We also work with other agencies from both the statutory and voluntary sector who can contribute to tackling anti-social behaviour.

3 DEFINITION OF ANTI-SOCIAL BEHAVIOUR

The term "anti-social behaviour" describes the everyday nuisance, disorder and crime that has a huge impact on victims' quality of life.¹

Many different behaviours may be classed as anti-social dependant on the severity and frequency of the behaviour. Below are some examples:

¹ Explanatory note to the Anti-Social Behaviour, Crime and Policing Act 2014, para.6

Personal

- Intimidation
- Harassment
- Abuse
- Graffiti on property
- Vandalism that is targeted
- Noisy neighbours

Nuisance

- Ball games
- Noise
- Skateboarding
- Lewd/indecent behaviour
- Overnight camping
- Barking dogs
- Drug/alcohol misuse
- Street drinking
- Begging

Environmental

- Dog fouling
- Fly tipping
- Littering
- Graffiti
- Fast food litter
- Rubbish
- Cars being offered for sale
- Criminal damage
- Vandalism

4 PRINCIPLES UNDERLYING THIS POLICY

Our residents should not be expected to tolerate anti-social behaviour. Therefore, working with partners where appropriate:

- We will support residents to report incidents.
- We will carefully assess each complaint of anti-social behaviour to decide what support and further action is appropriate.
- We will try to provide ongoing support to victims
- We will take or facilitate appropriate action against perpetrators.

Sometimes it is only possible to pursue a complaint to a resolution if a complainant is prepared to work with us. This may mean providing additional information, completing diary sheets or engaging in some activity or intervention recommended by us.

6 LEGISLATIVE FRAMEWORK

There is a wide range of legislation that contributes to tackling anti-social behaviour, including:

Environmental Protection Act 1990
Crime and Disorder Act 1998
Anti-Social Behaviour Act 2003
Clean Neighbourhoods and Environment Act 2005
Equality Act 2010
Anti-Social Behaviour, Crime and Policing Act 2014

In compiling this policy, we have had regard to the requirements of:

Human Rights Act 1998
Data Protection Act 1998
Equality Act 2010

5 INFORMATION SHARING

Where necessary, we will share information about complaints with partner agencies for the purposes of investigation and intervention. Information sharing will be done in line with the Safer Lancashire Information Sharing Protocol².

We have a legal duty to pass on to other agencies any information that we receive that suggests that:

- A crime has been committed
- A crime is going to be committed
- Someone (either an adult or a child) is being harmed, or is at a risk of being harmed

6 RECEIVING A REPORT OF ANTI-SOCIAL BEHAVIOUR

We will accept complaints of anti-social behaviour in person, on the telephone or online. If you make a complaint, officers will contact you within three working days in order to take the details so we can assess what needs to be done.

The process chart at Appendix 1 shows how we will deal with a complaint of anti-social behaviour.

If we decide to investigate a complaint of anti-social behaviour, an investigating officer will write a report and open a case file, including all relevant updates. The officer will assess the case to decide how to progress it towards a resolution. The case assessment will take into account the nature and seriousness of the anti-social behaviour, its effect on the complainant and other people, including any risk of harm, and the views of the complainant.

7 CASE MANAGEMENT AND INVESTIGATION

We will deal with all anti-social behaviour appropriately and proportionately in line with the case assessment and the following principles:

- We will work with partner agencies to ensure that the most appropriate agency takes the lead on each case
- We will use problem solving principles
- We will use an incremental approach to tackling the anti-social behaviour
- We will provide the level of support needed by the victim
- The interventions used will be appropriate to the anti-social behaviour

We will use the powers and tools available under the legislative framework covering anti-social behaviour where it is appropriate to do so, while recognising that cases can often be better resolved by interventions falling short of formal action.

8 ANTI-SOCIAL BEHAVIOUR MULTI-AGENCY RISK ASSESSMENT CONFERENCE (ASBRAC)

The most appropriate way of dealing with some cases is through a multi-agency conference. This group undertakes a multi-agency approach to tackling anti-social

² Available at www.saferlancashire.co.uk/2011/aboutus/index.asp

behaviour in cases where there is significant risk of harm or death to the victim. The ASBRAC will facilitate the sharing of information in line with the Safer Lancashire Information Sharing Protocol to increase the safety, health and wellbeing of medium and high-risk victims of anti-social behaviour. The information sharing will also enable the identification of perpetrators and allow action to be taken against them where appropriate.

Should a victim be dissatisfied with the decisions and disposal of an ASBRAC complaint, this may be escalated by way of the formal complaints procedure relevant to the agency concerned. This may, however, also be resolved by convening an independent review of the ASBRAC case by a panel of agency senior management.

Terms of reference for this group can be found in Appendix 2

9 CLOSING CASES

In most cases, we will close a case because the problem has been satisfactorily resolved. However, cases may be closed without appearing to have been resolved if we have exhausted all avenues and resources and still cannot take any further action against the perpetrator. It may be that there is only one person reporting and, without other witnesses coming forward, there is little that can be pursued through the courts.

Other reasons why your case may be closed are:

- The reports are malicious or motivated by prejudice or discrimination
- The report is about a one off incident
- The report is due to a clash of lifestyles
- The person reporting will not co-operate with our investigation

10 CUSTOMER FEEDBACK

If someone is not happy with the way in which their report has been handled they can make use of the Council's Complaints Procedure. Details can be found at www.fylde.gov.uk/business/customer-services/complain/. If another agency led the investigation then their own Complaints Procedure should be used.

If a number of agencies were involved in investigating the report and the complainant is not satisfied with how this was handled, they may be eligible to consider using the Community Trigger.

11 COMMUNITY TRIGGER

Victims of anti-social behaviour are able to use the community trigger to request a review of their case. Agencies, including councils, police, local health teams and registered providers of social housing have a duty to undertake a review of how they have dealt with a case when the complainant is dissatisfied with the outcome and the case meets our locally defined threshold.

The Community Trigger can be used by any victim of anti-social behaviour or by any person acting on behalf of a victim, for example a family member, friend, carer,

councillor, MP or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf.

The Community Trigger should not be used to complain about a single organisation. If your complaint is about an individual organisation, you are advised to follow their complaints procedure.

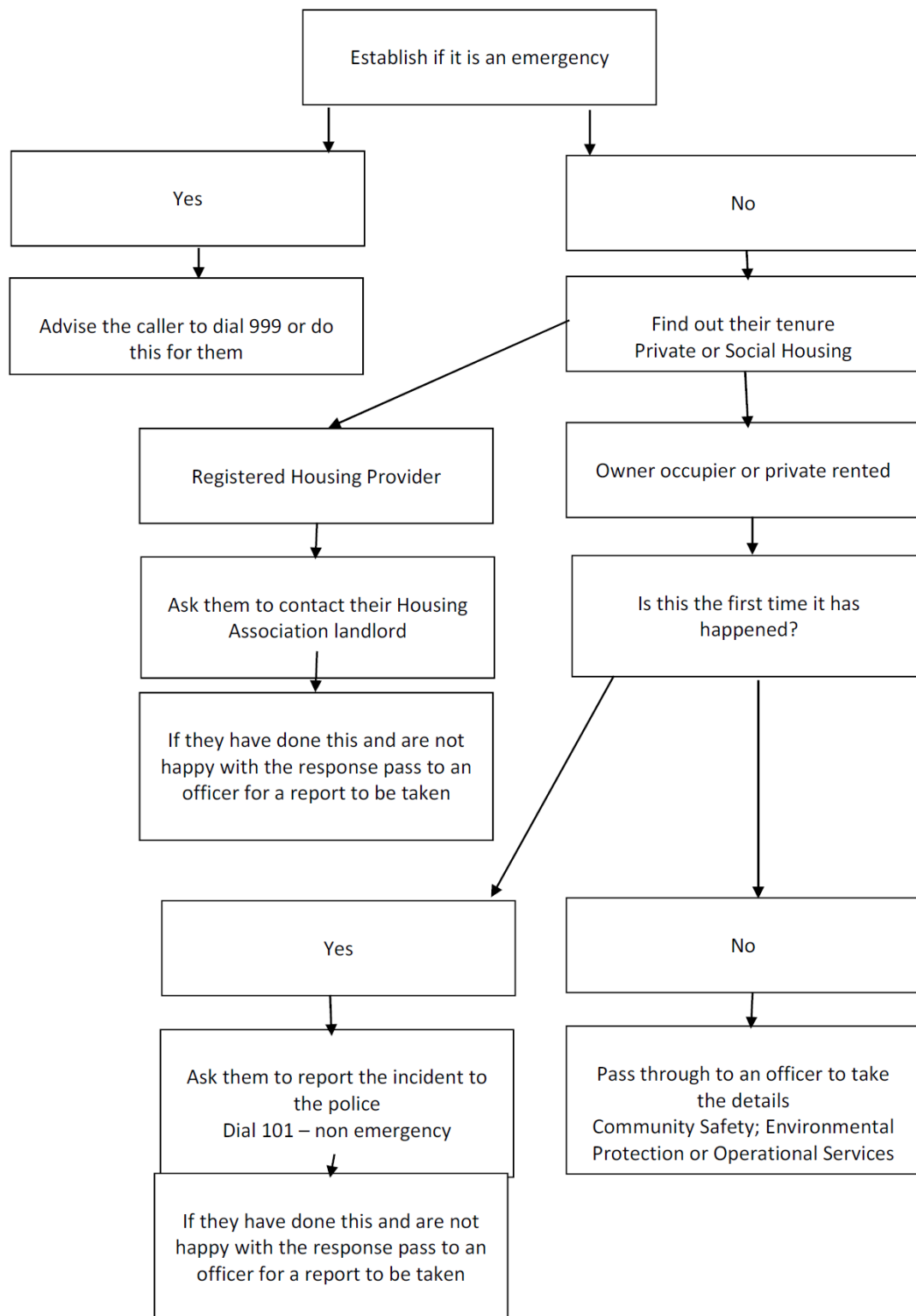
More details about the Community Trigger are available at www.fylde.gov.uk/council/community-safety/trigger/.

12 MONITORING AND FEEDBACK

We will review this policy periodically to ensure that it is responsive to new legislation and emerging good practice.

Appendix 1

PROCESS CHART



Appendix 2

ASBRAC TERMS OF REFERENCE

PURPOSE

To undertake a multi -agency approach to tackling anti-social behaviour in cases where there is a significant risk of harm or death to the victim. The ASBRAC will facilitate the sharing of information (under the Safer Lancashire Information Sharing Protocol) to increase the safety, health and wellbeing of medium-risk and high-risk victims of antisocial behaviour. This information sharing will also enable the identification of perpetrators and allow action to be taken against them where appropriate.

CORE BUSINESS

The core business of the ASBRAC Group will be to agree and implement case management plans which:

- provide professional support to those at risk
- reduce the risk of harm and disruption to victims of anti-social behaviour
- provide support and guidance for perpetrators where necessary
- take action to prevent perpetrators engaging in antisocial behaviour

ASBRAC aims to support and improve multi-agency problem solving and information sharing, providing sustainable solutions to antisocial behaviour.

ASBRAC also endeavours to improve agency accountability and improve support for staff involved in dealing with cases where there is a risk of harm or serious disruption to the lives of victims suffering as a result of anti-social behaviour.

CHAIR

Tracy Morrison (Director of Resources Fylde Council)

DEPUTY CHAIR

Bryan Ward (Community Safety Officer Fylde Council)

MEMBERSHIP

Membership for ASBRAC consists of various representatives from agencies including, but not limited to, Local Authority, Police, Health, Social Care, Mental Health Services, Youth Offending Team, NCompass, Victim Support, and Housing Options/Providers.

MEETING ARRANGEMENTS

The ASBRAC group will meet monthly. If the Chair is not present, the conference will be chaired by the Deputy Chair.

All cases heard at the conference must be presented by the referring officer to enable effective and in-depth understanding of the case. In the event that the referring officer is unable to attend the conference, a nominated representative from the same agency, with knowledge of the case, must attend.

The group will report to the Fylde Community Safety Partnership Group.

RESPONSIBILITY & ACCOUNTABILITY

All representatives attending the ASBRAC agree to be held responsible and accountable for adhering to the ASBRAC Information Sharing Protocol and with the guidelines set out within this document.

Referring officers acknowledge that they retain ownership of their cases and are ultimately responsible for ensuring that consent is gained and that confidentiality is maintained. ASBRAC is a tool to be utilised for the purposes of solving the antisocial behaviour and does not take on any ownership or responsibility for a case.

It is expected that all officers who have actions allocated to them at ASBRAC (as part of the case management plan) complete these actions within seven days of the meeting. Updates must be provided to the ASB Coordinator (Community Safety Manager or ASB Admin Support) within this time frame and, in the event that this is contravened, officers will be held responsible for any outstanding actions.

COMMUNITY TRIGGER

As part of the new Antisocial Behaviour, Crime & Policing Act, 2014, there may be occasions when the ASBRAC is also utilised as a multi-agency forum to discuss Community Trigger applications that have met the specified threshold.

A set of existing Terms of Reference is in place relating specifically to Community Trigger meetings.

EMERGENCY CASE CONFERENCES

There may be occasions where an ASBRAC victim is significantly at risk of harm or death and an emergency case conference may need to be convened. In such an event, ASBRAC partners will be duly notified and it is expected that all guidance and protocols outlined within this document and within the ASBRAC Information Sharing Protocol should be followed as per a usual case conference.