

**COMMUNITY PDG
30 JANUARY 2018**

ANTI-SOCIAL BEHAVIOUR POLICY

Cabinet Member(s): Colin Slade
Responsible Officer: Simon Newcombe, Group Manager Public Health & Regulatory Services

Reason for Report: To provide an updated Anti-Social Behaviour (ASB) Policy for consideration.

RECOMMENDATION: That the PDG recommend that Cabinet approve the updated ASB Policy as attached in Annexe 1.

Relationship to Corporate Plan: None

Financial Implications: None

Legal Implications: The Anti-Social Behaviour, Crime and Policing Act 2014 provides agencies including Local Authorities with enforcement powers in addressing anti-social behaviour. The Act replaced Anti-Social Behaviour Orders (known as ASBOs) which was the primary civil order in the UK since 1998, with Criminal Behaviour Orders.

The focus of the Act is to streamline the tools and powers available to frontline agencies in dealing with anti-social behaviour. Previously there had been 19 different powers, but these were reduced to a base of 6. They are:

Civil Injunction
Criminal Behaviour Order
Dispersal powers
Community Protection Notices
Public Space Protection Order
Closure of Premises

The purpose of the ASB policy is to provide an overarching basis to link all local services that deal with ASB, therefore to improve co-ordination and encourage a consistent approach to dealing with issues that arise, either informally or formally through the enforcement powers available.

The Council also has a specific responsibility to address ASB as part of wider strategies for reducing crime and disorder under the provisions of the Crime & Disorder Act 1998.

Risk Assessment: A co-ordinated approach to ASB is required to ensure resident satisfaction. If the Council does not commit resources to ASB issues the policy will not be effective and the Council could fail its responsibilities under the Crime & Disorder Act 1998. Limited out of hours service activity could prevent satisfaction of the Councils approach to ASB.

Equality Impact Assessment: An Equality Impact Assessment has been completed and is attached in Annex 2. No equality issues have been identified within the policy.

1.0 Introduction

1.1 This ASB Policy is due a review and updating as per the three year time frame.

1.2 The document has been shared with the following partner agencies, organisations and internal services for comment and officers have taken into account the comments made in this final version. A summary of the consultation responses and changes made to the previous version of the policy is included in the following section.

- Town and Parish Councils (via Local Advisory Groups)
- Devon and Cornwall Police
- Devon County Council Public Health
- Cabinet Member for Community Well-being
- Leadership Team
- Environmental Health, Licensing and Private Sector Housing Teams (Public Health and Regulatory Services)
- Community Safety Partnership Steering Group
- Local Advisory Groups
- Devon ASB Officers Group
- Neighbourhood Housing Team (Housing Services)

2.0 Consultation responses & resulting changes

2.1 Summary

Organisation/Individual	Outline of comments	Action taken
Public Health, Devon County Council (Gill Unstead, Commissioning Manager Substance Misuse)	<i>"Straightforward and clear"</i>	None
Devon & Cornwall Police (Inspector Steve Bradford)	<i>"Looks a good policy".</i> Comments on formatting of document	Amended formatting
Tiverton Town Council (Carole Oliphant, Assistant Town Clerk)	<i>"I do have some suggestions for improvements to the Policy which you can do with as you feel fit. This comes from my previous life as a Process Architect and Governance Manager for EDF Energy at Hinkley Point and is not in any way any criticism of your policy"</i>	Noted. It was felt that without a re-structure of the whole document most of the points outlined were included within the policy document. This was further developed with comments received from Tanya Wenham – see below.

	<i>writing skills</i> Carole then outlined a suggestion for the layout and format of the policy.	
MDDC Governance – (Catherine Yandle, Group Manager for Governance, Performance and Data Security)	Comments relating to formatting and language	Amended formatting
MDDC Public Health/Environmental Health (Jeremy Pritchard, Lead Officer – EH)	<i>“ASB Policy reads well to me”</i> . Noted that the contained information sat in the middle of other ASB Policy documents produced in other authorities which could be brief or very detailed.	None
MDDC Public Health/Licensing (Tom Keating, Lead Officer – Licensing)	Regarding Information Sharing- <i>“Based on the Licensing Act, we do not need permission from the resident to share this information because it must be shared with the applicant. However, if they have legitimate concern for their welfare, they can request that we redact personal information.”</i>	Noted and amended
MDDC Public Health/Private Sector Housing (Tanya Wenham, Lead Officer- PSH)	Tanya restructured the document and provided this in a ‘tracked’ document format. The contents were in the main the same, but re-arranged into a policy format that Tanya had used before.	Following discussion with Tanya and Simon Newcombe it was agreed to adopt the revised format
MDDC/Housing Services (Claire Fry, Group Manager Housing Services)	<i>“I note that it does not conflict with the approach of the Housing Service. We are altering our offer to tenants on the basis that we are no longer able to manage minor issues; instead, we encourage them to take part in mediation”</i> .	Noted. Mediation will be recommended at point 5, under Self Help or Assessment.

3.0 Recommendation

- 3.1 That the PDG consider the updated policy and recommend it for approval by Cabinet.

Contact for more Information: Yvette Welsh (ASB Lead and Community Safety Support Officer) 01884 234996 ywelsh@middevon.gov.uk or Julia Ryder (Community Safety & Emergency Planning Officer) 01884 234966 jryder@middevon.gov.uk

Circulation of the Report:

Cabinet Member with responsibility for Community Well-being (Cllr Colin Slade)
Members of the Community Policy Development Group
Group Manager for Governance, Performance and Data Security (Equality Impact Assessment)
Legal Services
Audit
Leadership Team

List of Background Papers: MDDC ASB Policy 2014 (previous policy)

Annex 1 – Anti-Social Behaviour Policy December 2017

Annex 2 – Equality Impact Assessment

Equality Impact Assessment Form and Action Table			
What are you completing the Impact Assessment on (which policy, service, MTFP reference etc)?		Anti-Social Behaviour Policy	
Version	3	Date	November 2017
Section 1 – Description of what is being impact assessed			
If the policy provides an even and reasonable response to those that report Anti-Social Behaviour (ASB) to Mid Devon District Council and/or the Community Safety Partnership (CSP). If any subsequent action taken by the Council or CSP in relation to the ASB is even and proportionate in regard to the individuals responsible for the cause of the ASB.			
Section 2A – People or communities that are targeted or could be affected (taking particular note of the Protected Characteristic listed in action table)			
Those reporting ASB who could be vulnerable by age, disability and mental health.			
Those responsible for causing ASB. This includes young people, sometimes children, and those experiencing mental health issues.			
Section 2B – People who are delivering the policy or service			
Staff responsible for responding to ASB complaints from the community.			
Section 3 – Evidence and data used for the assessment (Attach documents where appropriate)			
Evidence indicates that the majority of ASB is caused by young people within the community. This behaviour is most often due to the lack of boundaries put in place by parents/carers and family members. Often the family is dysfunctional and adults in the home are experiencing issues with domestic abuse, alcohol, drugs, mental health, or a combination of all.			
However when adults are involved in the cause of ASB there is much evidence to show that use of alcohol, drugs or mental health issues play a part in the behaviour.			

Section 4 – Conclusions drawn about the equalities impact (positive or negative) of the proposed change or new service/policy (Please use **prompt sheet** in the guidance for help with what to consider):

The impact of the updated ASB Policy is minimal as there are good multi-agency information sharing practices in place with key partner agencies. The process encourages all agencies to consider the vulnerability of victims, the wider community and perpetrators and their families when considering and implementing solutions and sanctions. A small amendment has been made to the policy to include a statement around considering thoughts and actions regarding equalities during the process.

If you have identified any negative impacts you will need to consider how these can be mitigated to either reduce or remove them. In the table below let us know what mitigation you will take. (Please add rows where needed)

Identified issue drawn from your conclusions	Actions needed – can you mitigate the impacts? If you can how will you mitigate the impacts?	Who is responsible for the actions? When will the action be completed?	How will it be monitored? What is the expected outcome from the action?
Age			
Different approaches and mechanisms are required for engaging with and representing, people of different ages, in particular children and young people.	Additional information included in the ASB Policy regarding reasons behind behaviour and vulnerabilities of perpetrators.	ASB Lead Officer oversees multiagency responses, liaising with youth agencies, health and social care.	Regular 1-1 with manager and reports to ASB Officers Group and CSP Steering Group
Disability			
Different approaches and mechanisms may be required for engaging with and representing, people with a range of disabilities depending on their individual needs.	Additional information included in the ASB Policy regarding reasons behind behaviour and vulnerabilities of perpetrators.	ASB Lead Officer oversees multiagency responses, liaising with youth agencies, health and social care.	Regular 1-1 with manager and reports to ASB Officers Group and CSP Steering Group
Gender Reassignment			
It is very important that the specification does not discriminate against those who are or have undergone gender reassignment who currently use the service or may wish to use it in the future.	N/A	N/A	N/A

Marriage and Civil Partnership			
No issues identified	N/A	N/A	N/A
Pregnancy and Maternity			
It is very important that the specification does not discriminate against those who are pregnant, who use the service or who wish to use it in the future.	N/A	N/A	N/A
Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)			
It is very important that the specification reflects the particular needs of people from all backgrounds who currently use the service or may wish to use it in the future.	Additional information included in the ASB Policy regarding reasons behind behaviour and vulnerabilities of perpetrators.	ASB Lead Officer oversees multiagency responses, liaising with youth agencies, health and social care.	Regular 1-1 with manager and reports to ASB Officers Group and CSP Steering Group
Religion and Belief			
It is very important that the specification reflects the particular needs of people irrelevant of their religion and beliefs who currently use the service or may wish to use it in the future.	N/A	N/A	N/A
Sex			
It is very important that the specification reflects the particular needs of people irrelevant of their sex who currently use the service or may wish to use it in the future.	N/A	N/A	N/A

Sexual Orientation			
It is very important that the specification reflects the particular needs of people irrelevant of their sexual orientation who currently use the service or may wish to use it in the future.	N/A	N/A	N/A
Other (including caring responsibilities, rurality, low income, Military Status etc)			
Rurality It is important that the service is able to engage with and represent individuals who live in rural areas and / or have limited access to public transport.	N/A	N/A	N/A

Section 6 - How will the assessment, consultation and outcomes be published and communicated? E.g. reflected in final strategy, published. What steps are in place to review the Impact Assessment

Impact assessment to be reviewed alongside review of ASB policy – see below.

Completed by:	Julia Ryder
Date	30 November 2017
Signed off by:	Simon Newcombe
Date:	08 December 2017
Compliance sign off date:	
Review date:	Next review date of ASB Policy (January 2021)