

*Title:* **Anti-Social Behaviour Policy**

This policy sets out the Council's approach to dealing with anti-social behaviour (ASB) within the area of Mid Devon.

*Owner:* **Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing**

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Devon and Cornwall Police  
Corporate Management Team  
Public Health Team  
Community Safety Partnership  
Devon ASB Officers Group  
Neighbourhood Housing Team

### **Document History**

This document obtained the following approvals:

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
ASB Policy 2017	<b>Oct 2017</b>	<b>v3 Jan 2018</b>
ASB Policy v4 Draft	<b>Feb 2021</b>	<b>v4 Mar 2021 (tbc)</b>

**Mid Devon District Council**

***Anti-Social Behaviour Policy***

**February 2021**

# Mid Devon District Council – Anti-Social Behaviour Policy

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### 1.0 Policy Statement

1.1 This policy sets out the Council's approach to dealing with anti-social behaviour (ASB) within the area of Mid Devon.

### 2.0 Policy Aims

2.1 This policy has the following aims:

1. To identify the areas of ASB that the Council will deal with;
2. To identify partner organisations that the council will work with to resolve ASB within the community;
3. To clearly set out the responsibilities of residents in the Mid Devon area in helping to reduce ASB;
4. To clearly identify the manner in which ASB can be reported to the Council.

### 3.0 Introduction

3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

- a) conduct that has caused, or is likely to cause harassment, alarm or distress to any person;
- b) conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises; or
- c) conduct capable of causing housing related nuisance or annoyance to any person.

3.2 There are many types of behaviour that could be considered as being anti-social, and different types of behaviour will have differing levels of impact depending on where and when it is conducted. Some examples are:

- Occurring in a public space - *drinking, graffiti*
- Affecting a community - *rowdy neighbours*
- Directed towards an individual - *harassment or verbal abuse*
- Affecting the environment - *fly tipping, litter*

#### 4.0 Responsibility of residents and visitors

4.1 It is the responsibility of *all* of us who live, work or visit the area to ensure that ASB does not blight our landscape or that of our environment or our communities. We can promote good behaviour throughout our district but we need the help of all members of our community. It is the responsibility of everyone to acknowledge where problems exist and report these to the relevant agencies, and for communities to take positive action to tackle and prevent ASB.

4.2 It may be possible to resolve ASB issues locally without the direct involvement or intervention of the Council or other agencies. Advice and support can be sought from agencies such as the Citizens Advice Bureau and the Devon Mediation Service. A more formal approach to addressing issues is not always necessary or welcome by communities, however, we would not wish for individuals to put themselves at risk. If lower level intervention is not possible or practical then ASB can be reported to the Council for advice.

4.3 It should be noted that for Mid Devon District Council to take action suitable evidence will need to be gathered and witness statements secured in order to progress an investigation and possible interventions. Complainants should be aware that they will be requested to provide the Council with such evidence, or formal statements, in order for the Council to move forward with positive action that can address the ASB.

4.4 Where complainants are fearful of reprisals if they report ASB the Council will do all it can to support individuals. It may be possible for council officers to create community impact statements thus negating the need for specific individuals to give personal statements, however personal statements from those impacted by ASB have a far superior impact if used in court.

#### 5.0 Council and Housing Association tenants

5.1 The Councils Housing team will have its own policy on ASB and enquiries should first be directed to your neighbourhood officer.

5.2 Housing associations will also have a policy on ASB and should also be contacted in the first instance before contacting the Council.

#### 6.0 Councils Responsibility for ASB

6.1 Below is a list of the types of ASB the Council can and can't deal with. This is not exhaustive and officers of the council will exercise judgement in order to establish an appropriate response.

	Yes we can deal with this	No we can't deal with this	Can anyone else help?
<b>Accumulations</b>	Dog fouling on a premises		
	Rubbish on a premises		
	Noxious matter (domestic waste)		
<b>Air Pollution</b>	Bonfire smoke on a domestic premises		
		Burning of trade waste	Environment Agency
	Fumes, gases from residential premises		
		Dark smoke from a	Environment

	<b>Yes we can deal with this</b>	<b>No we can't deal with this</b>	<b>Can anyone else help?</b>
		chimney stack (unless it is a permitted premises)	Agency
	Dust, steam, smell from commercial premises. Might be controlled by a permit so need to check if it has one		Environment Agency
	Dark smoke from a chimney stack on a permitted premise.		Environment Agency
<b>Alcohol related</b>	Licensed premises		
		On-street or disorder at premises	Police
		Underage Drinking	Police
<b>Animals/Pests</b>	Only where animals are being kept in a way that might cause a nuisance		
		Issues of animal cruelty	RSPCA
	Sightings of rats/mice other pests		
	Stray dogs or other stray animals		
		Dog fighting	Police
	Dog fouling		
		Aggressive dogs towards dogs or humans	Police
<b>Environmental</b>	Abandoned Vehicles		
	Fly-tipping		
	Fly-posting		
	Litter		
	Graffiti		
	Illegal Camping		
<b>High hedges</b>	Only where there is an impact on natural light in the home		
		Right to a view	Private Legal Advice
		Boundary disputes	Private Legal Advice
		Hedges affecting the highway	Devon Highways

	<b>Yes we can deal with this</b>	<b>No we can't deal with this</b>	<b>Can anyone else help?</b>
		Neighbour disputes	Devon Mediation Services or Private Legal Advice
<b>Light Pollution</b>	Security Lights from commercial premises and residential premises. For commercial premises there might be a permit that needs to be looked at first.		
		Emergency helicopter landing sites	
<b>Noise</b>	Music from any premises or land		
	Amplified music in the street		
		Noise on the highway	
		Aircraft noise	
	Loud music or noise from parked vehicles		
	Excessive noise from ice cream vans		
		Children playing in gardens	Devon Mediation Services
	Noise from everyday living and normal reasonable behaviour	Devon Mediation Services	
<b>Properties in poor or derelict condition</b>	Empty homes		
	Unsanitary conditions		
<b>Other types of ASB</b>		Issues with drug or alcohol abuse Dealing, visitors to property, etc.	Police
		Violence	Police
		Harassment or Intimidation	Police
		Verbal abuse	Police
		Youths/children	Police/ Mash
		Criminal damage	Police
		Hate Incidents or Crimes	Police
	Domestic Abuse	Police	

6.2 If individuals or communities experience ASB they should contact the Council on 01884 255255 and clearly explain the nature of the issue so that the call can be directed to the relevant department.

6.3 The Council also provides access to the Noise App and the Reportable App to allow residents to report incidents using their smart phone. Appendix (1) provides details on the Apps.

6.4. Only if the Apps cannot be used should an ASB referral form be downloaded from the website to be completed and posted to the Council. Appendix (2) is a copy of the ASB referral form.

6.5 Reports of ASB that transpire to be a dispute amongst neighbours will not be actioned by Mid Devon District Council. The complainants will be encouraged to use Mediation Services (which will be offered to all neighbours involved) and/ or to seek personal legal advice.

6.6 Only if the dispute becomes prolonged, vexatious or breaching into criminal activity will the Council and/or other partner agencies, such as the police, intervene. This could be to investigate all neighbours and take appropriate action which may include use of the ASB Escalation Process, a Neighbourhood Agreement, or in worse case scenarios use of formal legislation to ensure that neighbours live peacefully alongside each other.

## **7.0 Partnership Working**

7.1 Mid Devon District Council is a key statutory partner within the East & Mid Community Safety Partnership (CSP) where all partners are committed to ensuring Mid Devon remains a safe place to live, work and visit.

7.2 Partner agencies include the Police, Fire and Rescue, Local Authorities (including County, Town and Parish Councils), Health Services, Probation Services, the voluntary sector and any organisation with a desire to reduce ASB.

7.3 We work with other Partner Agencies to tackle all ASB. We link with the Police and other partners across the peninsula to ensure a consistent approach and adhere to an agreed ASB escalation process from low level warning letters to court action.

7.4 Addressing ASB issues can often take time, in order to gather all information and engage with local people to identify long-term solutions to stop similar issues recurring. The Council will work in partnership with other agencies to identify the most effective and efficient methods of addressing ASB cases, taking into account resources, funding available and other priorities within the District.

7.5 The Council will participate in the ASB Case Review process, known as the Community Trigger. This enables victims of ASB to formally request a case review, where the case meets certain criteria. This process is overseen by the East & Mid Devon CSP.

## **8.0 Enforcement**

8.1 Underpinning this policy is the need to take a balanced approach to problems and to recognise that community wellbeing is also a key priority for the Council. It is essential that action taken is proportionate to the problem, to resources available and in line with the Council's enforcement policies. The community should be involved when appropriate in order to ensure that workable solutions are found.

8.2 Any intervention taken as a result of alleged ASB will be fair and considered on a case by case basis. Where possible signposting to appropriate advice and support services will be given, followed by lower level warnings and voluntary contracts. The council adheres to the Devon-wide ASB Escalation Process which is fully supported by the Police and delivered in partnership. Legal action will only be sought as a last resort, where all other interventions have failed or the action is necessary to protect the community.

8.3 It is recognised that those that commit ASB often have underlying issues such as substance misuse and/or mental health that is having a negative effect on the individual and their behaviour. Young people and children often become involved in ASB because of lack of behavioural and social boundaries put in place by parents or carers, often the family members may be experiencing substance addiction, domestic abuse, and/or mental health problems. Many perpetrators of ASB are recognised as vulnerable. Each case will be assessed and professional agencies engaged where there are wider, underlying issues at the heart of the behaviour. A wide range of preventative measures, including positive intervention and support will be used to achieve a successful resolution. We will work in partnership to seek appropriate solutions.

8.4 When issues of concern are reported or raised by the community to the District Council, each service will assess the situation and gather evidence in line with their service standards in order to resolve the problem.

8.5 As a last resort enforcement powers can be used in certain circumstances. This can range from a community protection notice, through to an abatement notice, fixed penalties or prosecution.

8.6 All enforcement action will be taken in accordance with the Council's current enforcement policy.

## **9.0 Support for Vulnerable Victims and Perpetrators**

9.1 We will appropriately risk assess all complaints and prioritise accordingly, acting as swiftly as possible to protect people and property.

9.2 In certain circumstances we may have a legal obligation to share relevant information with other statutory agencies e.g. if there is a safeguarding concern about the complainant or the perpetrator.

9.3 We recognise that perpetrators of ASB may have support needs and we will liaise with individuals and seek their consent to make referrals to appropriate agencies who can offer additional help and support to them. We reserve the right to make a referral to Devon County Children and Families Service, a safeguarding referral, or contact the police, without permission of the individual(s) concerned where the situation and provision of the Data Protection Act and any other legislation justifies it.

9.4 In the most serious cases, resulting in a court hearing, the complainant/resident will be consulted about how their evidence and identity will be treated as the case progresses towards the courts and about appropriate support available to them.

## **10.0 Data Protection and Information Sharing**

10.1 The key to addressing ASB successfully is for agencies to share information they hold. Reports from residents and members of the community are vital in order to link reports made by either residents or other agencies. Information about general ASB can easily be shared between partner agencies but information relating to individuals must only be shared by following the Information Exchange Protocol. Mid Devon District Council works closely with other agencies through the Mid & East Devon Community Safety Partnership.

10.2 ASB reported to Mid Devon District Council via representations in connection with the Licensing Act 2003, would require us to share this information as it must be shared with the applicant. However, if individuals have legitimate concern for their welfare, they can request



that personal information is redacted. This may also apply to other legislation that the District Council works within.

## **11.0 Policy Review**

11.1 This ASB Policy will be reviewed and updated on a three year cycle or sooner where there are any changes to legislation.

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**Reportable App**

<https://www.middevon.gov.uk/residents/community-safety/crime/anti-social-behaviour/>

**Noise App**

<https://www.middevon.gov.uk/media/346618/the-noise-app-information-sheet.pdf>

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# NUISANCE REFERRAL FORM

Reference: ^;  
**Please complete all the information required on this form.**

<b>ABOUT YOU</b>	
Name:	
Address:	
Home Telephone no:	Mobile no:
Email address:	
Are you a: private tenant <input type="checkbox"/> council tenant <input type="checkbox"/> owner/occupier <input type="checkbox"/>	
Name of landlord or managing agent:	
Telephone no:	email:
How long have you lived at your address?	
<b>ABOUT THE PROBLEM</b>	
Describe the problem you are experiencing:	
How long have you been experiencing a problem?	
<b>ABOUT THE PERSON/PROPERTY CAUSING THE PROBLEM</b>	
Name:	
Address/location:	

Home Telephone no:		Mobile no:	
Email address:			
Are they a: private tenant <input type="checkbox"/> council tenant <input type="checkbox"/> owner/occupier <input type="checkbox"/>			
Name of landlord or managing agent (if known):			
Telephone no:		email:	
<b>ABOUT THE STEPS YOU HAVE TAKEN TO RESOLVE THE PROBLEM</b>			
<b>If you do not know who is causing the problem or where the problem is coming from please find out before submitting this form.</b>			
Have you spoken to the person causing the problem to advise them of the impact it is having on you? Yes <input type="checkbox"/> No <input type="checkbox"/>			
<u>It is important that wherever possible you approach your neighbour and try to resolve the matter in an informal and polite manner. Your neighbour might not be aware that they are causing any nuisance and this might be the first time they have been made aware of the situation</u>			
What response did you receive?			
If you have not spoken to them, why is this?			
Please provide copies of any correspondence, photographs or any other information that relates to the problem you are concerned about.			

**Declaration:**

I confirm the information I have provided is correct and that I will co-operate with the Council should formal action be required. I am aware that the Council will hold my information for the purposes of investigating this problem and that it may be shared with other agencies as part of the investigation. I am also aware that my details may need to be disclosed to the alleged perpetrator should the matter go to court. I therefore give my permission for the Council to proceed with its investigation and to undertake all actions as deemed necessary.

**Signature(s):** .....

**Date:** .....

**Please return to:**

**Public Health and Regulatory Services**

Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, EX16

6PP

**Tel:** 01884 255255; **Email:** health@middevon.gov.uk