



**OPEN REPORT
COUNCIL**

Council – 29 September 2022

ANTI-SOCIAL BEHAVIOUR POLICY

Report of Director of Community & Environmental Services

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

The District Council does not currently have an Anti-Social Behaviour (ASB) Policy although it is addressing and tackling such behaviour; is it prudent to have something formally adopted to help manage people's expectations and have the ASB Policy available on the Council's website.

The Draft ASB Policy (Appendix A) formalises the work which is already undertaken by the District Council when ASB cases are referred to the District Council from other partners, such as the police, or members of the public.

Recommendations

1. That the Anti-Social Policy be approved and adopted, as outlined in Appendix A, as the District Council's process and procedures for addressing and tackling such behaviour.

List of Appendices

Appendix A Draft ASB Policy
Appendix B Equality Impact Assessment

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public
No

Anti-Social Behaviour Policy

1. Background

- 1.1 This ASB Policy aims to set out clear procedures for dealing with reports of ASB and what the community can expect. It also advises complainants of their responsibilities and behaviour that is acceptable.

2. Key Issues

- 2.1 Under the Crime and Disorder Act 1998, the District Council has a duty to work with the Police and other agencies to reduce crime and disorder, and to consider the possible impact of this in all its decision making. The District Council plays a key role in dealing with Anti-Social Behaviour (ASB) of all kinds and undertakes projects and preventative work.
- 2.2 The Anti-Social Behaviour, Crime and Policing Act 2014 gives the council a range of tools and powers to deal with ASB. These tools and powers are explained in more detail in the policy. The policy has been designed with an emphasis on early intervention and prevention, with an incremental approach taken whereby enforcement action is the final measure. The incremental approach often swiftly alleviates the issues but it also provides additional evidence, if needed, for any further legal proceedings should matters escalate. Currently the District Council has no written procedures on the work that is done with partners, or how we respond to reports of ASB.

3. Options Considered and Recommended Proposal

- 3.1 As the powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014 are discretionary and not statutory there would be the option to not enforce the legislation. Such an approach would not be consistent with the position that the Council has taken and seeks to take in relation to tackling anti-social behaviour and working with partners across Derbyshire. Therefore this is not recommended.
- 3.2 The proposed policy is based on good practice from elsewhere and reflects how the council currently enforces other pieces of legislation. It is believed to strike the right balance between enforcing problems that are causing or likely to cause significant harm and preventing the need to carry out formal enforcement; which should always be seen as a last resort. Members may wish to alter the draft policy but when doing so be mindful that the impact of altering the policy may significantly impact on this balance.
- 3.3 The proposed policy set out in Appendix A is therefore recommended for adoption and approval.

4. Consultation

- 4.1 All relevant internal departments and external statutory organisations have been consulted and comments fed into this document, along with health and the voluntary sectors. They include:
 - DDDC – Environmental Health, Housing and Licensing

- Derbyshire Police =SNT/Force/Licensing
- Derbyshire Fire and Rescue Service
- Derbyshire County Council – Community Safety and Public Health
- Derbyshire County Council
- Platform Housing Group
- CVS
- Domestic Abuse Services
- Peak District National Park Authority
- Office of the Police and Crime Commissioner for Derbyshire
- Derbyshire Association of Local councils
- Victim Services
- Age UK
- Derbyshire Autism Services
- African Caribbean Community Association
- Derbyshire Dales Youth Forum

5. Timetable for Implementation

5.1 If approved, this policy will be adopted immediately and will be published on the Council's website.

5.2 The ASB Policy will be reviewed:

- Every three years – next review due September 2025
- Or on the introduction of new legislation/guidance
- Or at the request of the Community and Environment Committee

6. Policy Implications

6.1 Adopting an ASB Policy would link to the Council's priority 'Keeping the Derbyshire Dales clean, green and safe place for residents and visitors'.

7. Financial and Resource Implications

7.1 There are no direct financial implications associated with the recommendations in this report. The costs of dealing with anti-social behaviour are included in current budgets, so the financial risk is assessed as low.

8. Legal Advice and Implications

8.1 The Anti-social Behaviour, Crime and Policing Act 2014 places statutory duties on and gives powers to local authorities in challenging ASB in the community. The application of any enforcement powers under the Act will also take into account any statutory guidance / regulations and will reflect the requirements of the Act and the Council's adopted Enforcement Policy. The Council's scheme of delegation gives clarity and legal certainty over who is able to exercise the various powers within the Act which fall within the remit of the Council. In this context, the legal risk is assessed as low.

9. Equalities Implications

9.1 An Equalities Impact Assessment has been completed (Appendix B) as has the consultation with specific groups.

10. Climate Change Implications

- 10.1 This has been reviewed with the Climate Change Officer and it has been deemed that there is no impact, negative or positive on climate change by introducing the ASB policy

11. Risk Management

- 11.1 The Council does not currently have an approved ASB Policy, although we currently address and tackle such behaviour in the District. By adopting this Policy, it helps everyone understand what the District Council responsibilities are and what actions can be taken to address ASB when this is reported through to us.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022