

# FAREHAM

## BOROUGH COUNCIL

### **Report to the Health and Public Protection Scrutiny Panel**

**Date**                    **27 June 2024**

**Report of:**            **Director of Neighbourhoods**

**Subject:**                **Anti-social Behaviour Policy**

#### **SUMMARY**

This report provides Members with a draft Anti-Social Behaviour policy. The draft policy will be subject to full consultation, which is expected to commence following Executive approval.

#### **RECOMMENDATION**

It is recommended that the Health and Public Protection Scrutiny Panel notes the contents of this report, reviews and scrutinises the appended policy and recommends the draft policy, including a suitable period of consultation, to the Executive.

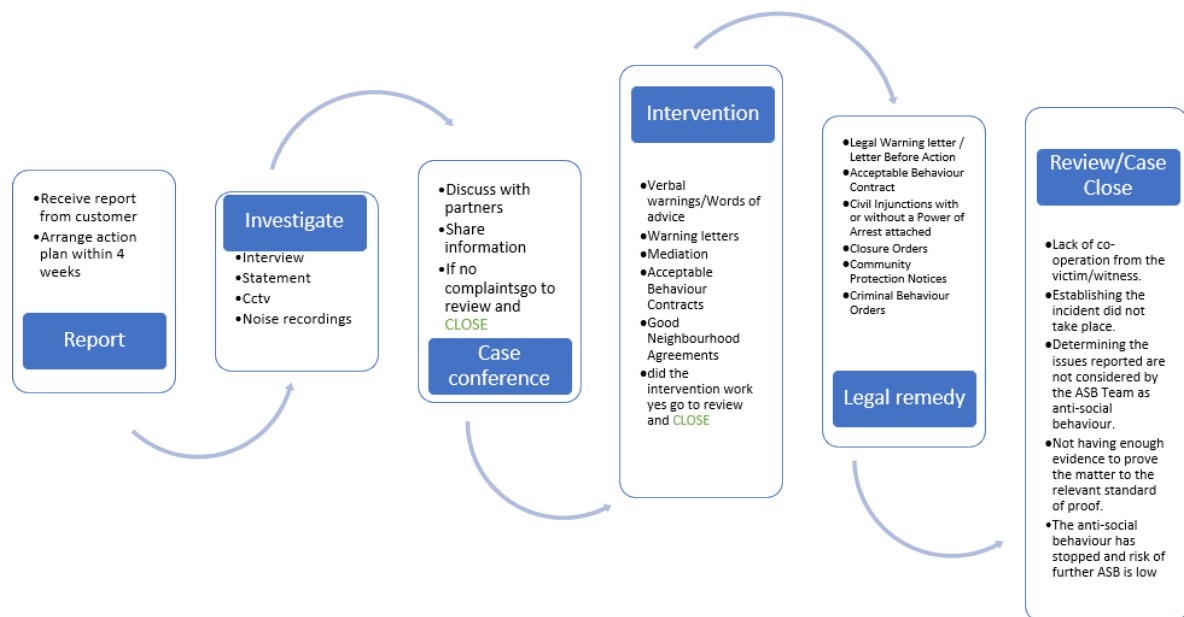
## **INTRODUCTION**

1. This report details the new policy and procedure for dealing with anti-social behaviour (ASB) in the Borough of Fareham following updates to legislation, developments in practice and a recommended public consultation. A copy of the draft policy is attached at Appendix 1.

## **BACKGROUND**

2. The Council, as a Responsible Authority, has duties under the Crime and Disorder Act 1998 to take an active role in reducing crime and disorder in the local area as part of the statutory Community Safety Partnership (CSP) arrangements. Having effective and robust arrangements in place to tackle anti-social behaviour, supporting victims and assisting in bringing perpetrators to justice through multi agency enforcement activity is paramount to creating an environment where residents 'feel safe and are safe' and 'enjoy good health and well-being'.
3. There are also statutory responsibilities around anti-social behaviour in the Housing Acts, including the new Social Housing Regulation Act 2023. The attached draft ASB Policy sets out how Fareham Borough Council will work to tackle anti-social behaviour.
4. ASB can often have a devastating impact on victims and communities and requires a multi-agency approach to deal with it effectively. Anti-social behaviour can take many forms including:
  - Hate Crime
  - Violence or threats of violence
  - Verbal abuse
  - Criminal Damage
  - Harassment
  - Taking or selling illegal drugs
5. A scaled approach is taken to deal with ASB, with the emphasis being around prevention, early intervention and diversion before enforcement action is taken. A range of partnership services and resources continue to work collaboratively to tackle this complex issue. At Fareham Borough Council, we believe in tackling anti-social behaviour promptly and before it escalates. A large number of complaints can be dealt with easily by working in partnership and offering a supportive approach. There are also times when enforcement measures need to be taken. The ASB policy sets out a formal approach to tackling anti-social behaviour so that everyone is aware of roles, responsibilities, expectations and timelines.
6. The ASB policy clearly sets out how to report anti-social behaviour and the Council's website has been updated to ensure that reporting pathways are clearly defined. The main reporting pathway is the Police 101 number, or 999 in case of an emergency, and there is an opportunity to report ASB to the local authority when it is a housing-related issue.

7. The ASB policy refers to a flowchart which sets out a 6-stage process once a report of anti-social behaviour is received. The stages are to investigate, arrange a case conference, agree the intervention, agree the legal remedy if applicable and finally to review and close the case.



8. We have various means of investigation, including CCTV, and we work with internal and external partners, including the Police, to gather evidence and put together statements.
9. There are information-sharing protocols and legislation around safeguarding and crime and disorder to allow the sharing of information and an excellent forum (Fareham's Partnership Action Group) within which to find a multi-agency approach to dealing with anti-social behaviour. The Community Safety Team works with a large number of external partners with close links to Hampshire and IOW Police, Hampshire Fire Service, social housing providers, Detached Youth Services, Social Care, Safeguarding, Mental Health, together with internal services, such as Environmental Health, Enforcement and Street Scene, together with Councillors and wider Community groups and organisations who work together to resolve emerging issues and seek to identify long term solutions.
10. Pre-action interventions can take the form of warning letters, acceptable behaviour contracts and community protection warnings and we attempt to use these to prevent or stop ASB in the first instance.
11. More stringent powers may include criminal behaviour orders, injunctions, closure orders, enforcement of Public Space Protection Orders, Community Protection Notices and various housing related proceedings which may put tenancies at risk if ASB continues.
12. The ASB Case Review (previously known as The Community Trigger) is a statutory

requirement set out in the ASB Crime and Policing Act 2014 with a requirement for the Local Authority to take the lead in all such cases. It is victim-focused and is in place to address concerns where a repeat victim feels that their issues have not received an adequate response. They, or someone on their behalf, can request a review of the case. The response is time specific, with requirements in place to keep the victim apprised of progress throughout the process. Due to the statutory requirement, ASB Case Reviews are subject to their own policy and procedures and follow a format in law. The Community Safety Partnership (CSP) and the Police and Crime Commissioner are made aware of all ASB Case Review requests and their outcome. Where an individual is not satisfied with the outcome of the review, they can appeal to the CSP and thereafter the Police and Crime Commissioner.

### **CONSULTATION**

13. Public consultation on the draft policy is recommended. There will be an opportunity to take account of any consultation responses and amend the policy as necessary.

### **RISK ASSESSMENT**

14. There are no significant risk considerations in relation to this report.

### **EQUALITY & DIVERSITY**

15. The Council has a statutory duty to ensure that equality and diversity is embedded in our approach, alongside the powers granted to us to tackle ASB. For example, protected characteristics such as age need to be considered as ASB is sometimes caused by young people. Mental health issues may also impact on someone's behaviour. Officers will consider the potential underlying reasons behind the behaviour and vulnerabilities of both victims and perpetrators and adapt their approach accordingly.
16. In cases where vulnerable perpetrators are involved, we will work closely with various support agencies with the aim of improving the behaviour of a tenant. If it is felt that the tenant in question cannot sustain a general needs tenancy, we will advocate relocating them to more suitable accommodation. The Community Safety Team and Housing Team regularly make referrals to a range of support services, including the Floating Housing Support Team, the Community Mental Health Team, Domestic Violence Support and treatment providers for substance misuse, and will work alongside partner agencies to ensure appropriate support is provided. Understanding that a coordinated multi-agency approach is often needed, cases will be referred to the Partnership Action Group to facilitate joint working and ensure a co-ordinated multi-agency approach.

### **CONCLUSION**

17. The Panel is asked to review the draft ASB policy and suggest any amendments to be put forward to a future meeting of the Executive. In addition, there should be consideration of a period of consultation to ensure that residents, community safety partners and members of the public can have their say. The Government recommends a 12-week consultation period, although often the period is shortened.

**Appendices:** Appendix A – Draft Antisocial Behaviour Policy

**Background Papers:** None

**Reference Papers:** None

**Enquiries:**

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