

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 03 September 2024

<b>Portfolio:</b>	Health and Public Protection
<b>Subject:</b>	<b>Anti-Social Behaviour Policy - Adoption</b>
<b>Report of:</b>	Director of Neighbourhoods
<b>Corporate Priorities:</b>	Strong, Safe and Healthy Communities

**Purpose:**

To seek approval from the Executive to adopt Fareham's Anti-Social Behaviour Policy, following public consultation.

**Executive summary:**

The Anti-Social Behaviour Act 2003 requires Local Authorities to prepare an Anti-Social Behaviour Policy. The Anti-Social Behaviour, Crime and Policing Act 2014 sets out powers to deal with Anti-Social Behaviour.

There are also powers under the Housing Act 1985 and Housing Act 1996 to assist in combatting Anti-Social Behaviour.

In April 2024, the Housing Regulator introduced Housing Consumer Standards, pursuant to the Social Housing (Regulation) Act 2023, which brings in a requirement for Registered Social Landlords to ensure that tenants can live in safe environments.

The proposed Anti-Social Behaviour Policy fulfils the requirements of the above legislation.

**Recommendation/Recommended Option:**

It is recommended that the Executive:

- (a) approves Fareham Borough Council's Anti-Social Behaviour Policy as attached at Appendix A to this report; and
- (b) agrees that authority is delegated to the Director of Neighbourhoods, following consultation with the Executive Member for Health & Public Protection, to make any minor changes to the Policy that may be required.

**Reason:**

The report and appended Anti-Social Behaviour Policy set out how internal departments will work co-operatively and in partnership with external community safety agencies to tackle Anti-Social Behaviour and ensure residents of Fareham feel safe.

**Cost of proposals:**

There are no additional costs associated with this proposal.

**Appendices:**

**A: Anti-Social Behaviour Policy**

**B. Consultation Feedback**

**C. Equality Impact Assessment**

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## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	03 September 2024
<b>Subject:</b>	Anti-Social Behaviour Policy - Adoption
<b>Briefing by:</b>	Director of Neighbourhoods
<b>Portfolio:</b>	Health and Public Protection

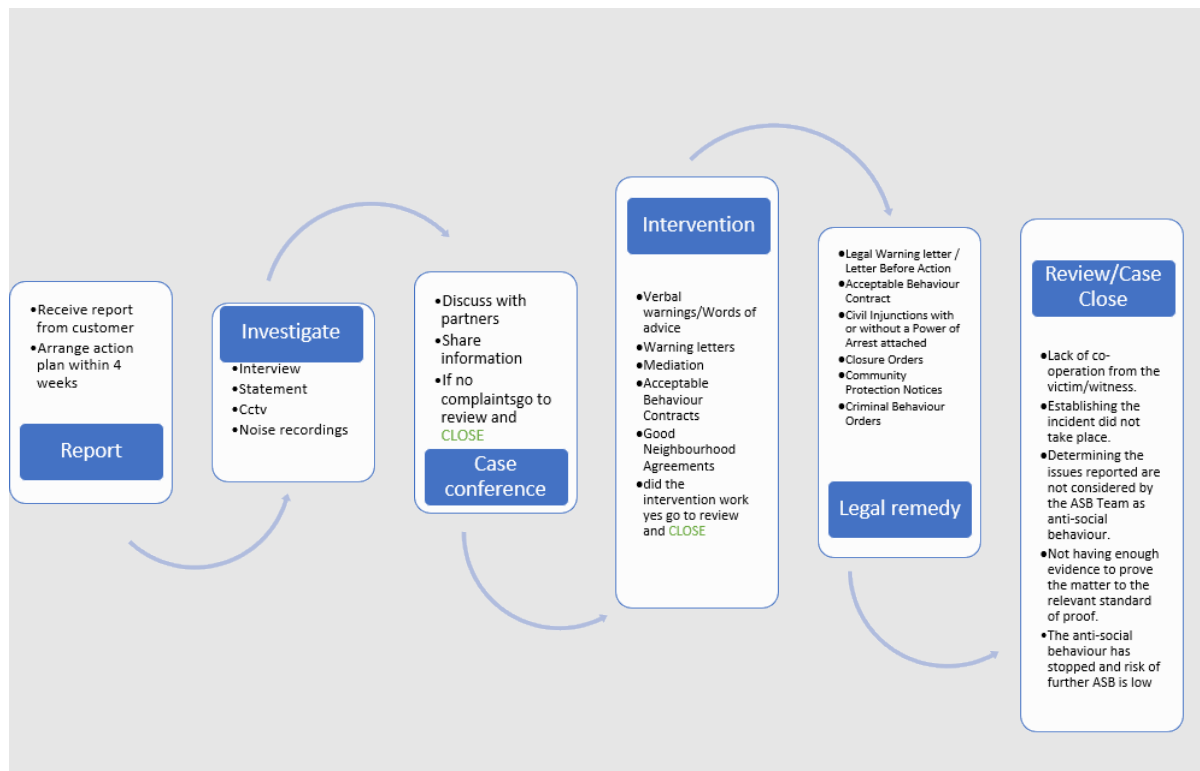
#### INTRODUCTION

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. It has been subject to a public consultation. A copy of the final Policy is attached at Appendix A.

#### 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 other statutory responsibilities the Council must consider: the Housing Regulator's standards. The Housing Regulator introduced new Consumer Standards that came into force in April 2024, pursuant to the Social Housing (Regulation) Act 2023 around Anti-Social Behaviour. The attached 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:
  - Noise – colleagues from Environmental Health who can also be contacted out of hours.
  - Threatening behaviour
  - Drug related issues (which cause significant ASB)
  - Problematic visitors (those of Fareham Borough Council Housing tenants)

- Hate crime – can be motivated by prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds
  - Serious Violence
  - Domestic abuse
  - Verbal abuse
  - Vehicle Nuisance (vehicles being driven/ridden in an anti-social manner)
  - Offensive communication (in cyber bullying)
  - Exploitation /cuckooing/Hate Crime
  - Criminal damage
  - Street drinking
  - Aggressive Begging
  - Violence or threats of violence
  - Criminal Damage
  - Harassment
  - Taking or selling illegal drugs
5. A scaled approach is taken to deal with Anti-Social Behaviour, 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. The Council undertook public consultation on the draft Anti-Social Behaviour Policy and conducted a public survey asking for residents' feedback on the Policy document and our proposed approach to tackling Anti-Social Behaviour. The consultation ran from 15 July to 19 August 2024. 136 responses were received and 8 comments on Facebook.

14. An overview of the feedback we received is broken down as follows:

- When asked if participants have experienced any of the ASB categories listed in the Policy a high proportion selected **vehicle nuisance** as something they have experienced within the Borough in the last 12 months. We have added this to the Policy. This year we have deployed CCTV cameras and implemented environmental changes to deter vehicle nuisance in Council owned car parks. Where vehicle nuisance is on highway land, we will work with Police and other partner organisations to ensure this is dealt with and individuals held to account. There is a Police Operation - Operation Chromium - where we work in partnership and encourage reporting from members of the public.
- When asked if anything should be included on the list of ASB categories the common theme that has emerged is **excessive speed of vehicles/scooters, littering and ASB**.
- Respondents feel the 4-week period from reporting an incident of ASB to an action plan is too long. Once reported, work starts immediately: the allocated Officer will make a judgement as to how severe the complaint is and whether urgent enforcement action is required. There is always an attempt to resolve issues at first contact or mitigate and signpost to support services. The four-week period mentioned in the Policy is the maximum time for an action plan to be agreed. This may mean gathering of statements, drafting notices and getting advice from colleagues in legal. During this period there will always be a communication channel open with the person reporting the ASB.
- It was suggested in the final document that more explanation be given to what hate crime covers and the protected characteristics which may be affected by ASB e.g. sex, race, sexuality. This has been amended to include the full definition to include prejudice on the basis of ethnicity, religion, sexual orientation, or similar grounds.
- There was a request to further define domestic abuse. This has been added to the Policy to cover the requirements of the Housing Regulator and the Domestic Abuse Act 2021.

- Respondents like the use of the ASB flow chart; suggestions have been made to place this at the beginning of the Policy document for an easy-to-read summary. We have placed the flow chart at the beginning of the Policy.
- When asked how much respondents agree with our proposed overall approach to tackling Anti-Social Behaviour 84% either Agreed or Strongly Agreed.

15. A detailed consultation feedback document is annexed to this report marked Appendix B. We have listened to the responses and altered the ASB Policy to reflect some of the concerns and suggestions.

### **RISK ASSESSMENT**

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

### **EQUALITY & DIVERSITY**

17. 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.

18. 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 co-ordinated 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**

19. The Council's Anti-Social Behaviour Policy has been updated specifically to comply with the new requirements of the Housing Regulator and following a period of public consultation. Members are recommended to adopt the new Policy and to grant delegation to the Director of Neighbourhoods, in consultation with the Executive Member for Health and Public Protection, to make any future minor amendments to the Policy, should there be changes in legislation, for example.

**Appendices:** Appendix A – Antisocial Behaviour Policy  
Appendix B – Consultation Feedback  
Appendix C – Equality Impact Assessment

**Background Papers:** None

**Reference Papers:** None

**Enquiries:**

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