



Mid Sussex District Council Anti-Social Behaviour Policy and Guidance

June 2022

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1 Policy Statement

Anti-Social Behaviour (ASB) can cause significant harm for its victims. It can affect self-esteem, mental and physical wellbeing, and perceptions of safety in both public and private. ASB undermines community cohesion, and, in the most severe cases, it can have tragic consequences.

Mid Sussex District Council (MSDC) acknowledges the right of individuals to live their life free from intimidation and fear and is committed to identifying and protecting people who are suffering harm as a result of the behaviour of others.

MSDC recognises that the reduction of harm is often beyond the capability of any single agency alone and therefore adopts a coordinated approach with partner agencies. The council works closely with local partners through the Mid Sussex Partnership to support and protect individuals and communities who are affected by the criminal, disorderly or anti-social conduct of others and seeks to remedy the cause within affected communities.

This Policy has been developed and is revised regularly in partnership with Sussex Police.

This policy is applied in partnership taking a harm centred approach and uses tools and powers contained within the 2014 Anti-Social Behaviour, Crime and Policing Act. Central to this approach is understanding the impact that harmful behaviour can have on others and ensuring that victims of ASB are central to any responses.

This policy sets out our approach to tackling ASB and provides a reference for MSDC officers, wider stakeholders and the general public. Specifically, it covers:

- The definition of what is ASB and the types of behaviour which may warrant action being taken
- What is not considered to be ASB
- The Council's responsibilities in responding to and tackling ASB including how a multi-partnership approach is adopted
- Legal powers, tools and methods which can be utilised to tackle ASB and to support victims
- The Council's procedures for reporting incidents

2 What is Anti-Social Behaviour

Anti-social behaviour is a general term and can be used to describe a variety of different incidents. Individual tolerance levels can differ to the extent that what may be considered as ASB to one person is not regarded as such to another. Mid Sussex District Council has adopted the definition of ASB as stated in in the Anti-Social Behaviour, Crime and Policing Act 2014, namely:

- conduct that has caused, or is likely to cause, harassment, alarm, or distress to any person.

- conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or
- conduct capable of causing housing-related nuisance or annoyance to any person

Mid Sussex District Council uses a 'harm- based' model that focuses on three areas:

Personal harm - where an individual or individuals are targeted and suffer physical, mental, or emotional harm. It is recognised that some people are more likely to be negatively impacted by ASB where there are specific vulnerabilities, or where they are repeat victims. Hate crimes and incidents fall within this category.

Public nuisance – when an individual behaves in a way that has the potential to cause suffering or annoyance to a community.

Environmental harm - behaviour that causes harm to the wider environment such as buildings and public spaces.

Anti-social behaviour can include a range of behaviours including but not limited to noise nuisance, intimidation, harassment, abusive language, threatening behaviour, fly-tipping, selling drugs, use of CCTV to invade another's privacy and damage to property.

3 What is not considered to be Anti-Social Behaviour

There are some issues that are reported to the council that are not considered to be anti-social behaviour. These include:

- Noise from children playing
- Low level neighbour disputes, e.g. boundaries
- Inconsiderate Parking
- Family disputes
- Highway parking complaints, unless there is significant and repetitive obstruction involved
- People gathering socially
- Lifestyle choice differences
- One-off noise disturbances
- Reasonable noise from vehicles on the highway
- High hedge complaints

It may be possible to address some of the issues above through mediation and where appropriate officers can refer complainants to a local mediation service. Domestic abuse incidents should be reported to Sussex Police (999 for emergencies and 101 for non-emergencies).

4 Partnership working

Mid Sussex Partnership

The Mid Sussex Partnership (MSP) brings together the main agencies serving the District to work together to solve a range of local issues. It has a wide remit, combining the Community Safety, Health and Wellbeing and Local Strategic Partnerships into one strategic Board.

In its role as the Community Safety Partnership, the MSP is committed to preventing, identifying, responding to and tackling crime and anti-social behaviour in the District. The partnership recognises that a multi-agency approach is crucial in tackling these issues effectively and that no single organisation can do this alone.

Information sharing

Secure and efficient information sharing is crucial to effective partnership working. All disclosures of personal and sensitive information by agencies for the purpose of tackling ASB from early and informal interventions to formal enforcement interventions are made in accordance with the Safer West Sussex Partnership Information Sharing Agreement and MSDC's own Data Sharing Policy.

This agreement is made under the Crime and Disorder Act 1998 which grants powers to disclose data (personal and depersonalised) to a relevant authority to facilitate the prevention and detection of crime.

ECINS

ECINS is a pan-Sussex multi-agency case management system (Empowering Communities with Integrated Network Systems) maintained by Sussex Police and used by Mid Sussex District Council and other partners to record and manage cases of crime and anti-social behaviour. It enables a swift exchange of and access to partnership information and intelligence. Mid Sussex District Council utilises ECINS in cases where a Community Protection Warning is to be served on a perpetrator or business.

It is the responsibility of the lead agency to create the case and add and link relevant profiles, but all partners must be proactive in keeping the system updated and responding promptly to required actions.

Hate and ASB Risk Assessment Conference (HASBRAC)

The HASBRAC is a monthly, multi-agency risk assessment meeting chaired by the Mid Sussex Neighbourhoods Policing Team Inspector or Sergeant. It involves representatives from Sussex Police, the MSDC ASB Team, Registered Social Landlords, West Sussex County Council's (WSCC) Children's Services (including the Youth Justice Service), Victim Support, and where

appropriate, officers from MSDC Housing and Environmental Health Teams, the British Transport Police, Community Mental Health staff and WSCC Adult Services.

Complex, medium and high-risk cases are discussed at the HASBRAC to problem solve ongoing issues and identify the best options that can be considered to reduce the risks of further threat, harm or risk. Once the level of risk has been reduced to a satisfactory level, with a plan of action in place, cases are de-escalated from this forum but can be re-nominated should any agency feel that issues are escalating once again. All cases raised at the HASBRAC are documented on ECINS.

Peer group conferences

MSDC holds bi-monthly meetings with partners including Sussex Police, Local Schools, WSCC Children’s Services and, where appropriate, Social Landlords and Town and Parish Councils to discuss young people who may be causing anti-social behaviour or be at risk of exploitation as well as the wider context of places/locations of concern. A contextual safeguarding approach is adopted to consider any external risk and explore how local peer groups or places of concern can be safeguarded from any risk. All partners are encouraged to nominate any peer group or place of concern for consideration at the conferences.

5 How to report Anti-Social Behaviour



Reporting Crime and Anti-Social Behaviour		
<p>Sussex Police 999</p> <ul style="list-style-type: none">• a serious offence is in progress• someone is in immediate danger or risk of harm• property is in danger of being damaged• a serious disruption to the public is likely	<p>Sussex Police 101 Report online www.sussex.police.uk</p> <ul style="list-style-type: none">• non-emergency incidents where the crime has already happened and there is no immediate risk of harm	<p>Anti-Social Behaviour Mid Sussex District Council 01444 458 166 antisocialbehaviour@mid.sussex.gov.uk</p> <ul style="list-style-type: none">• general anti-social behaviour and repeated nuisance activity <p><small>02-06-19v28</small></p>

Reports or incidents of anti-social behaviour can be made to the MSDC Anti-Social Behaviour Team in the following ways:

- By email via antisocialbehaviour@midsussex.gov.uk
- By phone on 01444 458166

- Online at: <https://www.midsussex.gov.uk/environment/anti-social-behaviour-and-crime/>
- By letter to the Council offices, addressed to: Anti-Social Behaviour Team, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS
- In person (by appointment only) at the Council offices

6 Methods and tools for tackling ASB

Anti-social Behaviour can be addressed using a variety of methods including:

- **Prevention** - e.g. the provision of diversionary and educational activities such as assemblies or projects with schools to prevent young people from getting involved in ASB.
- **Supportive Interventions** - e.g. Mediation, Early Help, REBOOT (Sussex Police Early Intervention Youth Programme) and other diversionary activities. These interventions are most appropriate where the risk level of ASB is assessed as low.
- **Enforcement** - e.g. Community Protection Notices (CPNs), Fixed penalty notices (FPNs), Criminal Behaviour Orders (CBOs), Injunctions, Public Spaces Protection Orders (PSPOs). These are more appropriate for persistent offenders/issues or where there is a higher level of risk.

Early Interventions

Early intervention, especially through informal approaches, can be successful in stopping the anti-social behaviour of many perpetrators. These interventions can establish clear standards of acceptable behaviour and reinforce the message that anti-social behaviour will not be tolerated. In many cases, awareness of the impact of their behaviour on victims and the threat of more formal enforcement can be sufficient incentive for an individual to change their behaviour.

A range of early intervention methods can be deployed which include but are not limited to:

- Conversations within the Home (with a parent/guardian present in the case of a child).
- Conversations at a Police Station (with a parent/guardian present in the case of a child).
- Referral to the Sussex Police REBOOT scheme (in the case of a child and subject to specific criteria).
- ASB warning letters.
- Acceptable Behaviour Contracts.
- Joint interventions (potentially with other partners which may include Police, Housing Officers and Landlords).
- Community Protection Warning letters

It is the Council's Policy that early and informal interventions should be considered first in most cases, particularly when dealing with young people. All cases should, however, be

assessed on an individual basis, and where informal intervention is not considered the appropriate first step, perhaps because the victim is at risk of harm, progressing directly to formal sanctions should be considered as appropriate.

Enforcement tools

The enforcement tools contained within the Anti-Social Behaviour, Crime and Policing Act 2014 are designed to allow the Police, Councils, designated Registered Social Landlords and others to deal with problems quickly. They will be used where early and informal interventions have not had the desired effect and the behaviour persists.

Community Protection Notices (CPNs)

A CPN is intended to deal with ongoing problems or nuisances which negatively affect a community's quality of life by targeting those responsible, whether an individual, business or other organisation.

A CPN can be served against any person aged 16 years old and over or a body, including a business. Before a CPN can be served, a written warning (Community Protection Warning, or CPW) must have been issued to the person committing the anti-social behaviour. The warning will stipulate that a CPN may be served if the anti-social behaviour does not cease.

The test as to whether a case warrants the issuing of a CPN focuses on the impact the anti-social behaviour is having on victims and communities. A CPN can be issued by MSDC or the police if they are satisfied on reasonable grounds that the conduct of the individual, business, or organisation:

- Is having a detrimental effect on the quality of life of those in the locality;
- Is persistent or continuing in nature; and
- Is unreasonable

A CPN will be written so that it is relevant and appropriate to the specific individual or body and can include any or all the following:

- A requirement to stop doing something
- A requirement to do something specific
- A requirement to take reasonable steps to achieve specified results

Failure to comply with a CPN is a criminal offence and further action may be taken which could include prosecution in cases where ASB is persistent and continues to have a harmful impact on another person.

Criminal Behaviour Orders (CBOs)

CBOs are intended to tackle the most persistent anti-social individuals following a conviction for a criminal offence. This can include a breach of a CPN. CBOs are issued by the Courts and can include a combination of positive activities and prohibitions in order to prevent an individual from further engaging in the identified ASB and support work to address underlying causes.

Applications for a CBO may be made after an offender has been convicted of a criminal offence. An application for a CBO does not necessarily require a link between the criminal behaviour which led to the conviction and the anti-social behaviour it addresses for it to be issued by the court.

Further information regarding CBO's can be found at - [Criminal Behaviour Order - Anti Social Behaviour Act 2014 \(asbhelp.co.uk\)](http://asbhelp.co.uk).

Civil Injunctions

Civil Injunctions are a civil (non-criminal) process available through the County Court for adults and through the Youth Court for 10 to 17-year olds. Civil Injunctions can include positive requirements in addition to any prohibitions.

The evidential threshold for an Injunction is based on a civil burden of proof (i.e. balance of probabilities) as opposed to a criminal burden of proof (beyond reasonable doubt) which can make it easier to obtain than other enforcement tools.

An injunction can be granted if the Court:

- Is satisfied on the balance of probabilities that an individual engages in or threatens to engage in anti-social behaviour (as outlined by the definition at Section 2 of this document); and
- Considers it just and convenient to grant the injunction to prevent anti-social behaviour.

Civil Injunctions can be applied for by MSDC, the Police and Registered Social Landlords as well as some other agencies.

More information regarding Civil Injunctions can be found here – [Injunction – Anti Social Behaviour Act 2014 \(asbhelp.co.uk\)](http://asbhelp.co.uk)

Public Spaces Protection Order (PSPOs)

PSPOs are intended to deal with particular nuisance or problem(s) in a specified area that is detrimental to the local community's quality of life by imposing conditions on the use of that area which apply to everyone. PSPOs are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from ASB. A breach of a PSPO is a criminal offence.

Within Mid Sussex, MSDC have lead responsibility for any PSPOs. A PSPO can be made, after public consultation if the Council is satisfied that the activities or behaviour carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality.
- Is, or is likely to be, persistent or continuing in nature.
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed

More information regarding Public Spaces Protection Orders can be found at - [Public Spaces Protection Order - Anti Social Behaviour Act 2014 \(asbhelp.co.uk\)](https://www.asbhelp.co.uk/public-spaces-protection-order-anti-social-behaviour-act-2014).

Details of Public Space Protection Orders in Mid Sussex can be found at - [Anti-Social Behaviour and Crime - Mid Sussex District Council](https://www.mid-sussex.gov.uk/anti-social-behaviour-and-crime)

Closure Order

A Closure Order is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. Both MSDC and the Police can use this power to close residential or business premises. A Closure Notice is issued out of court in the first instance, for a period up to 48 hours. A Closure Order can then be applied for through the courts for a period up to 6 months.

Closure powers provide the flexibility to close premises immediately when necessary, but are more often used in a planned approach based on intelligence with the police and Council working in partnership.

More information regarding Closure Orders can be found at - [Closure of Premises - Anti Social Behaviour Act 2014 \(asbhelp.co.uk\)](https://www.asbhelp.co.uk/closure-of-premises-anti-social-behaviour-act-2014).

7 Operational procedures

Case management

- Where it is understood that ASB is likely to have taken place, a case is opened and full details are recorded onto the MSDC ASB case management system.
- An ASB case worker is allocated to the case and will investigate the case. In many cases, diary sheets will be sent out to the victim to record further occurrences. Initial investigations may include interviews or further discussions with the victim and the perpetrator and any other parties, e.g. witnesses, to establish a full picture. From this they will be able to assess the level of harm to the victim and identify appropriate actions.
- The caseworker will work closely with the victim, taking their wishes into account, determining whether they require any additional support from other service providers and keeping them up to date on progress.
- Where the case requires a multi-agency involvement (such as Police and/or Registered Social Landlords), a co-ordinated approach is required and MSDC will work closely with other agencies to agree appropriate measures. Medium and high risk cases will be discussed at the monthly HASBRAC meetings as well as discussions outside of these meetings between partners where appropriate.
- For multi-agency cases, a lead agency will be agreed who will own the case and co-ordinate the activities of other partner agencies.

- High and medium risk cases will be added to the ECINS database by the lead agency who will also ensure that the case is up to date on ECINS and other case relevant partners have access to the case.
- Cases are reviewed on a monthly basis.

Support for Victims and Witnesses

Mid Sussex District Council recognises that ASB can have a severe impact upon its victims and are committed to supporting those impacted by it, including any witnesses to ensure they and the issues they raise are treated fairly, with dignity and respect in confidence and in a timely manner. The Council aims to create an environment where anyone reporting incidents of ASB feels safe and secure in coming forward to provide the required evidence and able to work with the Council and its partners to reach a resolution.

Support for victims and witnesses includes:

- Providing a clear understanding of the process, choices and options available.
- Ensuring that the wishes of the victim are taken into account.
- Ongoing support, keeping them informed of any related developments.
- Regular communication with the victim and witnesses.
- Referral to appropriate support agencies with the victim's consent.
- Prompt responses to reports of ASB with early intervention actions.
- Treating victims and witnesses sympathetically and sensitively.
- The issue of diary sheets where necessary (or other appropriate recording means) to record future incidents.
- Working with the police to help prevent further intimidation.

Risk Assessment

Responses to reports of ASB are assessed to determine the level of risk of harm to an individual or group of individuals. Sussex Police and MSDC use the following risk level definitions:

- ASB Standard Risk - The frequency and nature of the behaviour being perpetrated has ceased or diminished to the extent that this person is not suffering or likely to suffer (further) personal harm as a result of the ASB.
- ASB Medium Risk - There are continued grounds to believe that that this person may suffer personal harm as a result of the ASB.
- ASB High Risk - There are continued substantial grounds for believing that the person is suffering or is likely to suffer personal harm as a result of the ASB.

When determining risk, officers will consider the frequency of the ASB as it is important to understand that a cumulative effect of relatively minor incidents can have a significant impact on a victim if they are repeatedly subjected to them.

The vulnerability of those impacted by ASB is also taken into consideration. Those with a long-standing illness, infirmity or disability are most likely to be victims of ASB, are more likely to suffer greater harm from ASB and are the people who have least confidence to report incidents. When assessing vulnerability consideration will be given that:

- Some characteristics can make people more susceptible to harm from ASB. e.g people who have long term illnesses, disabilities, the elderly or people who are isolated from help.
- Those where the behaviour, or the likely effect of the behaviour is further increasing the vulnerability of an individual.
- Where an individual's identity (protected characteristic) is the subject of victimisation (this must be recorded as a hate crime or incident and will require a multi-agency approach).

Equality and discrimination

When investigating reports of ASB officers are required to satisfy themselves that the complaints have not been motivated on any discriminatory grounds (such as race, disability, gender, sexual orientation, religion, age or any other protected characteristic).

Monitoring

In order to understand the volume and severity of ASB within Mid Sussex and to determine the effectiveness of the actions being taken to resolve incidents, it is important that we have robust monitoring systems in place. Consistent and accurate data collection enables repeat victims and perpetrators to be identified when incidents have been reported to more than one agency or on more than one occasion.

Once a course of action has been determined and then taken the lead officer will monitor the case to see if the situation is improving or if any remedial actions or further interventions are required. Information regarding the perpetrators and victims, the type and level of interventions undertaken together with any enforcement activity are recorded and regularly updated both within our internal systems and where appropriate, on the ECINS case management system.

Cases are reviewed monthly and will be closed once the behaviour stops or reduces to a tolerable level or if the victim does not wish to communicate with officers. The caseworker will communicate with the victim about closing a case but can reopen it at any time if the behaviour recommences.

8 Complaints and ASB Case Review (Community Trigger)

If a complaint is made about the handling of an anti-social behaviour related matter, this will be dealt with by the lead agency handling the case, the lead agency will follow their own complaints procedure. Further information on the Council's complaints procedure can be found at our website here: <https://www.midsussex.gov.uk/about-us/your-feedback/>

Victims can also request an ASB case review (also known as a Community Trigger) if they feel that agencies have not taken appropriate action regarding their complaint. When a case review is requested, agencies involved in the case are required to review the actions taken and assess whether any further action is appropriate to tackle any ongoing issues. This process will be overseen by an independent Chair who has had no prior involvement in the case and the victim will have an opportunity for their voice to be heard in any review meeting.

Victims can request a case review if:

- They have reported three separate incidents to either MSDC, Police or their registered social housing provider within the preceding 6 month period and feel no effective action has been taken to resolve the ASB; or
- They have reported one hate crime or incident (motivated by hate due to race, religion, disability, sexual orientation or transgender identity in the last six months and no effective action has been taken to resolve the matter.

A manager within one of the relevant agencies may also decide that a review is necessary to safeguard a vulnerable victim of anti-social behaviour.

Further information on how and when to use the community trigger, including a link to the online form can be found here: [MSDC ASB Case Review Factsheet](#)