

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

5 October 2021

TITLE:	Anti-Social Behaviour
EXECUTIVE COUNCILLOR:	Councillor Mike Bowen - Portfolio Holder for Communities
CONTACT OFFICER:	David Smith – Head of Communities and Climate Change
WARDS INVOLVED:	All

Appendices Attached – Appendix A: Anti-Social Behaviour Policy; Appendix B: Anti-Social Behaviour Handbook

1. Reason for the Report

- 1.1 The Council has committed to reviewing its approach to community safety to reduce crime, the fear of crime and anti-social behaviour. This report helps to deliver that commitment.

2. Recommendation

- 2.1 That the Cabinet notes the Council's responsibilities with respect to anti-social behaviour.
- 2.2 That the Cabinet approves the draft Anti-Social Behaviour Policy.
- 2.3 That the Cabinet notes the Anti-Social Behaviour Handbook and assists in raising awareness of the handbook within the community.

3. Executive Summary

- 3.1 A wide variety of behaviour can be defined as 'anti-social' if it has a negative impact on others. In law, anti-social behaviour is defined as behaviour that causes, or is likely to cause alarm, distress or harassment to others (and nuisance in the housing context).
- 3.2 The Council has a duty to exercise its functions with due regard to the impact on anti-social behaviour. The Council has specific duties in

relation to certain types of behaviours, such as noise nuisance.

- 3.3 The report presents a draft policy covering the Council's response to anti-social behaviour and also a handbook that is intended to provide relevant advice to the residents of Staffordshire Moorlands.

4. How this report links to Corporate Priorities

- 4.1 The report links to Aim 1 of the Corporate Plan: To help create a safer and healthier environment for our communities to live and work In particular, it supports the key priority of 'effective support of community safety arrangements' and the Council's commitment to seeking to influence positive outcomes around dealing with anti-social behaviour.

5. Alternative Options

- 5.1 None identified.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The report outlines how the Council will meet its duties under the Crime and Disorder Act 1998 and other related legislation.

6.2 Workforce

Officers will be required to have regard to the policy when carrying out their duties.

6.3 Equality and Diversity/Equality Impact Assessment

The policy applies equally to all. Protected characteristics are highlighted as a key factor to be considered when deciding upon the appropriate response to reported incidents of anti-social behaviour. The ASB Handbook provides guidance on sources of support.

6.4 Financial Considerations

None

6.5 Legal

The report sets out the Council's duties and powers in relation to anti-social behaviour. Under Section 17 of the Crime and Disorder Act 1998, the Council has a duty to prevent and reduce crime and disorder. The policy attached to this report will assist towards ensuring a consistent and proportionate response to meeting those objectives.

6.6 Climate Change

Anti-social behaviour includes behaviour that has a detrimental impact on the environment. Actions to tackle such behaviour can have a positive impact on the Council's actions to tackle climate change.

6.7 Consultation

The policy and accompanying procedure has been developed with input from the Heads of Customer Services and Environmental Health.

6.8 Risk Assessment

If the Council does not respond to ASB appropriately then there may be a risk of harm to the complainant, and reputational risks.

Neil.W.Rodgers
Executive Director (Place)

Web Links and Background Papers

Contact details

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7. Detail

7.1 A wide variety of behaviour can be defined as 'anti-social' if it has a negative impact on others.

7.2 The Anti-social Behaviour, Crime and Policing Act provides two definitions of anti-social behaviour (ASB) depending on where it takes place:

- ASB that occurs within a housing context is defined as behaviour that causes or is likely to cause "nuisance or annoyance".

- ASB that occurs in public spaces is defined as behaviour that causes or is likely to cause “harassment, alarm or distress”.

7.3 In each case, the definitions describe how someone’s behaviour affects other people.

7.4 Nuisance describes behaviour on private property that is lawful but causes inconvenience or annoyance for neighbours. Harassment is the repeated targeting of a victim with behaviour that is meant to upset them.

7.5 Some problems, such as vandalism and drug dealing, are often described as anti-social behaviour but are, in fact, criminal offences. Conversely, there are some types of behaviour that may annoy some people but that would generally not consider to be antisocial behaviour. Examples include:

- The sound of children playing or a baby crying.
- Boundary disputes or breaches of covenants.
- Noise caused by everyday living, such as flushing toilets and closing doors.
- A one-off party.
- Minor personal arguments and differences.
- Religious or cultural practice.
- Parking (including badly parked vehicles).
- Neighbours doing DIY (at reasonable times of the day).
- Groups of people in the street or in parks, unless they are being rowdy, abusive, causing damage or committing other crimes.

District Council Duties and Powers with Respect to Anti-Social Behaviour

7.6 The Council has two general duties in respect of ASB:

- to produce a strategy with other statutory partners for reducing anti-social behaviour, which it fulfils through the vehicle of the Staffordshire Moorlands Community Safety Partnership.
- to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent anti-social behaviour (and crime, substance misuse and re-offending).

7.7 In addition to these general duties, the council has duties in relation to specific types of anti-social behaviour, including duties to:

- serve an abatement notice where the Council is satisfied that a statutory nuisance exists or is likely to occur or recur;
- remove abandoned vehicles in certain circumstances and subject to various provisions;
- promote the licensing objectives, which include the prevention of crime and disorder; and the prevention of public nuisance (when functioning as a licensing authority); and serve a remedial notice if certain types of high

hedges adversely are affecting a reasonable complainant's reasonable enjoyment of the domestic property.

- 7.8 The Council has also been provided with a range of powers that it can use to respond to anti-social behaviour.

Anti-Social Behaviour Policy and Handbook

- 7.9 Appendix A provides a draft Policy on Anti-Social Behaviour. The policy has been produced to support the Council's commitment to making Staffordshire Moorlands a safer place for our communities to live and work. The policy is intended to assist the Council to follow a standard approach to responding to anti-social behaviour within the District. It recognises that each case is unique and must be considered on its own merits but sets out the general principles that will be applied by the Council's officers.
- 7.10 The statutory guidance issued by the Home Office and other protocols and guidance that officers must follow including the Code for Crown Prosecutors and the Council's Enforcement Protocol. The District Council has taken note of the Home Office statutory guidance documents whilst developing its own policy.
- 7.11 The handbook at Appendix B provides advice for members of the public and others for responding to anti-social behaviour. It is intended to help victims of anti-social behaviour identify the most appropriate sources of support. It is hoped that this will assist victims to obtain a prompt response to their complaint, whilst also reducing the number of calls to the Council about incidents that are without the Council's areas of responsibility.