

**Tendring
Crime and Disorder
Reduction Partnership**

**Anti-Social Behaviour
Strategy and Protocol**

“Victims Come First”



January 2010

CONTENTS

	PAGE
Purpose of the Strategy and Protocol	1
Part A – Strategy	
Introduction	2
Mission Statement	3
How are we going to Achieve our Aim?	3
Our Problem Solving Approach	4
The Partnerships Organisational Arrangements	5
Anti Social Behaviour Management Group	6
Support Agencies	7
The Services Provided by TDC which can assist in Tackling Anti-Social Behaviour	8
Approach to the Council's Priorities	10
Part B - Protocol	
Introduction	12
A Decision Making Methodology	13
General Approach	15
Dealing with Individuals	19
ASB Reporting Line	20
Flow Chart of Lead Agency for ASB Reporting Line	21
Who Deals with What?	22
Data Protection & Human Rights	23
Appendices	
Appendix 1 – Typology of Anti Social Behaviour	25
Appendix 2 – Interventions	26
Appendix 3 – Enforcement Options Available	27
How to Progress an Application for an ASBO Within the Council	37
Appendix 4 – Local Minimum Service Standards	46

PURPOSE OF THE STRATEGY AND PROTOCOL

Tendring District Council is a leading partner in the Tendring Crime and Disorder Reduction Partnership (CDRP) and is committed to the reduction and prevention of anti-social behaviour (hereafter described as ASB) within the District. The Partnership has set a target to reduce the level of ASB by 5% from the 2008/2009 baseline data. The means to achieve this challenging target are placed within the CDRP Action Plans, which are reviewed annually. This Strategy and the protocol, both aim to strengthen the Local Authority's commitment to the reduction of ASB and reinforce the already valuable working relationship between our partners.

The protocol in Part B sets out the local procedures for formally dealing with reports and incidents of ASB through various channels.

This protocol will offer guidance to Officers and partners responsible for enforcement action in relation to ASB.

Part A – The Strategy

INTRODUCTION

There are a number of ways ASB can be defined. Section 1 of the Crime and Disorder Act 1998 defines it by the effects of the behaviour rather than the behaviour itself:

‘The person has acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as themselves’.

This is the definition, which has been adopted by the Tending Crime and Disorder Reduction Partnership and is used in this document.

The Problems

There are a number of potential different types of such behaviour which need to be addressed as summarised below and set out in more detail in Appendix 1:-

Misuse of Public Space

- Drug substance misuse and dealing
- Street Drinking
- Begging
- Abandoned Cars; and
- Vehicle related nuisance

Disruption of Community/Personal Well-being

- Noise
- Rowdy behaviour
- Nuisance behaviour
- Hoax calls
- Animal related problems

Acts Directed at People

- Intimidation/Harassment

Environmental Damage

- Criminal Damage/Vandalism
- Litter/Rubbish

MISSION STATEMENT

The Council's mission statement in relation to Anti Social Behaviour is

‘Victims Come First’

HOW ARE WE GOING TO ACHIEVE OUR AIM?

In order to meet our aim of reducing the incidence of ASB Tendring Crime and Disorder Reduction Partnership will work pro-actively to implement the Tendring protocol in response to that commitment in the following ways:

- 1) Provide support for those affected by anti-social behaviour. This will be our overarching aim as reflected in the Mission Statement;**
- 2) Identify individuals and groups responsible for anti-social behaviour and take appropriate action to deal with them either as a Council or with other partners; and**
- 3) Engage with our partners and communities to proactively identify specific targets or hotspots in relation to anti-social behaviour and the measures which will most effectively tackle them;**
- 4) Reduce perceptions of ASB year on year;**
- 5) Take reported cases of ASB seriously, recording, investigating and keeping victims informed of action taken;**
- 6) Provide regular information to residents on what action is being taken to tackle ASB;**
- 7) Offer support and practical help to victims of ASB;**
- 8) Ensure an effective link between neighbourhood policing and neighbourhood management;**
- 9) Provide residents with a right of complaint to Tendring CDRP if effective action is not taken by local agencies through existing channels.**

OUR PROBLEM SOLVING APPROACH

The Partnership uses the Problem Analysis Triangle (PAT) to analyse key aspects of the Victim, Offender and Target.

PAT breaks incidents down into three constituent elements:

- the features of the incident's **Location**
- the features of the **Caller/Victim**
- the features of the **Offender** or of the source of the incident.

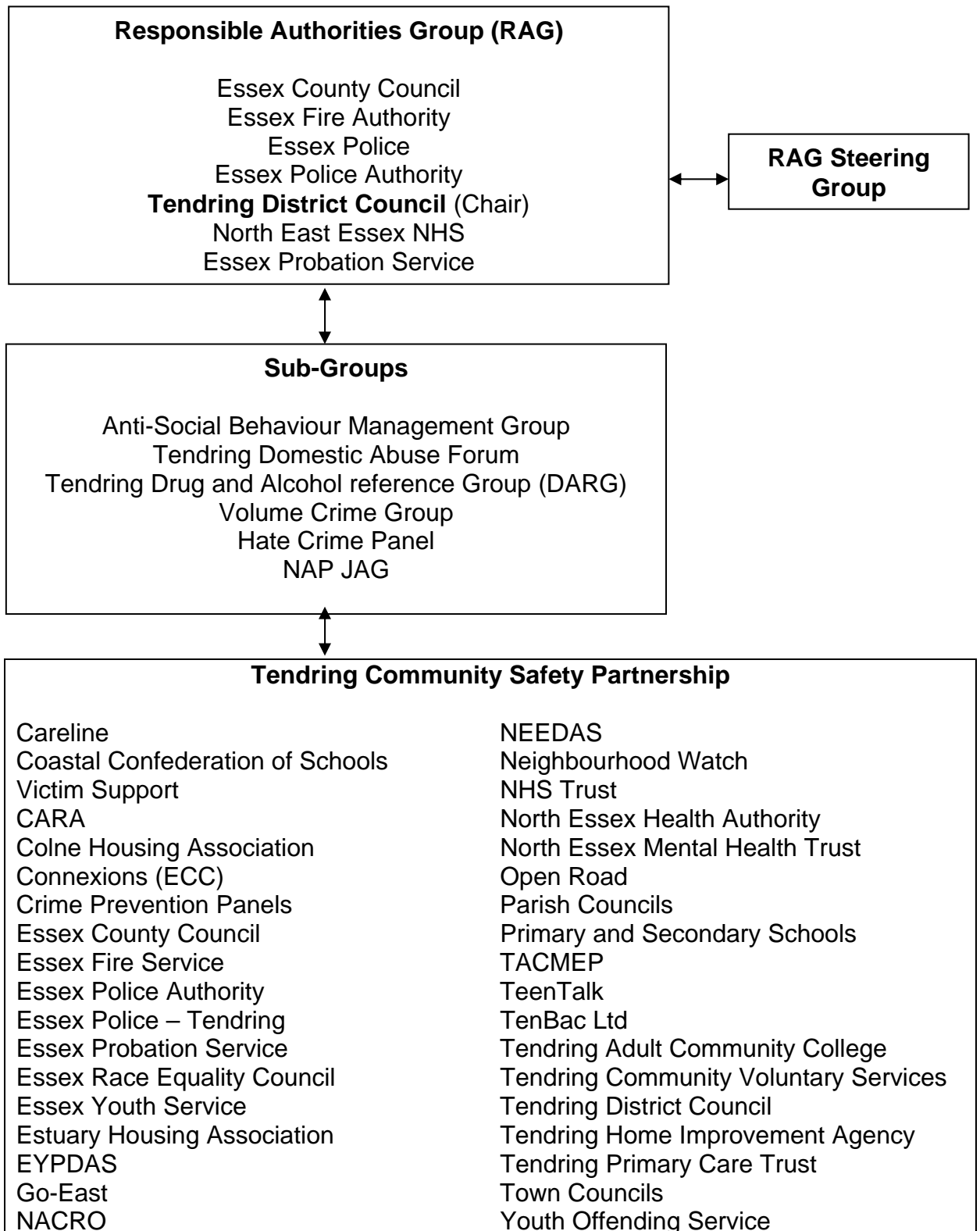


It helps to be as precise as possible in defining the problem, having identified the incidents to be included in the analysis. It is crucial to establish what specific elements of the place, victim and the offender that causes ASB to arise.

Appropriate solutions can then be determined tackling each of the three elements to stop the problem recurring.

THE PARTNERSHIP'S ORGANISATIONAL ARRANGEMENTS

The following list of partners is not exhaustive and continues to expand.



ANTI SOCIAL BEHAVIOUR MANAGEMENT GROUP

The Anti-Social Behaviour Management group is a sub-group of the Responsible Authorities Group and consists of the central core membership below:

- Essex Police Authority provides the Chair;
- Tendring Crime and Disorder Reduction Partnership;
- Tendring District Council
- TDC Elected Members and Officers;
- Essex County Council;
- Essex Fire Service;
- Essex Police
- NACRO;
- Essex Probation (Community Payback);
- Stopping Anti-Social Behaviour and Aggression In Families (SAAIF) and
- Housing Associations.

It is recognised that partner agencies each have their own roles, responsibilities and statutory duties to fulfil. Partners should make themselves familiar with the Partnership's problem solving processes in order to play a full part in tackling ASB.

With regard to Anti-Social Behaviour Orders, partner agencies will normally work in partnership with the Anti-Social Behaviour Co-ordinator.

SUPPORT AGENCIES

There are a number of support and advice agencies that can help with a variety of ASB issues. These are:-

- Citizens Advice Bureau
- CARA (Centre for Action for Rape & Abuse)
- Connexions (ECC)
- Essex Drug and Alcohol Action Team (DAAT)
- Essex Young People's Drug and Alcohol Service
- Independent Legal Advice
- Mediation
- NACRO
- NEEDAS
- Neighbourhood Watch
- Open Road
- Stopping Anti-Social Behaviour and Aggression In Families (SAAIF)
- Social Services
- TACMEP
- Teen Talk
- Victim Support Essex
- Women's Aid

THE SERVICES PROVIDED BY TENDRING DISTRICT COUNCIL WHICH CAN ASSIST IN TACKLING ANTI SOCIAL BEHAVIOUR

As the Strategy indicates anti-social problems often require a partnership between different agencies in which the Council needs to play a part. Nevertheless, the Council also has a number of specific powers it can use to tackle some types of problems. The problems identified and the relevant Service able to tackle them are set out below:-

a) Environmental Services

Environmental Services deals directly with statutory nuisances, which include:

- Rubbish
- Noise nuisance
- Bonfires

And using the Council's discretionary powers:

- Abandoned Vehicle
- Fly Tipping
- Dog Fouling

b) Environmental Service and Community Services

The Enforcement Team in Environmental Services and Community Services deals with the following enforcement issues:

- Unauthorised physical development
- Unauthorised changes of use
- Unauthorised works to protected trees
- Unauthorised works to listed buildings
- High hedges
- Breaches of planning conditions
- Fly-posting and unauthorised advertising
- Untidy sites
- Vehicles being sold on the public highway as part of a business
- Vehicles being repaired on the public highway as part of a business

c) Technical and Procurement Services

- Dangerous Structures and Unsecured Buildings
- TDC car parks and on street parking

d) Legal Services

- Review of conditions attached to individual licenses

e) Leisure Services

Leisure Services enforce the Pleasure Ground Byelaws which detail actions that are prohibited in named open spaces and recreation grounds. These include:-

- Vehicle and bicycle restrictions

- The wilful, careless and neglect actions to cause damage or nuisance
- Lighting fires likely to cause damage
- Fly-posting and fly-tipping
- Playing of ball games in areas not set aside for that purpose
- Skating and skateboarding in areas not set aside for that purpose

f) Housing Services

Housing Anti Social Behaviour Strategy –Executive Summary

The revised Strategy maintains the themes of Prevention, Enforcement and Community Involvement but has undergone comprehensive self assessment by officers and Tenant Representatives to enable compliance and registration with the *Respect Standard for Housing Management* which is the Government guidance for social housing providers that includes the following overriding strategic objectives and commitments:–

- Accountability, leadership and commitment
- Empowering and reassuring residents
- Prevention and early intervention
- Tailored services for residents and provision of support for victims and witnesses
- Protecting communities through swift enforcement
- Support to tackle the causes of anti social behaviour

In achieving these strategic objectives the Strategy will continue to include the following core guiding principles:

- Working in partnership with tenants, leaseholders and other agencies and stakeholders;
- Mainstreaming Crime & Disorder issues and including where appropriate, measures to prevent and deter ASB as key elements of other housing policies and strategies;
- Using measures to combat ASB to link with and contribute to, other corporate plans and strategies
- Considering the use of all reasonable measures available to local authority landlords to tackle ASB;
- Contributing to ASB to be a key objective of each relevant housing section
- Aiming to prevent ASB from occurring in preference to taking enforcement action;
- Taking a holistic multi-agency approach to tackling ASB;
- Ensuring enforcement against ASB is proportionate and upholds the Human Rights, Disability Discrimination, Children and Race Relations Act (s) in respect of victims and perpetrators;
- Following the Code of Practice for Social Landlords in Tackling Racial Harassment;

- Identifying and respecting issues of equality and diversity and recognising groups and individuals with different or special needs
- Employing early intervention and persuasion before seeking legal or enforcement action;
- Using eviction as a measure of last resort;
- Putting victims first but being mindful of the needs of perpetrators especially the young or vulnerable:
- Regularly monitoring and publishing performance and progress and reviewing the strategy to incorporate changes to legislation or new powers made available to social landlords.
- Reviewing and publishing procedures and policies for tackling antisocial behaviour on a regular basis in accordance with legislation
- Complying with the *Respect Standard for Housing Management*
- Complying with the *Housing and Regeneration Act 2008*, through the regulatory framework of the *Tenant Services Authority (TSA)*

The revised Strategy and its guiding principles and themes will be regularly reviewed with Tenant representatives in accordance with the *Housing and Regeneration Act 2008*, through the regulatory framework of the *Tenant Services Authority (TSA)*.

g) Community Safety Team

- Anti-Social Behaviour Co-ordination
- Anti-Social Behaviour Projects
- Anti-Social Behaviour Reporting Line

APPROACH TO THE COUNCIL'S PRIORITIES

A Community Safety Survey was carried out in 2008 by the Council on behalf of the Tendring Crime and Disorder Reduction Partnership. It revealed that the main ASB issues which concerned the public where the Council should be taking direct action:-

- Vandalism or damage to property;
- Youth Nuisance;
- Car break ins/damage to vehicles; and
- Abandoned vehicles.

Closed Circuit Television, Neighbourhood Watch, Neighbourhood Action Panels, Operations to remove abandoned vehicles, ASBOs and ABCS, youth shelters and activities, Tendring Business Against Crime (TenBac), Borderline Projects, NACRO, Stopping Anti-Social Behaviour and Aggression In Families (SAAIF), Police Community Support Officers, and joint agency projects were seen as the most likely measures to reduce ASB.

In preparing their Action Plans to tackle ASB the Council's Services will have regard to these priorities.

Part B – The Protocol

INTRODUCTION

The purpose of this Protocol is to establish the basic guidelines that should be used when dealing with incidents of ASB.

The protocol sets out the options available to officers when dealing with incidents of ASB and allows officers to make an informed choice.

It is intended to ensure that all victims of ASB receive the same quality of service across the CDRP and their complaint dealt with in the most appropriate way.

The protocol is also intended to enhance the working relationships across all services and agencies involved with ASB.

It is recognised that some services have their own policies and procedures for dealing with ASB. This protocol is not intended to replace those policies but to complement them.

A DECISION MAKING METHODOLOGY

SARA can be used as a methodical decision making process in tackling ASB having referred to victims, offenders and locations. It is recommended that all partners and Council staff involved in dealing with ASB become familiar with this process.

The process is used to ensure a problem is effectively identified and tackled, avoiding waste of resources if only part of the actual problem was identified in the initial stage.

There are four stages to the SARA process:

Scanning – spotting problems using knowledge, basic data and electronic maps.

Analysis – using research to dig deeper into a problem's characteristics and underlying causes.

Response – devising a solution, working with the community wherever possible.

Assessment – looking back to see if the solution worked and evaluating what lessons can be learned.

Scanning

Scanning allows incidents to be grouped into clusters or 'problems'. These problems comprise similar, related or recurring incidents and are identified from police data and intelligence and calls from members of the community. Incidents may vary in terms of their seriousness, but they are all of concern to the community and call for a quick response.

Problems identified in the scanning phase of the process should not be "one-offs". They should be problems that have been recurring for some time, certainly over a period of months. It is more advantageous to spend time and resources on a long-term problem than on one that is obviously an isolated incident.

Analysis

In this phase, the conditions that give rise to a particular problem are identified by examining the characteristics and impact of the problem in greater detail. For example, scanning might have revealed that there were a large number of cases of criminal damage in a particular area, but analysis will provide the hour, day or month that they took place and give a clue to their causes e.g. pedestrian routes home from pubs and clubs.

Analysis may therefore involve collecting information about offenders and victims, location and other details of the physical environment, the history of the current problem, the motivations, gains and losses of involved parties, the apparent (and hidden) causes of what is happening. Analysis may produce more questions than answers which will involve revisiting various issues again. It is important to liaise

with other agencies, local businesses and members of the public who may have expert local knowledge.

Response

Response is the action taken in order to remedy the problem.

Work done in the analysis phase helps to identify or isolate the elements that can most easily and effectively be tackled to try to resolve a problem. Often, responses will combine actions to tackle more than one aspect of the problem identified during the analysis phase. In selecting responses, it is crucial to work out in detail how they are expected to produce their intended effects.

Assessment

Follow up assessment is the final stage of SARA, where the whole process is evaluated to gauge how successful it has been. There are three major reasons why this stage is very important:

- To find out whether a particular problem still exists and requires continuing attention.
- To improve problem-solving skills by finding out what seems to work in differing circumstances.
- To enable effective problem-solving to be recognised and acknowledging individuals' efforts.

Assessment is often overlooked but is an essential part of the process and should be routinely carried out. It may also affect future funding opportunities.

An assessment that concludes that a problem has been dealt with successfully does not always mean that it has been eliminated. There are many different types of success.

- The problem and its impact remain the same but the volume of effort to respond to it may be reduced.
- The harm to the public may be reduced even though the number of incidents remains the same.
- The number of problem incidents may be reduced.
- The problem may be entirely eliminated.

When taking forward a SARA for low-level problems, the Service initiating the SARA process should consult with the Community Safety Team and any other relevant parties. If taking forward a SARA for a complex problem the Police Problem Solving Team should be consulted.

GENERAL APPROACH

Working Together

Best practice has shown that the most effective way of dealing with ASB is by implementing a combination of:-

- Prevention;
- Education; and
- Enforcement.

Concentrating on only one of these interventions may create a short term quick fix but will not achieve lasting improvement.

The partnership is committed to taking forward these three interventions and stamping out ASB in the long term.

Examples of appropriate interventions under each category are:

Prevention

Diversionary Activities
Designing Out Crime
CCTV and Street Lighting
Parenting Projects
Youth Shelters
Youth Mentoring
More Litter Bins
Better Signage
Alleygating

Education

Mediation
Drug and Alcohol Education
Neighbourhood Education
Working with Excluded Youths
Citizenship Curriculum
Crucial Crew

Enforcement

Through the powers each of the agencies have available singly or in combination.

Operation Cubit

The object of this initiative is to reduce the number of cars abandoned, untaxed or illegally for sale on the public highway and to reduce incidents of vehicle arson. Operation Cubit rids the community of unsightly vehicles and significantly reduces the danger to the public from un- roadworthy cars.

ASB Reporting Reporting Line

The Reporting line was launched on 21 September 2005 to provide a single reporting line to report incidents of ASB. The details of how it operates are referred to in more detail on page 18 in the report.

Family Intervention Project (FIP)

A support programme for families most involved in and at risk from ASB. The project takes referrals from most Partner Agencies to include YOS, Probation, and the Police. Priority is given to families with children under the age of 19, with substance misuse, at risk of eviction, repeat offenders and families with one or more Acceptable Behaviour Contracts (ABCs) or Anti-Social Behaviour Orders (ASBOs). The project deals with a core group of dysfunctional families in need of intensive multi-agency work.

The primary objective of family intervention projects is to stop the anti-social behaviour of families and restore safety to their homes and to the wider community, enabling families to sustain tenancies and helping achieve the five Every Child Matters outcomes for children and young people. This project provides an exciting opportunity to provide additional support to those high risk families in Tendring.

Victim Support

With funding Victim Support now have the capacity to offer support to victims of ASB. They have recruited and trained sixteen new volunteers who will be able to provide free support to the residents of Tendring.

NACRO Youth Mentoring

NACRO, a crime reduction charity has been funded through the Tendring CDRP to provide a Youth Mentor for youths engaging or likely to engage in ASB. Youths who are subject to ABCs or ASBOs are automatically referred to the Youth Mentor to try and prevent them from breaking the conditions set out in their Order.

Stopping Anti-Social Behaviour and Aggression In Families (SAAIF)

SAAIF is a programme for families with complex needs and offers support to families involved with issues of domestic violence and anti-social behaviour between the parents(s) and their the child/children. Referrals can be made from various Partners to include TASSC, Support at the Junction, Catch 22 and the Police.

SAAIF run Day Workshops within the Colchester and Tendring area, enabling high intensity, personal focus on each family and management of complex family and group dynamics. SAAIF also run a 14 week programme per year for families that require further intensive work and ongoing support.

SAAIF operate a policy of ongoing assertive engagement of families until they either attend or indicate clearly they do not wish to attend, thus increasing likelihood of service provision to hard to reach families.

Firebreak

The Firebreak scheme is a 5 day non-residential course run by Essex Fire and Rescue Service. Students between the age of 13 and 17 can take part in the course. The programme is based on actual fire service activities and procedures to include hose and ladder drills, breathing apparatus, first aid, risk awareness, fire safety in the home and road traffic accident rescue techniques.

The project is aimed at young people who are experiencing problems in mainstream education and causing anti-social behaviour. The aim of the project is to assist the students with personal development by helping them acquire team building, communication and leadership skills, which will promote greater self discipline and community awareness.

FireWatch

Firewatch is an Essex Fire and Rescue Service lead initiative and seeks to reduce the number of arsons and deliberate fire related incidents, anti social behaviour and potentially identify those likely to commit offences.

Firewatch is an anonymous phone line 01206 562643 which is monitored and advertised by the Fire Service. The purpose of the line is to receive information which might potentially lead to solving outstanding crimes involving fire or identify those people who may be setting fires and causing anti-social behaviour.

The Borderline Project

The Borderline Project is a multi-agency lead initiative consisting of the Crime and Disorder Reduction Partnership, Essex Police, Essex Connexions and Essex County Council Integrated Youth Service. The project delivered a 12 week programme around the types of criminal activity young people may become involved in, to a group of ten year 8 pupils (12-13 year olds) selected by their Safer Schools Partnership Officers.

The structured programme delivered to the young people consisted of a Teambuilding Day, Knife Crime, Bullying, Theft and Consequences of Crime, Drug and Alcohol Awareness, Attitudes Towards Crime, Internet Safety, Anti Social Behaviour, First Aid Training, Sexual Health and a Residential Trip away.

The Borderline Project is an early intervention and educational scheme to make young people aware of their behaviour and how it affects others, in order to prevent and deter them from criminal activity in the future. It is intended that the

project will reduce crime and anti social behaviour, as well as raising awareness of the consequences of crime.

This project gives the young people a chance to identify the consequences of crime, how it affects the victim, the affect on family life and the effect on the community. It promotes a general understanding to raise awareness and individual self esteem, increase self confidence, improve social skills and enhance personal development.

The Borderline Project was a Pilot Project and if appropriate could be used again in the future.

Community Pay Back

Community Payback is a scheme run by the National Probation Service. It is the replacement for Community Service, also more recently called Community Punishment. Courts are given the power to sentence offenders of certain crimes to undertake between 40 and 300 hours of Community Payback.

The scheme aims to punish offenders for their crimes and anti-social behaviour caused to the community, without serving a prison sentence. The work is unpaid and aimed at giving something back to the local communities and forcing offenders to repay the community for the wrong they have done.

Community Payback enables the unpaid work done by offenders to receive public recognition, and allows the public to contribute ideas as to which work projects are undertaken.

Dispersal Orders

The Anti-Social Behaviour Act 2003 gives police powers to disperse groups in authorised areas. With Local Authority agreement, a Police Superintendent can designate a defined area as a 'Dispersal Zone' for a period of up to six months (renewable) in England and Wales.

Within a Dispersal Zone a Police Constable or Community Support Officer may disperse groups of two or more people where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. Individuals who do not reside within the designated area can be directed to leave the locality and may be excluded for up to 24 hours.

Essex Police and Tendring District Council at this time have designated specified areas of Clacton Town Centre, Jaywick and Manningtree Town Centre as Dispersal Zones.

DEALING WITH INDIVIDUALS

When a complaint of ASB is made about an individual, it is important that when agreeing an action plan all the necessary agencies are brought together and take into account the following considerations:

- Is there evidence that the individual has acted in a manner that has caused harassment, alarm or distress to another person not of the same household, or was likely to cause harassment, alarm or distress in circumstances where there is no reasonable excuse for that conduct?
- Is there evidence that the actions of the individual have had a serious negative impact on others?
- What action, if any has been taken in the past to restrain this type of behaviour or divert the individual's activities to more positive ends (e.g. Youth Offending Service intervention, drugs programmes).
- What courses of action are applicable to the individual case?
- What steps need to be considered to meet the needs of the victim/witness in order that they feel safe and supported.

THE ENFORCEMENT OPTIONS AVAILABLE

There are a range of options available as set out below (in no particular order) and explained in more detail in Appendix 3.

- Anti-Social Behaviour Orders
- Acceptable Behaviour Contracts
- Warnings
- Parenting Orders and Contracts
- Mediation
- Injunctions
- Fixed Penalty Notices
- Eviction
- Criminal Prosecution

The Partnership uses a menu approach to problem solving and is committed to putting the victim's concerns and fears first. Enforcement is a costly and time consuming process. Accordingly, it may not normally be the first course of action because other measures including deterrence may be simpler and more cost effective. However, a speedy response will be the driver for action and in serious cases of ASB, for example racial and homophobic incidents or where violence is involved or where a victim is at risk, an IMMEDIATE enforcement response should be considered appropriate.

Other Types of Complaints

When complaints are received that identifies a problem that is not restricted to an individual or individuals, the approach set out below would be the suggested template to follow:

The lead agency which has been identified will gather information about the problem, in terms of:-

- **The Victim** – who has been affected by the ASB, for how long and how it is affecting them as an individual/group and their quality of life? Is the behaviour targeted at a specific individual, household or group within the community?
- **The Offender** – who is responsible for the behaviour? Can individuals be identified?
- **The Location** – Where is the ASB taking place and why? Are there specifically located targets or hotspots in the community?

THE ASB REPORTING LINE

The ASB Reporting Line was launched on 21 September 2005 using the National Reporting line number 0845 605 2222. The Reporting Line is a central service used to report incidents of ASB.

Callers will be asked for their postcode and will then be connected to their local ASB Team. The Tending ASB Reporting Line is manned 9am – 5pm Monday to Friday with out of hours voicemail.

Each call made to the Tending ASB Reporting Line is logged on the ASB Database. The ASB Co-ordinator will then analyse each call and pass onto the appropriate partner agency for investigating. The victim is updated accordingly.

ROUTING THE CALLS FROM THE ASB REPORTING LINE

The tables below show how the calls from the ASB Reporting Line are routed to the appropriate service.

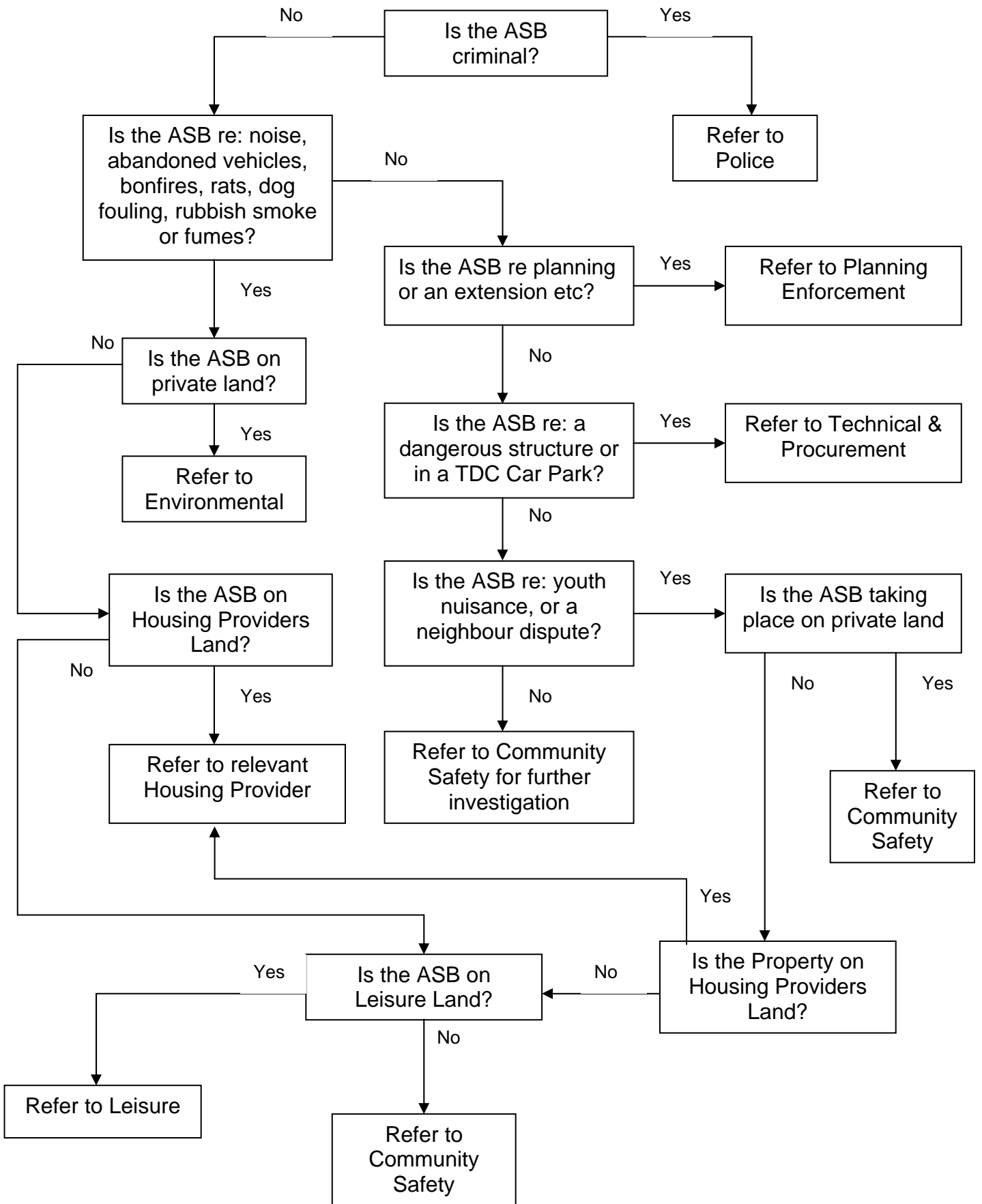
The majority of the calls received on the ASB Reporting Line are directly linked to services already provided by the Council or Police.

Where it is highlighted that a multi-agency approach is required the ASB Co-ordinator will instigate this with the relevant partners.

Careline

Careline may receive calls relating to ASB, which would be more appropriately dealt with by the ASB Reporting line. In these cases, the incidents will be passed from Careline to the ASB Co-ordinator for referral to the appropriate partner agency. Careline also offers a 24 hour out of office emergency service on 01255 222727.

FLOWCHART OF LEAD AGENCY/DEPARTMENT FOR ASB REPORTING LINE



CRIMINAL

Callers reporting actual crimes to be advised to contact police direct (details not to be taken via Reporting Line)

Routine
0300 333 4444

EMERGENCY
999

Ongoing crime problems e.g.
Assault
Criminal Damage
Drugs
Harassment

To be passed to relevant
Neighbourhood
Policing Team

PLANNING

Planning Enforcement
Planning Enforcement Officer
01255 686868

ENVIRONMENTAL & POLLUTION

Noise
Environmental Health Officer
01255 686868

Abandoned Vehicles
Administrative Assistant
01255 686868

Bonfires
Environmental Health Officer
01255 686868

Smoke, fumes, dust, rats and smells
Environmental Health Officer
01255 686868

Rubbish
Technical Officer
01255 686868

Dog Fouling
Dog Warden
01255 686868

TECHNICAL & PROCUREMENT

Dangerous Structures & Unsecured Buildings
Building Surveyor
01255 686868

TDC Car Parks and On-Street Parking
Parking Operations Manager
01255 686868

HOUSING

Nuisance Neighbours

Is the nuisance neighbour the home owner?

No
Is the nuisance neighbour in Council Property?

Yes
Administrative Assistant
01255 686868

COMMUNITY SAFETY TEAM

Youth Nuisance
ASB Co-ordinator
01255 686868

Yes
ASB Co-ordinator
01255 686868

No
Refer to relevant RSL if applicable or other relevant landlord.

LEISURE

ASB on Leisure Land
Leisure Administration Co-ordinator
01255 686868

Would the caller like to speak with VICTIM SUPPORT?
If so, advise caller to contact Victim Support Helpline

DATA PROTECTION AND HUMAN RIGHTS

The Tending Crime and Disorder Reduction Partnership are committed to complying with the policies set out below: -

EQUALITY AND DISCRIMINATION

When investigating complaints of ASB, all must be satisfied that the complainant is not motivated by discrimination/victimisation on the grounds of sex, race, age, religion, sexual orientation, disability or any other grounds.

HUMAN RIGHTS AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS CONSIDERATIONS

The Human Rights Act makes it unlawful for a public authority to act or fail to act in a way that is incompatible with the European Convention on Human Rights (ECHR). It is important that all partner agencies comply with the ECHR throughout the process and take into account the need to protect the rights and freedoms of all those involved.

INFORMATION SHARING

The two most relevant statutory provisions are section 115 of the Crime and Disorder Act and the Data Protection Act 1998:

- Section 115 provides that any person (whether a private individual or member of a public body) can lawfully disclose information, where necessary or expedient, for the purposes of any provision of the Act, to a relevant authority or a person acting on behalf of such an authority, even if he or she would not otherwise have this power. Under the Act "relevant authority" means: the chief officer of police, the police authority, the local authority, the probation committee or the health authority.

Section 115 is particularly useful in protecting information received by a relevant authority concerning potential ASBO cases. The provision "or a person acting on behalf of such an authority" enables a partnership to decide at the strategic level to make the Anti-Social Behaviour Officer as the single point of contact for information from members of the public, private landlords, local businesses and voluntary organisations.

- The Data Protection Act exempts from its normal restrictions on the disclosure of personal information, the provision of such data for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders, and where failure to disclose would be likely to prejudice those objectives in a particular case.

The provisions of the Data Protection Act are helpful in the case of the exchange of processed or readily retrievable information between partner agencies -

whether or not they are relevant authorities for the purpose of section 115. Whereas it may often be appropriate to provide only generic or non-personal information to such an agency, there may be occasions where it is necessary to disclose personal information in the interests of a successful ASBO application and therefore in the interests of preventing crime.

Where a partner agency receives information about, or becomes aware of, behaviour which might require an ASBO, it will immediately notify the designated Anti-Social Behaviour Officer, the police or the local authority in all cases, and other partner agencies as agreed with the Co-ordinator. Each partner agency will have a Designated Information Liaison Officer for the purpose of exchanging information quickly and in confidence. In the case of the police, this will be the designated officer for the relevant area.

FREEDOM OF INFORMATION ACT 2000

The Act allows anyone the right of access generally to all types of recorded information held by a public authority, subject to certain limited exemption. An individual usually has two rights:

- To be told whether or not the public authority holds that information; and if so,
- To have that information communicated to them.

APPENDIX 1 – TYPOLOGY OF ANTI SOCIAL BEHAVIOUR

Misuse of public space	Disregard from community/ personal well-being	Acts directed at people	Environmental damage
<p>Drug/substance misuse & dealing Taking drugs Sniffing volatile substances Discarding needles / drug paraphernalia Crack houses Presence of dealers or uses</p> <p>Street drinking</p> <p>Begging</p> <p>Prostitution Soliciting Cards in phone boxes Discarded condoms</p> <p>Kerb Crawling Loitering Pestering residents</p> <p>Sexual Acts Inappropriate sexual conduct Indecent exposure</p> <p>Abandoned Cars</p> <p>Vehicle related nuisance & inappropriate vehicle use Inconvenient / illegal parking Car repairs on the street / in gardens Setting vehicles alight Joyriding Racing Cars Off-road motorcycling Cycling / skateboarding in pedestrian areas</p>	<p>Noise Noisy neighbours Noisy cars/motorbikes Loud music Alarms (persistent ringing/malfunction) Noise from pubs/clubs Noise from business/industry</p> <p>Rowdy behaviour Shouting & swearing Fighting Drunken behaviour Hooliganism/loutish behaviour</p> <p>Nuisance behaviour Urinating in public Setting fires (not directed at specific persons or property) Inappropriate use of fireworks Throwing missiles Climbing on buildings Impending access to communal areas Games in restricted/inappropriate areas Misuse of air guns Letting down tires</p> <p>Hoax calls False calls to emergency services</p> <p>Animal-related problems Uncontrolled animals</p>	<p>Intimidation / harassment Groups of individuals making threats Verbal abuse Bullying Following people Pestering people Voyeurism Sending nasty/offensive letters Obscene/nuisance phone calls Menacing gestures; <i>can be on the grounds of:</i></p> <p>Race Sexual orientation Gender Religion Disability Age</p>	<p>Criminal damage / vandalism Graffiti Damage to bus shelters Damage to phone kiosks Damage to street furniture Damage to buildings Damage to trees / plants / hedges</p> <p>Litter / Rubbish Dropping litter Dumping rubbish Fly-tipping Fly-posting</p>

APPENDIX 2 - INTERVENTIONS

The Tendring Crime and Disorder Partnership and its partners have made the commitment in the action plans to implement the following interventions from April 2009 to April 2010:

- 1) To provide effective and proactive action against noise and other statutory nuisance
- 2) To target nuisance vehicles
- 3) To raise staff awareness on ASB issues
- 4) To design out crime from the community
- 5) To target perpetrators of graffiti
- 6) To carry out high visibility patrols
- 7) To fund a youth mentor to work alongside perpetrators of anti-social behaviour
- 8) To target identified areas for environmental clean up
- 9) To maintain Housing Provider and Police meetings to share information
- 10) To promote social inclusion by providing direct support to tenant and leaseholder groups to achieve local resolutions to local problems
- 11) Review and re-publish the Housing ASB Strategy
- 12) To engage in joint working with other groups/agencies to co-ordinate activities and achieve shared outcomes

APPENDIX 3 - ENFORCEMENT OPTIONS AVAILABLE TO TENDING CRIME AND DISORDER REDUCTION PARTNERSHIP AND PARTNERS

The enforcement options available for dealing with ASB can primarily be found within the Housing Act 1996, Crime and Disorder Act 1998 and the Anti-Social Behaviour Act 2003.

The following options are available:-

1. ANTI SOCIAL BEHAVIOUR ORDERS (ASBOs) AND ACCEPTABLE BEHAVIOUR CONTRACTS (ABCs)

Anti-social behaviour is defined by the Crime and Disorder Act 1998 as:

“Behaviour which causes or is likely to cause harassment, alarm or distress to one or more people who are not in the same household as the perpetrator”.

Among the forms it can take are:

- Graffiti;
- abusive and intimidating language;
- excessive noise, particularly late at night;
- fouling the street with litter;
- drunken behaviour in the streets; and
- dealing drugs.

Anti-Social Behaviour Orders (ASBOs) and Acceptable Behaviour Contracts (ABCs) are designed to put a stop to anti-social problem behaviour by the individuals on whom they are imposed. But they work in very different ways, and these differences will inform the judgement of Officers on which of them may be the best option in any particular case.

The most obvious difference is that the ASBO is a statutory creation and carries legal force, whilst the ABC is an informal procedure. Since the ABC is a voluntary contract, it has greater flexibility, whilst the ASBO, because of its more formal status, offers advantages in terms of enforcement.

1.1 What Are Anti-Social Behaviour Orders And Acceptable Behaviour Contracts?

ASBOs are civil orders not criminal penalties, they are made in civil proceedings and are not intended to punish the offender. Instead they prohibit that person from continuing to do specified anti-social acts or from entering defined locations, in order to protect the public in those areas.

For the purposes of obtaining an anti-social behaviour order, the definition is set out in section 1 (1) of the Crime and Disorder Act 1998 namely: “acting in an anti-social manner as a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the complainant.”

The types of anti-social behaviour this may include are deliberately not defined in the Act, to allow for the legal remedy of anti-social behaviour orders (ASBOs) to be used in a variety of circumstances and to tackle a wide range of behaviours.

The agency applying for an ASBO must provide evidence to the court showing that the person accused behaved in an anti-social manner i.e. acted in a way that caused or was likely to cause harassment, alarm or distress.

Anti-social behaviour orders can be made against any person aged 10 or over who has acted in an anti-social manner as defined above.

AND

where an order is needed to protect person(s) from further anti-social acts.

Orders can be used against offenders living in any type of housing and to tackle anti-social behaviour in a wide range of situations and settings.

The civil law status of ASBOs has implications for the type of court proceedings at which applications are heard and the type of evidence that can be used to support an application.

- Victims and witnesses of anti-social behaviour who are frightened to give evidence for fear of reprisals can, providing certain rules are followed, give evidence but remain anonymous. Evidence that is not provided to a court first hand in person is called hearsay evidence.
- A police officer or other professional witness, such as a council official, health worker, teacher or doctor can give evidence in court on behalf of a vulnerable witness.

This is very important as anti-social behaviour is often perpetrated in residential areas by a small number of local people known to the victims and witnesses, who therefore feel vulnerable and are unable to give evidence in person. ASBOs last for a minimum of two years.

Acceptable behaviour contracts (ABCs) are voluntary agreements made between people involved in anti-social behaviour and the local police, the local authority, the registered social landlord, or the perpetrator's school. They are flexible in terms of content and format. Initially introduced in the London Borough of Islington to deal with problems on estates being caused by young people aged between 10 and 17, they are now used with adults as well as young people, and in a wide variety of circumstances. They have proved effective as a means of encouraging young adults, children, and importantly, parents to take responsibility for unacceptable behaviour. They are being used to improve the quality of life for local people by tackling behaviour such as harassment, graffiti, criminal damage and verbal abuse. ABCs last for six months.

1.2 The Relationship Between ASBOS And ABCS

It is important to understand that ASBOs and ABCs are both potentially extremely powerful tools for dealing with cases of anti-social behaviour, and it will be very much a matter for the individual Head of Service to decide which of them it might be appropriate to go for in any particular case.

It is particularly important to dispel any impression that ASBOs should be regarded as a last resort, only to be tried when other interventions such as acceptable behaviour contracts have already failed. This may be appropriate for low level or minor cases but serious cases demand swift action in order to protect communities and victims. Examples of 'serious' cases might include racial or homophobic abuse, violence or threats of violence or where a whole section of a community is affected by persistent and continuing anti-social behaviour.

Where an ABC is selected as the best option, it is recommended that it should contain a statement that the continuation of unacceptable behaviour may lead to an application for an ASBO. Where a contract is broken, that should be used as evidence in the application for an ASBO. It may also be possible to use the evidence of anti-social behaviour that was originally collected for the ABC in any subsequent ASBO application.

3.1 In What Circumstances Should An ASBO Or ABC Be Considered?

Examples of anti-social behaviour that can be tackled by ASBOs and ABCs includes:

- Harassment of residents or passers-by
- Verbal abuse
- Criminal damage
- Vandalism
- Noise nuisance
- Writing graffiti
- Engaging in threatening behaviour in large groups
- Racial abuse
- Smoking or drinking alcohol while under age
- Substance misuse
- Joyriding
- Begging
- Prostitution
- Kerb-crawling
- Throwing missiles
- Assault
- Vehicle crime.

Incidents against TenBac Ltd (Tendring Business Against Crime Scheme) the TenBac Co-ordinator to work in conjunction with ASB Co-ordinator to facilitate home visits and the issuing of ABCs where applicable. The terms of each order or contract should be tailored to the circumstances of the individual case.

1.4 Who Should Initiate An ASBO Application?

The list of agencies that can apply to the courts for an ASBO has been extended over the years since ASBOs first became available in 1999. Any one of the following agencies can now independently apply for an order, subject to a legal obligation to consult with other agencies:

- Local authorities: district councils, and county councils.
- Police Forces.
- British Transport Police.
- Registered Social Landlords (as defined by Section 1 of the Housing Act 1996).
- Housing Action Trusts (as defined by Section 62 of Housing Act 1988).

Arm's Length Management Organisations (ALMOs) that manage housing stock transferred from the local authority do not have the power to apply to the Courts for ASBOs.

Local authorities and the Police can apply for an ASBO where it is considered necessary to protect persons in their area (relevant persons) irrespective of where the anti-social behaviour took place. The order can be extended where necessary to provide protection, not just for relevant persons, but to any person in England and Wales. For example, if there is evidence that a person subject to an ASBO is likely to continue the anti-social behaviour in other areas of the country, the order (which attaches to the offender not the area where they live) could include a prohibition covering the whole of England or Wales.

British Transport Police, Registered Social Landlords and Housing Action Trusts can apply for an ASBO where the anti-social behaviour relates to premises for which they are responsible and those persons engaging in the anti-social behaviour are or are likely to be on or in the vicinity of those premises.

(i) ASBOs (Stand-Alone Orders)

These can be obtained from the Magistrates' Court acting in its civil capacity. A complaint must be made to the Magistrates' Court within six months of the behaviour being complained of (although earlier incidents may be used as background information to support the case). One incident of serious anti-social behaviour may be sufficient for an order to be made, however the agency applying for the order must demonstrate that an order is necessary to stop the behaviour from continuing.

It is not necessary to have tried other interventions before applying for an ASBO and there will be cases where an ASBO is the appropriate first intervention. The most common types of behaviour tackled by ASBOs are general loutish and unruly conduct such as verbal abuse, harassment, assault, graffiti and excessive noise. ASBOs have also been used to combat racial harassment, drunk and disorderly conduct, throwing missiles, drug dealing, vehicle crime, misuse of the 999 system, prostitution and begging.

(ii) Interim Order

Interim orders are available in both the Magistrate's Court and the County Court. An interim Order can be made at the initial court hearing on the application for an ASBO in order to provide immediate protection for the community until the full hearing is held. An interim order can be made, with leave from the Court Clerk, without notice of proceedings being given to the defendant. This protects the complainant / witness from intimidation caused by the perpetrator before the case can be heard.

Interim Orders are designed to:

- enable the court to put an immediate stop to the anti-social behaviour, protecting the public more quickly;
- reduce the scope for witness intimidation;
- remove any incentive for delaying the proceedings on the part of the perpetrator;
- send a clear message to the community that swift action can be taken to stop anti-social behaviour; and
- provide an important remedy where there are delays by the courts in listing cases for full hearings.

Interim Orders may be made where the court considers it just to make an order, pending the full hearing on the application for an ASBO.

When considering whether it is appropriate to make an interim order the court will take into account the fact that it may not be possible to compile all the information at the initial application to prove that a full ASBO is necessary.

The court will consider:

- whether the application for the full order has been properly made;
- whether the consultation requirements have been complied with (a telephone conversation may be sufficient); and
- whether there is sufficient evidence of an urgent need to protect the community.

Where the court decides to make an interim order it:

- is for a fixed period;
- can be varied or discharged on application by the defendant or applicant;
- ceases to have effect if the application for the order is withdrawn or refused;
- may extend over any defined area of England and Wales; and
- has the same breach penalties as the full order.

(iii) Order on conviction

Section 1C of the Crime and Disorder Act 1998 (CDA), as amended, allows the criminal courts to make an order equivalent to an ASBO prohibiting the defendant from doing anything specified in the order, after that person has been convicted of a relevant offence (i.e. one that is committed on or after 2 December 2002).

An order on conviction is a civil order and therefore the civil rules of evidence apply. The order is in addition to the criminal sentence and is considered separately from the criminal part of the proceedings. An order on conviction has the same effect as an ASBO. It lasts for a minimum of two years and a breach of the terms of the order is a criminal offence.

The Magistrates' Court, the Youth Court or the Crown Court can make orders on conviction. The form of these orders are set out in the Magistrates' Court Rules

and the Crown Court Rules. An order may only be made if the court sentences or conditionally discharges the offender for a relevant offence

Pursuant to section 1C of the Crime and Disorder Act 1998, it is the 'prosecutor' who is able to request that the court makes an order on conviction and in the majority of cases this will be the CPS prosecutor. However, there are offences that are prosecuted by other agencies such as a local authority prosecuting a breach of a noise abatement notice or an injunction for dog fouling. In such a circumstance, the local authority prosecutor could ask the court to consider making an order following a conviction for the noise abatement / dog fouling matter.

The prosecutor leads evidence in support of this request; this may include calling a representative of a relevant authority to present evidence. It is very important for the CPS to work closely with the police, the local authority and any other relevant authority to obtain an order on conviction and to inform the Crime and Disorder Reduction Partnership (CDRP) of any Orders made on conviction. Likewise, it is important for the CPS to be informed by Legal Services at the earliest opportunity of the need for an order to be requested in the event of a conviction.

The Crown Prosecution Service (CPS) usually requests the court to make an order on conviction, as there is no formal application process for this order. The court has to consider if:-

- the offender has acted in an anti-social manner, that is, in a manner that caused or was likely to cause harassment, alarm and distress to one or more persons not of the same household as the offender; and
- an order is necessary to protect any persons in any place in England and Wales from further anti-social acts.

1.5 How do orders in the County Court relate to anti-social behaviour orders?

Anti-social behaviour orders can be made by a County Court where the principal proceedings involve the anti-social behaviour of someone who is a party to those proceedings, for example, where a social landlord is seeking to evict a tenant (possession proceedings) for causing nuisance or annoyance. The Court cannot make a stand-alone order as there must always be other proceedings (principal proceedings) to which the application for an ASBO can be attached.

Joining people to proceedings for the purposes of obtaining an ASBO. Changes introduced by the Anti-Social Behaviour Act 2003 enable proceedings to be streamlined. Section 85 enables persons, who have behaved in an anti-social manner but who are not party to the principal proceedings in the County Court, to be joined to those proceedings and be made the subject of an ASBO. The purpose of these changes is to avoid the need for the same evidence to be presented twice in two different courts. It will speed up protection from anti-social behaviour for communities and free up court time to deal with other cases..

Who can seek an ASBO in the county court?

Local authorities (including county councils), police forces (including the British Transport Police), Registered Social Landlords (RSLs) and Housing Action Trusts are relevant authorities with the power to seek an ASBO in the county court. Other organisations may also be authorised to apply for an ASBO. Following the making of an order by the Secretary of State, a local authority will be able to 'contract out' all or part of their ASBO functions to a specified person. The power to delegate this function was brought in by [Section 142 of the Serious Organised Crime and Policing Act](#).

Where the relevant authority is part of the proceedings i.e. seeking a possession order against a tenant, it can make an application for an ASBO at the time of issuing the principal proceedings. For possession proceedings claims are made on [Form N5](#). If the relevant authority applies for an order after the proceedings have commenced an application is made on [Form N 244](#).

Where a relevant authority is not part of the principal proceedings, it must make an application to be joined to those proceedings as soon as possible after becoming aware of the principal proceedings. An application for an ASBO can then be made on Form [N244](#). The order made by the Court is made on form [N113](#).

1.6 Evidential Requirements

The evidence in support of an ASBO application should prove that the defendant acted in a way that caused, or was likely to cause, harassment, alarm or distress to one or more persons not in the same household as the perpetrator. Evidence should explain to the court the context of the anti-social behaviour and its effect on other people.

Evidence should explain to the court the context of the anti-social behaviour and its effect on other people. It can include:

- direct witness statements;
- professional witness statements;
- hearsay – which material should be served on the defendant and the Court at least 21 days in advance. A failure to comply with this time limit does not render the evidence inadmissible, but the Court may take this failure into account when determining the weight to be given to this evidence;
- CCTV footage;
- letters of complaint (including anonymous complaints) to police, council, landlord;
- articles in local press;
- the number and nature of the charges against the defendant;
- the defendant's character and conduct as revealed by the evidence;
- the content of the victim's personal statement;
- other offences that have been taken into consideration (TICs);
- details of final warnings or previous convictions;
- the risk assessment in any pre-sentence report;

- records of any non-compliance with other interventions, eg ABCs, FPNs or warnings; or
- a community impact statement (CIS).

A community impact statement can be written by a caseworker, (such as a housing officer, environmental officer or community safety officer), and/or by the local police. The purpose of a CIS. is to outline the effect the anti-social behaviour is having on the wider community in a way that is clear and concise for the court's consideration. In certain circumstances, some elements of evidence such as hearsay, CCTV footage and letters of complaint can be put into a community impact statement.

What is required of witnesses?

Special measures were introduced in order to address concerns about the protection of vulnerable and intimidated witnesses. Due to the nature of ASBO proceedings, there is a high risk that witnesses will be vulnerable or intimidated. Therefore, the extension of special measures to witnesses in ASBO applications is a way of providing them with the protection already enjoyed by witnesses in criminal proceedings.

The special measures include:-

- Screens – to ensure that the witness does not see the defendant.
- Live link – allowing a witness to give evidence from outside the courtroom.
- Evidence in private – clearing the court of most people (legal representatives and certain others must be allowed to stay).
- Removal of wigs and gowns – by judges, advocates etc. (only applicable in the Crown Court).
- Video recorded evidence in chief – allowing an interview with the witness, which has been video recorded before the trial, to be shown as the witness' evidence in chief.
- Intermediaries – allowing an approved intermediary to help a witness communicate with the police, legal representatives and the court.
- Aids to communication – allowing a witness to use communication aids such as a symbol book or alphabet boards.

In the Crown Court all measures are available, except for video recorded evidence in chief, which is not available to vulnerable witnesses.

In the Magistrates' Courts the picture is more complex:

- Screens, evidence in private and aids to communication are available to both vulnerable and intimidated witnesses.
- Live link and video recorded evidence in chief are available to child witnesses in certain circumstances, in particular in cases of violence or threats of violence.
- Intermediaries are available to vulnerable witnesses in certain pilot areas – Merseyside, West Midlands, Thames Valley, Norfolk, Cardiff and Plymouth.
- Aids to communication are available to vulnerable witnesses. (This measure is not applicable to intimidated witnesses).

Are all witnesses eligible for special measures in ASBO applications?

Not all witnesses are eligible. Only vulnerable or intimidated witnesses will be eligible.

Vulnerable witnesses are all witnesses aged under 17 years or whose quality of evidence is likely to be diminished because they have a mental disorder or learning disability or have a physical disability or physical disorder.

Intimidated witnesses are witnesses whose quality of evidence is likely to be diminished because they are in fear or distress about testifying.

It is for the court to decide whether the quality of a witness' evidence is likely to be diminished.

Once the court has determined that a witness is 'eligible', do special measures automatically apply in ASBO applications?

Special measures do not automatically apply once a court decides a witness is 'eligible'. Having established that a witness is eligible for special measures, the court must then:

- Decide whether any of the special measures would be likely to improve the quality of the witness' evidence;
- Decide which of those measures (or combination of them) would be likely to maximise the quality of the witness' evidence; and
- Give a direction providing for the measure or measures to apply to evidence given by the witness.

What is the process for making an application for special measures?

The process is set out in the Criminal Procedure Rules 2005 Part 29. The application must be in writing on a prescribed form. It must be served on the court, as well as the person against whom the ASBO is being sought, who may oppose the application. The court will consider the application and may direct a hearing. The Rules are relatively complex and it is advisable that anyone seeking to make an application obtains legal advice.

Does the use of special measures mean that the witness' identity or appearance will be concealed from the person accused of anti-social behaviour?

Special measures do not mean that the witness' identity or appearance will be concealed from the person accused of anti-social behaviour.. With the exception of screens, the accused will generally be able to see the witness. However, what they do mean is that the witness does not have to see the accused person.

8. Appeals against ASBOs and Time Limits.

Section 4 of the Crime and Disorder Act 1998 provides the defendant with the right of appeal against the making of an order.

- Where an ASBO is made on application to the magistrates' court, or on conviction, the appeal is to the Crown Court. Notice of Appeal must be given in writing to the clerk of the court and the applicant body within 21 days of the order being made. However, the Crown Court has the

discretion to give leave to appeal out of time. The hearing at the Crown Court is by way of rehearing of the case.

- An appeal against the ruling of the Crown Court is to the High Court by way of case stated under section 28 of the Supreme Court Act 1981, or by application for judicial review.
- Appeals against ASBOs made in the county court must be made in accordance with Part 52 of the Civil Procedure Rules and within 14 days of the decision.

Appeals against orders made by district judges will be to a circuit judge and against orders made by circuit judges to the High Court.

1.7 What Happens With A Successful Order?

An order can be considered successful if it stops the behaviour that was having a negative effect on the community for the period of the Order. The community must be involved with 'policing' the terms of the ASBO and publicity of these terms is therefore necessary.

1.8 What Happens When An ASBO Is Breached?

Breaching the terms of an anti-social behaviour order without reasonable excuse is a criminal offence that will normally be prosecuted by the Crown Prosecution Service.

The local authority has the power to prosecute a stand alone ASBO where it is either the applicant agency in the original ASBO proceedings or where the defendant resides in the local government area.

Breach proceedings are heard in the magistrates' criminal court, (the youth court for juveniles). The magistrates may decide to refer the proceedings concerning adult offenders to the Crown Court if the breach warrants a more severe penalty than is available to magistrates.

Guidance to magistrates from the Judicial Studies Board advises that: 'breach of an order is a criminal offence and is itself a serious matter. A court should not lapse into treating the breach of an ASBO as just another minor offence. It should be remembered that the order itself would normally have been a culmination of a course of persistent anti-social behaviour. An ASBO will only be seen to be effective if breaches of it are taken seriously. Further breaches of a court order should be treated very seriously and may need to be referred to the Crown Court for more severe sentencing. The sentence should be both proportionate to the seriousness of the breach and importantly reflect the impact of the anti-social behaviour.'

The applicant agency should arrange with the prosecutor to provide the court with information about the context of the breach, including why the order was originally made, the effect of the anti-social behaviour and the breach of the order on the community.

The Penalties for breach of an ASBO are:-

- on summary conviction an adult defendant can be sentenced to a maximum of six months imprisonment and/or a fine not exceeding £5000;
- on indictment (crown court) an adult defendant can be sentenced to a maximum of five years in prison and/or a fine;
- the courts also have the power to impose community penalties, but not a conditional discharge, for a breach of an anti-social behaviour order;
- the youth court deals with breaches of ASBOs by young people under the age of 18. The maximum sentence for a breach of an ASBO for a young person is a two-year detention and training order of which 12 months is served in custody, the remainder is served as a community penalty under the supervision of the Youth Offending Team (YOT);
- a young person may only be sentenced to a detention and training order if he or she is 15 or over, or is *a persistent offender aged between 12 and 14*;
- a minor aged 10-11 cannot be given a term of detention but can receive a community penalty for breach of an ASBO.

1.9 How To Progress An Application For An ASBO Within The Council

A suggested way forward is for each Head of Service to decide whether an ASBO would be an appropriate remedy for any particular problem affecting their service or service users. Bearing in mind that an ASBO is designed to protect the community and not to punish the perpetrator. If this were the case then Fixed Penalty Notices or injunctions etc would be more appropriate. The Head of Service can request advice and information at any stage from the Anti-social Behaviour Co-ordinator.

Once the Head of Service decides that an ASBO should be sought, he or she must liaise with the Anti-Social Behaviour Co-ordinator who will in turn liaise with the police and co-ordinate the evidence gathering and application process. There is a duty to consult the other relevant agencies but they do not necessarily have to agree with an application. The Anti-social Behaviour Co-ordinator will seek advice from Legal Services at this stage but it will be for the Head of Service to take the decision on whether or not to seek an Order provided that taking such action is not improper or an abuse of process. Legal Services will then proceed with the application on behalf of the Head of Service and in co-operation with the Anti-social Behaviour Co-ordinator.

1.10 Further Sources Of Information

Home Office Respect Website:

<http://www.asb.homeoffice.gov.uk/>

Crime Reduction Anti-Social Behaviour Toolkit:

<http://www.crimereduction.gov.uk/toolkits/as00.htm>

Home Office Anti-Social Behaviour Website:

<http://www.homeoffice.gov.uk/anti-social-behaviour/>

Tendring Crime and Disorder Reduction Partnership Website:

<http://tcdrp.co.uk/>

Tendring Anti-Social Behaviour Reporting Line: 0845 605 2222

Anti-Social Behaviour Co-ordinator: Laura Hicks Tel: 01255 686 359

Mobile: 07760 391 864

lhicks@tendringdc.gov.uk

1.11 How To Make A Complaint

Initially through the Tendring ASB Co-ordinator or alternatively, if your complaint is a general complaint, complete the complaint form on Tendring Crime and Disorder Reduction Partnership Website <http://tcdrp.co.uk/>

2. PARENTING ORDERS AND CONTRACTS

Who can apply? Youth Offending Service (YOS)

Duration: Maximum 12 months

A parenting contract is an agreement negotiated between a YOS worker and the parents of the child involved or likely to become involved in criminal conduct or ASB. A parenting order is made in similar circumstances by a criminal court, family court or Magistrates' Court acting under civil jurisdiction.

There are 3 ways for the YOS to work with parents.

1. Voluntarily

Many parents want and may even ask for support. The YOS may work with parents on a voluntary basis without using a contract or order.

2. Voluntarily with a Parenting Contract

If a more formal approach is useful or the parents are unwilling to co-operate, the YOS can suggest a Parenting Contract. Refusing to enter into a contract can be used as evidence to support an application for an Order and may persuade a reluctant parent to engage.

3. Parenting Order

If the parent is unwilling to co-operate, the YOS can apply for, or recommend, a Parenting Order.

Parenting Contracts and Orders can consist of 2 elements:

1. The first is a parenting programme designed to meet the individual needs of parents so as to help them address their child's misbehaviour.
2. The second element specifies particular ways in which parents are required to exercise control over their child's behaviour to address particular factors associated with offending or ASB. Examples would be ensuring that their child goes to school every day or is home during certain hours.

3. FIXED PENALTY NOTICES (FPN)

Who can issue a FPN? Police, Police Community Support Officers, Community Wardens and Local Authority (littering and dog fouling only).

Fixed penalty notices are applicable for most low-level disorder offences. The offender receives an immediate punishment, which does not result in a criminal record if paid. The local authority can issue fixed penalty notices for littering and dog fouling.

4. WARNINGS

Many of the partner agencies have procedures in place for dealing with first, or minor incidents of ASB.

Written or verbal warnings may be used in many cases to deter people from behaving in an unacceptable manner. Delivery of these warnings are most effective from the police or local authority where the behaviour is outlined to the individual and consequences are explained. If the individual is under 16 years of age the warning should be delivered in the presence of a parent or guardian.

The police and the Council's housing department already have formal processes in place for the distribution of warning letters for ASB but other agencies can deliver according to discretion.

Warnings generally:

- Describe the behaviour concerned
- Inform the individual that the behaviour is unacceptable
- Advise them that their behaviour is being monitored
- Outline consequences, e.g. ABC, Parenting Contract, ASBO etc.
- At this point a referral to a support agency may be made

5. INJUNCTION AND EXCLUSION ORDERS

Injunctions and Exclusion Orders come under sections 153a, 153b, 156c or 153d of the Housing Act 1996. Injunctions are usually sought by landlords to prohibit acts of nuisance, annoyance or harassment. A breach of an injunction amounts to contempt of court, which is punishable on application by a fine or imprisonment of up to two years.

There are three different types of injunctions:

1. Interim Injunctions – these are sought when existing possession or breach of contract proceedings pending the final outcome of a hearing. Interim injunctions can be made without notice, which means the court may grant the injunction without the perpetrator being present.
2. Final Order Injunctions – these are sought as a final remedy at trial.
3. Statutory Injunctions – these are “stand alone” injunctions where no other proceedings are necessary.

6. DEMOTED TENANCIES

Where a tenant, resident or visitor to the dwelling is guilty of ASB, the local housing authority will be able to apply for an Order for the demotion of tenancy.

7. POSSESSION ORDERS

Possession can be sought under Ground Two of Schedule 2 to the Housing Act 1985, (as substituted by Section 144 of the Housing Act 1996).

A Possession Order can be sought when the tenant or person residing in or visiting the dwelling-house:

- a) has been guilty of conduct causing or likely to cause a nuisance or annoyance to a person residing, visiting or otherwise engaging in a lawful activity in the locality, or
- b) has been convicted of –
 - i) using the dwelling house or allowing it to be used for immoral or illegal purposes, or
 - ii) an offence committed in, or in the locality of the dwelling

8. CLOSURE OF PREMISES WHERE DRUGS ARE USED UNLAWFULLY

The act has introduced increased powers to deal with such premises to protect the safety and wellbeing of the community.

Closure Notice – a closure notice can be issued by a senior police officer in premises that have reason to believe is being used for the production, supply or use of Class A drugs and is causing nuisance and disorder of a serious nature.

New Court Powers – The Police must apply to the court within 24 hours for a closure order. The court must be satisfied that:

- a) The premises has been used in connection with the production, supply or use of Class A drugs.
- b) The premises is associated with disorder or serious nuisance.
- c) An Order is necessary to prevent the occurrence of disorder or serious nuisance.

Duration of Order- Once obtained the Closure Order can apply for 3 months, but can be extended to a maximum of 6 months. During this time the premises will be sealed and entering or remaining at the property would be an offence.

9. HOUSING – NEW POWERS FOR SOCIAL LANDLORDS TO TACKLE ANTI SOCIAL TENANTS

(Please refer to Housing Anti-Social Behaviour Strategy on Page 9)

10. PARENTS: MEETING RESPONSIBILITY TO THEIR CHILDREN AND TO THEIR COMMUNITY

This section of the act is focused on encouraging parental responsibility and supporting the agencies that work with parents and children.

11. POWERS FOR SCHOOLS AND LEAS

Schools and Local Education Authorities are now able to enter into Parenting Contracts with the parent/s of a child who has truanted or been excluded from school.

LEA's can apply to the court for Parenting Orders in respect of the parent/s of a child excluded (permanently or for two fixed periods) from school for serious misbehaviour.

LEA's, head teachers (and authorised parties) and the police can issue penalty notices to a parent in relation to the truancy of their child. If the penalty notice is unpaid the local authority can decide to bring forward a prosecution for the offence.

12. YOUTH OFFENDING SERVICES

The YOS can enter into Parenting Contracts with the parent/s of a child who has engaged or is likely to engage in criminal misconduct or ASB. Parenting Orders can be obtained by the YOS at an earlier stage where the child has been involved in criminal misconduct or ASB rather than after conviction of a criminal offence.

13. YOUTH NUISANCE REGISTER

When a Police Officer investigates a complaint involving nuisance youths a Stop & Search 302 form is completed and the youth's details are entered into the Youth Nuisance Register. This generates a first warning letter which is sent to the parents or guardians of the youth outlining his or her behaviour. If the youth comes to the attention of the police for ASB within a six month period a second warning letter is issued. After the second letter is issued and the youth comes to the attention of the Police for a third time within the six month period the parents or guardians are invited to the Police Station and the youth will then be subject to an ABC. If the youth has not come to the attention of the Police within six months they are deleted from the Register.

14. DISPERSAL ORDERS: DEALING WITH INTIMIDATING GROUPS

A senior police officer, with local authority agreement can designate an area where there is persistent ASB and a problem with groups causing intimidation. Once a senior police officer and the local authority have agreed to designate an area they must publish that fact in the local press or through public notices. The area can then be designated for up to six months.

In the designated area, police and PCSO's can disperse groups where their presence has resulted, or is likely to result in a member or members of the public being harassed, alarmed, intimidated or distressed. The individuals can then be

excluded from that area for up to 24 hours. If the group refuses to follow the officer's direction to disperse they will be committing an offence.

There are powers in the designated area for the police or PCSO's to take children home after 9pm if they are not under the control of an adult. This is a discretionary power.

15. FIREARMS: INTRODUCING NEW PROHIBITIONS ON AIR WEAPONS AND IMITATION FIREARMS

New Powers for Police – the police are now able to arrest someone carrying an air weapon, (whether loaded or not) or an imitation firearm in a public place without lawful authority or reasonable excuse.

A young person must be over 17 before they may own an air weapon. A level 3 fine (max £1000) can be issued to any person making a gift of an air weapon to anyone under that age. The unsupervised use of air weapons is only allowed by persons over the age of 14 when they are in an approved rifle club, on private land and have the permission of the occupier. It is an offence to shoot outside the boundaries of that private land.

New Prohibitions on Specific Types of Air Weapon – there is now a specific ban on the sale, purchase, transfer, acquisition and manufacture of air guns using a self-contained gas cartridge system. Existing owners had until April 2004 to obtain a firearms certificate to retain possession. The Secretary of State has the right to prohibit or introduce other controls in respect of air weapons which he considers to be especially dangerous.

16. ENVIRONMENT: CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (CNAEA)

There are a number of powers available under the Clean Neighbourhoods and Environment Act:

Fixed Penalty Notices (FPN) – the CNAEA gives an authorised officer of a local authority (including Town and Parish Councils from April 2006) and the power to issue FPN's for litter, graffiti posting and dog offences.

Nuisance and Abandoned Vehicles – local authorities have the power to remove abandoned cars from the street immediately. This Act also creates two new offences to help local authorities deal with nuisance parking, offering for sale two or more vehicles, or repairing a vehicle on the road as part of a business.

Litter –CNAEA makes it an offence to drop litter anywhere, including private land, rivers, ponds and lakes. It gives local authorities the following new powers:

Litter Clearing Notices: can be utilised to require businesses and individuals to clear litter from their land.

Street Litter Control Notices: Strengthen existing powers for local authorities to require local businesses to help clear up litter they generate.

CNAEA also enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter and confirms that cigarette butts and discarded chewing gum are regarded as litter.

Graffiti and Fly-Posting –CNAEA extends **Graffiti Removal Notices** to fly-posting, improves local authorities powers to tackle the sale of spray paints to children through Trading Standards and strengthens the legislation to make it harder for the beneficiaries of fly-posting to evade prosecution. It also enables local authorities to recover the costs of removing illegal posters.

Dogs –CNAEA replaces dog bylaws with a new, simplified system which will enable local authorities and parish councils to deal with dog fouling. Local authorities may ban dogs from designated areas, require dogs to be kept on a lead and restrict the number of dogs that can be walked by one person. CNAEA gives local authorities sole responsibility for stray dogs where previously this responsibility had been shared between local authorities and the police. The change will come into force only when the transfer of resource has been agreed.

Noise – CNAEA gives new powers to allow local authorities to:

- deal with nuisance burglar alarms
- impose fixed penalty fines on licensed premises that ignore warnings to reduce excessive noise levels.

17. PUBLIC ORDER AND TRESPASS: NEW POWERS

New powers to control public assemblies – the definition of public assemblies has been changed from a group of 20 or more to a group of 2 or more persons. The senior officer may give directions imposing conditions on a public assembly of two or more people.

The senior officer must reasonably believe that the public assembly may result in serious public disorder, serious disruption to the life of the community, or the purpose of the persons organising the assembly is the intimidation of others with a view to compelling them not to do something they have a right to do or to do something they have a right not to do.

18. IMPROVED POWERS TO CLOSE ILLEGAL RAVES

The police now have the power to direct 20 or more people participating in indoor raves to leave the building. The Act also creates a criminal offence, with a power of arrest for any person who has been served this directive if they attend another indoor trespassory rave within 24 hours.

19. AGGRAVATED TRESPASS

An offence of aggravated trespass will be committed where a person trespassing, whether in a building or in the open air, does anything which is intended to intimidate or deter persons from engaging in a lawful activity, or to obstruct or disrupt this activity.

The police will have the power to arrest someone for aggravated trespass when they are inside a building as well as on land in the open air or can direct a person to leave a building as well as land.

20. POWER TO REMOVE TRESPASSERS

Senior police officers can move on unauthorised encampments when they are trespassing on the land, when there are 2 or more people with 1 or more vehicles and there is a suitable pitch available on a relevant site on the local authorities area.

21. HIGH HEDGES

(Please refer to Planning Enforcement Policy)

22. CURFEW ORDERS AND SUPERVISION ORDERS

The Supervision Order is a community sentence for offenders under the age of 18. The order to comply with directives such as rehabilitative programmes has been extended from 90 days to 180 days. Curfew Orders require an offender to remain in a specific place for specified periods of time. Monitoring can be carried out electronically. For offenders aged 10 – 15 the maximum period for monitoring has been extended to six months. The YOS are responsible for dealing with breaches of the curfew order when the young offender is subject to both a Curfew Order and a Supervision Order.

The Intensive Supervision and Surveillance Programme (ISSP) is not a court order. It is an intensive community-based programme for young offenders that can be accessed via existing disposals, including available bail conditions.

A young person will be eligible for an ISSP if they are appearing in court either charged with, or convicted of an imprisonable offence and have previously:

- Been charged or warned for an imprisonable offence on four or more separate occasions within the last 12 months; and
- Have received at least one community or custodial penalty at any stage; and
- Where the seriousness of their offending means that a custodial sentence, or remand in custody/secure accommodation is under active consideration.

The ISSP programme will be available to the offender for 12 months.

23. FOSTERING AS PART OF A SUPERVISION ORDER

The courts are able to include a fostering requirement as part of a Supervision Order. This measure can be used where the home circumstances of a young offender are a contributory factor in their criminal behaviour, and they would otherwise receive a custodial sentence.

24. COURT ORDERED LOCAL AUTHORITY REPORTS

The court can request local authorities to report back on undertaking responsibilities towards the remand of 10 – 11 year old serious or persistent offenders within 7 days. This will facilitate improved decision making at an early stage of the court process. The Secretary of State has the power to extend the measures for 12 – 16 year olds.

25. LOCAL AUTHORITY INJUNCTIONS

Local authorities now have the right to institute legal proceedings to promote and protect the rights of the inhabitants of their area. The local authority can request that a power of arrest be attached to an injunction obtained if there is the use or threat of violence or risk of harm.

26. LICENSING POWERS

Under the Licensing Act 2003 the Council, as a licensing authority, can conduct a review, which could lead to the suspension or revocation of the licence of premises under its jurisdiction. The powers are not intended to duplicate powers available under other legislation and relate primarily to the way licences conduct their business in terms of opening hours, entertainment, service to customers, security, etc.

They can nevertheless be used to deal with impacts in the vicinity of the premises such as excessive noise from music or excessive congregations of customers drinking outside the premises.

APPENDIX 4 – LOCAL MINIMUM SERVICE STANDARDS

Tendring Crime and Disorder Reduction Partnership Local Minimum Service Standards:

Calls made to the ASB Reporting Line on 0845 605 2222	How long does it take to respond? If area dependent, how long does it take to deal with problems on the high street and residential streets?	Do you report the outcome back to the caller? If so, how?	Do you use enforcement (e.g. FPNs, abatement notices, others) and i.e. Yes / committed to?	If you have council web links to report / information what is the URL?
When an ASB incident is reported	Call received before 4pm to be returned within the same working day. Call received after 4pm must be returned within the next working day.	Yes. Either via telephone, letter or email.	No.	Tendring Crime and Disorder Reduction Partnership Website is http://tcdrp.co.uk/
When a Noise incident is reported	Respond to a complaint within 3 working days. If serious will respond more quickly.	Yes. Telephone or questionnaire.	Yes. Abatement notices.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/
When a Graffiti and Criminal Damage incident is reported	Call received before 4pm to be returned the same working day. Call received after 4pm must be returned	Yes. Either via telephone, letter or email.	Yes. Either FPNs and/or prosecution.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/

	within the next working day. In relation to graffiti will remove within 28 days. If offensive within 24 hours.			
When litter and rubbish is reported	Respond to a complaint within 3 working days. If serious will respond more quickly.	Yes. Either via telephone, letter or email.	Yes. Either FPNs and/or prosecution.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/
When dog fouling is reported	Respond to a complaint within 3 working days. If serious will respond more quickly.	Yes. Either via telephone, letter or email.	Yes. Either FPNs and/or prosecution.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/
When fly-tipping is reported	Respond to a complaint within 3 working days. If serious will respond more quickly.	Yes. Either via telephone, letter or email.	Yes. Either FPNs and/or prosecution.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/
When abandoned and burnt out vehicles are reported	In relation to abandoned vehicles respond to a complaint within 3 working days. If serious will respond more quickly.	No.	No.	Waste Crusaders link on Tendring District Council Website at http://www.tendringdc.gov.uk/

	In relation to burnt out vehicles, if on fire at the time an immediate response from the Police. If subsequently found burnt out, a response within 24 hours from the Police.			
How do you support victims and witnesses on ASB? (say whether there is a dedicated V&W public facing contact)	Referred to Victim Support for support and guidance.	N/A	N/A	N/A