Tameside Metropolitan Borough Council

Anti-social Behaviour Policy



COMMUNITY SAFETY
A SAFER TAMESIDE

Tameside
Metropolitan Borough

1. Policy Statement and Commitment

This Corporate Anti-social Behaviour (ASB) Policy document supports Tameside Metropolitan Borough Council's ('Tameside Council') Corporate Plan.

It contributes and supports all the corporate priorities and in particular, priority three: 'Safe, Green & Supportive Communities'.

This policy sets out Tameside Council's commitment to reducing anti-social behaviour and improving the quality of life for local people as everyone has the right to live without the fear of facing anti-social behaviour.

It is recognised that if anti-social behaviour is left unchallenged, it can have a significant negative impact upon the lives of our communities, including those who live, study, work and visit our Borough.

To support our commitment to reducing anti-social behaviour we will:

- Place victims and witnesses at the centre of our procedures.
- Remain objective until a thorough investigation has been carried out.
- Make effective use of the powers, orders and mechanisms available to Tameside Council and partners to deal with ASB.
- Participate fully in joint working with partner agencies i.e., Police and Housing providers, to enable the best possible outcomes for victims and communities.
- Raise awareness of what constitutes ASB and to address issues around tolerance.
- Publicise and promote services available, to divert from or tackle ASB by signposting to other services.

2. Our Approach and Responsibilities

Tameside Council has a statutory responsibility for community safety, as defined by the Crime and Disorder Act 1998.

The Police Reform and Social Responsibility Act 2011 created a flexible framework for partnership working. This includes two inter-related duties to co-operate which set out a clear aim for partnership working across partners involved in community safety and criminal justice. The community safety duty specifies that a Police Crime Commissioner and the responsible authorities on a Community Safety Partnership (CSP) must co-operate and take account of one another's priorities.

There are five 'responsible authorities' that must work together by law to reduce crime in the local authority area. These are:

- Tameside Metropolitan Borough Council
- Greater Manchester Police (Tameside Division)
- Greater Manchester Fire and Rescue Service
- National Probation Service
- Greater Manchester Integrated Care Board

These responsible authorities are under a statutory obligation to work together to tackle crime, disorder, and anti-social behaviour; alcohol and substance misuse, reduce re-offending and tackle any other behaviour which has a negative effect on the local environment. Each partner agency brings a range of expertise and experience and when these skills are brought together, they can help to resolve issues more quickly and effectively. Tameside Council makes a significant contribution to dealing with all kinds of ASB and undertakes investigations, enforcement, and preventative activities.

In addition to this, Tameside Council has a statutory duty to investigate issues of ASB as per the Anti-social Behaviour, Crime and Policing Act 2014.

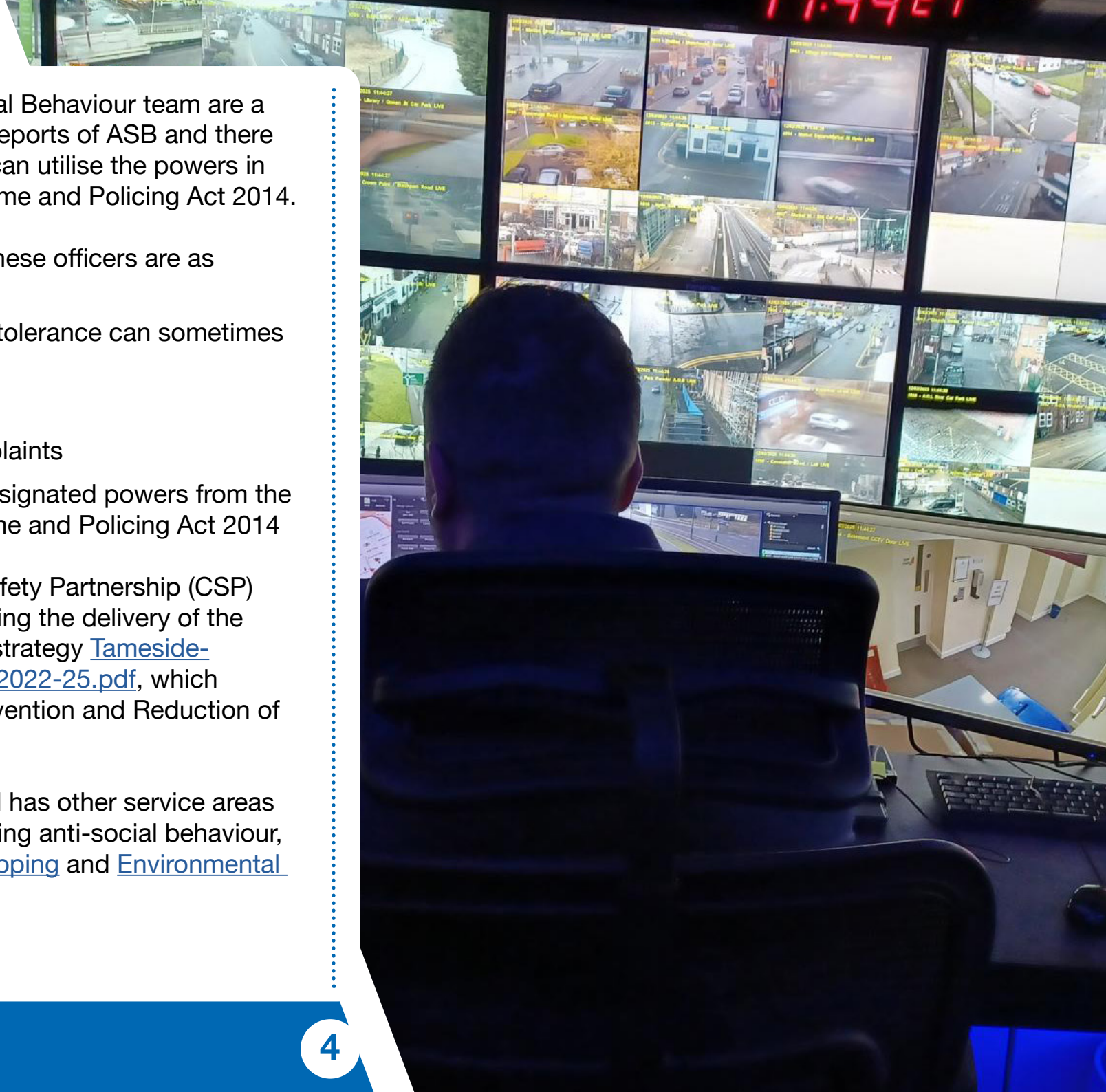
Tameside Council's Anti-social Behaviour team are a lead agency in investigating reports of ASB and there are designated officers who can utilise the powers in the Anti-social Behaviour, Crime and Policing Act 2014.

The main responsibilities of these officers are as follows:

- Awareness raising, where tolerance can sometimes be an issue
- Supporting victims
- Investigation of ASB complaints
- Enforcement, using the designated powers from the Anti-social Behaviour, Crime and Policing Act 2014

The Tameside Community Safety Partnership (CSP) has responsibility for supporting the delivery of the priorities identified within its strategy Tameside-Community-Safety-Strategy-2022-25.pdf, which includes as Priority 3 the Prevention and Reduction of Anti-social Behaviour.

In addition, Tameside Council has other service areas that are involved in investigating anti-social behaviour, for example, Licensing, Fly-tipping and Environmental services.

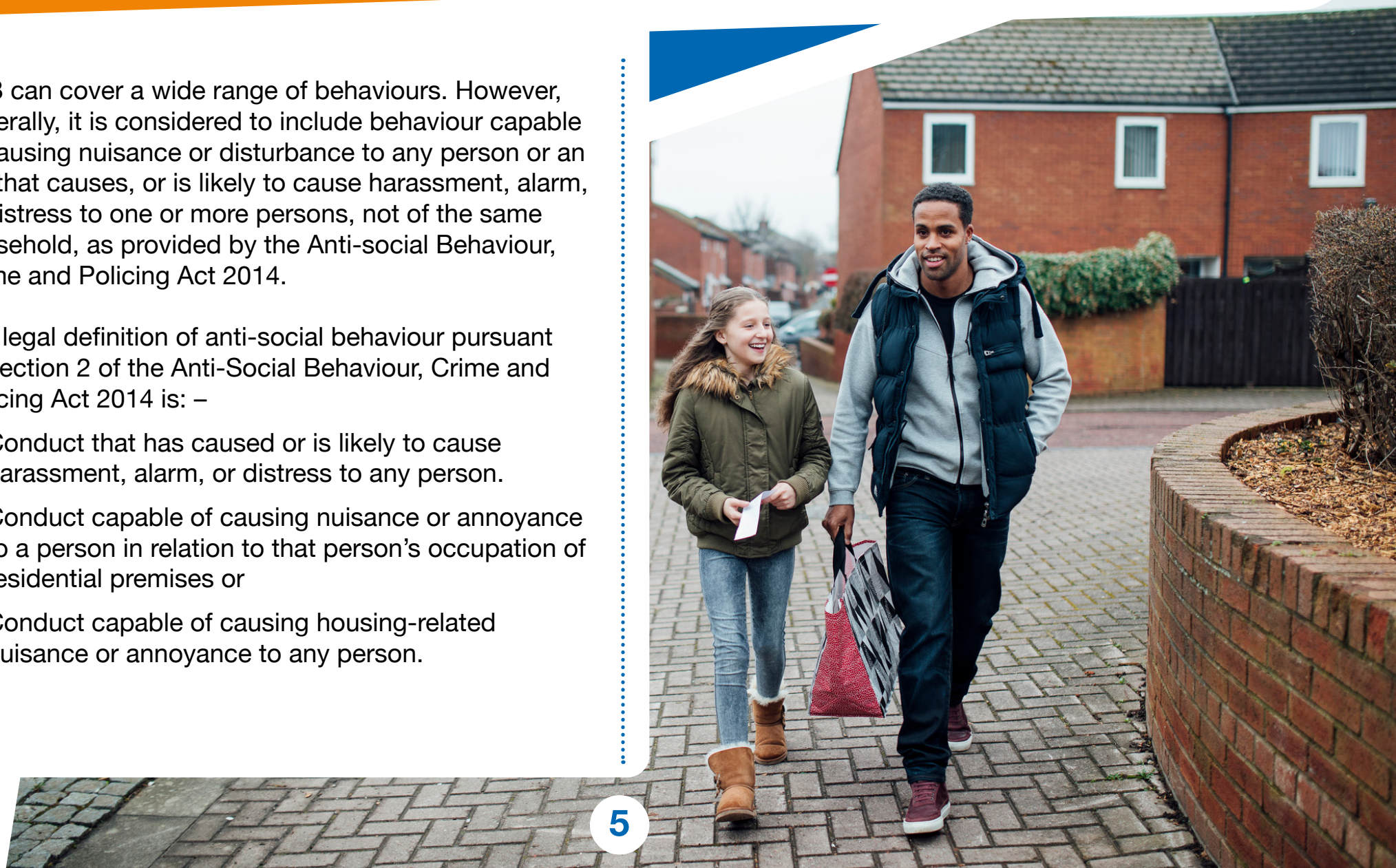


3. Definition

ASB can cover a wide range of behaviours. However, generally, it is considered to include behaviour capable of causing nuisance or disturbance to any person or an act that causes, or is likely to cause harassment, alarm, or distress to one or more persons, not of the same household, as provided by the Anti-social Behaviour, Crime and Policing Act 2014.

The legal definition of anti-social behaviour pursuant to Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 is: –

- Conduct that has caused or is likely to cause harassment, alarm, or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or
- Conduct capable of causing housing-related nuisance or annoyance to any person.



4. Reporting Anti-social Behaviour

Incidents of ASB can be reported to several organisations and agencies, depending upon the level, type and location of the anti-social behaviour. Tameside Councils website offers information and advice on the most appropriate way to make a report - What is Anti-Social Behaviour (tameside.gov.uk)

A report can be made via the following methods:

Telephone: 0161 342 8355

Email: asb@tameside.gov.uk

A report to Tameside Council's ASB team will be recorded and processed as follows:

An acknowledgment of a report having been received will be sent via letter or e-mail within the following timescales:

- 1 working day – where the report is considered high risk
- 3 working days – where the report is considered medium risk
- 5 working days – where the report is considered a standard risk

The ASB team will make contact if further information about a report is required.

The report will be assessed to ensure that the ASB team are the most appropriate service to investigate the report.

If the report is not deemed to be ASB, you will be informed of this decision and you may be referred to another service or partner agency who would be more appropriate to investigate your report.

If the report is deemed to be ASB, an investigation process will commence.

4.1 Investigation Process

An investigation can involve different lines of enquiry dependent upon the nature of the report received. The investigating officer will case manage the report. There are however, some standard practices that may be utilised in an investigation as provided below:

- An officer will make contact to discuss the report further and obtain any information they feel would be of benefit to the case.
- An officer will ask you to keep a record of times, dates and description of what has happened. This is essential as it helps the officer to understand the issue and assists in formulating the next appropriate course of action to take. An officer is very limited in terms of investigating a complaint without diary sheets being completed and returned.
- An officer may discuss if it would be more appropriate in the first instance, to consider speaking to the person first or to write them a friendly letter to outline the issues that are affecting you. Remember, they may not be aware of the impact they are having on you. Alternatively, the officer can offer a 'Dear Neighbour' card for you to print and post yourself to highlight the issues of concern.
- An officer may conduct a 'letter drop' to neighbouring properties to seek corroborative evidence. It is important to note that when this investigative tool is utilised the letter does not provide information about the person who made the report nor the subject of the report.
- Mediation between parties.
- An officer may request you to download the 'Noise App' which is available from wherever you download your apps from on your smart device. The Noise App instantly records noise nuisance on your smart device to create an accurate record of the issue and how it affects you. There is the ability within the app to keep a personal noise diary, which helps review recordings. Once the evidence is recorded, it can be sent directly to Tameside Council so that we can investigate. See the following for further information What is Anti-Social Behaviour (tameside.gov.uk).
- Sound monitoring equipment can be utilised by the Council, for some anti-social behaviour cases. Before installing any sound monitoring equipment, the case officer would need to have received completed diary sheets and have spoken to a representative from Environmental Health to prevent any duplication.

The following is then stipulated:

- o Sound monitoring equipment can be installed in a premises, on a maximum of three occasions. If behaviour which warrants further action is not detected on any of these occasions, then equipment will not be installed again, except in exceptional circumstances.

- o An officer would need to notify the party that is the subject of the report that complaints have been received before the installation of any monitoring equipment. This ensures that the Regulation of Investigatory Powers Act 2000 (RIPA) legislation is adhered to.

- Obtaining a written statement for evidential/court purposes. It is important to note that if the case being investigated progresses to court proceedings a person who has provided a statement will have to attend court. Measures can be put in place and actions taken if a person has reservations about attending court.

4.2 Case Management Reviews

When a report of anti-social behaviour has been received and a case has been opened for investigation, it is not always possible for the matter to be resolved immediately. Whilst all cases are different and investigated on their own merit, some cases can also be quite complex and take longer to find a resolution.

It is important therefore that we ensure that all cases are being suitably managed. Whilst cases are investigated and managed on a day to day basis, we formally review all cases that have been open for a period of 8 weeks. The Case Management Review will be conducted by the ASB Team Leader and/or the ASB Manager. The purpose of the review is to check progress of the case and to discuss future actions.

5. Service Standard

When investigating a report of ASB, we aim to:

- be courteous and professional.
- support those who make reports and keep them informed of case developments from the initial acknowledgment of the report to the closing of the case.
- work to achieve the best possible outcomes.
- signpost to another Council service or to an external agency if the issue can be resolved more appropriately by them.
- ensure that the complainant is kept up to date in terms of the investigation, case development and outcomes.

We will do this by:

- utilising the lowest appropriate level of sanction in all cases.
- escalating further sanctions as appropriate where ASB continues to be a problem.
- using all appropriate informal sanctions such as verbal and written warnings e.g. Acceptable Behaviour Contracts.
- using legal sanctions where informal ones have failed to work or in circumstances where informal sanctions are not appropriate due to the seriousness of the behaviour. This may include Community Protection Warnings, Community Protection Notices and Injunctions.

The identity of the person who makes a report will never be divulged by the ASB Team to the subject of the complaint. However, dependent on the nature of the complaint the person making the report may be easily identified, for example, when dealing with a neighbour dispute.

6. Informal action / Interventions we can take

6.1 No Action

In some cases, no action will be taken. This will be because there is little or no evidence that the behaviour being reported constitutes ASB or where the alleged subject of the report has co-operated with what has been required of them.

Tameside Council recognises that individuals have different tolerance thresholds, so we would expect both parties to work together before issues escalate and a formal report is made. We will take a common-sense approach when we receive complaints of ASB.

6.2 Letters and/or Word of Advice

Occasionally a letter or phone call with an alleged subject of low level ASB is all that may be required to resolve some issues. The subject will be informed of the nature of the complaint about them; along with potential consequences should their behaviour continue or escalate.

6.3 Acceptable Behaviour/ Parenting Contracts

These are voluntary written agreements between an individual, the Council and sometimes other agencies for example Greater Manchester Police. They are useful in dealing with children aged 10 and over. These agreements are not legally binding however they are useful in highlighting children's behaviour to their parents and letting them know the consequences if they are not adhered to.

6.4 Mediation

In appropriate circumstances, mediation can be an effective way of resolving an issue by bringing all parties together. This can be effective in resolving neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations. However, mediation is unlikely to work if forced on those involved. All parties should be willing to come to the table and discuss their issues, with necessary support offered to those who are deemed to be vulnerable, but still want to attend.

6.5 Support and counselling

The anti-social behaviour powers allow professionals to respond to the underlying causes of anti-social behaviour, for example through positive requirements attached to a Civil Injunction or Criminal Behaviour Order. However, providing positive support does not have to wait for formal court action, and can be given as part of any informal intervention, for example by providing support around overcoming substance misuse or alcohol dependency that may be linked to the person's anti-social behaviour.



7. Legal Powers

7.1 Community Protection Warning and Community Protection Notice

A Community Protection Warning (CPW) must be served before a full CPN can be issued. The Community Protection Notice (CPN) is intended to deal with, unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life, by targeting those responsible. Both the Council and Police have the authority to issue, and they can be served on anyone over the age of 16.

Positive requirements and prohibitions can be included in both the CPW and CPN and will include reasonable timescales for certain actions to be carried out or behaviours stopped. These notices can be posted, but in some cases, will be served on an individual by the Police or a Police Community Support Officer.

If a breach of the initial warning letter occurs, evidence will be gathered to prove a breach and a full Community Protection Notice will then be considered. Failure to comply with a CPN is a criminal offence.

If the full notice is breached; a Fixed Penalty Notice (FPN) will be issued either via Recorded Delivery or to an individual by a designated Local Authority Officer or the Police.

The Council will then monitor whether the fines have been paid and will notify the Legal Team if no payment has been received within the 14-day period of the notice being issued.

In certain cases, individuals or businesses may be asked to cover costs of any remedial work. If further breaches then occur, Tameside Council may consider prosecution.

There is no expiry date on CPNs or CPWs, but these should be reviewed every 6 months. Reminder letters can also be sent to perpetrators should a significant amount of time pass and there be a risk of the perpetrator reoffending.

7.2 Civil Injunctions

This is a court order to stop or prevent individuals engaging in ASB. It can be used to stop issues escalating and positive requirements can be added to encourage the perpetrator to change their behaviour. Injunctions can be used for anyone from the age of 10 years old. For juveniles, the Youth Offending team must be consulted before an injunction is sought from the courts.

Breach of an injunction can result in a fine or imprisonment for up to 2 years for over 18s. For children under 18 the court can issue a supervision order or detention of up to 3 months.

The Council would not consider the use of an injunction at the start of an investigation; unless there were threats of violence made and that it was a proportionate power to utilise.

7.3 Public Spaces Protection Orders (PSPOs)

This order imposes conditions which may include multiple restrictions and requirements either throughout the borough or in specific areas for example parks or communal areas, where ASB is being caused and is detrimental to the community.

They are designed to ensure that most people can enjoy public spaces and feel safe. For example, restrictions can be imposed around the consumption of alcohol, noise, or dogs. A breach of a PSPO can result in prosecution or a Fixed Penalty Notice issued by any delegated officer of the council or Police Officer.

Further information on Tameside Council's PSPOs can be found at: Public Space Protection (tameside.gov.uk)

7.4 Closure Notice and Closure Order

This can be used by the Police and authorised officers from the Council, where there are high levels of nuisance, disorder or illegal activity either currently ongoing or expected imminently. A Closure Notice can be served immediately closing the property for 48 hours. For a property to be closed longer than this, a Closure Order can then be requested through the court.

7.5 Criminal Behaviour Orders

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court. The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, and persistently being drunk and aggressive in public.

7.6 Prosecutions

In certain cases, prosecution through the courts may be the most appropriate course of action, or where other enforcement actions have had no effect. Prosecutions would be likely to follow if:

- A Fixed Penalty Notice is issued to an alleged offender and is unpaid within the 14-day payment period.
- An offence is of a size or nature where other enforcement actions are deemed insufficient.
- Previous actions have failed and there is no option for other enforcement action.
- The nature of the offence is deemed to be in the interest of the public.
- The offence has a serious or significant impact on the environment and community.



8. ASB Case Review (Community Trigger)

Any person has the right to activate an ASB Case Review if they feel their complaint(s) regarding ASB has not been dealt with appropriately.

An ASB Case Review is designed to ensure the council and our partners are responding to cases of persistent ASB, especially where the victim is vulnerable or at greater risk.

The trigger gives victims and communities the right to request a case review to examine how local agencies have responded to previous ASB complaints and to consider whether further action should be taken.

Tameside Council determine that the threshold for activating an ASB Case Review will be:

- You have complained to Tameside Council, the police and/or a registered housing provider (social landlord) on 3 or more occasions about separate incidents in the past 6 months.

Or

- Five people in the local community have complained separately in the last six months about similar incidents

Or

- You (as an individual) have complained in the last six months about an incident or crime motivated by hatred (hate/crime)

A victim of ASB or someone acting on their behalf can ask to activate the Community Trigger by visiting the councils website Anti-social Behaviour Case Review (tameside.gov.uk) and completing the online form which can then be submitted to the councils ASB team via e-mail. Local partners are required to carry out a case review of their response, by sharing relevant information with each other.

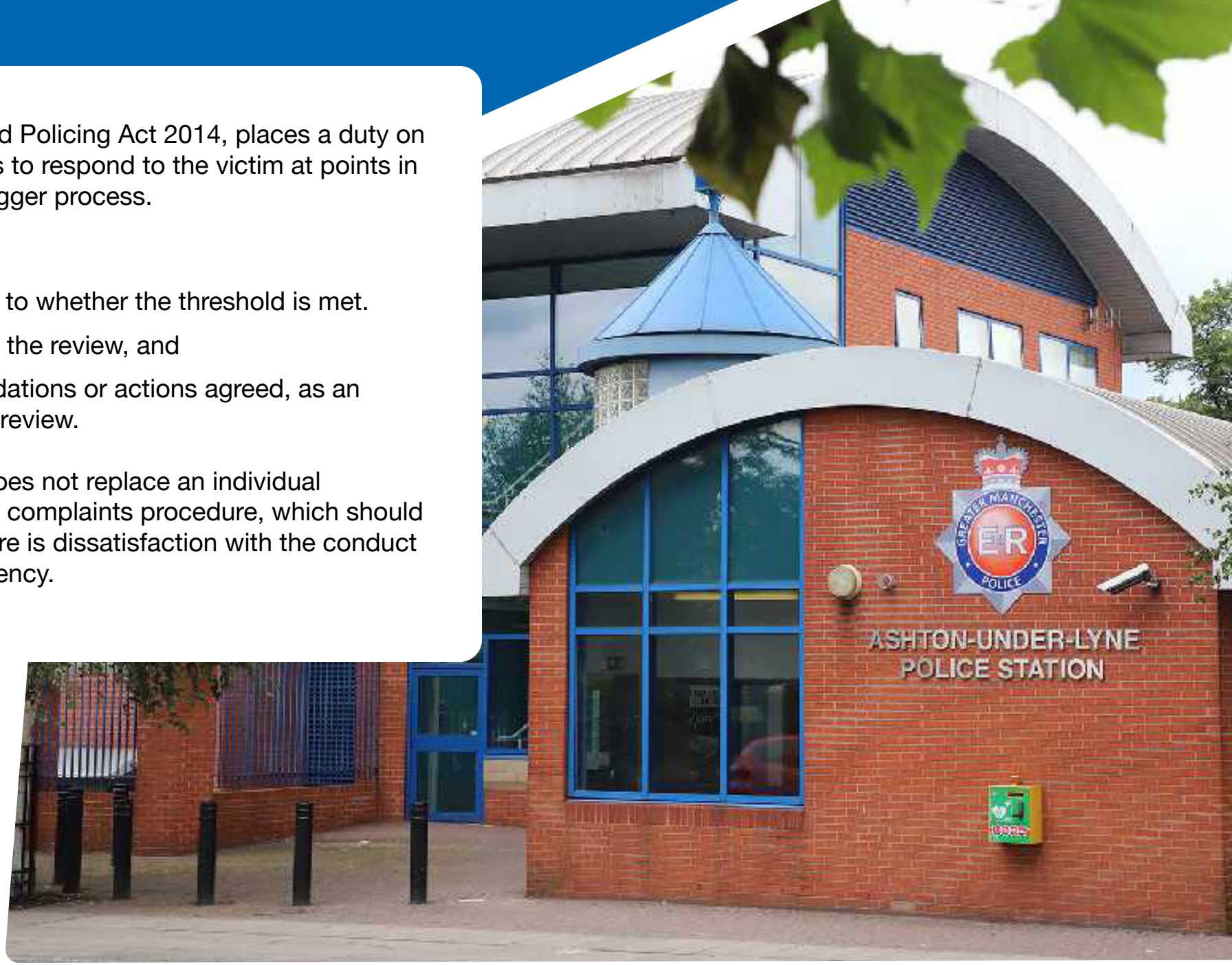
A lead agency will then be identified in terms of updating the complainant, dependant on who the Community Trigger request was made to or other relevant factors.

The ASB Crime and Policing Act 2014, places a duty on the relevant bodies to respond to the victim at points in the Community Trigger process.

These include:

- The decision as to whether the threshold is met.
- The outcome of the review, and
- Any recommendations or actions agreed, as an outcome of the review.

The case review does not replace an individual organisation's own complaints procedure, which should be used where there is dissatisfaction with the conduct of an individual agency.



9. Multi-Agency Partnership Approach

In many cases, it is not possible to resolve problems of ASB via one organisation and so we need a partnership approach to resolve issues, for example:

9.1 The Police

Some ASB will relate to criminality, either because it relates to issues such as, for example; drug dealing, violence, damage or because the level of nuisance is a breach of the peace. The police also have the same powers under the Anti-social Behaviour, Crime and Policing Act 2014.

ASB can be reported to the police via their non-emergency telephone number 101 or alternatively online at Report a crime | Greater Manchester Police (gmp.police.uk) .

Always ring 999 in an emergency.

9.2 Other Council Departments

Reports may have been made to other departments, for example, Environmental Health/Neighbourhood Service and has escalated to Anti-social Behaviour. In these circumstances, the ASB team will work with other departments to help resolve the issue.

9.3 Housing Associations/Registered Social Landlords & Private Landlords

The ASB team will work with housing associations/ registered social landlords and private landlords to help resolve reports of ASB. If they are the owner of the subject's property then, with your consent, we will gather the information and share that with them.

Social landlords do have powers under the Anti-social Behaviour, Crime and Policing Act 2014 that they can utilise so if you feel you are a victim of ASB and live in a property that is managed by a social landlord or want to complain about a tenant of a social landlord, you need to report your issues directly to them.

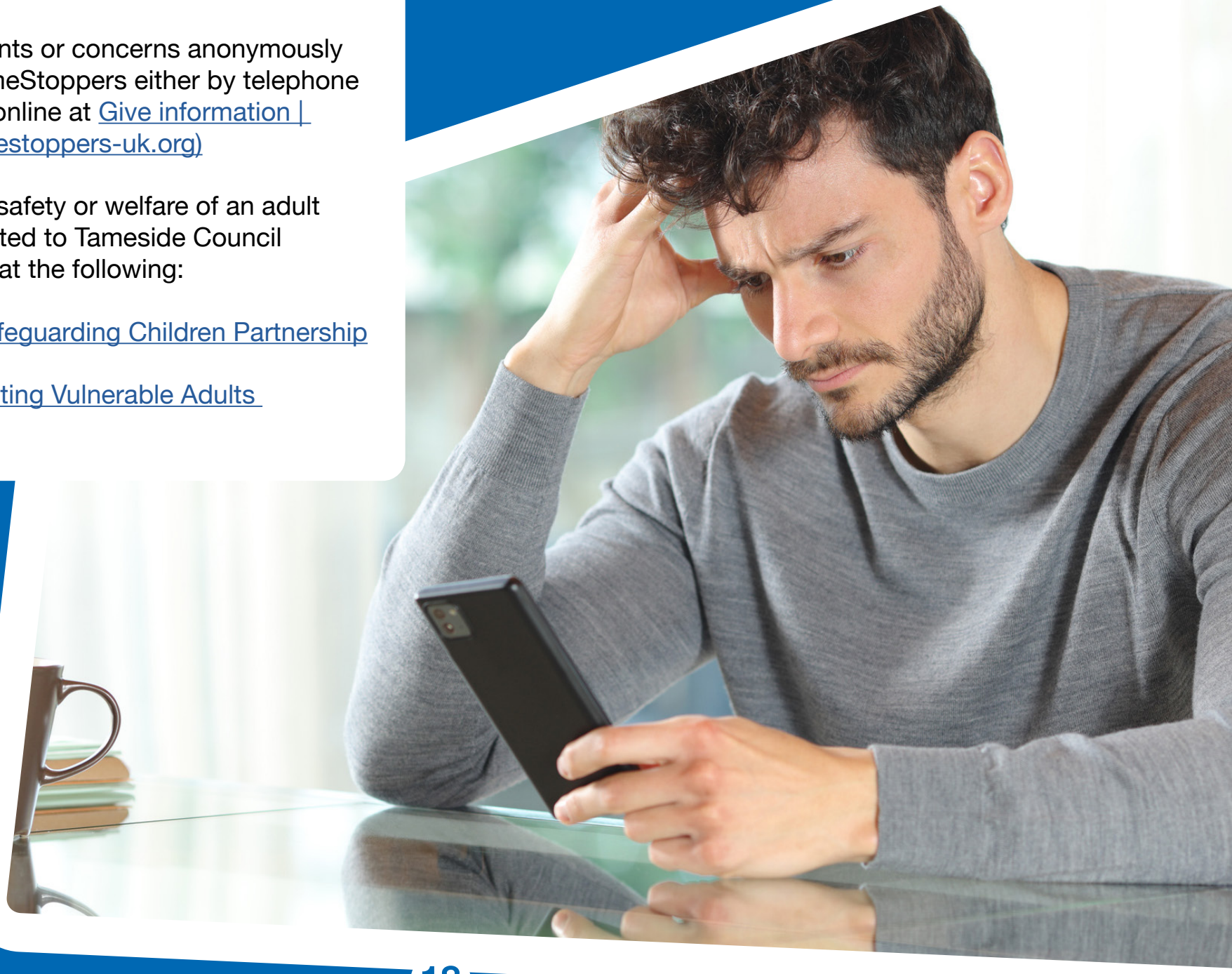
9.4 Report it

Reporting any incidents or concerns anonymously can be done via CrimeStoppers either by telephone on 0800 555 111 or online at Give information | Crimestoppers (crimestoppers-uk.org)

Concerns about the safety or welfare of an adult or child can be reported to Tameside Council Safeguarding teams at the following:

Home | Tameside Safeguarding Children Partnership

Adult Abuse - Protecting Vulnerable Adults (tameside.gov.uk)



10. Safeguarding Our Staff

Tameside Council will not tolerate, under any circumstance, any threats, violence or abusive behaviour towards our staff or contractors. We will take firm action against any person who shows acts of aggression towards any person carrying out their work in respect of this ASB Policy or any other service. We may involve the police if it is appropriate.

11. Complaints

The Council recognise the importance of customer complaints and welcomes complaints as a valuable form of feedback about its services. The Council is committed to using the information it receives to help drive forward improvements.

You can make a complaint to the council by visiting the following website:
General Complaint Information (tameside.gov.uk)

