

Agenda Item No:

Report To **CABINET**

Date of Meeting: 28th May 2020

Report Title: Anti-social Behaviour Policy

**Report Author &
Job Title:** Laurel Niven
Resilience Team Leader

**Portfolio Holders &
Portfolios:** Cllr B Barrett - Housing
Cllr P Feacey - Community Safety and Wellbeing



Summary:	The report presents for approval the Ashford Borough Council Anti-social Behaviour (ASB) Policy. The policy provides clarity on how the Council meets its responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014.
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Key Decision: No

**Significantly
Affected Wards:** All Wards

Recommendations: **Cabinet is asked to recommend that Council approve the Ashford Borough Council Anti-social Behaviour Policy.**

Policy Overview: The Crime and Disorder Act 1998 (section 5 and 6) requires local authorities and the police to work together at district level to develop and implement strategies for reducing crime and disorder in their area.

The Policy as presented will guide elected members, officers and external partners in their roles and responsibilities. The Policy sets out the council's commitment to managing ASB. It therefore brings together the Ashford approach for delivering effective ASB solutions across the partnership. It ensures the Council has effective ASB processes in place to meet its legislative and regulatory obligations.

**Financial
Implications:** Increased enforcement in accordance with this Policy will place additional financial pressures on the council. If a matter progressed to court and we are successful then these costs would be recovered on top of any financial penalties.

Legal Implications The Policy confirms and identifies individual roles and responsibilities for ASB throughout the organisation.

Equalities Impact Assessment	See attached
Other Material Implications:	Increased activity in this area will inevitably increase workload for those dealing with Anti-social behaviour. Additional resources are already being directed towards environmental enforcement and wider community safety activity.
Exempt from Publication:	No
Background Papers:	None
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Agenda Item No.

Report Title: Anti-Social Behaviour (ASB) Policy

Introduction and Background

1. Anti-social Behaviour (ASB) is a broad term used to describe incidents of crime, nuisance and disorder that impacts on individual victims or the community as a whole. A number of the council's services deal with ASB on a daily basis, whether this is for housing tenants, private residents or visitors to the borough.
2. ASB can have a significant influence on victim's lives and wider communities; it can impact an individual's feelings of personal safety, make a neighbourhood an unpleasant place to live or work and greatly reduce quality of life. Tackling and preventing ASB is a priority in Ashford Borough Council and we would like every resident of Ashford to feel safe, enjoy living in their neighbourhood and feel confident when reporting incidents of ASB.
3. The primary aim of the ASB policy is to demonstrate the council's commitment to ensuring robust and effective processes are in place to deal with ASB within the borough. The council wants to ensure private and ABC housing residents have a consistent approach in the way that the council and relevant external partners deal with ASB. The Policy aims to ensure a coordinated approach towards tackling anti-social behaviour and nuisance is achieved, wherever possible.
4. The purpose of this report is to present to Cabinet the council's ASB Policy and recommend its approval by the Council.
5. A draft Policy, as presented at Appendix 1. This highlights the individual roles and responsibilities within the organisation and other external agencies to ensure that those with responsibilities act in accordance with the Crime and Policing Act 2014.

Proposal/Current Position

6. The council currently has individual mechanisms in place to deal with ASB. Housing also have an ASB Policy for council tenants but the council does not have an overarching policy. The community safety & wellbeing service, housing service and environment and land management have worked together to produce a policy relevant to whole authority.
7. The Anti-social Behaviour, Crime and Policing Act 2014, gives local authorities increased tools and powers to address ASB and take necessary action to resolve the issues.
8. The adoption of a policy is recognised as best practice and provides the assurance and links between the various operational documents in place. It clearly set out the Council's commitment to ASB as well identifying individual responsibilities.

9. The Policy includes the following elements:
 - Identifies objectives, scope and policy management;
 - Identifies key roles;
 - Identifies responsibilities;
 - Addresses policy awareness; and
 - Review arrangements.
10. The Chief Executive is appointed as having overall responsibility for the Policy with oversight being provided by Members.

Implications and Risk Assessment

11. By having an agreed policy it reduces the risk on the organisation by ensuring members, officers and external partners understand their role and the expectations placed upon them in respects of ASB management.
12. Officer's dealing with the management of ASB need to ensure they are regular up to date with the latest legislation, tools and powers use to tackle ASB. The organisation therefore need to ensure appropriate training is provided to all staff within the area.
13. Additional financial and resource implications may occur. This is due to an increase in the use of our tools and powers which could incur legal and court costs. However, if a matter goes to court and we are successful then these costs would be recovered on top of any financial penalties.
14. The ASB process may highlight and identify vulnerable individuals or locations that need physical improvement as the environment is contributing to the ASB within the community. Therefore, there may be a financial implication as to rectify or reduce the risks.

Equalities Impact Assessment

15. Anti-social behaviour can affect anyone irrespective of gender, sexuality, age, class, religion or ethnicity. The policy covers all groups and recognises that ASB may affect individuals and communities differently. Activities to prevent ASB need to be designed and reviewed to meet the legitimate and particular considerations of gender, age, sexuality, disability and ethnicity. The policy has a positive impact and will enable the council to act quickly and effectively in order to tackle ASB targeted at vulnerable groups using the powers available in legislation.
16. Please see attached Equalities Impact Assessment.

Consultation Planned or Undertaken

17. The policy has been developed in conjunction with relevant council services and external agencies. It is directly relevant to the Community Safety Partnership ASB objectives and has been developed having reference to the annual strategic assessment.

18. The policy has not been consulted upon publically but will be made available on the council's website. It incorporates the existing housing ASB policy which was subject to consultation with the council's tenants.

Other Options Considered

19. The Anti-Social Behaviour Act 2003, Part 2, amends the Housing Act 1996 and inserts Section 218A which states that a Local Housing Authority must prepare a policy in relation to anti-social behaviour and procedures for dealing with occurrences of anti-social behaviour. Furthermore, there is a requirement for the Local Housing Authority to keep its policy and procedures under review.
20. Ensuring that we have robust ASB arrangements is fundamental to the council's operation. The development of an ASB policy is, however, only recommended as good practice other than in the case of our responsibilities as a social landlord.

Reasons for Supporting Option Recommended

21. The policy will ensure a clear organisational approach and commitment to managing and addressing ASB within the borough. The policy will set out the obligations of all stakeholders including the CSU, Housing, Kent Police and Members.

Next Steps in Process

22. Once agreed the policy will be made available to members and officers on the council's intranet and the public on the council's website.

Conclusion

23. Adoption of the Policy provides a clear direction and shows the commitment by the Council in ensuring it has processes and direction in dealing with ASB.
24. The policy provides reassurance for all stakeholders by clearly stating the roles and responsibilities of members' officers' and external partners for ASB.

Portfolio Holder's Views

25. We are committed to improving the quality of life for those living and working within our communities and in providing a safe and secure environment to enable people to live together and free from the negative impact of ASB. The policy provides clarity and encourages consistency in our approach to dealing with ASB and is much welcomed.

Councillor P Feacey

Contact and Email

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1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).
3. These are known as the three aims of the general equality duty.

Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
 - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
 - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.
7. How much regard is 'due' will depend on the circumstances. The greater the potential impact, the higher the regard required by the duty. Examples of functions

and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

Case law principles

9. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.

- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)

Lead officer:	Laurel Niven Community Safety and Resilience Team Leader
Decision maker:	Cabinet
Decision: <ul style="list-style-type: none"> • Policy, project, service, contract • Review, change, new, stop 	<p>The purpose of this report is to present to cabinet an Anti-social Behaviour (ASB) Policy in order to ensure a clear organisational approach and commitment to managing and addressing ASB within the borough.</p> <p>This is a new policy, however, it incorporates a currently operational policy relevant to the council's activity as a social landlord. Issues of ASB can affect anyone irrespective of gender, sexuality, age, class, religion or ethnicity.</p>
Date of decision: The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	28 th May 2020
Summary of the proposed decision: <ul style="list-style-type: none"> • Aims and objectives • Key actions • Expected outcomes • Who will be affected and how? • How many people will be affected? 	<p>To adopt an ASB Policy for the Council.</p> <p>This Policy sets out a framework for the Ashford approach for dealing effectively with incidents of ASB across the borough. It ensures the Council has effective ASB processes in place to meet its legislative and regulatory obligations.</p> <p>The policy provides clarity on how the Council meets its responsibilities under the Anti-social Behaviour, Crime and Policing Act 2014.</p> <p>This policy is focussed on getting the best outcome for victims, particularly our most vulnerable residents including those who are elderly, disabled or otherwise vulnerable. Our activities to prevent ASB, support victims and witnesses and deal with perpetrators needs to be designed and reviewed to meet the legitimate and particular considerations of protected characteristics.</p> <p>By ensuring that Ashford Borough Council has a robust approach to dealing with ASB this will contribute to the overall community wellbeing of our borough.</p>
Information and research: <ul style="list-style-type: none"> • Outline the information and research that has informed the decision. • Include sources and key findings. 	<p><u>Community Safety Partnership (CSP)</u></p> <p>Reducing ASB is one of the priorities for Ashford CSP. The CSP produces an analytical document; known as a strategic assessment which aids the CSP in deciding upon their priorities; such as tackling anti-social behaviour. Once the priorities are decided upon then multi agency action plans are created with performance updates given at the CSP meetings.</p> <p>The recommendations from the strategic assessment were:</p>

	<ul style="list-style-type: none"> • To continue to work towards securing a new ASB resource. This has been completed with the Community Safety Officer appointed as of February 2020. • ASB services should be designed to respond to risk, with an ASB panel being established. The vulnerability meeting is addressing ASB where an individual is vulnerable due to a protected characteristic. <p>Ashford Borough Council's resident survey 2018 showed that 29% of residents are very or fairly satisfied with the way the council tackles anti-social behaviour while 40% are dissatisfied to some extent. Just under a third of respondents are neither satisfied nor dissatisfied.</p> <p>There is little difference in satisfaction by area, but dissatisfaction is higher among residents in Ashford town than in the other parts of the borough:</p> <ul style="list-style-type: none"> • Ashford town: 28% satisfied and 44% dissatisfied • Outskirts of Ashford town: 29% satisfied and 37% dissatisfied • Rest of the borough: 29% satisfied and 39% dissatisfied <p>The following themes were common in residents' views of ASB:</p> <ul style="list-style-type: none"> • More enforcement needed • Concern at the level of anti-social behaviour • Slow to deal with issues reported • More facilities and activities for children and young people may help reduce the level of anti-social behaviour <p>The groups most concerned about ASB are 35-44 year olds, as most are dissatisfied with ASB (47%) but 41% 18-25 year olds are satisfied with how ASB is dealt with. Town centre residents are the most dissatisfied (44%) of the location groups.</p> <p><u>Vulnerable victim</u></p> <p>A person is considered vulnerable if they are:</p> <ul style="list-style-type: none"> • Under the age of 18 • Aged 18 years or over and may be in need of community care services by reason of mental, physical, or learning disability, age or illness • Aged 18 years or over and may be unable to take care of him or herself or unable to protect him or herself against significant harm or exploitation. <p>Ashford flagged 208 vulnerable victims in 2017/18, which represents 1.6% of all crime. From April 2018 – January 2019, 249 vulnerable victims were flagged, demonstrating an increase in numbers.</p>
Consultation:	Under section 5 and 6 Crime and Disorder Act 1998 there is a statutory responsibility for local authorities and police to work together to reduce crime and disorder. Therefore, the policy

<ul style="list-style-type: none"> • What specific consultation has occurred on this decision? • What were the results of the consultation? • Did the consultation analysis reveal any difference in views across the protected characteristics? • What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics? 	<p>has been shared with the Inspector of Ashford Police Community Safety Unit.</p> <p>The policy has also had input from all relevant services including Community Safety & Wellbeing Service (encompassing the Environmental Protection Team), Housing Service, and Environmental & Land Management Service.</p> <p>The research detailed above and the feedback from key stakeholders evidences that the policy is required.</p> <p>This policy will enable the council to act quickly and effectively to tackle ASB targeted at vulnerable groups using the powers available in legislation.</p>
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Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Relevance to Decision High/Medium/Low/None	Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral
<u>AGE</u> Elderly	HIGH	Positive
Middle age	LOW	Positive
Young adult	HIGH	Positive
Children	MEDIUM	Positive
<u>DISABILITY</u> Physical	HIGH	Positive
Mental	HIGH	Positive
Sensory	MEDIUM	Positive
<u>GENDER RE-ASSIGNMENT</u>	HIGH	Positive
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	LOW	Positive
<u>PREGNANCY/MATERNITY</u>	LOW	Positive

<u>RACE</u>	HIGH	Positive
<u>RELIGION OR BELIEF</u>	MEDIUM	Positive
<u>SEX</u> Men	MEDIUM	Positive
Women	MEDIUM	Positive
<u>SEXUAL ORIENTATION</u>	HIGH	Positive

Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Is the decision relevant to the aims of the equality duty?	
Guidance on the aims can be found in the EHRC's Essential Guide , alongside fuller PSED Technical Guidance .	
Aim	Yes / No
1) Eliminate discrimination, harassment and victimisation	No
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	No
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	No

Conclusion:	
<ul style="list-style-type: none"> Consider how due regard has been had to the equality duty, from start to finish. There should be no unlawful discrimination arising from the decision (see guidance above). Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any 	<p>The assessment highlights positive impacts of the decision across the protected characteristics. Therefore there will be no unlawful discrimination arising from the policy.</p> <p>This Policy will be reviewed every three years. It will be amended, if necessary, to take into account new legal requirements, non-statutory guidance from central government and implementation of relevant industry standards.</p>

<p>residual impacts are justified.</p> <ul style="list-style-type: none">• How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?	
<p>EIA completion date:</p>	<p>2nd March 2020</p>



Anti-social Behaviour Policy

2020 to 2023

Date: March 2020

Review date: March 2023

1.0 Anti-social behaviour policy overview

This policy was adopted on (insert date) and is managed by the Community Safety and Wellbeing Service and Housing. It will be reviewed every three years.

This policy demonstrates a clear and consistent approach in tackling anti-social behaviour aimed at promoting safer, stronger communities and providing better quality of life for the residents of Ashford.

The policy is underpinned by the collaborative work of the community safety partnership.

1.1 Introduction

Anti- social behaviour (ASB) is defined as:

“Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, or 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”. Anti-social Behaviour, Crime and Policing Act 2014

ASB can have a significant impact on victim’s lives and wider communities. It can affect an individual’s feelings of personal safety, make a neighbourhood an unpleasant place to live or work and greatly reduce quality of life.

Residents are entitled to live in a peaceful environment and visitors have the right to visit and enjoy a safe and attractive borough.

Ashford Borough Council (the council) recognises that the problems created by ASB need to be dealt with in a robust manner. The council aims to work quickly and efficiently to tackle such incidents.

1.2 Policy objectives

The objectives of this policy is to:

- Detail the responsibilities in responding to and tackling ASB
- Record operational standards and outline our duty to share information with relevant partners
- Outline how victims of ASB will be supported
- Describe how residents report their concerns and how agencies communicate with them
- Detail how agencies work together to utilise all available tools and resources to tackle ASB and support communities

1.3 Equality and diversity

The council is committed to promoting equality of opportunities in its services. The Equality Act 2010 provides a framework to ensure ABC services are not provided in a discriminatory manner by having due regard to eliminating discrimination, harassment, and victimisation, advancing equality of opportunity and fostering good relations.

Under this policy, the council will also:

- Demonstrate that we have considered any vulnerability identified within the Act when deciding to proceed to legal action
- Have concluded that legal action is needed due to the effect of the ASB on either the health of the victim and/or perpetrator
- Ensure that the proposed legal action is a proportionate response to the ASB

1.4 Our responsibilities

Our role as a social landlord

As a landlord, we have a duty to investigate allegations of ASB affecting those living in properties we own and manage. Our landlord duties and powers are different from, and in addition to, the duties and powers we have to deal with ASB in the wider community.

Our role as part of the Community Safety Partnership (the partnership)

Under the Crime and Disorder Act 1998, the council must work with the Police and other agencies to reduce crime and disorder within the borough. In this role, we play a key part in dealing with ASB of all kinds.

Community Safety Unit (CSU)

The CSU is the operational arm of the partnership. Their role is to implement the various projects, programmes and initiatives to meet the objectives set by the partnership. This is done through regular partner meetings and linking with other tasks groups operating within the borough.

It is then the responsibility of the CSU to deal with the ASB cases appropriately by working with partner's agencies and internal departments.

The CSU organises and participates in multi-agency working groups dealing with specific ASB issues that are within certain hotspot areas and key locations. They also work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisation can act confidently to prevent or tackle ASB, making use of their own resources.

Our environmental protection role

The council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, bonfires, fly tipping and abandoned vehicles. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

Our working arrangements

Whilst these are four distinct roles, there are very strong links between them and close working arrangements have been developed between teams that deliver the various services. The key services involved in the council’s ASB work are:

- Community safety & wellbeing
- Housing
- Environment & land management

2.0 Victim-centred approach

The council considers the impact on victims crucial and operates a victim-centred approach when dealing with ASB.

Language barriers and certain forms of illness or disability may make it difficult for some people to express themselves or communicate clearly so officers will consider the use of advocates, translation services and/or make reasonable adjustments to meet the needs of the individuals.

2.1 Examples of ASB

- Noise nuisance, e.g. loud music, persistent shouting or excessive noise or frequent loud parties and other domestic noise
- Environmental ASB e.g. dumped rubbish and littering, vandalism, dog fouling, dog control, bonfires, graffiti, fly-posting, abandoned vehicles
- Commercial ASB e.g. construction noise, environmental waste

The council also works closely with the police regarding intimidation, harassment and violence. This joint working can include, but is not limited to threatening or aggressive behaviour, harassment, assault, damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as prostitution, selling, handling or storing or using illegal drugs or handling stolen goods, Domestic violence.

It should be noted that the above list does not cover every situation that may be deemed to be ASB. Therefore, each case will be assessed and how it is handled will vary depending on the specific circumstances of the alleged victim and the alleged perpetrator.

2.2 When we may not be able to get involved

ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and therefore will not be investigated by the council. Examples include, but are not limited to:

- Children playing in the street or communal areas and young people gathering socially, unless they are being threatening or deliberately intimidating
- Parking issues (not being able to park outside your own home)
- Civil disputes between neighbours e.g. shared driveways
- Complaints about normal household noise
- Disagreements between two neighbours where there are no impartial witnesses or evidence to support either party

3.0 Our Commitments

The council's ASB policy is founded on the following principles:

- Reports of ASB will be investigated and dealt with professionally
- ASB will be dealt with fairly and proportionately
- We will work with partners in order to deliver an effective ASB service across the community

3.1 How do we meet our commitment?

We will meet our commitment by following the principles below:

- We will publicise and promote the various services we provide to deal with ASB
- We will encourage people to report ASB and make it possible for them to do this using a range of reporting methods
- We will record each case that we take on and investigate the complaint
- We will seek to resolve ASB by taking the justified and proportionate response.
- We will use any of the tools and powers available to us under the law, according to our best professional judgement
- We will seek to respond to each report of ASB as quickly as possible in line with best practice.
- We will ensure that any crimes reported to the council is quickly passed to the Police
- We will provide information, instruction, training and supervision for ABC employees to help them understand their role in ASB management
- We will actively promote mediation where appropriate before taking formal action

4.0 Additional Considerations

4.1 Confidentiality and information sharing

Where appropriate, the council will share information with the Police and other key agencies under the Kent and Medway Information Sharing Protocols (KMISP). This ensures all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998.

The council will work within the provisions of the General Data Protection Regulations (GDPR) and Data Protection Act 2018 that provide a background for sharing information and the need for confidentiality and privacy.

4.2 ASB Case Review (The Community Trigger)

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

Across Kent, a common approach has been developed to support all agencies involved in case reviews. This provides victims of ASB with a clear and effective response regardless of where they live in the county.

Further information at: <https://www.ashford.gov.uk/community-trigger/>

4.3 Discretion

This policy commits us to dealing with ASB in a fair and proportionate way. We may occasionally need to exercise discretion to vary our approach when dealing with ASB because each case is unique.

5.0 Links to other corporate strategies and policies

This policy links to and should be read in conjunction with the following:

- Council safeguarding policy
- Council corporate complaints policy
- Council CCTV code of practise
- Housing Letting policy

6.0 Legislation

The legislation listed below will be taken into consideration when implementing this policy:

- Anti-social Behaviour, Crime and Policing Act 2014
- Care Act 2014
- Children's Act 2004
- Clean Neighbourhoods and Environment Act 2005

- Crime and Disorder Act 1998
- Data Protection Act 2018
- Environmental Protection Act 1990
- Equality Act 2010
- Freedom of Information Act 2000
- Harassment Act 1997
- Homeless Reduction Act 2018
- Housing Acts 1985, 1996 and 2002
- Human Rights Act 1998
- Local Government Act 2000
- Mental Health Act 1983 (amended 2007)
- Police and Criminal Evidence Act (PACE) 1984

7.0 Partner Agencies

We work in collaboration with a number of agencies to prevent and manage ASB. Which include but is not limited to:

- Kent Police
- Kent Fire and Rescue Service
- Kent Police and Crime Commissioner
- Kent Resource Partnership
- Housing Associations
- Community Mental Health Team
- Probation Service
- Kent Clinical Commissioning Group
- Kent County Council
- Neighbouring Local Authorities
- Ashford College
- Educational Establishments
- Ashford Partnership Against Crime
- Charitable and Volunteer organisations

8.0 Policy Awareness

This policy will be communicated through multiple channels:

- Cabinet;
- Management Team;
- Audit Committee; and
- Published on the intranet and the external website

9.0 Policy Review

This policy will be reviewed every three years. It will be amended, if necessary, to take into account new legal requirements, non-statutory guidance from central government and implementation of relevant industry standards.