



Including

The Safer Thurrock Partnership

**STATEMENT OF
POLICIES ON
ANTI-SOCIAL BEHAVIOUR
(ASB)**

About This Document

Title: Statement of Policies on Anti-Social Behaviour

Purpose: The introduction of Policies and Procedures for dealing with ASB

Prepared by: Wayne Marius
ASB Caseworker

Approved by: Andrew Meyer
ASB Team Manager

Date: June 2006

Version Number: 1

Status: Draft 1

Review: Yearly from 2007

Next review: December 2006

Consultation

This document has been circulated for consultation to:

Not applicable.

The Index

Policies

Section 1 Introduction	5
Section 2 Definition	6
Section 3 General Policy	7 - 8
Section 4 Strategic Context	9 - 12
Section 5 Powers to Combat ASB	13 - 18
Section 6 Reporting Policy	19 - 22
Section 7 Other Available Services	23
Section 8 Specific Policies	24 - 28
Section 9 Prevention of ASB	29 - 30
Section 10 Other Schemes and Initiatives	31 - 32

Section 1 – Introduction

1.01 This document sets out Thurrock Councils response to dealing with the issue of Anti-Social Behaviour (ASB). It should be noted that when reference is made to Thurrock Council; this also means The Safer Thurrock Partnership.

1.03 Readers should note that the discretion to act or not rests entirely with Thurrock Council and in no way are they, by publishing this document, making any undertakings to take any such action.

1.04 This is a living document with an emphasis on positive action in promoting multi-agency problem solving approaches to anti-social behaviour (ASB).

Section 2 – Definition

2.01 Anti-Social Behaviour (ASB) is defined as anything, which reduces the quality of people’s life by causing them alarm, harassment or distress. In reality, this will mean different things to different people.

2.02 The definition is intentionally wide-ranging to allow for a variety of circumstances, however examples may include:

- Abuse of Alcohol;
- Abuse of Drugs (including dealing);
- Aggressive and Threatening Language and Behaviour;
- Environmental Issues; for example: litter, dog fouling, graffiti, fly tipping and nuisance vehicles;
- Intimidation and Harassment;
- Neighbour Nuisance and Noise;
- Noise Nuisance; for example: loud parties, music or shouting;
- Threatening and Rowdy Behaviour;
- Violence against people and property.

2.03 People both young and old can behave anti-socially, creating havoc for those around them.

2.04 This kind of behaviour is unacceptable and **unwelcome** in Thurrock and is a top priority for us. We are totally committed to working with the community, to take tough action, to stamp out ASB committed by what is a small number of individuals and families.

2.05 ASB may or may not constitute criminal activity. The key determinant in deciding whether particular action or behaviour is anti-social should be the impact of such action or behaviour on others.

2.06 It should be remembered that what one person regards as ASB may not be regarded as such by others and that ASB is a very subjective matter. Attitudes may vary in different areas across the borough.

Section 3 – General Policy

Aim and Attitude

3.01 Thurrock Council believe that all residents, visitors and workers in the borough are entitled to live, socialise and work without harassment or fear.

3.02 Our mission is to:

“Protect residents, visitors and workers in the borough from Anti-Social Behaviour, irrespective of their age, disability, ethnicity, gender, sexual orientation or religious belief by supporting victims and taking swift and positive action against perpetrators”.

General Approach

3.03 Thurrock Council will take action as appropriate to investigate.

3.04 Effective solutions to these problems are not the responsibility of a single agency or organisation; complainants, witnesses, the police, social services, schools, businesses and many other groups have a role and responsibility to tackle ASB.

3.05 The aim is to address and change the behaviour of individuals.

3.06 An incremental approach will be used and early interventions will be made in order to overcome or prevent the deterioration of a situation.

3.07 When this is not possible, and only as a last resort, legal sanctions will be considered.

3.08 The Human Rights Act 1998 places a duty on Thurrock Council to deal with people and situations proportionately, with a legitimate aim and only where necessary.

3.09 In any dispute the following key principles of the Act will be followed;

- Freedom of expression
- Prohibition of discrimination
- Right to freedom of thought and religion
- Right to respect for private and family life
- Right to a fair hearing

3.10 The Disability Discrimination Act 1995 makes it unlawful for a local authority to discriminate against a disabled person.

3.11 During any investigation a person’s disability will be taken into consideration, but their condition will not exclude them from any part of the investigation process.

3.12 Thurrock Council is committed to treating people as individuals in a fair and just way irrespective of their age, disability, ethnicity, gender, gender-identity, sexual orientation or religious belief.

Section 4 – Strategic Context

4.01 The Crime and Disorder Act 1998 requires the ‘Responsible Authority’ namely; Thurrock Council, Thurrock Police, Thurrock Primary Care Trust, Essex Probation Service and Essex Fire and Rescue Service (The Safer Thurrock Partnership) to produce a Crime and Disorder Reduction Strategy.

4.02 The Responsible Officers Group and various Delivery Groups, two of which are the Youth Prevention Delivery Group and the Anti-Social Behaviour Delivery Group (ASBDG). Both oversee actions arising from the strategy.

4.03 The Youth Prevention Delivery Group and the ASBDG meet on a six-weekly basis.

4.04 Thurrock Council work to develop programmes, projects and facilities across the borough to divert people away from ASB. Most notable partners are:

- Tenant and Resident Associations and Area Committees
- Essex Police
- Environmental Services
- Social Services
- Education Service
- Probation Service
- Youth Offending Service
- Fire Service
- Voluntary Agencies

4.05 Neighbourhood Policing Teams are now located throughout the borough on a ward basis and are responsible for providing locally based policing.

4.06 Thurrock Council has an Anti-Social Behaviour Team; a dedicated specialist resource who support complainants and staff and in the main, dependant on certain criteria, investigate and take action in ‘High Level’ cases.

4.07 In addition the team undertakes long-term problem solving and seek to encourage the implementation of diversionary tactics and programmes.

4.08 The ASB Team aims to provide a central point of contact for complainants, witnesses and many other people concerned with ASB.

4.09 Thurrock Council works with communities to improve people’s quality of life by reducing ASB but, when necessary, for those that persist in causing a problem, positive enforcement action will be taken.

4.10 It is acknowledged that research has shown that the fear of crime and ASB is greater than the actual reality. Thurrock Council is therefore conscious of the need to act proportionately.

4.11 The Government have shown an increased concern in the level of ASB and its priority has moved up the agenda. As a result of such concern the Home Office launched a campaign called TOGETHER (together.gov.uk). A website was created setting out the Government's strategy and details of the available powers. Latterly the government has launched its RESPECT Agenda and Action Plan (respect.gov.uk)

4.12 It was alongside the Together Campaign that the Government introduced the Anti-Social Behaviour Act 2003. This Act gives local agencies the tools to get on with the job. It supports local authorities, landlords, police and the community in combating anti-social behaviour.

4.13 The Anti-Social Behaviour Act was designed to complement existing legislation including The Housing Act 1996, and the Crime and Disorder Act 1998.

Obligations of Citizens

4.14 Citizens who choose not to respect the community they live in face action against them. Placing where necessary, orders against them unless their behaviour changes. A key part of tackling anti-social behaviour is to promote a clear message that such behaviour will not be tolerated. Citizens will know exactly what behaviour is acceptable and how the Council will deal with any complaints of anti-social behaviour.

Section 5 – Powers to Combat ASB

5.01 There are many powers available to the Council and Police in dealing with anti-social behaviour. The following is a non-exhaustive list.

- **Crime and Disorder Act 1998**

5.05 The Act brought in certain powers to prevent adults and young people becoming involved in ASB or criminal activity. A summary of these powers is detailed as follows:

Anti-Social Behaviour Orders (ASBOs)

5.06 ASBOs can be obtained in the magistrates' court or the county court if associated with a breach of tenancy conditions. They can be made against anyone who is 10 years old or above.

5.07 ASBOs are intended to be preventative and orders remain in force for a minimum of 2 years, or longer in certain circumstances. Any breach of the order is a criminal offence with, on conviction, a maximum of five years imprisonment or a fine, or both. Different sentences may apply to juveniles.

5.08 Interim orders are available in both the magistrates' court and the county court. This is an order made at an initial court hearing in advance of the full hearing. This temporary order can impose the same prohibitions and has the same penalties for breach as ASBOs.

5.09 The benefit of an interim order is that it enables the courts to order an immediate stop to ASB and thereby protect the public more quickly.

5.10 Both the police and the local authority can apply for ASBOs.

5.11 The criminal courts are also allowed 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.

Child Safety Orders

5.12 A Child Safety Order only applies to children under 10 years of age. Such children are under the age of criminal responsibility and so it is not possible to use other enforcement tools to stop behaviour that is causing harassment, distress or alarm to the community.

5.13 This order is therefore extremely useful in providing a means of moderating the child's behaviour, ensuring that they are placed under the supervision of a responsible officer and engaging the parents in stopping the behaviour.

5.14 The order can be applied to a child who has committed an act which, had he or she been aged 10 or over, would have constituted an offence, breached a Child Curfew Order or caused harassment, distress or alarm to others.

5.15 The Order has two elements. It can:

- Place the child under the supervision of the responsible officer for up to three months (12 months in exceptional cases)
- Require the child to comply with requirements the court considers desirable in the interests of ensuring that the child receives appropriate care, protection and support and is subject to proper control; or preventing any repetition of the kind of behaviour that led to the Child Safety Order being made.

Parenting Orders

5.16 A criminal court, family court or magistrates' court acting under civil jurisdiction imposes Parenting Orders, when there has been a problem with a young person's behaviour. They allow parents to build their skills so that they can respond more effectively to the challenges of parenting.

5.17 The court may impose these at the same time that an ASBO is granted and may require parents or guardians of young people between 10 and 17 years of age to attend counselling or guidance sessions.

Local Child Curfews

5.18 These are designed to tackle the ASB of groups of children and young people without involving the juvenile justice court system.

5.19 A local authority can apply to the Home Secretary for a Local Child Curfew where children are causing alarm or distress to others living in a particular area. A Local Child Curfew can last for up to 90 days and applies to children and young people under the age of 16 years.

5.20 Under a Local Child Curfew, all children under 16 years of age must be in their homes by a certain time in the evening. Children who are aged 10 years and under and found outside their homes after the curfew can be the subject of a Child Safety Order.

Reparation Orders

5.21 These are a sentencing option available to the court and are designed to help young offenders understand the consequences of their offending and take responsibility for their behaviour.

5.22 They require the young person to repair the harm caused by their offence either directly to the victim (this can involve victim/offender mediation if both parties agree), or indirectly to the community. Examples include cleaning up graffiti or undertaking community work. The Youth Offending Service (YOS) oversees the Order.

5.23 The court cannot order financial reparation through a Reparation Order; it has to make a compensation order under Section 130 of the Sentencing Act.

- **Criminal Justice and Police Act 2001**

5.24 Penalty notices are the first stage of intervention for many forms of low-level disorder offences. They offer a speedy and effective action that frees up police, local authority and court time. They also ensure that all unacceptable behaviour is challenged. The offender receives an immediate punishment, which if paid, will not result in a criminal record.

- **Police Reform Act 2002**

5.25 This Act makes it possible for Interim ASBOs to be granted for a fixed period of time, to prevent further ASB pending a full ASBO being obtained.

It also allows Housing Associations to apply for ASBOs.

- **Anti-Social Behaviour Act 2003**

5.26 The Anti-Social Behaviour Act 2003 introduced new powers for Local Authorities and Police in dealing with ASB. Some of these involve just the Local Authority some are joint powers and some of them are specifically for the police. A summary of these powers is as follows:

Dispersal Orders (Sections 30–36)

5.27 People have a right to feel safe in their communities. It is unacceptable for people not to use public spaces and other areas because they feel threatened by groups of people hanging around.

5.28 This power enables police and local authorities to work together to identify particular problem areas that need targeted action to remove intimidation and ASB from the streets.

5.29 A senior police officer can designate an area, with local authority agreement, where there is persistent intimidation or anti-social behaviour. Once designated, details of the area must be published either through local press or notices in the area.

5.30 Police and Community Support Officers will then have the power to disperse groups where a member of the public has, or is likely to be harassed, intimidated, alarmed or distressed. Failure to comply with the officer's request is an offence.

Anti-Social Behaviour Injunctions (Section 13)

5.31 Injunctions are civil orders obtained from the county court. An injunction prohibits the person concerned from engaging in the behaviour detailed in the injunction.

5.32 Injunctions can be used to prevent a range of ASB relating to owner/occupiers and the wider neighbourhood, for example using a property for drug dealing, playing loud music at night, noisy dogs and vandalism.

5.33 Some injunctions can exclude the person from specific areas or places. The court may grant an injunction for a specified period as it sees fit, or may decide that the injunction will apply until it is varied or discharged. An injunction could depict that an owner/occupier was prohibited from entering or residing at their address. This can mean that an injunction can be in force for the lifetime of the person who it is obtained against.

5.34 In relation to ASB associated with owner/occupiers, injunctions can be made without notice having been given to the person against whom it is served. Injunctions may only be made without notice where the court considers it is just and convenient to do so.

5.35 In certain cases a power of arrest maybe attached to an injunction. This is where the behaviour has involved violence or the threat of violence.

High Hedges (Sections 65-84)

5.40 Although common law rights entitle people to cut overhanging branches back to the property boundary line, they could do nothing about the hedge height; this Act changes that.

5.41 Local authorities have the power to deal with complaints about high hedges, which are having an adverse effect on a neighbour's enjoyment of his property. A notice can be issued outlining what action should be taken. Failure to comply with the notice would be an offence.

Truants

5.42 The Anti-Social Behaviour Act establishes a power to issue a penalty notice for truancy. From February 2004 the following have power to issue penalty notices to parents of truants:

- Designated local education authority (LEA) officers, typically Education Welfare Officers
- Head Teachers
- Deputy Head Teachers and assistant Head Teachers authorised by the Head Teacher
- The Police and Community Support Officers; this will usually be as part of a truancy sweep in partnership with the education welfare service.

Other Matters (Sections 40-56)

5.43 The Act also gave the police and the Council new powers in relation to nuisance noise, graffiti and fly posting, fly tipping, litter and selling spray paints to young people under 16.

5.44 Some of the powers within the Act are specific to the Police, these include:

Closure Notices and Orders (Sections 1–5)

5.45 Powers are needed to enable the swift closure of properties taken over by drug dealers and users of Class A drugs, such as heroin and cocaine etc.

5.46 A senior police officer can issue a Closure Notice on premises they believe are being used for the production, supply or use of Class A drugs and is causing a serious nuisance or disorder. The police then have to apply to a court within 48 hours for a Closure Notice. The order can apply for 3 months, with the ability to extend it to 6 months. During this period the premises will be sealed and it is an offence for anyone to enter or remain in the premises.

Other Sections

5.47 Other police related sections of the Act include legislation relating to the prohibition of air weapons and imitation firearms. It also addresses problems with public assemblies, illegal raves and trespassers.

- **Children Act 1989**

5.48 This Act places a duty on local authorities to co-operate with each other in the protection of children. In particular, information on one authority's actions must be shared with others if it would help them carry out their functions.

- **Civil Evidence Act 1995**

5.49 In civil proceedings, either in the county court or magistrates' court, hearsay evidence is admissible. This might allow evidence to be given where a witness is too frightened to attend court personally.

- **Confiscation of Alcohol (Young Persons Act 1997)**

5.50 A police officer can require that intoxicating liquor be handed over young people in circumstances.

- **Environmental Protection Act 1990**

5.51 Imposes a legal obligation on local authorities to take such steps as are reasonably practical to investigate complaints of statutory nuisance, which includes noise nuisance.

- **Protection from Harassment Act 1997**

5.52 This legislation provides a power of arrest and the possibility of a Restraining Order being obtained in the magistrates' court, which could carry a penalty of up to 5 years imprisonment. The intention is to prevent the perpetrator from entering an estate and/or harassing others.

- **Race Relations Act 1976 and the Race Relations (Amendment) Act 2000**

5.53 This places a statutory authority on public authorities to eliminate unlawful discrimination; promote equality of opportunity; and promote good race relations. Race equality issues must be considered in all of its policies.

- **Sex Offenders Act 1997**

5.54 Requires the police to maintain a register of sex offenders who fall within the remit of the legislation.

5.55 A risk assessment is carried out by a variety of agencies on people who are registered and pose a risk to the community.

Section 6 – Reporting Policy

6.01 Anyone can make a report to Thurrock Council about a person or persons acting in an anti-social manner.

6.02 Thurrock Council will deal with complaints about council tenants, members of their household, visitors to their property (including children) or any other person within the borough.

6.03 All complaints are made in confidence to the relevant Local Area Office, Contact Centre or the ASB Team and a discussion will take place as to what action can realistically be taken.

6.04 Some complaints may be as a result of differing lifestyles and allowances have to be made for this. When a complaint is received about neighbours, the policy is to encourage complainants to first discuss the problem with the person who is the subject of the complaint as very often people are unaware that their actions are causing a nuisance.

Continuing Occurrences

6.05 Complaints will be classified as either 'Low' or 'High' Level.

6.06 Low Level complaints will include matters such as: neighbour disputes involving no other parties.

6.07 High Level complaints may include matters such as threatened or actual violence, drug dealing, damage to property, harassment or hate crime. It should be acknowledged that low-level complaints could develop into the more serious category.

6.08 All complaints will be recorded on WARRIOR the Anti-Social Behaviour Case Management System.

Incremental Approach - Early Intervention

6.09 Some of the most successful interventions are those that engage with and support the individual in changing their own behaviour at an early stage.

6.10 Entering into formal, non-legal agreements or contracts or issuing warnings can be very effective particularly if coupled with support and assistance to address identified needs or issues.

6.11 By ensuring that individuals understand the impact of their behaviour on the community while offering the necessary support for them to stop, it is possible to achieve long-term change.

6.12 Early intervention works and can achieve long-term change and prevent more serious levels of ASB. It is an integral part of the strategy.

6.13 Examples of agreements or contracts include Acceptable Behaviour Contracts (ABCs), Good Neighbour Contracts (GNCs) and Parental Control Agreements.

Mediation

6.14 Cases can be referred to a professional mediation service. The service is completely impartial and the aims of the service are to broker mutual understanding between parties and arrive at a compromise that all parties can sign up to; both parties must be willing to participate.

6.15 Mediation has a proven track record in resolving conflicts and disputes by allowing those involved to settle the matter to their satisfaction.

6.16 The main principles of mediation are:

- That it should be voluntary for both parties;
- That it should be confidential;
- That both parties are willing to seek a resolution and that they have “ownership” of any agreement made;
- That it seeks common ground for agreement;
- That there is an option to discontinue;
- That the mediator should be acceptable to both parties and perceived by them to be impartial;

6.17 The main preconditions of impartiality are: no previous involvement in the case and no prior knowledge of the parties involved, or in the dispute, other than a general outline. The mediator should have no interest in the outcome of the mediation other than to facilitate and agreement as an end result.

Acceptable Behaviour Contracts (ABCs)

6.18 An Acceptable Behaviour Contract is an intervention designed to engage an individual in acknowledging his or her ASB and its effect on others, with the aim of stopping that behaviour.

6.19 An ABC is a written agreement made between the person who has been involved in the ASB and the local authority, the Youth Inclusion Panel (YISP), landlord or the police.

6.20 Where an ABC relates to a young person, the Youth Offending Service, Social Services and Education Welfare are consulted.

6.21 ABCs are not set out in law, which is why they are often called Agreements. Any agency is able to use and adapt the model.

6.22 Although ABCs have often been made with young people, they are a tool that can be used for a person of any age. The informal, flexible nature of the Contract means they can be used for various types of ASB.

6.23 Where an ABC has been unsuccessful it may be necessary for the ASB Team to apply for an ASBO or other court action to ensure that the ASB

stops. ABCs are not legally binding, but can be cited in court as evidence in ASBO applications, or other court proceedings.

6.24 There does not have to be an ABC in place before application can be made for an ASBO. There will be cases where an immediate ASBO application is the more appropriate intervention.

Good Neighbour Contracts (GNCs)

6.25 This is a locally designed option and it has proved very successful.

6.26 The GNC can be obtained in conjunction with an ABC. The GNC reinforces the responsibility of the householder or occupier to prevent unacceptable behaviour being caused by themselves, members of their family or others, either residing at, or visiting the property.

6.27 Other than this, the GNC is very similar in design and content to the ABC.

6.28 Potential sanctions for breach will always include ASBO's and/or injunctions.

Parental Control Agreement.

6.29 This is the same as an ABC except that the parent(s) or guardian(s) take full responsibility for their child's behaviour.

6.30 These contracts are not legally binding, but they can be cited in court proceedings.

6.31 The contracts usually last 6 months, although they can be renewed. They can be used when a child is under 10 years of age and under the age of criminal responsibility.

Support of Complainants and Witnesses including Confidentiality Issues

6.32 It is recognised that anyone, at any time, can be vulnerable and to this end Thurrock Council will not specify any particular individual or group. Cases will be dealt with on an individual basis and on their own merits.

6.33 Being a complainant or witness can be stressful and in some cases frightening. The councils aim is to place the complainant or witness at the centre of our action, providing support and adopting approaches that install a feeling of safety, well being and confidence during the investigation process.

6.34 Clear reporting procedures exist and reporting channels are made as simple as possible.

6.35 The policy is to discuss and plan every stage of the case with the complainant or witness and keep them informed of the progress of the case via a regular courtesy call. This support continues to and after, any court proceedings.

6.36 If the complainant, witness or alleged perpetrator has communication problems then the assistance of an interpreter will be required.

6.37 Complainant or witness confidentiality is an important issue and personal details will not be disclosed to any person, other than as necessary in any formal proceedings and only with the complainant or witnesses permission.

6.38 Gaining the trust and confidence of complainants or witnesses is key to keeping them on board. No more so than at the crucial first stage when a report is made. This is the point at which complainant's and witnesses' expectations are set.

6.39 The most effective and powerful support can be provided by witnesses themselves to others in similar situations. Supporting the development of peer support, witness support groups and telephone-based contact can be extremely effective.

Section 7 - Other Available Services

Noise Nuisance

7.01 Noise from music systems, televisions, parties, etc. is by far the most common source of neighbour problems.

7.02 The council offers an out-of-hours noise nuisance service that covers peak nuisance hours (these tend to be at weekends). The Environmental Health Department and the Police jointly operate this service and phoning the council's emergency standby number 01375-372468 can access it.

Rubbish and Fly-tipping

7.03 Dumping rubbish and fly tipping is anti-social behaviour. The dumping of waste is a blight on our environment, spoiling the landscape and is an unnecessary cost to taxpayers and landowners.

7.04 Fly-tipping can occur anywhere, housing estates, grass verges, private land, and garage sites etc. Fly tipping is taken very seriously and if the person can be identified they may be liable to enforcement action.

7.05 Incidents should be reported to the Council using the 'Be Smart' Campaign free phone 0800-581281

Victim Support

7.06 In order to further support complainants, our policy is to make a formal referral of all complainants to Victim Support, a local based charity offering emotional support and practical advice to those affected by crime.

Section 8 – Specific Policies

Drug Dealing

8.01 Drug dealing is a serious criminal offence. Any information made available to Thurrock Council will be passed to the police.

8.02 In any case where the owner/occupier or anyone living with or visiting the owner/occupier is suspected of drug dealing, possession with intent to supply or cultivating/producing at the premises, then an application for an ASB Injunction or Crack House Closure Order will be considered.

Criminal Damage (including Graffiti)

8.03 Incidents of criminal damage will always be reported to police and where possible, a prosecution will be pursued.

8.04 Graffiti is criminal damage and will be treated accordingly. The Anti-Social Behaviour Act 2003 allows a Local Authority Officer, Police Community Support Officer or a person accredited by the Chief Constable to issue a fixed penalty notice of £50 in relation to minor graffiti and fly-posting offences.

8.05 Where graffiti is found on Council property it will be removed within 3 working days. If the graffiti is of an obscene nature, or is a Hate Crime, it will be removed or covered within 24 hours.

Domestic Violence

8.06 Thurrock Council is committed to working in partnership with the police and a range of voluntary and statutory agencies to ensure those experiencing Domestic Violence are supported, advised and accommodated appropriately.

8.07 Violence, or the threat of such violence, by one member of a household against another person or persons in that household can have the effect of causing the victim of the violence to flee the household. Potentially it can also cause nuisance to neighbours. Domestic Violence is one of the primary causes of applications for homelessness in Thurrock.

8.08 It occurs across all boundaries of social group, class, age, disability, ethnicity, sexual orientation and lifestyle.

8.09 The council will support people made homeless or threatened with homelessness due to domestic violence, this could include temporary accommodation, advice or assistance.

8.10 Thurrock Council aim to support victims of Domestic Violence in remaining in the home by providing a package of additional security agreed in conjunction with Essex Police.

Harassment

8.13 Thurrock Council will not tolerate any form of harassment of or by anyone.

8.14 Wherever possible, the intention should be to deal with the perpetrator of the harassment rather than move the complainant.

8.16 The Council also operates a 'zero tolerance policy' to harassment of staff by anyone (verbally or physically).

8.17 This is regarded as unacceptable behaviour and as a result the council will seek the maximum penalty against them. This could include criminal proceedings.

8.18 Thurrock Councils' objective is to investigate and take appropriate action on all allegations and incidents of harassment, liaising with other agencies as necessary.

Hate Crime

8.19 Hate Crime is action driven by prejudice and an irrational fear of disabled people, lesbians, gay men, bisexual people, trans-gendered people and those from black and ethnic minorities. These are most commonly referred to as disability, homophobic, trans-phobic and racist incidents (Hate Crimes).

8.20 A detailed policy is in place for dealing with such cases and it is also one of the objectives of the Crime and Disorder Reduction Partnerships Action Plan.

8.21 Thurrock Council, working in close partnership with the police and community will take swift and positive action to deal with complaints as they arise. In addition they will:

- Promote awareness amongst staff and community groups
- Report and monitor all incidents through the multi-agency Hate Crime Panel

Media and Public Information

8.22 Publicity is an important tool in combating ASB as it can assist in reassuring tenants and the wider community that positive action is being taken, through for example the publicising of successful resolution of cases.

8.23 This may also act to deter others and assist in the detection of offences and breaches of orders. Publicity can also provide citizens with the information they require to report any breaches of injunctive measures, which may have been served on perpetrators (where the court has not imposed reporting restrictions).

8.24 Our stance is to consider on a case by case basis whether to publish the details of those subject of orders using our web-site (unwelcome.co.uk) or other suitable mediums, including leaflet drops in targeted areas.

8.25 We are currently developing our Media and Public Information Policy.

8.26 Thurrock Council have a responsibility to ensure that the wider community are able to live and enjoy their homes.

8.27 In cases where owner-occupiers (those who own their homes) and those renting private accommodation are alleged to be the perpetrators of ASB, action will be taken.

8.28 Such action may include seeking an Injunction, which could even prevent an owner-occupier or private tenant from entering or using their home.

Data Protection and Information Exchange

8.29 Information and data will be shared with partner organisations including Essex Police in line with agreed protocols and legislation. This is necessary in order to effectively tackle ASB and Crime & Disorder through a multi-agency approach.

8.30 It should be noted that whilst certain acts regulate the rights of the individual, there is an overwhelming right to live without fear of crime, hence the existence of permissive legislation. The Crime and Disorder Act does not compel agencies to share information, but it does place a duty on each agency to do all that it reasonably can to prevent crime in its area.

- **Categories of information**

De-Personalised Information:

8.31 Does not specifically identify an individual and can be used for trend analysis, hotspot mapping and other statistical purposes.

Personalised Information:

8.32 Sharing personal information, which identifies specific individuals, may be appropriate when targeting those at risk of committing ASB, such as through Youth Inclusion Programmes or to enable effective enforcement action to be taken. However, where the subject is a victim, information should not be shared without their permission.

- **Legislation regarding Information Sharing and Data Protection**

Data Protection Act 1988 (Section 29):

8.33 Allows for the exchange of information where it is for the prevention or detection of crime or for the apprehension or prosecution of offenders.

Freedom of Information Act 2000:

8.34 Allows the public to see information that is held about them e.g. paper or computer files.

Human Rights Act 1998:

8.35 In particular Article 8; ‘Right to respect for private and family life, home and correspondence.’

8.36 This right is not absolute and interference can be justified in the interests of the prevention of disorder or crime.

Crime and Disorder Act 1998 - Section 17 (1) states:

8.37 Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

(Section 115):

8.38 Allows for the exchange of information where the disclosure is necessary or expedient for the purposes of any provision of the act.

It states:

“Any disclosure of personal data must have regard to both common and statute law, for example defamation, the common law duty of confidence, and the data protection principles - unless and to the extent that any Data Protection Act exemptions apply. The principles require that such information is obtained and processed fairly and lawfully; is only disclosed in appropriate circumstances; is accurate, relevant and not held longer than necessary and kept securely”

Section 9 – Prevention of ASB

9.01 Prevention is an essential part of Thurrock Council approach to ASB. As such, a range of initiatives can be used. These include:

CCTV

9.02 A CCTV scheme was introduced in April 2003. There are over 200 CCTV cameras throughout the borough, which digitally record events on a 24 hours basis.

9.03 Certain areas of the borough are targeted, based upon crime statistics produced by the police with priority given to areas of high anti-social behaviour. Thurrock Council also have the use of mobile cameras which can be fixed anywhere in Thurrock to deal with local problems as and when necessary.

Street Enforcement Officers

9.04 These officers were introduced in 2006. The further introduction of Park Wardens and Police Community Support Officers means that Thurrock currently enjoys the highest level of uniformed presence on their streets.

9.05 Like caretakers they are the eyes and ears of the community. They report and deal with graffiti, anti-social behaviour, abandoned vehicles, fly tipping and a wide range of environmental issues.

Designing Out Crime

9.06 Environmental improvements can also be described as ‘designing out crime’ or ‘situational crime prevention’. Designing or amending the build environment can resolve some problems of anti-social behaviour.

9.07 Youths congregating in alleyways, people gathering in places of shelter such as bus stops or shopping parades, perpetrators living in properties that are located so as to physically dominate other residents in their street – all are examples of problems that have been solved through amending the build environment.

9.08 Closing alleyways, moving bus stops, using neighbouring properties as police offices are possible solutions.

9.09 Such solutions are examples of good partnership working. Thurrock Council is committed to such an approach.

Rehabilitation of Perpetrators (Young People and Adults)

9.14 It is recognised that perpetrators of ASB and crime may themselves be victims and vulnerable, for example the need to feed a drug addiction.

9.15 We work closely with partner agencies such as the Drugs Action Team (DAT), Mental Health Team, Probation Service, Social Services, Youth

Service and Youth Offending Service (YOS) to identify the root cause of offending and rehabilitate individuals where possible, supporting them to lead law abiding and useful lives.

9.16 In addition the ASB Team is closely involved with the action group dealing with Prolific and Other Priority Offenders (POPOs), those small number people who it is believed commit a disproportionately large percentage of the overall crime.

9.17 Juvenile Perpetrators often experience problems with family and/or school. In order to ascertain the causes of the ASB consideration is given to involving parents/guardians and if appropriate, arrange forums such as the Youth Inclusion and Social Panel (YISP).

9.18 Social Services will, where necessary, carry out a S17 Children Act 1989 assessment to identify whether a child is a 'child in need', necessitating the intervention of Social Services. The assessment should normally be carried out before any specific enforcement action is taken.

Section 10 – Other Schemes and Initiatives

Professional Witness Scheme (PWS)

10.01 This scheme involves the use of trained volunteers, from staff and partnership contacts to gather evidence of ASB that they themselves have witnessed and in addition to support witnesses.

10.02 The scheme allows greater flexibility in the gathering of evidence in court cases, especially when witnesses of ASB are reluctant to provide evidence.

10.03 We are currently developing our Professional Witness Scheme (PWS).

Staff Briefing

10.04 The ASB Team will ensure that staff are fully briefed on new procedures for the reporting of ASB and how to make appropriate referrals upon receipt of information concerning ASB.

Protection of Staff including Health & Safety

10.06 Thurrock Council staff are entitled to work without fear of verbal or physical assault from the public. Our policy is to protect our staff by ensuring that they receive appropriate training in conflict resolution and self-defence.

10.07 In cases where staff are threatened or assaulted, swift and positive action will be taken against the perpetrator. There is a zero tolerance attitude in the approach to these matters.