



Listening Learning Leading

## **Community Safety policy for anti-social behaviour (ASB) case management**

The Community Safety Team leads the district councils' work on keeping residents, visitors and businesses safe in South Oxfordshire and the Vale of White Horse.

The team represents the councils as active members of the [South and Vale Community Safety Partnership \(CSP\)](#) which aims to prevent crime and protect communities, protect vulnerable people, fight modern crime and reduce reoffending.

Part of this involves working with others to try and reduce anti-social behaviour (ASB) in our towns and villages which we know can have a significant effect on the quality of people's lives.

This policy sets out how the Community Safety Team manages its ASB casework, from the 'why' and 'who', to the 'how' and 'when'. Although we are not a frontline service when it comes to responding to anti-social behaviour, we can offer residents a third-party reporting option if they don't want to report to the police (or housing association if appropriate). We can use our partnership links to ensure that all reasonable and proportionate action is being taken to help stop ASB.

There are two central pillars to this policy:

- **Memorandum of Understanding for tackling anti-social behaviour together** (appendix 1)

This is a partnership agreement that has been signed by the police, the district councils (Community Safety, Environmental Health and Enviro-crime) and key housing associations with significant housing stock in South Oxfordshire and the Vale of White Horse. It sets out how we will work in partnership to respond to reports of ASB from local communities (this includes where people can report ASB, how their reports will be managed and the mechanisms which are in place to facilitate effective joint working to best resolve the problems).

- **Community Safety Team’s Minimum Standards for responding to reports of ASB** (appendix 2)

This working document sets out what people can expect from the Community Safety Team if they report incidents of ASB to them. Reports can be made via our online reporting form, by email to the team inbox or by calling the team.

There are additional documents which are relevant to this policy:

- Community Trigger process flowchart – this outlines how the Community Safety Team and the CSP manage Community Trigger (ASB case review) requests (appendix 3).
- Vexatious/unreasonable/persistent community trigger requests policy (appendix 4).
- The councils’ [Environmental Health and Licensing enforcement policy](#) - the Community Safety Team adheres to this if it is required to take any enforcement action in relation to its powers around tackling ASB.

Appendices:

Appendix 1	Memorandum of Understanding for tackling ASB together
Appendix 2	Community Safety Team’s Minimum Standards for responding to reports of ASB
Appendix 3	Community Trigger process flowchart
Appendix 4	Vexatious/unreasonable/persistent community trigger requests policy

## Appendix 1



# **SOUTH AND VALE COMMUNITY SAFETY PARTNERSHIP'S MEMORANDUM OF UNDERSTANDING FOR TACKLING ANTI-SOCIAL BEHAVIOUR TOGETHER**

## **What is the South and Vale CSP?**

The South and Vale CSP was created in accordance with the requirements of the Crime and Disorder Act 1998, which established the principles of partnership working. The partnership involves the community safety portfolio holders from both district councils and officers representing:

- National Probation Service
- Office of the Police Crime Commissioner
- Oxfordshire Clinical Commissioning Group (CCG)
- Oxfordshire County Council
- Oxfordshire County Council Fire & Rescue Service
- Soha Housing Limited
- South Oxfordshire District Council
- Sovereign Housing Association
- Thames Valley Police
- Vale of White Horse District Council

Through the CSP, these partners work together to tackle crime and protect vulnerable people in South Oxfordshire and the Vale of White Horse.

## **Why do we need this Memorandum of Understanding (MoU)?**

The purpose of this MoU is to:

- clarify what the CSP considers to be anti-social behaviour (ASB) and what it regards as 'unwelcome behaviour'
- set out where people should go to report these types of behaviour
- outline the approach the partnership will take to address reports of unwelcome behaviour/ASB

It sets out the framework that our partner agencies will use/refer to when dealing directly with residents in South Oxfordshire and the Vale of White Horse who are dealing with challenging behaviour in their local communities.

## **What is ASB?**

The CSP considers ASB to cover a broad range of actions that can cause significant harm to the well-being and quality of life of those people who are forced to experience it. These can include drug use, drug dealing, verbal abuse, noise nuisance, vandalism, harassment and the dumping of rubbish. Cases of ASB are often complex, with underlying factors and vulnerabilities impacting on both the victim's threshold to deal with the behaviour and the perpetrator's ability to understand why their behaviour is unacceptable. ASB tends to be persistent and unreasonable.

## **What is unwelcome behaviour?**

Sometimes, the way people act can be annoying or frustrating to those living near by - it may seem inconsiderate and the CSP would regard this as unwelcome rather than anti-social behaviour. Examples include children playing, one off parties, pet nuisance, parking problems and people gossiping.

## **Where should people go to report ASB/unwelcome behaviour?**

### **Tenants of Registered Social Landlords (RSLs)/Housing Associations**

RSL tenants should report cases of ASB which relate to criminal activity to the police via their [online reporting form](#) or 101 (always 999 in an emergency). They should also let their landlord know in case they can provide additional support or assist the police in their investigations.

RSL tenants should report other forms of ASB and/or unwelcome behaviour to their landlord as they will be best placed to manage the initial response and provide relevant support, including engaging with other relevant agencies if needed.

### **Non RSL residents**

Residents should report any incidents of criminal related ASB to the police via their online reporting form or 101 (always 999 in an emergency).

Any incidents of noise nuisance should be reported to the district councils' [environmental protection teams](#).

Residents wishing to report incidents of ASB/unwelcome behaviour which relate to littering, fly-tipping or dog fouling should contact the district councils' [environmental crime team](#).

In addition: if residents know that any incidents they are reporting of ASB/unwelcome behaviour relate to properties owned by an RSL, they should also try and contact the RSL to report the issues.

If any resident is unsure about where to report an incident of ASB/unwelcome behaviour or doesn't feel comfortable reporting it to the agencies listed above, they can report incidents to the district councils' [community safety team](#). The team can then signpost the resident to the relevant reporting agency or liaise with relevant agencies as necessary. They may also be able to offer suitable advice/interventions like mediation or crime prevention measures and direct people to sources of support. Please note that this service is available during office hours only and is not to be used to report high risk/emergency situations.

### **Which agencies are responsible for responding to reports of unwelcome behaviour?**

With the vast majority of reports of unwelcome behaviour, the agency receiving the report will offer advice or signpost to sources of information or support rather than open a case for investigation.

### **Which agencies are responsible for responding to reports of ASB?**

The agency receiving the report(s) will normally lead on managing the case and responding to the person who has reported the ASB. They may work with the other partner agencies/organisations if they need help in addressing the issues.

In some cases, it may be more appropriate for the report to be passed to another agency to lead on.

### **What will the lead agency do?**

Any lead agency responding to reports of ASB will do so in accordance with their organisation's ASB policies and procedures. They will look at the needs and issues relating to both the people experiencing the behaviour and those who are believed to be causing it. They will look at both short and longer term solutions where appropriate to resolve the problems.

Please note that the level of response from the lead agency will vary depending on the issues being reported (e.g. a report of drug dealing will be actioned in a different way to a report of noise nuisance), the associated risks of the case, whether or not any enforcement action can be taken etc.

Whilst always striving to resolve cases of ASB, agencies need to be mindful of what is proportionate and reasonable in terms of their response and this should be communicated to the complainant at the earliest possible stage in order to manage their expectations.

When a lead agency opens a case to address an ASB report, they are likely to take the following steps:

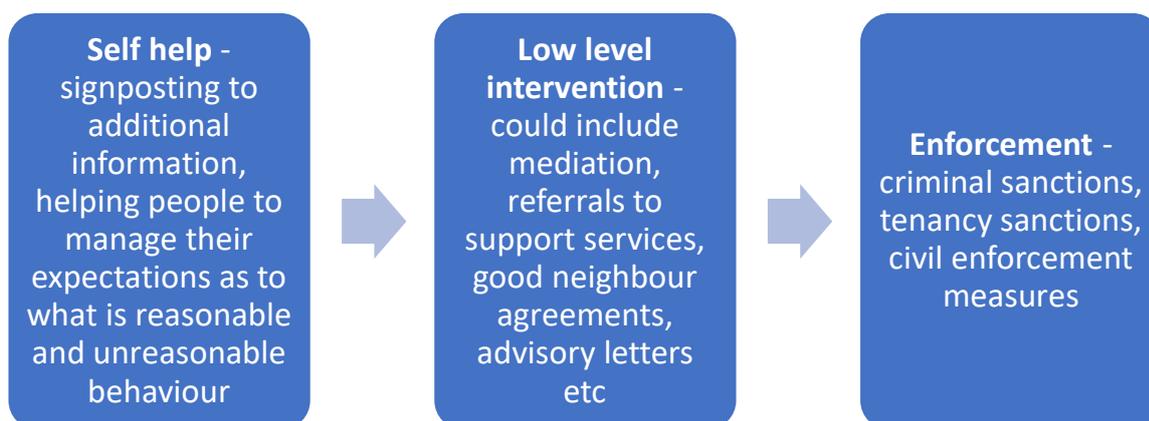
- **Evidence gathering** - establishing the scale of problem, who's affected, which agencies are already involved and what action has already been taken (if any) to tackle the problem. This may involve issuing the person reporting

the ASB with diary sheets to complete. It may also require the sharing details of the report(s) with other agencies and relevant permissions will be sought from the complainant where necessary.

- **Risk assessment** - what is the level of risk posed to the complainant(s), the people causing the ASB and the wider community? This dynamic assessment helps to ensure that all relevant agencies are involved and that safeguarding measures are taken if needed.
- **Action planning** - the lead agency, in consultation with partner agencies if needed, will decide what action(s) (if any) need to be taken and by whom in order to tackle the ASB. Timescales should be agreed to make sure action is as swift as possible.

Lead agencies may arrange a multi-agency case meeting to cover the above points with partners and active participation is expected.

When action planning in response to an ASB report, the lead agency should consider all interventions available to them to help tackle the issue, using those that are most proportionate to the type of behaviour being reported:



With regards to enforcement:

- the police can carry out enforcement action if the ASB relates to criminal offences;
- RSLs are expected to utilise all tenancy management tools/powers at their disposal as landlords to address ASB involving their tenants, with partner agencies providing support if needed;
- where RSLs are not involved and police enforcement is not appropriate, the district councils can look at CPNs, statutory notices and other enforcement tools available to help tackle ASB.
- the district councils can introduce Public Spaces Protection Orders (PSPOs) to help tackle ASB in a public area where the behaviour is persistent, having or is likely to have a detrimental effect on the quality of life of those in the locality and is unreasonable. A PSPO can be introduced where there aren't

any existing powers available to tackle the problem(s) and are enforced by police and/or council officers. Given that these orders can restrict what people can do and how they behave in public spaces, they must be proportionate and necessary to prevent the ASB from continuing, occurring or recurring.

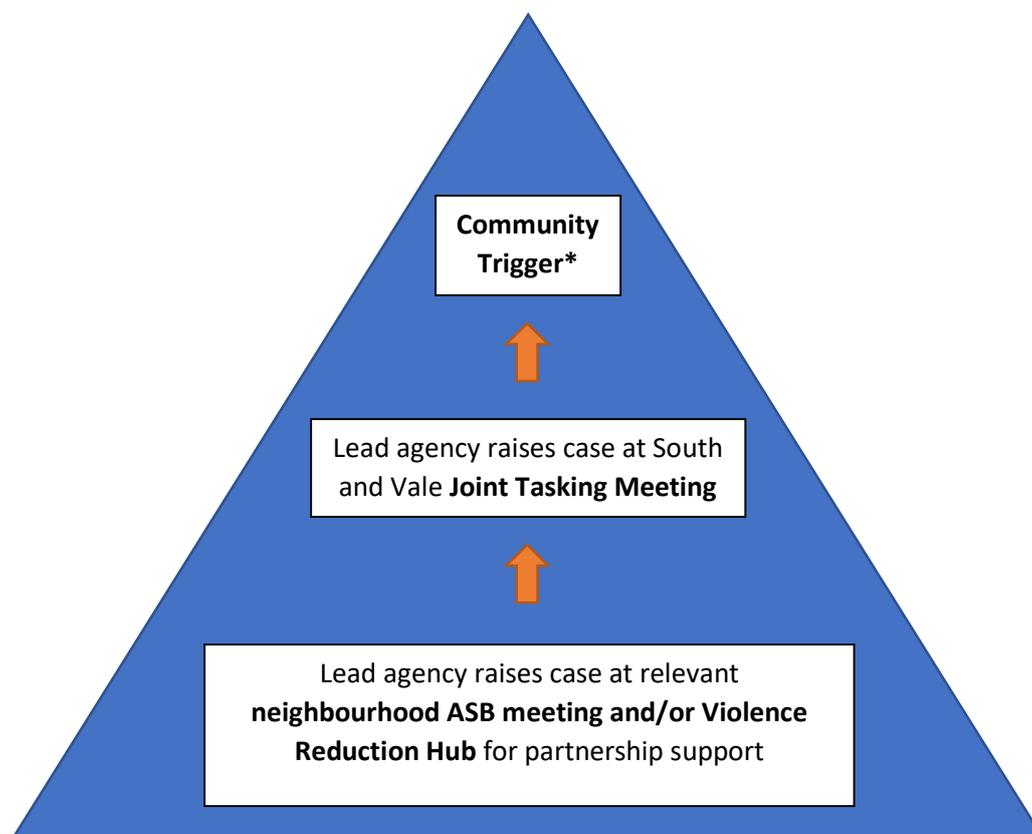
Throughout the case management process, the lead agency should keep the complainant informed so they know what's being done to try and address their issue.

### **What if the complainant is unhappy with the response they've received regarding their ASB/unwelcome behaviour report?**

If a complainant is unhappy with the service they have received from the agency dealing with their report of ASB/unwelcome behaviour, they should raise this with the case officer in the first instance. If the informal route to resolution is unsuccessful, the complainant should be referred to the agency's complaints procedure.

### **What if the ASB continues?**

Once a lead agency (often in partnership with other agencies) has tried all relevant and reasonable actions to try and resolve the ASB and the problems persist, they can refer the case to the appropriate multi-agency mechanism as outlined in the partnership ASB support escalation pyramid:



\* Community Triggers should be regarded as a last resort for residents experiencing persistent ASB (they are formal case reviews, as set out in the Anti-Social

Behaviour, Crime and Policing Act 2014, and require input and action from all relevant agencies involved in the case). For more information about the South and Vale Community Trigger process, see <https://www.southoxon.gov.uk/south-oxfordshire-district-council/community-help-and-safety/antisocial-behaviour-asb/community-trigger-help-with-ongoing-antisocial-behaviour/>.

## **Safeguarding**

If a member of the public has any safe-guarding concerns about a child or vulnerable adult, they should contact:

- Oxfordshire MASH (for safeguarding concerns relating to children) - **0345 050 7666**/ <https://www.oscb.org.uk/concerned-about-a-child/>
- Oxfordshire Adult Social Care (for safeguarding concerns relating to adults) - <https://www.osab.co.uk/how-to-report-concerns/>

## Appendix 2



# COMMUNITY SAFETY TEAM – OUR MINIMUM STANDARDS FOR RESPONDING TO REPORTS OF ANTISOCIAL BEHAVIOUR (ASB)

Our community safety team works in partnership with residents, other council services and outside agencies to help tackle antisocial behaviour (ASB) in South Oxfordshire and the Vale of White Horse districts.

ASB is defined as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person” (Antisocial Behaviour, Crime and Policing Act 2014).

The minimum standards below set out our team’s promise to you as a local resident about how we will respond to any reports of ASB that we receive.

### **If you report ASB to our team, we will:**

- respond to you within three working days of receiving your report (if you have provided your contact details);
- be clear about what we consider to be ASB (for example, sometimes other people’s behaviour is inconsiderate but it doesn’t necessarily mean it’s ASB);
- take all reports of ASB seriously and respond in a proportionate and professional way;
- provide you with a named officer who will be responsible for looking into your report;
- only share your details with relevant agencies in accordance with the Crime and Disorder Act 1998, with your permission where possible (unless there is a significant safeguarding risk)

### **When responding to reports of ASB, we will:**

- treat all those involved in ASB reports with fairness and respect – this includes trying to understand the issues from all angles;
- deal promptly and effectively with any problem reported to us – this may involve forwarding the details or signposting you to another service that we consider may be

better placed to help tackle the issue(s);

- be open and realistic about the options that are available to try and tackle the ASB
- share relevant information and intelligence relating to ASB with partner agencies so we can provide a joined up, effective and robust response to ASB across the districts;
- signpost victims, witnesses and those causing ASB to sources of support as and when appropriate;
- keep complainants informed and regularly updated until the issues have been resolved or all proportionate action has been taken.

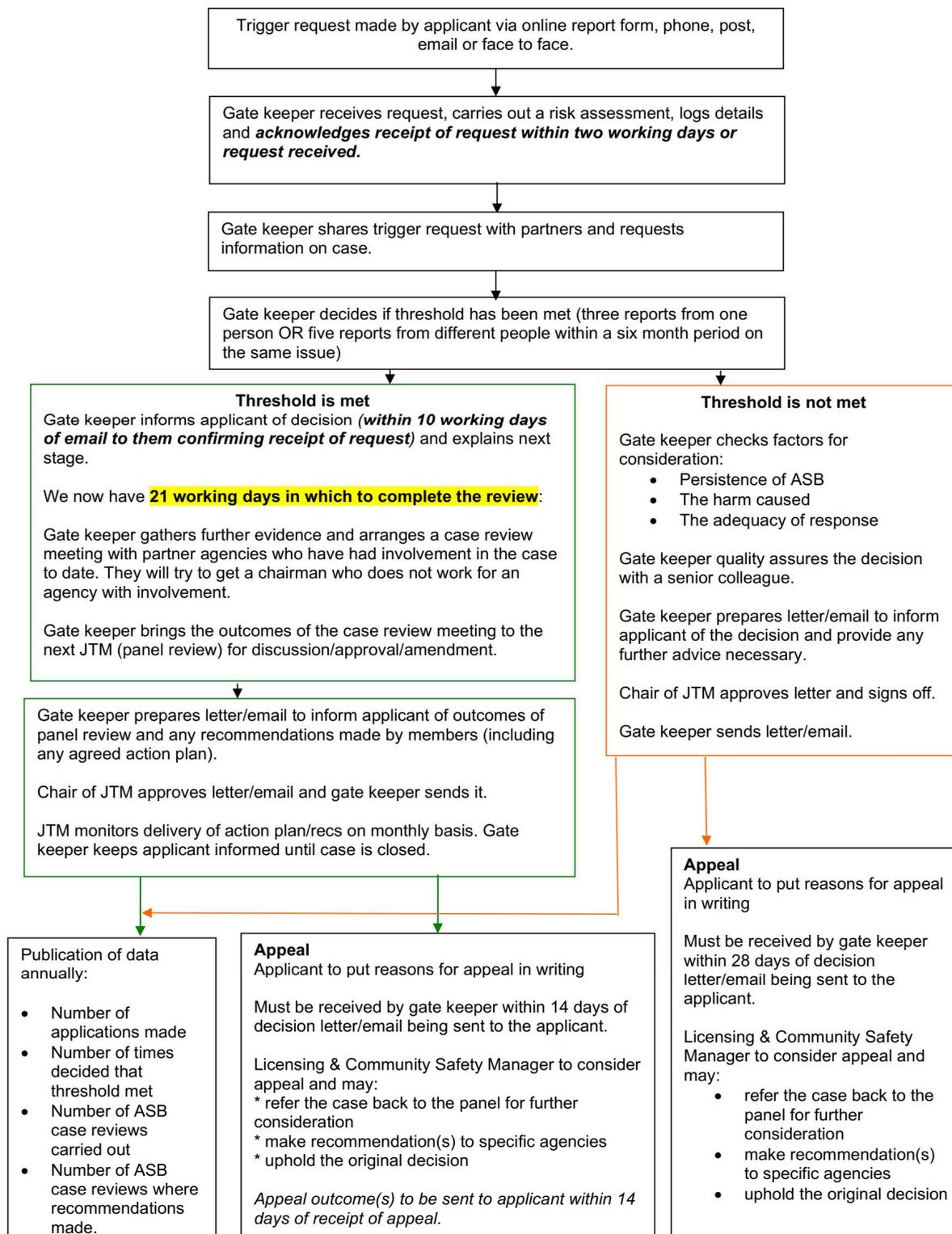
If a resident feels that agencies have failed to act to curb a persistent ASB problem, they have the right to apply for a review of their case through the South and Vale Community Safety Partnership's (CSP) [Community Trigger](#) process. The CSP will make sure that all appropriate and reasonable actions have been carried out and that any additional steps are in place to try and resolve the issue(s). It is important to note that the Trigger process does not replace an organisation's complaints procedure.

We are always keen to develop and improve the service we provide to our residents. Therefore, if you have any feedback relating to these minimum standards, please email us at [communitysafety@southandvale.gov.uk](mailto:communitysafety@southandvale.gov.uk) or call the team on 01235 422590.

Appendix 3



**COMMUNITY TRIGGER PROCESS MAP**



## Appendix 4



# **Vexatious/unreasonable/persistent community trigger requests policy**

## **INTRODUCTION**

A small minority of people requesting a community trigger may act in a way that is persistent, vexatious or unreasonable:

- To persist unreasonably with a request or
- To make requests in order to make cause aggravation or annoyance rather than to genuinely seek to resolve a grievance (vexatious); or
- To be abusive, offensive or threatening.

The purpose of this policy is to provide guidance to staff on how to manage persistent, vexatious or unreasonable requests. The policy relates to all forms of communication to staff.

## **WHEN IS A REQUEST PERSISTENT, VEXATIOUS OR UNREASONABLE?**

The following list<sup>1</sup>, provides examples of behaviour relating to a community trigger request that may be considered to be persistent, vexatious or unreasonable;

- Refusing to specify the grounds of a request, despite offers of assistance;
- Refusing to co-operate with the trigger request process;
- Refusing to accept that certain issues are not within the scope of a trigger procedure;
- Insisting on the request being dealt with in ways which are incompatible with a trigger procedure or with good practice;
- Changing the basis of the request as the investigation proceeds;
- Denying or changing statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;

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<sup>1</sup> Based on a list drawn up by the Local Government Ombudsman in relation to complaints

- Raising numerous, detailed but unimportant questions; insisting they are all answered;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff / councillors, or detailed letters every few days, and expecting immediate responses;
- Submitting repeated requests with minor additions / variations that the person making the request insists make these 'new' requests;
- Refusing to accept the decision;
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- Refuse to accept documented evidence as factual
- Repeatedly arguing points with no new evidence;
- Using abusive, threatening or offensive language.

## **CLASSIFICATION**

The decision to classify a request as persistent, vexatious or unreasonable should be made by the Community Safety Team Leader.

Detailed, chronological notes should be kept by officer managing the request.

## **WHAT ACTIONS CAN BE TAKEN WHERE A REQUEST IS JUDGED TO BE PERSISTENT, VEXATIOUS OR UNREASONABLE?**

### **Initial notification**

When a persistent, vexatious or unreasonable request has been identified, it will not be progressed. This outcome and the associated reasons why should be explained to the requestor by the Community Safety Team Leader, usually by email or letter.

Requests refused on persistent, vexatious or unreasonable grounds must be recorded and reported to South and Vale Joint Tasking Meeting (JTM).