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## **Anti-Social Behaviour Policy 2022-25**

# Appendix 1

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# Appendix 1

## 1. Scope and purpose of this policy document

This is the **policy** document. It tells you what the Council means by ‘anti-social behaviour’ (ASB) and sets out the principles the council applies when responding to a report of anti-social behaviour. It explains how the Council responds when people experiencing ASB contact it for help, and details the service quality the Council will provide.

## 2. The Council’s responsibilities

Oxford City Council believes that no-one should tolerate anti-social behaviour. The Council works in partnership with other agencies and will use appropriate tools and powers available to local authorities to address anti-social behaviour. The policy sets out our approach to fulfilling our duties as:

**A Responsible Authority** of the Oxford Safer Communities Partnership (OSCP) as defined by the Crime and Disorder Act 1998. The Act requires the Council to work with the police and other agencies to reduce crime and disorder in Oxford. The Council makes a significant contribution to dealing with anti-social behaviour of all kinds and undertakes both investigations and prevention activities.

**A landlord** because the Council has a [duty to respond to ASB](#) affecting the properties we manage. Our landlord duties and powers complement the duties and powers we have to deal with anti-social behaviour by non-council tenants.

**An environmental protection champion;** the Council has a range of legal powers to deal with environmental anti-social behaviour such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities come from a number of legal instruments and local byelaws, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-social behaviour, Crime and Policing Act 2014.

The Council will not normally undertake case investigation for ASB cases within other social landlords and private landlord’s properties. We may offer support and assistance in exceptional circumstances.

## 3. Concerns for children, young people and vulnerable adults

Oxford City Council’s Safeguarding Policy sets out how the officers respond to a report of abuse or neglect to a child, young person, or adult with unmet care and support needs.

It is not uncommon for safeguarding concerns to arise at the initial report stage or during an anti-social behaviour investigation.

The requirements of the Safeguarding Policy take primacy over this policy.

## 4. Reporting Anti-social behaviour

- The Council is not an emergency response service. Incidents where there is an immediate risk of harm to person or property must be reported to the police or other appropriate emergency service.

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- Incidents of a criminal nature must be reported to the police, for example, drug dealing. The police are the lead response and investigatory service for criminal offences. The Council work closely with the police and will consider criminal behaviours when investigating an anti-social behaviour case.
- The Council will not investigate anonymous complaints. It is important for us to be able to speak to a complainant about the behaviour they are concerned about.
- We will not disclose a complainant's personal details to the alleged perpetrator of the behaviour. Where it is necessary to speak to the alleged perpetrator, the complainant will be advised prior to a contact.
- In order to investigate reports of anti-social behaviour we rely on evidence supplied by complainants and witnesses. We will not investigate cases where no evidence or details of the case is provided.
- Many incidents of anti-social behaviour can be resolved by the parties involved with no involvement by the Council or other agency. The Council will encourage this course of action, whenever appropriate. In some circumstances mediation between both parties will be suggested.

## 5. What is anti-social behaviour?

Oxford City Council considers anti-social behaviour to be:

- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- Any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household; or
- Using or threatening to use Council property for unlawful purposes.

The Council **will not** investigate the following behaviours under this policy:

- Children playing in a public place or a garden
- Neighbour complaints regarding boundary disputes and other property matters, for example, location of waste receptacles, cooking smells, smoking and untidy gardens.
- Noise from vehicles on the highway carrying out their routine activities, noise from emergency service vehicles, aircraft, helicopters or other motorised airborne vehicles and noise from demonstrations.
- Reasonable living noise in domestic settings such as lawn mowing, household DIY, crying, loud talking, toilets flushing, sexualised noises, banging doors and noise from household appliances.
- Cycling, skateboarding, or riding e-scooters on the pavement and reports of inconveniently or illegally parked vehicles. Obstruction of the highway and pavements should be reported to the Highways Authority or to the police if there is an obstruction of the highway.
- Alcohol consumption in a public space that is not causing anti-social behaviour and noise from late night revellers.
- Flying drones. This should be reported to the Civil Aviation Authority or the police.
- People because they are homeless or rough sleeping.

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Anti-social behaviour cases are categorised to determine the Council's response time as described below.

<b>Category 1</b>	<b>Target time for first contact with victim or referrer: three working days</b>
<p><b>Definition</b></p> <ol style="list-style-type: none"> <li>Behaviour that presents a risk of serious harm to individuals or the peace of the neighbourhood and which may include violence, serious threats of violence or other criminal activity.</li> <li>Any complaint where there have been previous incidents and it appears to the case officer that a greater risk has developed or may be developing.</li> </ol> <p><b>Category 1</b> includes the following types of anti-social behaviour :-</p> <ul style="list-style-type: none"> <li>■ Hate related incidents (hostility towards a person's race, sex or ethnicity, sexual orientation, disability, religion or belief, or transgender identity)</li> <li>■ Physical violence and threats of harm</li> <li>■ Child or adult safeguarding including cuckooing</li> <li>■ Domestic abuse</li> <li>■ Kerb crawling and aggressive, predatory and intrusive sexual behaviour</li> <li>■ Serious harassment, intimidation and threatening behaviour</li> <li>■ Racist or offensive graffiti following a report</li> <li>■ Threats to Oxford City Council or Oxford Direct Services staff</li> </ul>	
<b>Category 2</b>	<b>Target time for first contact with victim or referrer: within five working days</b>
<p><b>Definition:</b></p> <ol style="list-style-type: none"> <li>Behaviour that presents a risk to public health or nuisance.</li> </ol> <p><b>Category two</b> includes:</p> <ul style="list-style-type: none"> <li>■ Noise disturbances due to unreasonable behaviour not excluded in section 5.</li> <li>■ Verbal abuse, written intimidation and harassment</li> <li>■ Allegations of sex working and sexual acts</li> <li>■ Other forms of serious anti-social behaviour, which in the Council's opinion, need priority but do not warrant an urgent or immediate response</li> <li>■ Minor noise nuisance</li> <li>■ Untidy gardens that may harbour vermin or present a public health risk.</li> <li>■ Litter, incorrect refuse disposal from domestic and commercial properties, fly tipping and dog fouling</li> <li>■ Running a business without permission that impacts on the neighbourhood</li> <li>■ Nuisance from vehicles such as untaxed vehicles and car repairs</li> </ul>	

## 6. Policy principles

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The policy principles set out the Council's approach to tackling anti-social behaviour, how cases are managed and how we work with our customers.

## **6.1 No one should have to suffer from ASB**

We will:

- make people aware of what anti-social behaviour is.
- publicise and promote our various services to tackle ASB.
- encourage people to report ASB and make it possible for them to do this using a range of reporting methods.
- respond to each reported case of ASB within our target times.
- set out an initial plan of action, risk assessment and victims charter when appropriate, that sets out how we will keep the complainant informed of progress and possible enforcement powers.

## **6.2 Reports of ASB will be treated seriously and dealt with professionally.**

We will:

- assess the ASB reported to us, and take action in accordance with our service standards.
- treat all reports as personal information under the General Data Protection Regulations 2018 and we will not disclose personal information unless required to for such purposes as a prosecution, a safeguarding concern, where it is in the public interest or with the persons consent.
- share information with other organisations for the prevention or detection of crime or disorder, in accordance with data protection laws and information sharing agreements.
- ensure that criminal activities reported to the Council are referred on to the police.
- register each case, give it a unique reference number and named case officer.
- fully investigate the complaint, which will usually involve interviewing alleged perpetrators and may involve interviewing third party witnesses.
- refer cases between the different departments of the Council and to other agencies, as necessary.
- ensure cases are not open longer than is deemed necessary and inform the complainant, using their preferred method of correspondence.
- respond promptly to complaints about the service.
- explain our reasons should we choose to take no action, and suggest self-help or other alternative courses of action, including private legal proceedings.

## **6.3 ASB will be addressed firmly, fairly and proportionately.**

We will:

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- prioritise responses to the most serious cases, based on the details of the case, taking any necessary early action to protect people and property.
- investigate the circumstances and seek to understand all the facts of any matter reported to us.
- seek always to resolve cases at the lowest level of intervention, taking formal action when the ASB is serious or persistent or when it threatens people's safety or health.
- use the legal tools and powers available to us according to our professional judgment.
- consider and adjust our approach as necessary, when a victim or a perpetrator is a vulnerable person.
- with the consent of the people involved, refer suitable cases to mediation.

## **6.4 We will work with partners in order to deliver an effective ASB service for our communities.**

We will:

- play a full part as a lead member of the Oxford Safer Communities Partnership.
- participate in relevant strategic or preventative initiatives.
- participate in multi-agency workgroups dealing with ASB trends.
- work with social housing providers, private landlords, letting agents, universities and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

## **6.5 We will deliver high quality customer service.**

We will:

- ensure that staff dealing with ASB are trained in all relevant legislation including equality, diversity, mental health including capacity and safeguarding.
- ensure that staff dealing with ASB follow agreed policies and procedures.
- obtain customer feedback through surveys of users of the ASB service provided by Oxford City Council to rate their satisfaction with the service.
- act on any negative feedback to improve our service when appropriate.
- explain to the complainants how their evidence will be used and their role in possible court proceedings.

## **7. Anti-social Behaviour, Crime and Policing Act 2014**

The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities, social housing providers and partners with a new range of powers to tackle anti-social behaviour. The Act introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of anti-social behaviour to request a review of their case where there has been no effective action. More details can be found on the [Oxford City Council website](#).

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## **8. Section 218A, Housing Act 1996 requirements**

This document fulfils the requirements of section 218A of the Housing Act 1996 (as amended by the Anti-Social Behaviour Act 2003) with regard to the publication of the ASB procedures of a local authority landlord.

This policy underpins Oxford City Council's statutory duty under the Crime and Disorder Act 1998, which places a legal duty to work in partnership to tackle the city's crime and disorder priorities. Section 17 of that Act states: *"each authority needs to do all it reasonably can to prevent crime and disorder and to ensure services give due regard to crime and disorder."*

## **9. Vexatious complaints**

Where the Council has reason to believe that a complaint is false, malicious or unreasonable, we will consider taking appropriate action against the complainant. Vexatious complaints cause distress to the alleged party and places unnecessary burdens on Council and partner resources. Where we believe a complaint, or series of complaints, constitutes a criminal offence, we will report the matter to the police.

## **10. Comments, compliments and complaints**

As a service provider, Oxford City Council strives to excel in customer satisfaction. We welcome feedback where our staff, services, policies and procedures have exceeded customer expectations

Oxford City Council's objective is to build a world class city for everyone and excel in our service provision, but we recognise that things sometimes can go wrong. When they do, we want to put them right as soon as possible and learn from what happened to develop and improve services and procedures.

To ensure we receive customer feedback, either positive or negative, please use our on-line form that can be found here: [www.oxford.gov.uk/complaints](http://www.oxford.gov.uk/complaints) or call us on our mainline number: 01865 249811 or email [saferoxford@oxford.gov.uk](mailto:saferoxford@oxford.gov.uk)

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