

Anti-Social Behaviour Policy

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INTRODUCTION

This policy outlines Sandwell Metropolitan Borough Council's response to dealing with anti-social behaviour (ASB), which impacts on residents within the Borough of Sandwell. This policy complements wider departmental policies and procedures across Sandwell MBC and those of a range of external partner agencies. We recognise that ASB can have a severe effect on the wellbeing of residents and we will work with the community and other partners to ensure we have a robust, Proportionate and consistent approach to tackling such behaviour. We aim to work with residents to build trust and confidence in our services. We are dedicated to looking after neighbourhoods and making sure they are safe, sustainable and cohesive places where people are happy and proud to live.

Policy Statement

We are committed to ensuring that all residents enjoy their right to peace, quiet and security in their homes and neighbourhoods. We take reports of ASB, domestic abuse and hate crime seriously .

The policy sets out our approach to fulfilling our duties as:

A Responsible Authority of the Safer Sandwell Partnership Police and Crime Board (SSPPCB) 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 Sandwell. The Council makes a significant contribution to dealing with ASB 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.

An environmental protection champion; the Council has a range of legal powers to deal with environmental ASB such as noise, graffiti, litter, fly-tipping and abandoned vehicles. These responsibilities derive from legislation, but in particular from the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and Anti-Social Behaviour, Crime and Policing Act 2014.

This Policy outlines how these duties are supported through:

- Our principles in tackling anti-social behaviour;
- The approaches available to tackle anti-social behaviour.
- Early intervention and prevention to resolve the problem as quickly as possible where appropriate;
- Partnership working with appropriate agencies to prevent and tackle such behaviour
- Enforcement using the full range of non-legal and legal tools available.

HOW WE DEFINE AND RESPOND TO ASB

Defining of Anti-Social Behaviour

ASB can mean different things to different people. However, in line with the Anti-Social Behaviour Crime and Policy Act 2014, Sandwell MBC has adopted the following definition of anti-social behaviour:

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

We will apply an approach of what is 'reasonable', as tolerance levels are subjective; and what causes a nuisance to one person, may not cause nuisance to another. In these cases, the Council and their partners may be required to determine what is reasonable.

What the Council will not consider to be Anti-Social Behaviour

Sandwell MBC carefully reviews each reported incident of ASB. Incidents are usually considered on a case by case basis and action is taken, where appropriate, to achieve the best possible solution for victims of ASB and the wider community. Not every allegation reported to us will be accepted as ASB and, therefore, will not be investigated in line with this policy. Examples can include every day normal occurrences or minor lifestyle differences between individuals. For example, we do not typically consider the following to be ASB (this is not an exhaustive list):

- Occasional or one-off incidences of noise, including reasonable celebrations, that may include music
- Reasonable domestic noise and noise generated by everyday living at reasonable times and frequencies such as lawn mowing, household DIY, crying, loud talking, toilets flushing, sexualised noises, banging doors and noise from household appliances (this is not an exhaustive list).
- Control of domesticated but free roaming animals i.e. cats defecating or mating in gardens
- Children playing in a public place or garden (this may include ball games)
- Neighbour complaints regarding boundary disputes, location of waste receptacles, cooking smells or smoking
- Actions which the authority cannot reasonably control, such as 'stares', 'glares', 'dirty looks' and other similar activities
- Parking disputes (such as not being able to park outside your home, where there are no lawful restrictions in place).
- 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.
- Noise from vehicles on the highway carrying out their routine activities, noise from emergency service vehicles or aircraft

- Alcohol consumption in a public space that is not causing ASB
- Flying drones. This should be reported to the Civil Aviation Authority or the police.
- Homelessness or rough sleeping

Ways to report Anti-Social Behaviour

ASB can be reported:

- Via the SMBC website and MySandwell Portal (online)
- By telephone
- In writing
- In person or via a third party (e.g. Councillor, family or friend)
- Through the CCTV and concierge (where this service is provided)
- You can report ASB to the police on the following telephone numbers:-
 - Non-emergency number – 101
 - Crimestoppers – 0800 555 111
 - If there is an immediate risk – 999

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.

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 works closely with the police and will consider criminal behaviours when investigating an ASB report.

Many incidents of ASB can be resolved by the parties involved with no involvement by the Council or other agency. We encourage that residents try to resolve issues prior to contacting us, wherever it is appropriate and safe to do so. If a matter is reported to us that we do not consider to be actionable ASB, we will endeavour to be honest about this, addressing this early so as not to raise expectations of action.

The Council may take the lead in investigating the reports of ASB in the following circumstances: -

- When the person experiencing and / or perpetrating ASB is a Council tenant, or if the ASB is perpetrated by another person when visiting a Council tenant
- When the ASB is taking place in any public place or place to which the public have access.
- When both the person experiencing and the person perpetrating ASB reside in private rented accommodation
- The Council may also offer support and advice to owner occupiers and other Registered Social Landlords

Anonymous Complaints

When we receive complaints, we will usually not disclose the identity of complainants unless this has been agreed with them in advance or we are required to do so for a lawful reason. This will allow complainants a degree of anonymity in most cases.

Wholly anonymous complaints (i.e. where the identity of the complainant is not known to investigators) are often particularly difficult to manage. The Council will record these but will only investigate, if there is corroborating evidence from other sources and where it is reasonable and proportionate to do so. The options available to us, may also be very limited as a result.

False, malicious or unreasonable complaints

The vast majority of reports about ASB are genuine or based on a genuinely held belief. However, a small number of people engage in false and malicious reporting or expect unreasonable standards of behaviour. This may involve either making reports about events that have not happened as described, or by reporting persons for activities that they either know, or have been advised, do not constitute ASB. Malicious, or false allegations harm individuals, neighbours and the wider community. Where we are satisfied that a report is false and/or malicious, we will not investigate further and may actively seek to take action against parties making such reports including reporting to the police where appropriate.

Protection of Staff

Sandwell MBC will not, under any circumstances, tolerate threatening or violent behaviour towards staff, agents or the wider workforce. The Council will take firm action if staff are threatened, abused or subjected to ASB. This includes legal action, where appropriate and referral to the police for investigation.

Where there is risk of harm or previous incidents of threatening or violent behaviour at an address, we will follow the appropriate health and safety procedures for the Council as well as taking any necessary ASB action. This may include placing appropriate warning markers onto the individual's case account on the Councils systems. This is to alert members of staff and the wider partnership network of any risks to their safety.

HOW WE TACKLE ASB

Sandwell Council's Approach

Our approach to tackling ASB focuses on prevention, early intervention, diversion, support and enforcement, however, the approach taken is determined by the individual facts of each case. Any action that the Council takes will be reasonable and proportionate to the type of ASB that has been reported. Depending upon the ASB, legal action may be commenced immediately.

How ASB is managed and by whom is dependent upon the type of ASB being reported. Incidents are triaged on receipt and allocated to the appropriate team. There are a variety of departments and agencies within the Council who may deal with an ASB complaint. In some cases, more than one agency or team may have designated powers and responsibilities. Where this is the case we will identify the most appropriate agency to lead on investigation of the issue.

Most ASB complaints involving Council tenants will be managed by the Local Housing Teams, or by the dedicated ASB Team for higher risk / persistent cases. The Council has internal arrangements, detailing which departments will deal with

specific types of issues. However, these arrangements will be for guidance purposes and will be flexible to the needs of an investigation.

APPENDIX A to this document, provides a copy of the latest guidance, however this may be subject to internal review and amendment, outside of this policy.

Policy Principles

Sandwell Council is committed to taking positive action and working in partnership with local organisations and residents to tackle ASB. We aspire for all neighbourhoods across the Borough to be places where people feel safe and enjoy living.

We have 5 key policy principles which are embedded throughout this policy and which set out our approach to tackling ASB, how cases are managed and how we work with residents.

- **No one should have to suffer from ASB**
- **Reports of ASB will be treated seriously and dealt with professionally**
- **ASB will be addressed firmly and fairly using an evidence based and proportionate approach.**
- **We will work with partners in order to deliver an effective ASB service for our communities.**
- **We will aim to deliver a high-quality service.**

No one should have to suffer from ASB

We will aim to:

- provide information about what ASB is
- publicise and promote our various services to tackle ASB.
- encourage residents to report ASB by ensuring the reporting process is clear and easy to access
- act to investigate matters promptly
- take an evidence-based approach and seek to obtain evidence to substantiate reports

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

We will aim to:

- assess the ASB reported to us and take action where appropriate to do so.
- register each report or case and give it a unique reference number
- refer cases between the different departments of the Council and to other agencies as necessary.
- safeguard the most vulnerable individuals across the borough, including those who are repeat victims of ASB
- ensure cases are not open longer than is deemed necessary and keep the complainant informed.
- respond to complaints about the service in line with our internal complaints procedures.

- explain our reasons should we choose to take no action and suggest self-help or other alternative courses of action, including private legal proceedings.

ASB will be addressed firmly and fairly using an evidence based and proportionate approach.

We will aim to:

- refer suitable cases to mediation (where available), with the consent of the people involved.
- use early intervention techniques to protect victims of ASB from harm and to reduce the risk of ASB occurring again
- to resolve cases at the appropriate 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.

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

We will aim to:

- play a full part as a lead member of the Safer Sandwell Partnership Police & Crime Board (SSPPCB)
- participate in relevant strategic or preventative initiatives.
- take a collaborative approach across the Council, with partner organisations and residents to develop successful approaches to tackle reports of ASB
- work with partners and other providers to provide professional advice and support so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

We will deliver a high-quality service.

We will aim to:

- ensure that staff dealing with ASB are trained in relevant legislation.
- ensure that staff dealing with ASB follow agreed policies and procedures.
- monitor reported incidences of ASB, which will help best shape the service we provide in tackling current and ongoing categories of ASB that are occurring across the Borough
- have a good understanding of ASB 'hotspots' in public areas and work closely with local organisations, particularly local neighbourhood police teams, to reduce incidences
- obtain service user feedback through means such as surveys to rate their satisfaction with the service.
- review any negative feedback to determine if any service improvements are required.

To support these principles we will demonstrate the following practices:

- take an early intervention approach, ensuring timely responses and updates for victims of ASB and enquirers

- work towards developing victim centred solutions.
- where appropriate, work with perpetrators of ASB and where possible seek to change their behaviour
- seek out good practice through attendance at regional and national seminars regarding ASB and invest in the professional development of staff
- identify and work with partners to deal with ASB, including encouraging other landlords to take appropriate action
- provide updates to communities about actions taken to tackle ASB. We will publicise enforcement actions such as ASB Injunctions and other legal actions to encourage victims to report ASB and as a deterrent to others
- regularly monitor reported incidents of ASB, customer satisfaction levels and the effectiveness of the Council's practices in dealing with ASB

Working with service users we have developed service standards to support our approach to ASB. These can be found at **APPENDIX B** and may be reviewed throughout the life of the policy.

Enquiry Handling

The complexities involved in investigating ASB cannot be readily mapped out as a “one size fits all” process and each case will require a tailored and proportionate response by the appropriate team. However, there are up to six strands of activity that may be considered to ensure investigations are thorough and effective:

- Victim contact, Risk & Vulnerability Assessments;
- Accused contact & Vulnerability Assessments;
- Evidence collation & statement taking;
- Prevention / Early intervention / Diversion
- Partnership Working
- Enforcement.

An evidence and proportionality-based approach

When a report is received, it will be subject to review and triage by an appropriate officer. If a report is suitable for further investigation or action, it will be allocated to the appropriate officer or team. If reports are not actionable or there are no realistic lines of enquiry to progress a report, these may be recorded and closed.

A Victim Vulnerability Risk Assessment and Investigation Plan may be completed at the initial interview. The risk assessment outcomes are categorised as: High; Medium or Low. These assessments help inform us about the potential impact of the report we have received and we may signpost or refer victims for additional support based on these.

It is important that all complainants and witnesses understand the importance of working collaboratively with us, this may include completing tasks such as (but not limited to):

- responding to calls/ letters
- providing information during the investigation stage
- providing written statements if required to support legal action
- attending court to give evidence
- participating in methods of resolution.

Evidence collation may include but is not restricted to:

- Statements taken during interviews with victims/witnesses/perpetrators;
- Personal observations during visits;
- Photographs;
- Professional witness evidence (Police, Out of Hours Response Officers, Housing Officers etc.);
- Documents / records;
- Visits to neighbours and the wider area;
- Shared intelligence;
- CCTV;
- Noise App / Diary Sheets
- Third party disclosures via Section 115 (Crime & Disorder Act 1998) or other information sharing arrangements.

Prevention

Sandwell MBC recognises that prevention is an important element in tackling ASB. Where appropriate we will work with internal and external partners to prevent or reduce occurrences of ASB.

With respect to Council tenants, tenancy conditions include ASB clauses and examples of the types of behaviour that will constitute a breach of these. New tenants are subject to introductory tenancies which last for twelve months but which can be extended up to eighteen months if there are concerns regarding conduct / behaviour.

As part of our prevention work the Council may also undertake/support school safeguarding talks, ward safety checks, diversionary activities and communication campaigns to prevent ASB from occurring.

Early Intervention

It is essential when dealing with complaints effectively to intervene at an early stage and tackle problems quickly to prevent them from escalating. Cases will be individually assessed and the intervention deemed most appropriate chosen to tackle the behaviour. Officers can identify and liaise with partner agencies to establish if any support mechanisms and/or interventions are already in place with an alleged perpetrator and consider whether those interventions could contribute to resolving identified ASB issues. Individuals can also be signposted to existing appropriate support agencies.

Early interventions include but are not limited to:

- Advisory Documents
- Verbal Warnings
- Written Warnings
- Acceptable Behaviour Contracts
- Parenting Contracts
- Good Neighbour Agreements

- Mediation (where available)
- Community Protection Notice Warnings
- Restorative Justice (where available)

Diversion

Sandwell MBC may also seek assistance from Youth Services and other agencies to deliver diversionary programmes to young people who are at risk of offending and social exclusion. Diversionary programmes can be considered on a case by case basis if deemed appropriate. We also work alongside schools to educate children and young people about the consequences of being involved in ASB and the impact this has on individuals and the wider community.

Case Officers will consider supportive and diversionary interventions and referrals that are appropriate to the alleged perpetrator's tenure, age, and support needs, balancing the support needs of the alleged perpetrator against the seriousness of the ASB and the need to protect victims and witnesses.

Where allegations are received pertaining to the behaviour of children under the age of 18, the alleged perpetrator will usually be interviewed with their parent(s) or appropriate adult present. Where children are known to attend full-time education interviews will, where practicable, be arranged to take place out of school hours.

Partnership Working

Sandwell Council is an active member of the Safer Sandwell Partnership. We believe partnership working is vital in taking positive actions to tackle, prevent and reduce occurrences of ASB across the Borough. We will attend relevant partnership meetings to take a multi-agency approach in creating solutions to tackle ASB.

The Council works closely with a variety of partners including:

- West Midlands Police
- West Midlands Fire Service
- Victim Support
- Registered Social Landlords
- National Probation Service
- Voluntary Sector
- Youth Justice Service

Town Tasking

Town Tasking meetings are held monthly in all 6 Sandwell towns. They provide a multi-agency single forum where partners come together and have an overview of what is happening locally. A focus of these groups is to reduce crime, ASB and protect vulnerable communities. Where necessary, Tasking provides an escalation process to deliver targeted support and interventions in relation to individual cases, where locality working has been unable to resolve the issues.

Enforcement & Legal Remedies

Most complaints of ASB will not require legal action and will be effectively resolved through early intervention. However legal action will be taken where required. The Council will utilise any legal remedy available which is deemed appropriate for a given situation.

Examples of the legal remedies available include, but are not limited to:-

- Civil Injunctions – to stop or prevent an individual (aged 10 years and over) from engaging in ASB and can assist with tackling underlying causes of ASB.
- Community Protection Notices (CPN) – to stop a person aged 16 years and over, a business or organisation from committing ASB, which spoils the community's quality of life.
- Fixed Penalty Notices - In some cases and with some offences, the Council can prosecute the offender or may choose to issue a Fixed Penalty Notice (FPN) of up to £100. The Council can also prosecute in the event of FPN's remaining unpaid.
- Criminal Behaviour Order which can be applied for when the Council prosecutes offences, or requested from the Crown Prosecution Service.
- Public Space Protection Orders (PSPO's) – these aim to restrict the actions of persons or groups committing ASB in a public space
- Closure Powers – allows a premise to be closed which is being used, or likely to be used, to commit serious nuisance or disorder

Specific enforcement powers in relation to Council tenants include:

- Demotion of a Council tenant's security of tenure, so they are effectively on probation for 12 months
- Possession - possession of a property let on a secure, introductory or non-secure tenancy, where there have been breaches of tenancy conditions
- Absolute Ground for Possession – possession of a property let on a secure tenancy, where ASB or criminality has already been proven by another court
- Removal/suspension from Sandwell Council's Housing Waiting List

Taking Action

Evidence is required to support any action that we take. Evidence can take many forms including (but not limited to) complaints from individuals, the perpetrator admitting the behaviour, corroborating independent evidence or video / electronic evidence.

These evidential tests may differ with the remedy being considered and are set out in the relevant legislation. In most cases the finder of fact would need to be satisfied on the balance of probabilities or beyond a reasonable doubt, that the ASB has occurred.

Closing Cases

Although we will seek to resolve cases to a complainants satisfaction, this will not be possible in all cases and the Council may choose to close the case when it is appropriate to do so. Whether a case is closed is decided on a case by case basis and after review.

The following circumstances are common reasons as to why an ASB case may be closed (this is not an exhaustive list):

- when we have reached an agreed upon solution and successfully resolved the incident
- when we have completed an investigation into the case and have exhausted all viable solutions
- where mediation is a reasonable solution and has been offered to both parties, but has been declined by the complainant
- when another agency is leading on the case and no longer requires our involvement
- Non-engagement and failure to respond to our requests by the complainant

Victims and those agencies involved in the initial referral of enquiries will usually be contacted and advised of the reasons for case closure prior to the case being closed. We can also provide complainants with further advice on next steps and on alternate options. The subject of a complaint will also usually be informed of the decision to close cases prior to case closure or at the point of closure.

If an individual is unhappy with the outcome or closure of a case, they have the right to request a review of their case via the Community Trigger. This process is outlined in the Community Trigger Policy and detailed below.

Community Trigger

The Anti-social Behaviour, Crime and Policing Act 2014 introduced the Anti-Social Behaviour Case Review, commonly referred to as the Community Trigger, a mechanism for victims of ASB to request a review of their case where they believe their complaint has not been properly addressed. A victim or someone acting on their behalf should use the Community Trigger if they have reported ASB to the Council, Police and / or a registered housing provider (social landlord). The Trigger cannot be used to report general ASB/crime and does not replace formal complaints procedures.

In Sandwell, The Anti-Social Behaviour Team manage the process on behalf of the responsible agencies. The Council maintains a separate Community Trigger Policy, which sets out the process. Further details regarding the Community Trigger can be accessed via this link:

www.sandwell.gov.uk/communitytrigger

SAFEGUARDING

Safeguarding children, young people and adults

Safeguarding is everyone's business and we all have a part to play in protecting the most vulnerable members of our community. The Council has representation at a strategic level across public protection forums such as Safeguarding Boards/Partnerships (adults and children), multi-agency risk assessment conferences (MARACs), multi-agency public protection arrangements (MAPPAs), health and wellbeing boards, and community safety partnerships.

We actively participate in multi-agency arrangements to safeguard children, young people and adults. When dealing with ASB, hate crime and incidents consideration will always be given to our safeguarding responsibilities.

It is not uncommon for safeguarding concerns to arise during an ASB investigation. If we have concerns about a child, young person or an adult's welfare and believe they are or are likely to suffer harm, information will be shared with our colleagues in Children's Services, Adult Social Care or wider partners and may be referred to Town Tasking where appropriate. If the decision is made to share the information without consent, the person should be informed, but any risk to the person in doing so will be considered.

More information about safeguarding children can be found via the following link:
https://www.sandwell.gov.uk/info/200219/children/2180/about_reporting_a_child_at_risk

More information about safeguarding vulnerable adults can be found via the following link:
https://www.sandwell.gov.uk/info/200216/adults_and_older_people/2213/safeguarding_adults

Hate Crime & Hate Related ASB

A hate incident is *any behaviour* that is reasonably perceived by the victim or any other person as being motivated by prejudice or hostility based upon the victim's real or perceived:-

- Race / Ethnicity – including ethnic origin, skin colour, nationality, culture, and/or language;
- Faith, religion or belief;
- Sexual orientation / Homophobia;
- Transgender / Gender identity Disability;

We take harassment/ hate crime in any form extremely seriously. Such conduct can have a very traumatic effect on the victim and a divisive effect on our communities. The Council is committed to eradicating hate crime and understanding tensions within our communities. Hate crime in Sandwell is monitored and addressed via our Town and Borough Tasking arrangements (Safer Sandwell Partnership Police and Crime Board).

The Council works alongside partners and agencies to deliver the multi-agency Sandwell Hate Crime Action Plan.

For more information on how to report, and how we tackle, hate crime please visit:

<https://www.sandwell.gov.uk/HATECRIME>

Domestic Abuse

The Domestic Abuse Strategic Partnership (DASP) has a pivotal role in bringing together partners and agencies to work in a co-ordinated and planned way to address domestic abuse. DASP uses the following cross-government definition to define domestic abuse:

“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 years or over who are, or have been, intimate partners or family members regardless of gender or sexuality.”

This definition includes ‘honour’ based abuse, female genital mutilation (FGM) and forced marriage.

Domestic abuse may fall within the definition of ASB and reports will be considered on a case by case basis. We will be mindful of the needs of the victim to ensure they are supported. The use of ASB enforcement tools to tackle Domestic Abuse may be appropriate in some circumstances to protect the victim and/or reduce the impact upon the wider community. Where required, a DASH Risk Assessment will be completed and cases may be heard at the Sandwell MARAC (Multi-agency Risk Assessment Conference).

When working on cases of domestic abuse that fall within the definition of ASB we will pay regard to Sandwell MBC’s Domestic Abuse Policy and procedures. Further information on domestic abuse is available via:

<https://www.sandwell.gov.uk/domesticabuse>

Vulnerable/Exploited People

The Council recognises that the process of reporting incidents of ASB can be worrying and stressful. Where legal action is required the Council will ensure that victims and witnesses are supported to give their evidence.

The Equalities Act (2010) sets out some responsibilities for Local Authorities and more information about this can be found in the section below titled ‘Legislative Framework’.

In most cases a victim risk assessment is carried out and where required, we will refer or signpost people to appropriate support services and will make efforts to identify ongoing support needs.

Support offered may include support from wider SMBC services (such as Adults, or Children’s Services) or from other agencies and the voluntary sector. Cases may be referred into Sandwell’s Town Tasking process to support a multi-agency response.

If support needs are identified for perpetrators, where appropriate, the Council may also offer support to assist with behaviour change. Further information in relation to vulnerability and exploitation can be found below:

https://www.sandwell.gov.uk/news/article/6211/safer_6_tackling_exploitation_%E2%80%93_including_county_lines_modern_slavery_and_radicalisation

CONFIDENTIALITY AND CONTACT

Confidentiality and Data Protection

The Council respects the rights of individuals to confidentiality and will seek their permission before sharing any information they provide, except in circumstances where there is a legal requirement or obligation to do so.

There are reciprocal responsibilities to share information between partner agencies as set out in the Crime and Disorder Act 1998 and also in accordance with data sharing protocols. The various agencies that make up the Safer Sandwell Partnership have all signed an Information Sharing Protocol which enables the sharing of relevant and appropriate information when dealing with cases of ASB. The Council will comply fully with the requirements of any new or existing relevant legislation such as the Data Protection Act and the Freedom of Information Act (2002).

To avoid conflicts of interest, where a member of staff has a known personal connection with any reported complainant, witness, or perpetrator, their involvement in the case will be closely monitored by the appropriate manager, and wherever possible avoided.

Surveillance

The Council may carry out CCTV surveillance to aid us in tackling incidents of ASB. This includes (but is not limited to) the monitoring of CCTV via the Council's CCTV control room. Any surveillance will be proportionate and justified and is carried out in line with the CCTV Code of Practice and relevant legislation. For more information on how Sandwell Council use CCTV please visit:

www.sandwell.gov.uk/cctv

Publicity

The Council will consider the use of publicity to pursue legitimate aims including, but not limited to, supporting and reassuring communities, informing communities of methods of reporting ASB, informing communities of positive case outcomes and to provide reassurance to residents in its ability to tackle and prevent ASB.

Publicity may take many forms including media coverage, targeted leafleting or use of the internet, the Council website and/or social media. When considering whether to publicise by what means and over what time period. The Council will take account of the particular circumstances of each case and whether the proposed publicity is necessary and proportionate.

MONITORING

Cases will be subject to regular review by the team managing the ASB to assess progress.

The success of our approach will be measured through a combination of:

- Expedient resolution of cases, we will aim to deal with 70% of cases within 3 months but will not seek to close cases based on this criterion
- Case studies of positive outcomes from partnership working
- Increase in the percentage of residents who feedback they are satisfied with the service provided
- Reduced number of repeat complaints of ASB
- A reduction in recurring incidents across 'hot spot' areas of the Borough

Performance is monitored in a variety of ways. Customer satisfaction is currently monitored by the measures listed below but may be subject to change throughout the life of this policy:

- Number / percentage of cases or incidents where action was taken to reduce/manage ASB
- Customer Satisfaction Surveys
- Number of open cases at the close of the quarter
- Average length of time cases are open
- Reports to our Tenant and Leaseholder Scrutiny Panel
- Peer Review

Comments, Compliments and Complaints

Sandwell Council is committed to providing the best possible service at all times but sometimes mistakes are made. If this happens, we want service users to contact us and let us know. Where complaints cannot be resolved by local managers through the Council's complaints procedure, complainants may be referred to either the Local Government or Housing Ombudsman, depending on the case issues and the complainant's tenure.

If you have a comment, compliment or complaint, you can talk to the member of staff concerned or their manager or you can:

- Contact us on: 0121 368 1166
- Use the online form at www.sandwell.gov.uk/contacthousing
- Email us at: customerfeedback@sandwell.gov.uk

Legislative Framework

This Anti-Social Behaviour policy is aligned with Sandwell Council's corporate vision and objectives. This policy also takes relevant legislation into consideration such as the:

- Environmental Protection Act 1990
- Crime and Disorder Act 1998
- Housing Acts 1985 & 1996
- The Human Rights Act 1998

- Equality Act 2010
- Data Protection Act 2018
- Clean Neighbourhoods and Environment Act 2005
- ASB, Crime and Policing Act 2014
- Relevant Statutory Guidance

The Council is committed to promoting equality within the delivery of its services to ensure all residents are treated with respect, dignity, fairness and above all not discriminated against. The Equality Act 2010 provides a framework to ensure Council services are provided with equality in mind.

While recognising an individual may have a potential disability or vulnerabilities the council will not ignore instances of ASB as it has a responsibility to the wider community and will balance these competing factors. Legal action will be pursued if it is considered necessary and proportionate.

The council will strive to meet its obligations under the Equality Act 2010 and comply with the Public Sector Equality Duty through the :

- a) Elimination of discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) Advancement of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

Policy Review

The Council will undertake periodic reviews of this Anti-Social Behaviour Policy and update or amend as appropriate. This will include taking account of feedback, working with service users and any legislative changes. We aim to undertake a full review of this policy every 5 years.

APPENDIX A – GENERAL RESPONSIBILITIES FOR ASB MANAGEMENT

1. Housing Related ASB

Sandwell MBCs Housing Teams and dedicated ASB Team deal with a range of housing / tenancy related ASB as outlined below:

Sandwell Local Housing Teams
Drug (use/taking) / Smells in property
Alcohol/Street Drinking
Tenant related Noise/Loud Music/Loud Vehicles – initial reports
Misuse of Communal Areas
Untidy property/Neglect/Hoarding
Garden Neglect
Litter/Rubbish/Fly Tipping
Animal Nuisance/Dog Barking/Fouling
Vehicle Nuisance (except Car Cruising)
Vehicle Parking
Vandalism/Damage to Property
Minor Verbal Altercations / Disputes
Violence & Aggression Incidents

(please note this is indicative and not exhaustive)

Reporting Routes
ASB Portal
MySandwell
The Housing Hub – 1166
Email
Home visits
Local councillors

Sandwell's dedicated ASB Team deal with higher risk / persistent tenancy related ASB and support wider public place ASB responses. The types of ASB that the ASB team deal with include:

Anti-Social Behaviour Team
Drugs (Dealing/Cultivation/Crack House)
Physical Violence
Tenant related Noise/Loud Music/Loud Vehicles – ongoing issues
Other Criminal Activity
Verbal Abuse
Prostitution/Sex Work
Domestic Abuse
Car Cruising
Hate related incidents
Racist or Hate Related Graffiti
Verbal Abuse / Harassment/Intimidation
Violence & Aggression Incidents

(Please note that these are indicative and not exhaustive)

Reporting Routes
ASB Portal
MySandwell
Email address
Home visits
Local councillors

More information is available at:

www.sandwell.gov.uk/asb

Advice and support can also be offered to the private rental sector and other registered social landlords on a case by case basis.

2. Abandoned Vehicles / Domestic Noise (Statutory Nuisance) / Unauthorised Encampments / Public Space Protection Order Enforcement / Fly Tipping on Private Land

These types of anti-social behaviour are largely dealt with the SMBC Environmental Protection Team.

Reporting Routes
ASB Portal
MySandwell
Email
Home visits
Local councillors

Further details are available via the link below:

https://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/956/abandoned_vehicles

https://www.sandwell.gov.uk/info/200317/planning_policy/3887/unauthorised_encampments_-_travellers

https://www.sandwell.gov.uk/info/200274/pollution/2129/noise_nuisance

3. Commercial Noise (Statutory Nuisance) / Household Alarms (Statutory Nuisance)

These types of anti-social behaviour are largely dealt with by Sandwell's Environmental Health Team, using Statutory Nuisance and other powers.

Reporting Routes
ASB Portal
MySandwell
Email
Home visits
Local councillors

Further details available via the links below:

https://www.sandwell.gov.uk/info/200274/pollution/2129/noise_nuisance
https://www.sandwell.gov.uk/info/200284/roads_travel_and_parking/3634/report_dumped_rubbish_fly-tipping
<https://www.sandwell.gov.uk/info/200274/pollution>

4. Air Quality / Bonfires

These types of anti-social behaviour are dealt with by Sandwell's Public Health Team.

Reporting Routes
ASB Portal
MySandwell
Email address
Home visits
Local councillors

Further information can be found via the links below:

https://www.sandwell.gov.uk/info/200274/pollution/3188/report_a_bonfire_problem
https://www.sandwell.gov.uk/info/200274/pollution/485/air_quality

5. Underage Sales – Tobacco / Alcohol / Fireworks

These types of anti-social behaviour are dealt with by Sandwell's Trading Standards Team.

Reporting Routes
ASB Portal
Email : Trading_standards@sandwell.gov.uk
Sandwell Council main number 0121 368 1177
Councillors
Police
Other teams

Further details available via the trading standards Webpage:

<https://www.sandwell.gov.uk/tradingstandards>

6. Graffiti / Fly Tipping on Council Land

Graffiti removal and fly tipping on Council owned sites is managed by Waste Services through a contract with SERCO.

Reporting Routes
ASB Portal
Email:
Sandwell Council main number 0121 368 1177

Councillors
Police
Other teams

Further information can be found below:

https://www.sandwell.gov.uk/info/200195/contact_the_council/2723/report_graffiti

7. ASB Related to Planning Issues

Issues such as untidy land/ building that may have an adverse impact on the amenity of the area and specific uses and/ or development that has commenced without consent are looked into by SMBCs Planning Enforcement Team.

Reporting Routes
Planning reception – 0121 569 4054(5)
Email : Planning_enforcement@sandwell.gov.uk
Planning enforcement enquiry form available via Council website https://www.sandwell.gov.uk/info/200275/planning_and_buildings/2297/planning_enforcement
Councillors

Further details available via the Planning Webpage www.sandwell.gov.uk/planning

APPENDIX B - SERVICE STANDARDS

Responses to ASB straddle a number of Sandwell MBC service areas and departments all of whom deal with concerns in line with relevant legislation and requirements. This makes it difficult to have a generic set of service standards. However, following consultation with service users from the housing / ASB services the following standards will be adopted where possible:

- Our service will be easily accessible with clear pathways outlined to report incidents of ASB
- We will respond to enquiries and reports of ASB in a timely manner, we will seek to complete initial Housing and ASB Team enquiries within 20 working days where possible
- We will take a victim centred approach and aim to undertake victim vulnerability assessments where it is appropriate to do so
- We will work to resolve ASB cases efficiently and without unnecessary delays and will provide case updates as regularly as agreed with the complainant
- We will take a multi-agency approach where required; working collaboratively with relevant teams and partner agencies to achieve the best solutions
- We will seek positive case outcomes and utilise legal tools where possible and appropriate
- An evidence-based approach will be relied upon when making decisions
- Delivery of our services are monitored through conducting regular reviews, service user feedback and analysis of our performance monitoring metrics.

Sandwell MBC's Anti-Social Behaviour service is aligned to the following mission statement:

'Enabling residents in our communities to enjoy their homes and live in an environment free from anti-social behaviour through setting clear expectations, undertaking early intervention and prevention, providing education and support and taking enforcement action where necessary.'

All work undertaken by the team will reflect this. The ASB Town Leads, Chair Town Taskings across Sandwell and can bring partners together to collectively address issues of public nuisance and ASB in local neighbourhoods using a number of the options outlined within this policy as proportionate and necessary

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