



# TACKLING ANTI-SOCIAL BEHAVIOUR IN LINCOLNSHIRE

## PROCEDURES FOR USE OF ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

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# 1 INTRODUCTION

1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 streamlines the existing tools and powers used to tackle a wide range of anti-social behaviour. Nineteen existing tools and powers are streamlined into seven new tools.

1.2 The table below shows the changes that the Act will bring:

Existing Tools	New Tools
<b>PEOPLE</b> Anti-Social Behaviour Order (ASBO) ASBO on conviction Drink Banning Order Drink Banning Order on conviction Anti-Social Behaviour Injunction (ASBI) Individual Support Order Intervention Order	Injunction Criminal Behaviour Order (CBO)
<b>PLACES</b> Litter Clearing Notice Street Litter Clearing Notice Graffiti Defacement/Removal Notice Designated Public Place Order (DPPO) Gating Order Dog Control Order Premises Closure Order Noisy Premises Closure Order Crack House Closure Order S161 Closure Order	Community Protection Notice Public Space Protection Order Closure Powers
<b>POLICE POWERS</b> S30 Dispersal Powers S27 Direction to leave	Dispersal Power
	Community Trigger Community Remedy

1.3 It is important to remember that, whilst this document deals with the new tools and powers. We still have a range of interventions available to us that are

unaffected by the new Act. Before using the new tools and powers (and, in fact, any tools and powers available) practitioners are advised to consider the outcome they are seeking to achieve as this will help to determine which is the most appropriate tool to be used.

- 1.4 This guide seeks to provide a partnership approach across Lincolnshire with a view to delivering a level of consistency across the county. However, it is recognised that individual agencies and geographic areas will vary in their implementation. This guide should be used alongside your own policies and procedures.
- 1.5 Reference is made throughout the guide to an ASB case management system. This is a multi-agency system purchased by the police and local authorities to aid information sharing. It is best practice to record information on the ASB case management system so it is available to partners. It is recognised that not all agencies use this system in the same way but it is expected that all high risk cases will be recorded. If a record is not made on the ASB case management system, the agency takes responsibility for sharing the information with partners as necessary.

## 2 CIVIL INJUNCTION

- Early intervention to prevent individuals from engaging in anti-social behaviour quickly
- Civil order for anyone over 10 years of age
- Civil burden of proof – on the balance of probabilities

A civil injunction will be granted if the following tests have been met:

- The person has 'caused, or was likely to cause, harassment, alarm or distress to any person'
- The court considers it is just and convenient to grant the injunction to prevent the person engaging in ASB

However, a civil injunction will also be granted if:

### **The Nuisance test**

- The person 'engaged in or threatened to engage in' 'conduct capable of causing nuisance and annoyance to any person' and
- The applicant is the local authority, housing provider or police and the ASB relates to the victim's occupation of residential premises

The injunction can:

- Prohibit the respondent from doing anything prescribed in the order
- Require the respondent to engage in positive activities

### **Incremental approach**

Lincolnshire adopts an incremental approach to tackling Anti-Social Behaviour (ASB). Whilst this will vary from case to case, in principle the Injunction will sit at Stage 5. It will particularly enhance this approach as it will provide a sanction if an Acceptable Behaviour Contract is breached. It is recognised that the incremental approach is used flexibly and that stages of the process can be bypassed if, in a particular case, it is felt appropriate or necessary.

### **Applying for an Injunction**

The following organisations/officers will apply for injunctions:

- Local Authorities

- Registered Providers
- Police (led by the ASB Co-ordinators)
- British Transport Police
- NHS Protect
- Transport for London

In cases where more than one organisation has an interest in a case, a decision will be made at the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) as to which agency will take the lead in the application. This is a decision that is taken democratically by all ASBRAC members.

### **Consultation**

Unlike with the Anti-Social Behaviour Order (ASBO), the injunction does not require a formal certificate of consultation. The only statutory consultation requirement relates to applications that involve young people under the age of 18 (further details below).

Despite this, most cases are likely to involve information sharing with other agencies e.g. housing provider, local authority and police and applicants should consider informing these bodies of the proposed application for the injunction. This will also avoid any unnecessary duplication.

It will be facilitated through:

- the ASBRAC; and
- recording any planned action on the ASB case management system.

It is important to remember that the individual may also be subject of other multi-agency meetings such as Child Protection/Child in Need/Domestic Abuse Multi Agency Risk Assessment Conference (MARAC) and that the injunction may impact upon work that is being undertaken by other agencies.

### **Consulting with Youth Offending Service (YOS)**

There is a requirement to consult with the YOS when an application is being made on a person under the age of 18 years.

The ASBRAC will be the vehicle for undertaking consultation with YOS. Dependent upon whether the young person is already known to the YOS, a decision will be taken about

whether or not the young person needs to be seen before the formal response is provided. Where a without notice application is being made, this consultation will be undertaken, in line with the legislation, before the full hearing.

It is important to be aware that the Defence Solicitor could decide to call the YOS to give evidence on behalf of the defendant.

### **Concern about mental health**

Each ASBRAC has a professional from mental health services at the meetings. This person will be able to advise the group on concerns around the mental health of a victim or perpetrator and advise if the ASB may be rooted in a health problem e.g. confusion caused by poorly maintained diabetes.

### **Positive requirements**

The order allows applicants to require the person to engage in positive activities as a means to address the underlying causes of their behaviour. This is not straight forward and should be considered carefully when taking a case to court.

The applicant will need to ensure that:

- the positive requirement is available in the area where the person lives;
- funding is available to cover any additional costs involved in accessing the positive requirement; and
- someone is in place to supervise compliance with the positive requirement (including clear guidance on what will constitute as a breach).

Applicants will also need to consider any current interventions or conditions imposed by other agencies to avoid duplication and ensure they do not conflict with the positive requirements. For example police/court bail conditions or support mechanisms introduced by Families Working Together/Targeted Support Services.

It is important, when applying for a positive requirement, that you are able to demonstrate how this will assist in addressing the anti-social behaviour that is being evidenced in the application. Whilst there is no necessity to include positive requirements in the application, it is important that you are able to demonstrate why you have not asked for a positive requirement that might be obvious.

Remember, too, that the magistrates and district judges will be able to impose positive requirements which will then be the responsibility of the applicant to arrange and fund.

A directory of positive requirements in Lincolnshire is available to assist partners when making these decisions (see Appendix 2). This document will be reviewed regularly by the County ASB Co-ordinator and any updated versions can be accessed on the Lincolnshire Police website at [www.lincs.police.uk](http://www.lincs.police.uk) or the following link <http://lincs.police.uk/Library/Publications/Directory-of-Positive-Requirements.docx>

### **Drug Testing**

Careful thought must be given before asking the court to order that a person must have regular drug tests. This is because providers will normally only drug test on a clinical needs basis. The value of this measure is not proven.

### **Exclusion from home**

An application to exclude an individual from their home can only be made for those aged 18 years and over. When applying to the court to have an individual excluded from their home, it is also important to check out:

- that they are not subject to bail conditions that require them to live at this address;
- where they might move to – if they move, for example, to live with an elderly parent we might be placing them at risk of harm; and
- the implications for others in the household left behind – for example, the person might be the carer for another member of the family.

### **Enforcement of the Injunction**

The use of these powers will only be effective if breaches are dealt with robustly.

To ensure that all agencies, particularly the police, are aware of the injunctions in place the following will take place:

- If there is a power of arrest to any part of the injunction this will be recorded by the police on the Police National Computer (PNC).
- Consideration should be given to recording injunctions on the ASB case management system by creating a record for a perpetrator.
- The Police ASB Co-ordinators will be responsible for ensuring that their colleagues are aware of any injunctions in their area who will also submit an intelligence report, creating a link to Niche (Lincolnshire Police 'Local' System),



detailing information on the perpetrator, their conditions and contact details for the lead officer.

### **Breach of Injunction**

#### **1 Without power of arrest**

Where there is no power of arrest the applicant authority will need to either:

- apply to the court for a summons for the person to attend court to answer the breach (which will be tried as contempt of court); or
- seek a power of arrest to have them brought to court to answer the breach.

#### **2 With power of arrest**

Where there is a power of arrest the police, having arrested the person, will:

- take the person to the next available sitting of the appropriate court; and
- contact the applicant authority to advise them that the person is to be presented in court.

The applicant authority will be responsible for presenting the case in court

Each local authority/registered provider will have its own on-call process for officers to attend court on behalf of the applicant authority

### 3 CRIMINAL BEHAVIOUR ORDER (CBO)

- Applies where a person (the offender) has been convicted of a criminal offence
- Only the prosecution can apply for the order

There are two tests:

- The person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household
- The court considers that making the order will help in preventing the offender in engaging in such behaviour

The order can:

- Prohibit the respondent from doing anything prescribed in the order
- Require the respondent to engage in positive activities

#### **Incremental approach**

Lincolnshire adopts an incremental approach to tackling ASB. Whilst this will vary from case to case, in principle the Criminal Behaviour Order (CBO) will sit at Stage 5.

#### **Applying for a CBO**

The CBO will be applied for by the prosecution:

- Crown Prosecution Service (Police)
- Local Authority

The local authority may apply for a CBO when they are prosecuting an offence that comes under their jurisdiction e.g.

- Flytipping
- Noise Abatement Notice
- Public Space Protection Order (PSPO)
- Community Protection Notice (CPN)
- Non-payment of Council tax
- Non-attendance of children in school

The Crown Prosecution Service have developed national guidance for local authorities and the police on how to prepare CBO applications.

Local authority guidance document can be found on the Crown Prosecution Service website at [http://www.cps.gov.uk/legal/assets/uploads/files/cbo\\_annex\\_d\\_english.doc](http://www.cps.gov.uk/legal/assets/uploads/files/cbo_annex_d_english.doc)

Police guidance can be found at on the Force Intranet.

### **Recording CBO's**

CBO's will be recorded on:

- Police National Computer (PNC)
- Niche (police only)
- ASB Case Management System

### **Consultation**

There is no requirement for a formal certificate of consultation, unless the application is being made on a person under the age of 18 years (further details below). Despite this, most cases are likely to involve information sharing with other agencies e.g. housing provider, local authority and police and applicants should consider informing these bodies of the proposed application for the CBO. This will also avoid any unnecessary duplication.

It will be facilitated through:

- the ASBRAC; and
- recording any planned action on the ASB case management system.

The ASBRAC will be the vehicle for undertaking consultation with YOS. Dependent upon whether the young person is already known to the YOS, a decision will be taken about whether or not the young person needs to be seen before the formal response is provided.

It is important to be aware that the Defence Solicitor could decide to call the YOS to give evidence on behalf of the defendant.

## **Positive requirements**

The order allows applicants to require the person to engage in positive activities as a means to address the underlying causes of their behaviour. This is not straight forward and should be considered carefully when taking a case to court.

The applicant will need to ensure that:

- the positive requirement is available in the area where the person lives;
- funding is available to cover any additional costs involved in accessing the positive requirement; and
- someone is in place to supervise compliance with the positive requirement (including clear guidance on what will constitute as a breach).

Applicants will also need to consider any current interventions or conditions imposed by other agencies to avoid duplication and ensure they do not conflict with the positive requirements. For example police/court bail conditions or support mechanisms introduced by Families Working Together/Targeted Support Services.

It is important, when applying for a positive requirement, that you are able to demonstrate how this will assist in addressing the anti-social behaviour that is being evidenced in the application. Whilst there is no necessity to include positive requirements in the application, it is important that you are able to demonstrate why you have not asked for a positive requirement that might be obvious.

Remember, too, that the magistrates and district judges will be able to impose positive requirements which will then be the responsibility of the applicant to arrange and fund.

A directory of positive requirements in Lincolnshire is available to assist partners when making these decisions (see Appendix 2). This document will be reviewed regularly by the County ASB Co-ordinator and any updated versions can be accessed on the Lincolnshire Police website at [www.lincs.police.uk](http://www.lincs.police.uk) or follow the following the link <http://lincs.police.uk/Library/Publications/Directory-of-Positive-Requirements.docx>

## **Breach**

Breach of either a prohibition or positive requirement is a criminal offence and would need to be proved to the criminal standard of proof, beyond reasonable doubt.

## 4 COMMUNITY PROTECTION NOTICE (CPN)

<p>An authorised person can issue a CPN to an individual aged over 16 if they are satisfied that:</p> <ul style="list-style-type: none"> <li>• The conduct of the individual or body is having a detrimental effect on the quality of life of those in the locality</li> <li>• The conduct is of a persistent nature <i>and</i></li> <li>• The conduct is unreasonable</li> </ul> <p>The notice imposes the requirement to:</p> <ul style="list-style-type: none"> <li>• Stop doing specified things</li> <li>• Do specified things</li> <li>• Take reasonable steps to achieve specified results</li> </ul> <p>The only requirements that can be imposed are those that are reasonable to:</p> <ul style="list-style-type: none"> <li>• Prevent the detrimental effect from continuing or recurring</li> <li>• Reduce the detrimental effect or reduce the risk of its continuance or recurrence</li> </ul> <p>The notice can only be issued when:</p> <ul style="list-style-type: none"> <li>• A written warning has been given that the notice will be issued unless the conduct ceases to be detrimental</li> <li>• The officer is satisfied that despite having had enough time to deal with the matter the conduct is still having an effect</li> </ul>
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### TYPES OF BEHAVIOUR THAT A CPN MIGHT BE USED TO TACKLE

The following list is intended to be indicative and not exhaustive:

Feeding birds in town centre	Smokers' litter not being cleared	Running a business from home
Escaping dogs	Pubs not clearing bottles from street when they have closed	Car repairs
Unruly gardens	Unlicensed scrapyards	Taxi firms washing numbers of cars in residential areas
Rave organisers		
Boy racer organisers		

### Issuing a CPN

CPN's can only be issued by:

- the relevant local authority;
- the police; and
- registered providers (if designated by the relevant local authority).

### **Local Authority**

Each local authority will choose which officers to delegate these powers to in line with their operational structures for tackling ASB and Environmental Protection matters. This may include:

- Community Safety/ASB Officers
- Housing Officers
- Environmental Protection Officers
- Planning Enforcement Officers
- Licensing Officers

### **Police**

Lincolnshire Police have delegated power to Neighbourhood Policing Sergeants and ASB Co-ordinators.

### **Registered Providers**

Registered providers can be delegated by the relevant local authority the power to issue CPN's for estates that are their responsibility – for both their tenants and those who are not their tenants. Delegation will be agreed locally between individual local authorities and registered providers.

### **Warning Letter**

A CPN can only be issued where a written warning has been given to the perpetrator (whether individual or body) stating that a CPN will be issued unless the conduct ceases to have a detrimental effect on the life of those in the locality. The issuing agency must also be satisfied that the perpetrator has had sufficient time to deal with the problem.

There is also a requirement for the issuing agency to inform any appropriate individuals or bodies about the intention to issue a CPN. The individuals or bodies to be informed will need to be considered on a case by case basis but could include:

- the person's landlord;
- the local authority;
- police;
- the person's parents (in the case of young person still living with their parents);
- social worker; or
- the YOS.

## **Enforcement**

The agency issuing the CPN is responsible for enforcing a breach either by way of a Fixed Penalty Notice or, if necessary prosecution at a magistrates court or youth court, unless otherwise agreed locally.

## **Fixed Penalty Notices**

The Act allows the offence of breaching the CPN to be discharged with a Fixed Penalty Notice. This will be the case for a minor infringement of a CPN.

Section 52 (2) of the Act makes it clear that in every case, the Fixed Penalty Notice for a Breach will be payable to the local authority, irrespective of which agency issued the CPN or which agency issued the Fixed Penalty Notice. At present, Lincolnshire Police do not have a Fixed Penalty Notice for CPN's, therefore if the Police are the issuing agency and they believe it is suitable to discharge the offence with a Fixed Penalty Notice they will need to liaise with their local authority.

It is for each local authority to decide the Fixed Penalty charge.

## **Appeal**

The Act makes provision for a CPN to be appealed to the magistrate's court. An appeal must be made within 21 days beginning on the day on which a person is issued with a CPN. While an appeal is in progress, any requirement imposed in a CPN to stop doing specified things remains in effect unless the court states otherwise. Any other requirements imposed by the CPN is of no effect. On appeal the magistrates' court has the power to quash the notice, modify the notice or dismiss the appeal.

## **Recording CPN's**

Warning Letters and CPN's will be recorded on the:

- ASB Case Management System
- Niche (police only)

## 5 PUBLIC SPACE PROTECTION ORDER (PSPO)

This allows the local authority to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority’s area have a detrimental effect on the quality of life of those living in the locality *or*
- It is likely that activities will be carried out in a public place within the area that will have such an effect

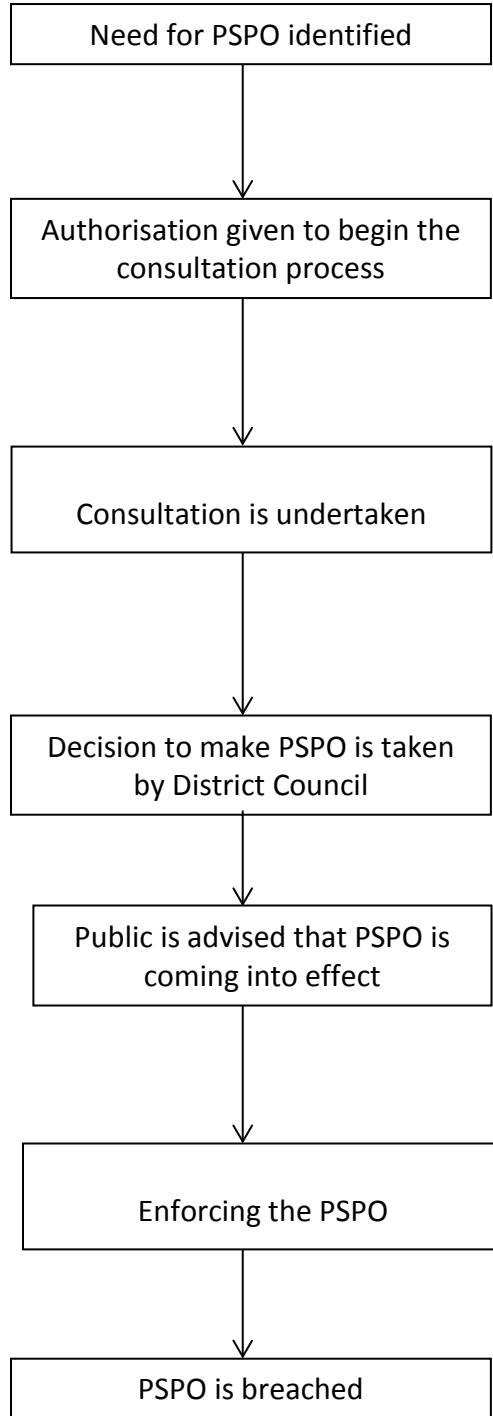
The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable *and*
- Justifies the restrictions imposed by the order



**PUBLIC SPACE PROTECTION ORDER**  
**PROCESS MAP**

*This should be used with the accompanying notes*



### **The need for a PSPO to be identified**

This will come from a variety of routes – including, but not exclusively:

- partnership problem solving;
- complaints from the public;
- public consultation;
- parish councils;
- residents groups; and
- neighbourhood meetings.

The process to be followed is below. Responsibility for overseeing this process will vary depending upon the focus of the PSPO. It may be ASB departments, Environmental Protection or Housing.

### **TYPES OF BEHAVIOUR THAT A PSPO MIGHT BE USED TO TACKLE**

The following list is intended to be indicative and not exhaustive:

Vagrancy Rough sleeping Street drinking Urinating and defecating Prostitution Kerb crawling Cottaging Dogging Begging Placing yourself to beg	Legal highs – sale of/taking of Boy racers Skateboards Mini motos Congregating in car parks Cars for sale Vehicle nuisance Buskers Dog fouling Unruly dogs	Verge parking Parking outside schools Swimming in dangerous areas Ball games Grazing of horses Litter Disposable BBQs Flytipping Cycling in pedestrian areas Illegal encampments Aggressive Charity Collectors (Chuggers )
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It is important that the PSPO is used proportionately and that it is not seen to be targeting behaviour of certain members of the community where there is a lack of tolerance and understanding by local people. Consideration must also be given to the Equality Act when setting out restrictions or requirements.

When making a PSPO, councils should bear in mind the impact on other areas and the level to which displacement is likely to occur.

### **Overseeing the process**

The officers who will oversee the process will vary depending upon the type of behaviour to be addressed but would include:

- Community Safety Officers
- ASB Officers
- Environmental Health Officers
- Licensing Officers
- Housing Officers

### **Authorisation is given to begin the consultation**

A summary of the problems and proposed PSPO will be presented to the nominated Portfolio Holder or elected member who will agree to the consultation process being undertaken.

### **Consultation**

The consultation that is undertaken will depend on the location and the particular issues to be addressed. The consultation will be proportionate but not excessive. At least one month will be allowed for the consultation process.

Groups to be consulted may include:

Elected members Community Groups	Parish Councils Town Councils	Shopwatch Pubwatch Chamber of Commerce
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The general public will be made aware of the plans through:

- the local authority website;
- a press release;
- a notice in the affected area;
- article in residents' newsletters;
- distributing leaflets; and
- social media.

*Each local authority will ensure that the consultation is in line with their own consultation policy*

Additionally:

- the owner of the land (if it doesn't not belong to the local authority) will be contacted; and
- the county council will be informed

### **Decision is taken to make a PSPO**

The decision will be taken by elected members in the most expedient manner depending upon the democratic structure of each local authority. For example:

- The Executive (Cabinet Members)
- Committee
- Cabinet Member Decision Notice

Whichever route is selected by a local authority, the process will allow the opportunity for elected members outside of the majority group the opportunity to scrutinise the decision.

### **Public are advised that the PSPO is coming into effect**

The processes used will vary from case to case but will ensure the following principles are followed:

- the publicity is proportionate and cost effective; and
- it takes account of the different languages spoken in the area

General publicity may include:

- a press release;
- updating the local authority website;
- article in residents' newsletters;
- distribution of leaflets;
- use of social media;
- informing parish councils and community groups; and
- signage in the area affected (using images when necessary).

## **Enforcing the PSPO**

The power to enforce the PSPO will be given to:

- police officers;
- police community support officers (for PSPO to prevent drinking of alcohol in public); and
- council officers.

Those Council officers to be delegated the power will be decided by each local authority

## **Breach the PSPO**

Those who are found to be breaching the PSPO will be given the opportunity to discharge the offence by way of a Fixed Penalty Notice. The arrangements for doing this will be agreed locally e.g.

- The Fixed Penalty Notice fee.
- How police will go about issuing FPN on behalf of the local authority.

Authorities will need to bear in mind that if someone is taken to court and they are on benefits they can agree with the court to pay a weekly sum to clear a fine. This option is not available with a Fixed Penalty Notice – unless they are taken to court for non-payment.

## **Transition**

There are a number of current orders which will be replaced by the PSPO:

- Designated Public Place Order
- Dog Control Order
- Gating Order

There is the ability to replace existing orders with a PSPO at commencement. Alternatively they can continue for a further 3 years, at which point they will transfer over to a PSPO.

Each local authority will decide whether:

- to leave as the current order and allow to move over in 3 years;

- to replace immediately with PSPO; or
- To discharge the existing order as it's no longer needed.

## 6 CLOSURE POWERS

This power allows the police or council to act quickly to close premises (prohibit access) that are being used, or are likely to be used to commit nuisance and disorder. There are two stages to this process:

- Closure notice – closes the premises for 24/48 hours
- Closure order – this is used if you wish to close the premises for longer

### **Closure Notice**

The premises can be closed if the police or council are satisfied on reasonable grounds that the following has occurred, or will occur if the premises are not closed:

- Nuisance to the public *or*
- Disorder near the premises

The closure can prohibit access:

- By all persons, or by all persons except those specified or of a specified description
- At all times, or at all times except those specified
- In all circumstances, or in all circumstances except those specified

*It cannot prevent access to those who own or live in the premises*

### **Closure Order**

This is made, on application, to the Magistrates Court. The application for an order must be made within 48 hours of the Closure Notice being issued. The court will make the order if it is satisfied that:

- A person has engaged, or if the order is not made, is likely to engage in disorderly, offensive or criminal behaviour in the premises *or*
- The use of the premises has resulted in, or if the order is not made, is likely to result in serious nuisance to members of the public *or*
- There has been, or if the order is not made, there is likely to be disorder near the premises associated with the use of the premises

The closure can prohibit access:

- By all persons, or by all persons except those specified or of a specified description
- At all times, or at all times except those specified
- In all circumstances, or in all circumstances except those specified

*It can prevent access to those who own or live in the premises*

The order will last for 3 months and can be extended by the court if there is a need to prevent recurrence, occurrence or continuance of the behaviour. The order may not last longer than 6 months in total

The closure may:

- Be made in respect of the whole or part of the building
- May include provision about access to a part of the building or structure of which the premises form part

### **Lead Organisation**

It will be decided on a case by case basis which organisation (local authority or police) should take the lead on a closure. As part of the decision making process consideration will be given to the type of ASB being caused e.g. environmental, criminal etc. to ensure the most appropriate agency is sought.

As only the police and local authority can use the closure power it is important that both agencies support registered providers in using this power; where identified by them as an effective solution to a problem they are experiencing. It is acknowledged that there may be times when this power is useful in cases that the police/local authority have not been previously involved with.

Whilst one organisation will take the lead, it is very likely that the actual serving of the notice/order and sealing of premises will be undertaken by the police and local authority working together.

When a closure notice is issued, the court must be advised so that a date can be scheduled for the closure order hearing. If you are not intending to proceed to closure order you will withdraw the Notice and advise the court accordingly.

If a closure order is required, the application must be made by the agency who has issued the notice. Section 80(2) of the Act makes clear that it is not possible to switch from the notice being served by the police and the order being sought by the local authority (or vice versa).

The ASB threshold is different for a closure notice and closure order. Therefore if you are going to follow a notice with an order it is important to ensure the higher threshold is reached.

### **Consultation**

Before issuing a closure notice the applicant must ensure that it consults any body or individual they think is appropriate. This could include:

- the housing provider/landlord;
- the local authority;
- the police;
- social services; and



- the community mental health team.

It is important that we ensure that the closure does not conflict with any other orders or requirements to reside at a particular address.

In addition to the requirement to consult, the applicant must also make reasonable efforts to inform the people who live in the premises and any person who has control or responsibility for the premises.

It is also important, when closing the premises that we consider the support needs of those who are left in the premises and advise them what they should do if people are trying to gain access to the property. Those who are prohibited from accessing the premises should also be directed to support services available.

### **Other organisations involved**

Dependant on the circumstances of the each closure, those organisations that will also be involved will vary but could include:

- Children's Services - if there are children resident in the property to be closed;
- Adult Social Care - if there are vulnerable adults in the property to be closed;
- drug and alcohol outreach services - if the premises being closed due to drug or alcohol use, it is good practice to have outreach workers present as this event provides a window of opportunity to engage those in the premises in services; and/or
- Framework - in order to help people to engage in homelessness services.

### **Recording Closures**

Closure notices and orders will be recorded on the:

- ASB Case Management System
- Niche (police only)

### **Informing the public of the Closure of premises**

It is important, after a premises has been closed, that local people are made aware of the action that has been taken. This will both allay any fears they may have and show that organisations have acted upon their concerns/complaints. This will be undertaken on a case by case basis but will include:

- advising the local elected members;
- distributing leaflets in the neighbourhood;
- door knocking in the neighbourhood;
- use of social media – for example, if a premises has been closed to prevent a rave you may use this to advise people that it is cancelled.

### **Costs of the Closure**

Any costs incurred in closing, securing or cleaning the premises can be reimbursed on order from the court following an application from the applicant. In some circumstances, the costs incurred may be charged to the owner of the property.

## 7 DISPERSAL POWERS

This power replaces:

- Section 30 Dispersal Powers (Dispersal Order)
- Section 27 Direction to Leave

This allows the police to designate an area for up to 48 hours without consulting with other agencies. Once an area is designated, a constable in uniform can direct a person who is in a public place in the locality to:

- Leave the locality (or part of it)
- Not return for the period specified in the direction (not more than 48 hours)

A person can be removed if their behaviour in the locality has contributed to, or is likely to contribute to:

- Members of the public in the locality being harassed, alarmed or distressed *or*
- The occurrence in the locality of crime and disorder *or*
- The direction is necessary to reduce the likelihood of anti-social behaviour, crime and disorder

A person given direction to leave can also be required to surrender any item in his possession or control that the constable believe has been used in or is likely to be used in behaviour that harasses, alarms or distresses members of the public.

It is an offence to fail to comply with a direction to leave or a request to surrender an item.

### **Partnership Problem Solving**

Whilst the law allows the police to act alone in the use of the dispersal power, it is acknowledged that there will be occasions when it forms part of a partnership problem solving approach. This may be through:

- the ASBRAC;
- local authority multi-agency meetings (also referred to as Joint Agency Groups, Joint Agency Meetings and ASB Action Groups); or
- the Local Community Safety Partnership.

There will also be occasions when a registered provider may request that the police designate an area to deal with ASB in a location

### **Consultation with the local authority**

As has already been stated, there is no legal duty for the police to consult with the local authority however, the police will seek to ensure that the use of the Dispersal Power is not used in such a way that will impact upon events being held by the local authority. Each local authority has a designated Single Point of Contact (SPOC) should be contacted. They will ensure that any internal consultation within the local authority is undertaken.

### **Local engagement**

Whilst this dispersal power is not only for use to target young people, there will be times when the power is required to deal with young people gathering in local communities. In such circumstances, the power will only be used after consultation with:

- local schools;
- the young people themselves – possibly through an Outreach Youth Worker; and
- the local community who are complaining – how do we help them to understand that young people are not always a problem.

### **Sharing information**

It is acknowledged that the fact that someone has been given a direction to leave from an authorised dispersal area is information that might be very useful to other partners especially if they are already compiling evidence on a particular person, for example, with a view to applying for an injunction or CBO.

Lincolnshire Police will share information about those directed to leave an area when asked.

## 8 COMMUNITY TRIGGER

The Community Trigger allows victims of ASB to request a review of their case. The review is carried out when:

- The victim, or someone acting on their behalf, asks for a review *and*
- The threshold is met

The statutory (legal) responsibility for this process are the 'relevant' authorities who are:

- Local authority
- Police
- Clinical Commissioning Group
- Registered providers if they are co-opted

The Community Trigger is not intended to act as a complaints procedure. It is a problem solving process that aims to find solutions for the victim(s) as well as providing a mechanism for multi-agency accountability which cannot be achieved through a single agency complaints procedure.

### What is meant by Anti-Social Behaviour?

For the purpose of Community Trigger anti-social behaviour means 'behaviour causing harassment, alarm or distress to any person'.

### Qualifying Request

To meet requirements for a case review the following criteria needs to be met:

The application for a review is received within **6 months** of the last report of ASB and The victim has reported the same problem **3 or more times in the past 6 months** to the Council, Police or their landlord, and that those reports were made within one month of the alleged incident(s)

OR

Different victims have made reports about the same problem **3 or more times in the past 6 months** to the Council, Police or their landlord, within one month of the alleged incident(s)

If a Community Trigger request does not meet this criteria, it may be decided to carry out a review due to:

- The persistence of the anti-social behaviour
- The harm or potential harm caused by the anti-social behaviour
- The adequacy of the response from agencies

### **Co-ordinating the case review process**

The local authority have responsibility for co-ordinating and administering the case review process within the appointed timescales.

### **Information sharing**

Information shared between partner agencies during the case review process will be in accordance with existing information sharing agreements and protocols. Any organisation that has been in contact with the victim or the perpetrator will be expected to share information requested by the local authority for the purpose of the review.

### **Involvement in the review**

Whilst a limited number of agencies make up the 'relevant authorities', any other organisation that has had contact with the victim or perpetrator may be involved in the review.

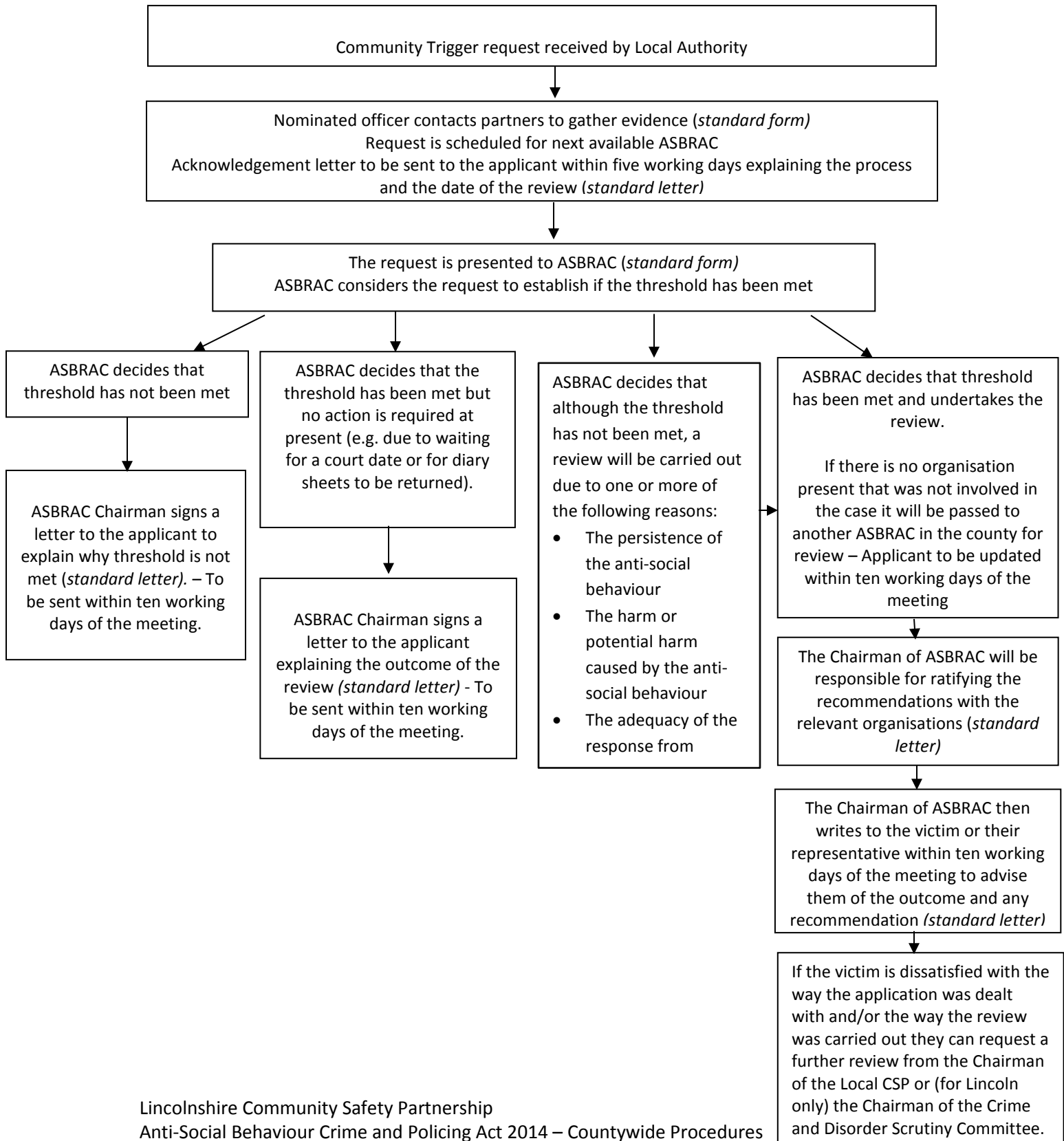
Those agencies who carry out a review may make recommendations for other organisations. The legislation places a duty on a person who carries out a public functions to have regard to these recommendations. This means that they are not obliged to carry them out but that they must acknowledge them and may be challenged if they choose not to carry them out without good reason.

### **Carrying out the review**

The review will be undertaken at the ASBRAC. If all of the agencies at the ASBRAC are involved in the community trigger request, thus there is no independent agency present, the review will not proceed. Instead it will be passed to another ASBRAC in the county to undertake the review on their behalf. This will be facilitated through the County ASB Co-ordinator to ensure that resources are shared equally.

Every application for an ASB case review will be given a unique identifier and all activity e.g. notes of meetings and recommendations will be recorded on the Case File form (see Appendix 2) and attached to the ASB case management system.

## THE PROCESS



## **Escalation**

The legislation for case reviews highlights the need for victims to have a route of escalation if they are not content with the outcome of a review.

Home Office guidance published in July 2014 states that 'The procedure must include provision for a person to request a review of the way an application for a Community Trigger was dealt with, and also the way their Community Trigger review was carried out.'

The escalation process for the Community Trigger in Lincolnshire has been agreed as follows:

Where an individual is dissatisfied with the outcome of a Community Trigger review they may escalate their concerns to the Chairman of the local Community Safety Partnership (CSP) or in Lincoln only – the Chairman of the Crime and Disorder Scrutiny Committee, who will have 21 days from receipt of the request to carry out a review and advise the applicant of the outcome.

A Community Trigger may only be escalated where one of the following measures is satisfied:

1. The Community Trigger review has failed to consider a relevant process, policy or protocol;
2. The Community Trigger review has failed to consider relevant factual information.

The role of the Chairman will be to consider due process and ensure that the review was undertaken properly. In considering a Community Trigger escalation the Chairman can either:

1. Refer the case back to the ASBRAC asking them to consider a particular process, policy or protocol not previously considered;
2. Determine that the ASBRAC have reviewed the case, considering all relevant policies, process and protocols.



A Community Trigger review cannot be escalated where a complainant is dissatisfied that an agency has not utilised a particular enforcement tool where it has been established through the review that appropriate consideration has been given to the use of that tool but having considered the facts and relevant protocols, it has been determined unsuitable.

The Chairman does not have any statutory powers with regards to the Community Trigger process and can only make recommendations.

### How to Escalate

Applicants that have requested a case review and are dissatisfied with the outcome, can escalate their concerns by contacting their local authority and requesting the case be escalated to the Chairman of their local CSP (or in Lincoln City's case the Crime and Disorder Scrutiny Panel). The relevant Chairman is expected to respond to the request within 21 working days. If this is not possible, they must inform the applicant of any delay.

### **Vexatious Complainants**

Requests considered to be vexatious will be dealt with under the local authority's own Vexatious Complaints Policy.

### **How will local people know about the Community Trigger?**

A booklet is available that explains:

- What the Community Trigger is?
- How it can be used?
- What people can hope to achieve from a review
- The process that will be undertaken once they have made a request for a review

A form accompanies the booklet that is used by the victim (or the person acting on their behalf) to complete to make their request for a review. It is important that if the Community Trigger is being activated on behalf of the victim that they are aware that this is being done.

### **Publishing Results**

Each quarter the County ASB Co-ordinator will gather together the data on the Community Triggers requested across the county and produce a public report which provides the following anonymised data:

- Number of reviews requested
- Number of reviews not meeting the threshold
- Number of reviews meeting the threshold
- Any recommendations made

This report will be published on the website of the Police and Crime Commissioner, Lincolnshire Police and individual agencies such as councils and registered providers.

### **Clinical Commissioning Group (CCG)**

There are four CCGs in Lincolnshire and there is a full commitment to discharging their statutory responsibility under the Act for the Community Trigger. South Lincolnshire CCG have taken the lead on behalf of the four CCGs ensuring that their Governing Body is fully appraised of the policies. They also represent all four CCG's at the Lincolnshire Community Safety Partnership.

## APPENDIX 1

### COURT OPENING/SESSION TIMES

<b>Magistrates Court</b>	
Lincoln Magistrates	Open: 9am – 5pm Monday to Friday (Courts in session everyday) Youth Court held every other Monday Tel: 01522 528218
Boston Magistrates	Open: 9.30am – 4.30pm – Monday to Friday (Courts in session every Monday, <b>Wednesday</b> and alternate Thursdays) All enquires for Boston Magistrates Court should be made to Skegness Magistrates Court - Tel: 01754 898848
Grantham Magistrates	Open: 9am – 5pm Monday to Thursday (Courts in session every <b>Monday</b> , Tuesday, Wednesday and alternate Thursdays) Youth Court held every other Wednesday Tel: 01476 563438
Skegness Magistrates	Open: 9am – 4.30pm Monday to Friday (Courts in session every <b>Tuesday</b> and Friday) Youth Court held every other Tuesday Tel: 01754 898848
Spalding Magistrates	Only open when court in session (No courts currently listed)
<b>County Court</b>	

Lincoln County Court	<p>Open: 9am – 5pm Monday to Friday (operate an appointment service for enquiries)</p> <p>Courts in session every day from 10am-5pm</p> <p>Tel: 01522 551500</p>
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The days highlighted in bold are those identified by the Deputy Justices Clerk as more suitable for the courts to hear ASB related applications, as this is when they have a general list of cases. The other days may only be trial courts, which would make it extremely difficult to list other hearings.

### **ADDITIONAL GUIDANCE**

#### **ASB Injunction**

When applying for an ASB Injunction (with or without consent) against a young person applicants are advised to contact the Listings Department at Lincoln Magistrates Court who will provide a suitable court space somewhere in Lincolnshire. The venue for the hearing will be at the discretion of the court, dependant on capacity across the county.

#### **Closure Order**

To ensure an application for a Closure Order is heard within 48 hours of the Closure Notice being issued applicants are advised to contact the Magistrates Court to inform them of their intended action in order for court time to be made available. The venue for the hearing will be at the discretion of the courts, dependant on capacity across the county.

#### **Community Protection Notice**

The Magistrates Court will notify the applicant if they receive an appeal within 21 days of a Community Protection Notice being issued.

### **COURT FEES**

The Court fee for any of the Orders outlined in the ASB Crime and Policing Act is **£280**.

<b>Magistrates Court</b>	<p>If an application is contested in the Magistrates Court the fee will rise to <b>£500</b>.</p>
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<b>County Court</b>	There is no increase in fees at the County Court for contested matters.
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## **APPENDIX 2**

# **POSITIVE REQUIREMENTS DIRECTORY FOR LINCOLNSHIRE**

## Directory of Positive Requirements available in Lincolnshire

Before attaching a positive requirement to an ASB Injunction or Criminal Behaviour Order, applicants must consult the service provider to ensure the action can be fulfilled.

POSITIVE REQUIREMENT	AVAILABLE TO ADULTS AND YP?	IS THIS AVAILABLE ACROSS THE COUNTY?	WILL THOSE ON INJUNCTION/CBO BE ELIGIBLE FOR THESE SERVICES?	WILL THERE BE COST IMPLICATIONS?	WHO WILL SUPERVISE COMPLIANCE?
<b>TREATMENT SERVICES</b>					
<p><b>DRUG TREATMENT SERVICES</b></p> <p><b>Addaction</b> Offices based across the county. Please refer to <a href="http://www.addaction.org.uk">www.addaction.org.uk</a> for full contact details.</p> <p><b>Young Addaction Lincolnshire</b> The New Avenue Newland Lincoln LN1 1XG 01522 305518</p> <p><b>Lincolnshire Partnership Foundation Trust – Drugs and</b></p>	Both	Yes	Yes – Drug treatment is available to anyone who misuses substances; However treatment providers will not retain people in treatment who no longer require intervention. This would need to be considered when commencing any orders	No - Drug treatment is funded by Public health Lincolnshire and there is not a cost to access it.  If people on orders are required to be retained in treatment longer than recovery would require then negotiations with individual providers would be required and costs are likely to	Providers currently work in partnership with probation so feedback processes to monitoring officers can be easily adapted to facilitate this. Providers will not share clinical information but can share engagement information with client consent

<b>Alcohol Recovery Team</b> (18 years and over) Tel: 0303 123 4000				be incurred	
<b>ALCOHOL TREATMENT SERVICES</b>  <b>Addaction</b> Offices based across the county. Please refer to <a href="http://www.addaction.org.uk">www.addaction.org.uk</a> for full contact details.  <b>Young Addaction Lincolnshire</b> The New Avenue Newland Lincoln LN1 1XG 01522 305518  <b>Lincolnshire Partnership  Foundation Trust – Drugs and  Alcohol Recovery Team (DART)</b> (18 years and over) Tel: 0303 123 4000	Both	Yes	Yes – Alcohol treatment is available to anyone who misuses substances; However treatment providers will not retain people in treatment who no longer require intervention. This would need to be considered when commencing any orders	No – Alcohol treatment is funded by Public health Lincolnshire and there is not a cost to access it.  If people on orders are required to be retained in treatment longer than recovery would require then negotiations with individual providers would be required and costs are likely to be incurred	Providers currently work in partnership with probation so feedback processes to monitoring officers can be easily adapted to facilitate this. Providers will not share clinical information but can share engagement information with client consent
<b>SUPPORT SERVICES</b>					
<b>RESTORATIVE JUSTICE</b>	Both	Yes	Yes	No	Reparation agreed at

<p>Lincolnshire Police Restorative Justice Co-ordinators Police Headquarters Nettleham LN2 2LT Tel: 101</p>			<p>This victim led approach to restorative practices would include all those involved in an incident of ASB whatever the outcome. Suitability and risk assessment would be carried out in each individual case as required</p>	<p>No foreseen cost if implemented as part of the neighbourhood policing in any district</p>	<p>a restorative conference could be supervised by any agency involved, with their agreement at the time. Does not need to be prescriptive and is best served by those working with the wrongdoer already.</p>
<p><b>FAMILIES WORKING TOGETHER</b></p> <p>Key Workers work intensively with families to support them in tackling their problems, joining up services and bringing partner agencies together to achieve the desired outcome.</p> <p>Tel: 01522 552078 E-mail: <a href="mailto:fwt@lincolnshire.gov.uk">fwt@lincolnshire.gov.uk</a></p>	<p>Yes</p>	<p>Yes</p>	<p>Yes – providing an assessment has been done (as part of the Anti Social Behaviour Risk Assessment Conference - ASBRAC).</p>	<p>No</p>	<p>The Practice Supervisor or Key Worker allocated to the family will report back to the referrer.</p>
<p><b>PARENTING PROGRAMMES</b></p> <p>A range of programmes are delivered by Lincolnshire County</p>	<p>16 years +</p>	<p>Yes – although capacity may vary between districts</p>	<p>Yes – providing an assessment has been done (as part of the</p>	<p>No</p>	<p>The Family Support Worker delivering the parenting programme will report back to the</p>



Council Targeted Teams, via the Family Support Workers. Tel: 01522 552222			ASBRAC).		referrer on the individual's attendance and engagement.
<b>YOUTH OFFENDING SERVICE - PREVENTION PROGRAMME</b>  Available options include: <ul style="list-style-type: none"> <li>• 1:1 work to promote internal/cognitive change</li> <li>• Mentoring</li> <li>• Reparation and Restorative Justice</li> <li>• Education, training and employment interventions</li> <li>• Weapons Awareness</li> <li>• Victim Awareness</li> <li>• Positive Activities</li> </ul> YOS Head Office Witham Park House Lincoln LN5 7JN Tel: 01522 554554	Available to young people aged 8-18 years old	Yes	Yes – providing an assessment has been done (as part of the ASBRAC).	No	A dedicated YOT Officer will be allocated to work with young person to facilitate any intervention measures put in place and will report back to the referrer.
<b>LOCAL AUTHORITY HOMELESSNESS TEAM</b>	Available to anyone 16+	Yes	Yes if Priority Need or eligible for assistance.	Local Authority will incur costs if they have to provide	The referrer can contact the Local Authority

(Individual should present at Local Authority in which they have a local connection in order to compete a homelessness application)			No if not Priority Need and not eligible for assistance (those without a Local Connection or entitlement to Housing Benefit)	Emergency Accommodation or offer Reconnection.	Homelessness Team to ascertain whether the individual has made contact and advice has been offered.
<b>FRAMEWORK</b> Street Outreach Team - Rough Sleeping Tel: 0115 841 7711 For immediate assistance call 0800 066 5356 (available 24 hours a day).	Anyone	Yes	Yes – anyone street homeless / rough sleeping in Lincolnshire is eligible for support.	No costs outside of contract costs	The referrer can contact the Street Outreach Team to ascertain whether the individual has been made contact and followed the advice given.

### MEANINGFUL/DIVERSIONARY ACTIVITY

<b>POSITIVE FUTURES</b> Sports related diversionary activity E-mail: PositiveFutures@lincolnshire.gov.uk	Young People primarily but also adults through volunteering dependant on risk to young people	Yes	Yes depending on individuals suitability	Usually not but depends on the individual circumstance	Staff can inform the referrer of no attendance but would not want to be seen to be breaching anyone as this affects young person/staff relationships
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<b>LINCOLNSHIRE VOLUNTEER CARD TRAINING</b>  Children's Links Tel: 0845 373 0645 E-mail:LVC@childrenslinks.org.uk	Available to everybody aged 16 and over	Yes	Yes	No	The subsequent volunteer opportunity provider will supervise compliance.
<b>LIVE WELL CHAMPIONS TRAINING</b>  Children's Links Tel: 0845 373 0645 E-mail:LVC@childrenslinks.org.uk	Available to everybody aged 18 and over	Yes	Yes	No	The subsequent volunteer opportunity provider will supervise compliance.
<b>VOLUNTEER CENTRE SERVICES</b>  Lincoln 16- 26 Tentercroft Street Lincoln LN5 7DB Tel: 01522 551683  West Lindsey The Guildhall Marshall's Yard Gainsborough DN21 2NA Tel: 01427 613470  North Kesteven 26 Carre Street Sleaford	Available to everybody aged 16 and over	Lincoln  West Lindsey  North Kesteven	On a case by case basis dependant on the programmes operating in the locality – applicants must contact the necessary volunteer centre to discuss the needs of the perpetrator and establish whether a suitable programme is available, prior to submitting as a positive requirement.	No	Arrangements agreed on a case by case basis.

NG34 7TR Tel: 01529 308450					
<b>LINCOLNSHIRE COMMUNITY AND VOLUNTEER SERVICE</b>  Boston Volunteer Centre The Len Medlock Voluntary Centre St Georges Road Boston PE21 8YB Tel: 01205 365588  Louth Volunteer Centre East Lindsey District Council Tedder Hall Manby Park Louth LN11 8UP Tel: 01507 613080  Spalding Volunteer Centre South Holland District Council Priory Road Spalding PE11 2XE Tel: 01775 768833  Grantham Volunteer Centre	Available to everybody aged 16 and over	Boston  East Lindsey  South Holland  South Kesteven	On a case by case basis dependant on the programmes operating in the locality – applicants must contact the necessary volunteer centre to discuss the needs of the perpetrator and establish whether a suitable programme is available, prior to submitting as a positive requirement.	No	Arrangements agreed on a case by case basis.

Autumn Park Business Centre Dysart Road Grantham NG31 7DD Tel: 01476 561798					
<b>FIRE SETTING INTERVENTION PROGRAMME</b>  Lincolnshire Fire & Rescue Headquarters South Park Avenue Lincoln LN5 8EL Tel: 01522 582222	Young people only	Yes	Yes	No	Fire and Rescue will send two staff to work with the young person and report back to the referrer.
<b>TAKING WITHOUT CONSENT (TWOC) PROGRAMME</b>  Lincolnshire Fire & Rescue Headquarters South Park Avenue Lincoln LN5 8EL Tel: 01522 582222	Young People only	Yes	Yes	No	Young person will attend the Fire Station with a Youth Offending Service worker to undertake education session. The referrer will need to establish, which agency is going to supervise compliance and report back.



## **APPENDIX 3**

### **COMMUNITY TRIGGER FORMS**

1. Review Request Form
2. Information Request Form
3. Case File Form

**FORM FOR REQUESTING AN ANTI-SOCIAL BEHAVIOUR REVIEW**

I am requesting a review of my anti-social behaviour case because I believe I have experienced harassment, alarm or distress. I am making this application within **6 months** of the last report of anti-social behaviour.

*Please indicate below which of the criteria you believe applies:*

- I am the victim and I have reported the same problem 3 or more times in the past 6 months to the Council, Police or my Social Registered Landlord

Name of applicant	
Address	
Telephone number	
Email address	

- We are a group of people who have individually made reports about the same problem 3 or more times in the past 6 months

*Complete the details of each person who has complained*

Name of applicant	
Address	
Telephone number	
Email address	

Name of applicant	
Address	
Telephone number	
Email address	

Name of applicant	
Address	
Telephone number	
Email address	

If you are making this request on behalf of another person please complete the section below:

Name of person on whose behalf this application is made	
Their address	
Their telephone number	
Their email address	
Relationship to applicant eg relative, carer, local councillor	
Does this person know that you have made the request for an ASB review?	

In order for us to decide if you meet the threshold for an ASB review we need to have details of the incidents (there must be at least 3) that you have reported. Please complete the form below:

<b>Date of incident</b>	<b>Description of ASB</b>	<b>How did this cause you harassment, alarm or distress?</b>	<b>Who did you report this to?</b> <i>If you reported to more than one</i>	<b>The date on which it was reported (this must be within 1 month of the incident)</b>



			<i>organisation please tell us about them all and provide any reference numbers or incident numbers provided to you</i>	

What are you hoping for from this review?

.....

Have you made a formal complaint through the Complaints Procedure of the organisation? Yes/No

If so, to which agency have you made the complaint?

## ASBRAC

### REQUEST FOR INFORMATION

We have received a request for a review under the Community Trigger process and this will be considered at the next ASBRAC meeting. The applicant has indicated that your organisation has some involvement with the case.

Please complete the details below and return by (date to be added)

Please note that your organisation must be represented at the meeting on (date to be added) when the request will be considered

<b>DATE OF REQUEST</b>	To be added			
<b>REFERENCE NUMBER</b>	To be added			
<b>NAME OF PERSON MAKING THE REQUEST</b>	To be added			
<b>Is the applicant? (Delete as applicable)</b>	Victim		Representative	
<b>Tenure of person</b>	Owner occupier	Private tenant	Housing association	Other

**Please provide details of every report you have received from the applicant in the last six months with details of how you have responded**

<b>DATE OF REPORT</b>	<b>DETAILS OF REPORT</b>	<b>ACTION TAKEN</b>	<b>ACTION OUTSTANDING</b>

**ASBRAC**

**Community Trigger Case File**

**PART ONE**

**The tables below are completed by Community Safety Officer prior to ASBRAC**

<b>DATE OF REQUEST</b>	To be added			
<b>REFERENCE NUMBER</b>	To be added			
<b>NAME OF PERSON MAKING THE REQUEST</b>	To be added			
<b>Is the applicant? (Delete as applicable)</b>	Victim		Representative	
<b>Tenure of person</b>	Owner occupier	Private tenant	Housing association	Other
<b>Organisations that incidents have been reported to</b>	List organisations here			
<b>Is the request for a review within 6 months of the last report of ASB?</b>	Yes		No	
<b>Are there at least 3 reports in the last 6 months that were made within 1 month of the incident?</b>	Yes		No	

**Below provide details of the incidents reported and action taken**

<b>Date of incident</b>	<b>Who reported to</b>	<b>Details of incident</b>	<b>Action taken</b>	<b>Action outstanding</b>

**PART TWO**

**Details of discussions at ASBRAC**

<b>Were all relevant partners present?</b>	Yes	No	List organisations not present
<b>Does ASBRAC consider that the request for the review was made within 6 months of the last report of ASB?</b>	Yes	No	
<b>Does ASBRAC consider there are 3 reports of ASB in the last 6 months that were made within one month of the incident?</b>	Yes	No	
<b>Does ASBRAC consider that a review is needed?</b>	Yes	No	If no, please specify why not

**Delete this table if no action plan or recommendations agreed**

<b>Action plan and recommendations</b>		
<b>Action recommended</b>	<b>By whom</b>	<b>By when</b>

<b>ACTIONS TO BE COMPLETED BY CHAIR OF ASBRAC</b>		
<b>Action</b>	<b>By whom</b>	<b>By when</b>
Contact to be made with organisations subject of recommendations before advising applicant		
Letter to be sent to applicant advising of decision of ASBRAC	Chair	Within 5 working days

## APPENDIX 4 – Equality Impact Assessment

Impact Analysis to Enable Informed Decisions						
Background Information						
Directorate	Assistant Director Area	Service Area	Lead Officer	Person / people completing analysis	Date of workshop / meeting	Version
Safer Communities		Lincolnshire Community Safety Partnership (LCSP)		Lisa Duckworth – County Anti-Social Behaviour Co-ordinator	Initial meeting: 24.04.14 Further partnership workshops held on: 14.05.14 20.05.14 22.05.14 28.05.14 29.05.14	V1
<b>Title of the policy / project / service being considered</b>		Tackling Anti-Social Behaviour in Lincolnshire – Procedures for use of the Anti-Social Behaviour Crime and Policing Act 2014				
<b>General overview and description</b>		<p>The Anti-Social Behaviour Crime and Policing Act 2014 was given Royal Assent in March 2014 and is due to be implemented in October 2014. The Act contains provisions around anti-social behaviour and a range of other issues.</p> <p>It takes forward measures to:</p> <ul style="list-style-type: none"> <li>• Focus the response to anti-social behaviour on the needs of victims</li> <li>• Empower communities to get involved in tackling anti-social behaviour through the Community Trigger and Community Remedy</li> <li>• Ensure professionals can protect the public quickly through faster, more effective powers</li> <li>• Reduce the bureaucracy associated with the exercise of existing powers</li> </ul> <p>The aim of the countywide procedure document is to:</p> <ol style="list-style-type: none"> <li>1) Provide a level of consistency in response to anti-social behaviour across Lincolnshire (in relation to the Anti-</li> </ol>				

	Social Behaviour, Crime and Policing Act 2014).	
	2) Improve partnership working and information sharing. 3) Ensure the effective use of the new powers and tools.	
<b>Current status</b>	New	Commissioned Service
<b>Timescales for implementation</b>	Deadline October 2014	
<b>Analysis</b>		
<b>1. What is the current situation?</b>	<p>There are currently no countywide procedures in place overseeing the enforcement of anti-social behaviour.</p> <p>Agencies responsible for tackling anti-social behaviour operate differently.</p> <p>Partnership engagement during the enforcement process is inconsistent across the county.</p> <p>The Police are reliant on Local Authorities and Registered Social Landlords to take action.</p>	
<b>2. What are the drivers for change?</b>	<p>Tackling anti-social behaviour is both a government and local priority. More than 3 million incidents of anti-social behaviour are recorded nationally every year. In Lincolnshire over 21,000 reports were made to the police alone in the year ending March 2014.</p> <p>A report published by the Home Office in 2012 (Putting Victims First: More Effective Responses to Anti-Social Behaviour) highlighted the failure of systems to adequately deal with complaints of anti-social behaviour and emphasised the need to offer better protection to victims, particularly those most vulnerable in society. A review of anti-social behaviour powers also found that the current system is too centralist, does not engage the community sufficiently in tackling problems and the tools available are too complex and bureaucratic.</p> <p>In response the government has proposed a series of reforms to improve how agencies deal with anti-social behaviour; moving away from a one-size-fits-all model to a more locally driven flexible approach that focuses on the needs of victims and allows professionals to take swift, effective action against perpetrators.</p>	

<p><b>3. What difference will we make?</b></p>	<p>Establish a standardised approach to the application of each of the new powers and tools to tackle anti-social behaviour.</p> <p>Improve awareness on anti-social behaviour enforcement opportunities.</p> <p>Provide a clear and structured enforcement process for agencies to follow.</p> <p>Ensure agencies understand their role and responsibilities within the enforcement process.</p> <p>Provide a quicker more efficient response to victims of anti-social behaviour.</p> <p>Take more effective action against perpetrators of anti-social behaviour.</p>
<p><b>4. What are the assumptions about the benefits?</b></p>	<p>Improved co-ordination across agencies to support and protect victims of anti-social behaviour, particularly the most vulnerable and those that are repeat victims.</p> <p>Ensure the most effective intervention is used against perpetrators of anti-social behaviour.</p> <p>Increase and improve the sharing of good practice, skills, and experience across the county.</p> <p>Improve capacity and value for money by sharing the workload.</p> <p>Utilise all the powers and tools available across different agencies.</p>

<p><b>5. How are you testing your assumptions about the benefits?</b></p>	<p>Improved customer satisfaction.</p> <p>A reduction in the number of vulnerable and repeat victims of anti-social behaviour.</p> <p>A reduction in the number of repeat offenders of anti-social behaviour.</p> <p>The legislation is written and intended to focus on those most vulnerable in our communities.</p>
<p><b>6. The assumptions about any adverse impacts. Could it have a negative impact on anyone?</b></p> <p>If Yes, go to 6.1 and 6.2 If No, please explain how you know this is the case</p>	<p>YES</p>
<p><b>6.1 Which groups / individuals could it have a negative impact on?</b></p>	<p>The legislation is not intended to have a negative impact on any of the protected characteristic groups but is aimed at strengthening support for them. However, we acknowledge, if not used as intended, the powers and tools could negatively impact some groups, in particularly young people, individuals suffering with a mental illness and black and minority ethnic communities.</p>



6.2 Please state how it could have a negative impact on these groups / individuals?  
Please refer to the list of protected characteristics to assist your answer.

**AGE** – Anyone aged 10 years old or above may be subject to a Civil Injunction or Criminal Behaviour Order. Both tools can be used to deal with a wide range of behaviours such as vandalism, public drunkenness, noisy or abusive behaviour or bullying. Although agencies are required to consult the Youth Offending Team (YOT) on applications involving a young person the YOT cannot veto the application therefore enforcement action can still be taken without their guidance or support. This presents a risk to the young person in terms of tackling their behaviour effectively and ensuring the appropriate measures are in place to their individual needs and circumstances. There is also a risk that the new dispersal powers given to the police will be used to inappropriately target young people for gathering in groups.

**DISABILITY** - When using enforcement powers, it is important that any disability (particularly mental health issues) are properly considered and that staff are aware of any discretion on the basis of disability.

**GENDER REASSIGNMENT** - No potential negative impact identified.

**MARRIAGE/CIVIL PARTNERSHIP** - No potential negative impact identified.

**PREGNANCY/MATERNITY** - No potential negative impact identified.

**SEX** - No potential negative impact identified.

**SEXUAL ORIENTATION** - No potential negative impact identified.

**RACE** - There is a potential impact on black and minority ethnic (BME) communities, particularly for first generation immigrants who have come from countries with very different rules and legislation around environmental and anti-social behaviour matters and for any people from BME and other communities who do not speak English as a first language. Legislation and legislative practice often involves complex legal language by necessity, and some enforcement practice assumes a knowledge of the law of the land. This inherently disadvantages anyone who does not have a basic knowledge of what is acceptable behaviour and what the basic anti-social behaviour and environmental laws are.

**RELIGIOUS BELIEF** - No potential negative impact identified.

<p><b>7. How are you testing your assumptions about adverse impacts?</b></p>	<p>Measure have been introduced to address any equalities and ensure a fair, balanced approach in line with statutory requirements and guidance. For example, the decision to take enforcement action will be made by members of the Anti-Social Behaviour Risk Assessment Conference (ASBRAC). This allows all relevant agencies to be involved in the decision making process and ensure the most appropriate action is taken to protect victims and effectively tackle the perpetrators behaviour, especially those displaying any protected characteristic. Specific protocol has also been introduced to mitigate the use of inappropriate sanctions against young people and guidance has been put in place to ensure any literature associated with the legislation is provided in the necessary languages.</p> <p>The Anti-Social Behaviour Strategic Management Board also have a responsibility for Hate matters in Lincolnshire and will therefore monitor the use of the new powers and tools to ensure they reflect the countywide Hate Strategy.</p>
<p>7.1 What further evidence do you need to gather?</p>	<p>Ongoing monitoring of case management.</p>
<p><b>8. Who are the stakeholders and how will they be affected?</b></p>	<p style="text-align: center;"><b>Primary</b> (those directly affected, either positively or negatively by the organisation's actions)</p> <p>Local Authorities Communities in Lincolnshire</p> <p>Current policies and procedures will need to be amended to reflect the new protocol.</p> <p>Staff will require training on the Anti-Social Behaviour, Crime and Policing Act 2014 and the specific procedures for Lincolnshire.</p> <p>The tools are designed to enable agencies to take swift, effective and robust action to tackle anti-social behaviour thereby providing more protection to individuals and communities that are affected by it. Therefore benefiting all citizens, including those with protected characteristics.</p>

	<p><b>Secondary</b> (intermediaries, people or organisations who are indirectly affected by the organisation's actions)</p>
	<p>Lincolnshire Police  Registered Provider  Youth Offending Service  Fire and Rescue  Families Working Together  Lincolnshire Primary Foundation Trust  Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company</p> <p>Staff will need to have an understanding of the new legislation and the potential impact on service users.</p> <p>A representative from each agency will be required to attend each districts ASBRAC.</p>
<p><b>9. How are you assessing the risks and minimising the impacts?</b></p>	<p>To mitigate any risks associated with a lack of knowledge and understating, on both the Anti-Social Behaviour Crime and Policing Act and procedures for Lincolnshire, partners will receive face to face training, which will be delivered by a private consultant.</p> <p>New Guidance and Operating Procedures will be introduced for the Anti-Social Behaviour Risk Assessment Conference (ASBRAC); incorporating the new measures introduced by the procedure document.</p> <p>Each organisation delivers equality training to ensure full compliance.</p>

<b>10. What changes will the Council need to make as a result of introducing the policy / project / service etc?</b>	None
<b>11. How will you undertake evaluation once the changes have been implemented?</b>	The Anti-Social Behaviour Strategic Management Board will evaluate the new procedures 6 months after implementation based on their effectiveness to tackle anti-social behaviour, as the legislation intends.
<b>Further Details</b>	
<b>Are you handling personal data?</b> If so, please give details.	NO
<b>How was this analysis undertaken?</b> Facilitated workshop? Who attended?	A series of workshops have taken place with representatives from Lincolnshire Police, Lincolnshire County Council Children’s Services, Children’s Safeguarding, Adult Safeguarding, Families Working Together and Youth Offending Service. The Domestic Abuse Strategic Management Board, Lincolnshire Primary Foundation Trust, Clinical Commissioning Groups, Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company, Prison Service, North Kesteven District Council, South Kesteven District Council, City of Lincoln Council, West Lindsey District Council, East Lindsey District Council, Boston Borough Council and South Holland District Council.
<b>Are you confident that everyone who should have been involved in producing this version of the Impact Analysis has been?</b> If No, who needs to be involved?	YES  The Anti-Social Behaviour, Crime and Policing Act has also been subject to scrutiny through the Home Office, who have a duty to conduct their own impact assessment on each of the new powers and tools.

<b>If this is new, or requires a decision by Councillors to revise, has this impact analysis been included with the committee report?</b>	NO The countywide procedures for Lincolnshire will be approved by local authorities through their own committee process.		
<b>Actions required</b> Including any actions identified in this analysis for monitoring in the relevant service area work plan?	<b>Action</b>	<b>Lead officer</b>	<b>Timescale</b>
	N/A		
<b>Signed off by</b>		<b>Date</b>	