

**Title:** Corporate Anti-Social Behaviour Policy

This policy sets out the Council's approach to dealing with anti-social behaviour (ASB) within the area of Mid Devon.

**Owner:** Simon Newcombe, Head of Health and Housing

**Date:** TBC

**Version Number:** 5

**Status:** *Draft updated version 5. This version of the Anti-Social Behaviour Policy is proposed to be adopted March 2026 (Cabinet).*

**Review Frequency:** Every three years

**Next review date:** tbc

## Document History

This document obtained the following approvals:

<b>Title</b>	<b>Date</b>	<b>Version Approved</b>
ASB Policy 2017	Oct 2017	v3 Jan 2018
ASB Policy v4 Draft	Feb 2021	v4 8 <sup>th</sup> April 2021
ASB Policy v5 Draft	Feb 2026	v5 ...

## **Mid Devon District Council**

### Corporate Anti-Social Behaviour (ASB) Policy

#### **1.0 Policy Statement**

- 1.1 Mid Devon District Council (MDDC) is committed to ensuring that Mid Devon is a safe, thriving and welcoming place to live, work and visit. Everyone has the right to the peaceful enjoyment of their home and community, and the responsibility to respect that right for others.
  - 1.2 This policy sets out the Council's approach to preventing, managing and resolving anti-social behaviour (ASB) using a proportionate, fair and flexible approach. Our work is underpinned by effective partnership working, early intervention, and placing victims and witnesses at the centre of our response. We also recognise the importance of addressing vulnerability and support needs for both victims and perpetrators.
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#### **2.0 Aims of the policy**

- 2.1 This policy aims to:
    - Define ASB and the role of the Council in dealing with it.
    - Explain how ASB can be reported to the Council.
    - Clarify the responsibilities of residents, visitors and tenants in preventing ASB.
    - Ensure a consistent, proportionate and victim-centred response.
    - Promote effective partnership working across statutory, voluntary and community sectors.
    - Support vulnerable individuals, including both victims and perpetrators.
    - Ensure compliance with relevant legislation, equality duties and data protection requirements.
    - Set out the tools that can be used to tackle ASB
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#### **3.0 Definition of Anti-Social Behaviour**

- 3.1 Under the **Anti-Social Behaviour, Crime and Policing Act 2014**, ASB includes:
  - Conduct causing, or likely to cause, harassment, alarm or distress.

- Conduct capable of causing nuisance or annoyance in relation to a person's occupation of residential premises.
- Conduct capable of causing housing-related nuisance or annoyance to any person.

3.2 ASB can take many forms including, but not limited to:

- **Public space behaviour:** for example, street drinking, graffiti, disorder
- **Community impact behaviour:** for example, persistent noise, neighbour disputes, rowdy behaviour
- **Directed behaviour:** for example, harassment, intimidation, threats, verbal abuse
- **Environmental issues:** for example, fly-tipping, litter, noise, smoke, odours

3.3 For Council tenants, tenancy agreements and policy provide further definitions and make tenants responsible for the conduct of household members and visitors. Refer to Mid Devon Housing (MDH) Anti-Social Behaviour Policy 2023. [Anti Social Behaviour Policy - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour-policy)

#### 4.0 Responsibilities of Residents, Visitors and Tenants

4.1 Everyone living in or visiting Mid Devon shares responsibility for preventing ASB.

4.2 Residents, tenants and visitors should:

- Behave considerately towards others.
- Seek to resolve low-level issues through calm discussion or mediation where safe and appropriate.
- Avoid putting themselves or others at risk.
- Provide information or evidence (e.g. diary sheets, statements) where they report ASB to the Council.

4.3 It may not always be possible to keep the identity of those involved in an ASB complaint anonymous, but the Council will support those who fear reprisals and discuss options to prevent the need for specific details to be shared.

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## 5. Responsibilities of Council and Housing Association Tenants

- **Council tenants** should report ASB directly to the Housing Technical Support Team or their Neighbourhood Officer in line with Housing Services' ASB procedures.
- **Housing association tenants** should report concerns to their own landlord, who will operate their own ASB procedures.

The Council will clearly indicate where additional powers or responsibilities apply specifically in cases involving Council tenancies.

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## 6.0 The Council's Responsibilities

6.1 The Council has a range of statutory powers and duties to address ASB. However, some issues fall within the remit of other agencies such as:

- Devon & Cornwall Police (the Police)
- Environment Agency
- Devon County Council
- Private legal entities and processes

6.2 Council officers will exercise professional judgement to determine the most appropriate course of action using a wide range of tools and approaches.

6.3 ASB can be reported by:

- Contacting the Council directly
- Submitting online or written reports

More information is provided in Section 7.0.

6.4 Where issues relate primarily to everyday living noise or interpersonal conflict, the Council may refer complainants to mediation approach or suggest independent legal advice where this is most appropriate and proportionate. The Council does not provide a mediation service or is able to give legal advice in this context, therefore this will need to be arranged directly by the complainant.

6.5 Formal intervention will normally only occur where behaviour is persistent, escalating, significantly harmful, or criminal.

6.6 For action to be taken, suitable evidence will need to be gathered and witness statements secured to progress an investigation and/or intervention.

6.7 Complainants will be requested to provide the Council with evidence, or formal statements, for the Council to move forward with action that can address the ASB.

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## **7. Reporting ASB**

7.1 ASB can be reported:

- In person
- By phone
- In writing
- Online
- Through a third party (e.g. councillor, support worker, family member)

Anonymous reports are accepted but may limit the Council's ability to act or provide updates.

Upon receiving a report, the Council will:

1. Record and acknowledge the complaint.
2. Assess risk, harm and any vulnerabilities.
3. Agree an initial action plan with the complainant where possible.
4. Consider mediation where appropriate.
5. Investigate using proportionate and lawful methods.
6. Keep complainants informed throughout the process.

Reasonable adjustments will be made to support individuals with additional needs.

7.2 More information on making reporting ASB through the various different channels is available here [Anti-social behaviour - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/anti-social-behaviour)

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## **8.0 Partnership, Multi-Agency working and ASB Case Reviews**

8.1 MDDC is a statutory partner of the **East & Mid Devon Community Safety Partnership** and works closely with:

- Police
- Fire & Rescue Services
- Health and Probation Services

- Youth Justice
- Devon County Council Safer Devon Partnership and other teams
- Town and Parish Councils
- Housing providers
- Voluntary and community organisations

We work with other Partner Agencies to ensure a consistent approach to tackling the range of ASB that is reported. This recognises the importance of undertaking a partnership approach to ASB where no single agency can tackle this alone.

- 8.2 There are also Devon and wider regional approaches to tackling ASB consistently and link to other community safety strategies where tackling ASB is priority, for example as a preventive approach to more serious offences, tackling ASB in young people in particular is recognised under the statutory Serious Violence Duty and the Devon Preventing Serious Violence Strategy [Devon Preventing Serious Violence Strategy 2024-29 - Safer Devon](#).
- 8.2 Addressing ASB issues takes time and there is no ‘quick fix’. Gathering information, engaging with partners and local people ensures a long-term solution to prevent similar issues recurring.
- 8.3 The Council will work in partnership with other agencies to identify the most effective and efficient methods of addressing ASB cases, considering resources, funding and other priorities within the district.
- 8.4 The Council adopts the Devon-wide **ASB Escalation Process** to ensure consistent early intervention and enforcement. It also participates in the **ASB Case Review** for victims who feel their concerns have not been adequately addressed.
- 8.5 An ASB case review (formally known as Community Trigger) is an effective tool to problem solve anti-social behaviour (ASB) in communities. Introduced into legislation by the ASB Crime and Policing Act 2014, the ASB Case Review provides victims with a voice. Its intended function is to act as a safety net to ensure that all partnership agencies work together to determine the most appropriate solution.
- 8.6 It is used where an individual has reported incidents of potential ASB, and the problem is still ongoing. The ASB Case Review is a formal process whereby victims of anti-social behaviour (ASB) can apply for an independent review of their case. For the Council, a case review must be requested in writing to the Council’s Public Health team – more information can be found at [Anti-Social Behaviour Case Review \(formerly Community Trigger\) - MIDDEVON.GOV.UK](#) or by contacting the Public Health and Housing Options service directly.

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## 9.0 Enforcement and Intervention

9.1 The Council prioritises early intervention, prevention and support. Enforcement is used as a **last resort** in accordance with the Council's wider Enforcement Policy and may include (in no specific order of priority or escalation):

- **Community impact statements** – used to gain a wider understanding of a specific ASB issue and its impact on the community. Can be used to support a range of other actions
- **Personal statements** – as above but tailored toward the impact(s) on an individual or a specific household
- **Warnings** – informal escalation letters to address specific ASB behaviours and can precede ABCs and CPWs as set out below. These are typically issued by the Council
- **Youth ASB Intervention Panels** – multi-agency, trauma-informed case reviews for ASB cases involving perpetrators under 18 years old which may determine a range of informal or more formal interventions with a collective picture of the issues driving the unacceptable behaviours. These are chaired and coordinated by the Council through the Community Safety Partnership
- **Acceptable Behaviour Contracts (ABC)** – an ABC is a voluntary written agreement which is signed by an individual committing anti-social behaviour. In signing the contract, the individual agrees to abide by the terms specified and to work with the relevant support agencies. It can be issued by the Council, housing providers and the Police
- **Community Protection Warnings / Notices (CPWs and CPNs)** – a formal written warning issued to individuals, businesses, or organisations to stop anti-social behaviour that negatively affects the local community's quality of life. It details what unacceptable behaviour is occurring and actions to be taken to resolve, cease or limit these i.e. modify the detrimental behaviour

If a CPW is not effective a CPN can be served. These are formal, legal notices that can only be served on a person aged 16 years or over after non-compliance with a CPW. They are directly linked to the CPW with the same conditions. Non-compliance with the CPN is a criminal offence and may lead to a fixed-penalty notice or a court prosecution/fine

CPWs and CPNs can be issued by the Council or the Police

- **Abatement notices** – these are served where the Council is satisfied that a statutory nuisance is being caused. These can be used to deal with a

range of issues such a noise, odour, and smoke. They are criminal notices under separate statutory nuisance legislation potentially applicable to addressing nuisances that can also be considered ASB.

- **ASB injunction** - is a civil court order designed to prevent individuals from engaging in anti-social behaviour, protecting the community and individuals from harm. They are another tool to tackle ASB introduced under the same legislation as CPWs and CPNs. They can include specific prohibitions (e.g. not entering certain areas) or positive requirements (e.g. attending counselling or rehabilitation programs) aimed at addressing the underlying causes of the ASB.

A range of agencies can apply for such an injunction including the Council, Police, housing providers other bodies such as the NHS or Environment Agency in specific circumstances

- **Criminal Behaviour Orders (CBO)** - The CBO is an order on conviction, available following a conviction for any criminal offence in a relevant court that prohibits the offender from doing anything described in the order or requires the offender to do anything described in the order. As with other tools it is subject to legal tests but as a wide-ranging tool it can be used for ASB offences.

Either the Council or the Police can request that the Crown Prosecution Service applies for a CBO on its behalf. A breach of a CBO is a criminal offence with several possible penalties including imprisonment

- **ASB closure orders** - ASB closure orders are legal tools that allow authorities to restrict access to premises causing serious nuisance, disorder, or criminal activity. These cover a Closure Notice (issued by the Council or Police) prohibiting access to a premises for up to 48 hours or a Closure Order, applied for a court within 48 hours of serving a Closure Notice where the court may grant a prohibition of access for up to 3-months (extendable to 6-months) if necessary to prevent recurrence of ASB. Breaches of a Notice or Order are criminal offences.

The Council, housing providers and the Police can apply for a closure order

- **Public Spaces Protection Orders (PSPOs)**– these are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

The Council is responsible for making any PSPOs which are subject to legal tests and public consultation.

9.2 All enforcement action must be:

- Lawful
- Proportionate
- Evidence-based to the relevant legal threshold and standards (civil or criminal as appropriate)

9.3 All enforcement action the Council undertakes regarding ASB must align with the Council's Enforcement Policy and Public Sector Equality Duty. The Policy is available here [enforcement-policy-2020.pdf](#). More information on the Equality Duty can be found here [Public Sector Equality Duty: guidance for public authorities - GOV.UK](#) and in Section 12.

## **10.0 Supporting Vulnerable Victims and Perpetrators**

10.1 All ASB reports will be risk-assessed to protect people and property. This is important as it will inform the level and urgency of any impacts and help determine potential types of action that can be undertaken and when including referrals into other agencies. Whilst no two ASB cases are identical and there is no rigid framework for this, undertaking a risk-based approach enables the Council to work as efficiently and effectively as possible to protect the community.

10.2 The Council recognises that vulnerabilities, such as mental health and other disabilities, substance misuse or domestic abuse, may affect both victims and perpetrators. In tackling ASB where able to do so, the Council is seeking to protect individual and/or the wider community from harm being caused by ASB and this is a core duty. However, the Council needs to take a trauma-informed approach and has legal duties to safeguard all persons it engages with under ASB including both victims and those causing the ASB. Those perpetrating ASB can also be victims of related or separate ASB, so these can be complex matters where support and enforcement action are carefully balanced.

10.3 Where appropriate:

- The Council will seek consent to refer individuals to support services.
- In safeguarding or serious cases, information may be shared without consent where legally justified.
- Victims and witnesses involved in serious or court-based action will be consulted on support needs, communication arrangements and protection of identity.

Support can take various forms, including:

- Victim services and support agencies – a wide range of specialist and more general voluntary sector support services which will be specific to victim needs
  - GOV.UK – government guidance on how to get support if you (or someone you know) is a victim of ASB. [Antisocial behaviour: how to get help - GOV.UK](#)
  - Victim Support – an independent charity dedicated to providing free, confidential support to victims of crime and traumatic incidents. [Home - Victim Support](#)
  - Safer Communities Victim Services – an independent community safer charity which aims to support victims of crime and create opportunities to change people’s lives in a positive way. [Antisocial Behaviour \(ASB\) - Victim Services](#)
  - Victims Commissioner – the commissioner has a formal remit independent of government under legislation to improve how the justice system works for victims and witnesses. It has a Victims Code and Witness Charter. [Home - Victims Commissioner](#)
  - ASB Help – an independent charity set up to provide advice and support to victims of anti-social behaviour. [ASB Help | Advice & support for Victims of Anti-Social Behaviour](#)
- 10.4 The Community Remedy gives victims of low-level crime and antisocial behaviour a say in the punishment of the offender out of court, whilst the anti-social behaviour case review gives victims of persistent antisocial behaviour the right to demand action where they feel that their problems have not been dealt with (see Section 8 for more information). More information on the Community Remedy is available on the Devon and Cornwall Police and Crime Commissioners site [The Office of the Police and Crime Commissioner for DCIOS](#)
- 10.5 More information on the risk and protective factors relating to the perpetration of ASB is available here
- [Risk and protective factors of anti-social behaviour perpetration - GOV.UK](#)

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## 11.0 Data Protection and Information Sharing

11.1 The Council will share information in line with:

- Data protection legislation
- Relevant information sharing agreements and protocols

11.2 Personal data will only be shared where necessary, proportionate and lawful. Requests for redaction will be considered, particularly where there are safety concerns.

11.3 Further details are set out in the Council's Data Protection and Privacy Notices. More information on our handling and access to information is available here [Access to Information - MIDDEVON.GOV.UK](#)

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## **12.0 Equality and Staff Support**

12.1 The Council will ensure compliance with the **Equality Act 2010**, including:

- Having due regard to the Public Sector Equality Duty
- Making reasonable adjustments to support fair access to services

12.2 The Equality Duty requires the Council to consider the needs all individuals in its day-to-day work, including shaping policies such as this. More information on how this relates to both victims and perpetrators is set out in Section 10.0. In the broader context of tackling ASB, by understanding the effect of our actions and activities in dealing with ASB on different people, we can provide more inclusive, efficient and effective solutions.

12.2 The Council will also protect staff from abuse, intimidation or threats and provide training and support to those dealing with ASB cases.

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## **13.0 Complaints About a Service**

13.1 Concerns about how an ASB case is being handled should initially be raised with the line manager of the officer managing the case. The case officer will be able to provide this information.

13.2 If not resolved, complainants may use the Council's formal complaints procedure. More information is available here [Customer feedback and complaints - MIDDEVON.GOV.UK](#)

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## **14.0 Policy Review**

14.1 This policy will be reviewed every **three years**, or sooner if legislation, guidance or best practice changes significantly.

14.2 Feedback from residents, partners, regulators, the relevant Ombudsman and other stakeholders will inform future reviews.