

Report to: EXECUTIVE CABINET

Date: 27 March 2024

Executive Member: Councillor Vimal Choksi, Executive Member Towns and Communities.

Reporting Officer: Emma Varnam, Assistant Director of Operations and Neighbourhoods.

Subject: ANTI-SOCIAL BEHAVIOUR POLICY.

Report Summary: Authorisation to consult in relation to the draft Anti-social Behaviour Policy.

Recommendations: That Executive Cabinet be recommended to give permission to commence a 12-week period of consultation in respect of the draft Anti-social Behaviour Policy.

Corporate Plan: Nurturing Communities.

Policy Implications: The approach outlined in the policy provides the baseline for how the council will handle reports of ASB. The new ASB policy sits within the wider framework of the Community Safety Strategy and aligns with other enforcement policies. The policy sets out service standards that the Community Safety Unit and other departments need to adhere and/or pay due regard to.


Financial Implications: (Authorised by the statutory Section 151 Officer) There are no direct financial implications arising as a result of this policy. Activity to tackle anti-social behaviour is conducted by the ASB team which sits within Community Safety. For context, the revenue budget for Community Safety is set out in the table below:

	23/24 Budget £m	23/24 Forecast £m	23/24 Variation £m
Expenditure	1.809	1.965	0.155
Income	(0.688)	(0.865)	(0.177)
Net	1.121	1.100	(0.022)

Legal Implications: (Authorised by the Borough Solicitor) The report correctly identifies the legal obligations of the Authority with regard to Anti-Social Behaviour. The proposed consultation in respect of the draft policy is recommended to inform both the equality impact assessment and decision making in relation to the draft policy and which will ensure that the Authority has regard to relevant considerations arising from the consultation.

Risk Management: Failure to have an agreed and published ASB policy could lead to reputational damage and/or challenge to the council in how it deals with reports of ASB. For example, the feedback from the Local Government and Social Care Ombudsman (LGSCO) cited in the report. Having a publicly consulted on policy supports both transparency and provides a clear framework for the ASB handling process – thus reducing that risk.

Background Information: The background papers relating to this report can be inspected by contacting Dave Smith, Partnership Manager.

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1. INTRODUCTION

- 1.1 Tameside Council recognises that everyone has the right to live without the fear of facing anti-social behaviour in their communities. Unfortunately, anti-social behaviour is the main reason people do not feel safe in their local areas. Anti-social behaviour can leave victims and communities feeling powerless, spoiling their enjoyment, and disturbing their peace of mind in their homes.
- 1.2 A wide variety of behaviour can be defined as 'anti-social' if it has a negative impact on others. The Anti-social Behaviour, Crime and Policing Act 2014 (the 'Act'), defines anti-social behaviour as behaviour that causes, or is likely to cause alarm, distress or harassment to others.
- 1.3 The Council has a key role to play in protecting public health and safety and promoting community health & well-being and protecting the environment. The Act places a duty on the Council to exercise its functions with due regard to the impact of anti-social behaviour.
- 1.4 It is recognised that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. To ensure compliance with this legislation, an Equality Impact Assessment (EIA) has been conducted for this policy and is attached at **Appendix 1**.

2. CONTEXT/BACKGROUND

- 2.1 To help deliver the Council's ambition to tackle anti-social behaviour (ASB), an ASB Policy (the 'Policy') has been developed which illustrates the Council's service standard when responding to and investigating reports of ASB. A draft copy of the policy is attached at **Appendix 2**.
- 2.2 Over the past 18 months, the Council's ASB service has undertaken a service re-design as part of their improvement journey. The team now consists of an ASB team leader and 3 ASB officers. Working practices have also been scrutinised and improved to ensure that the ASB service strives to provide service excellence to the people and communities of Tameside and incorporates procedures of how the Service will deal with reports of ASB.
- 2.3 As well as the service re-design, a catalyst for the formation of this policy was following a response to an Ombudsman complaint where the Council were advised to produce a policy available for public consumption. It is important to note that this document is not a 'strategy' document, it is a policy document that lays out how the Council's ASB Service will deal with reports of ASB it receives.
- 2.4 As part of the service review, the Council's website in relation to the ASB service has been reviewed and updated with current and relevant information.
- 2.5 This policy will also aspire to support the key priorities of the Tameside Community Safety Partnership Strategy 2022-2025.

3. WORK ALREADY UNDERTAKEN

- 3.1 In devising this policy, it is crucial that the Council does not do so introspectively. In March 2023 the Government launched its 'Anti-social Behaviour Action Plan' and a national public consultation in relation to utilisation of existing ASB Powers. Furthermore, in August 2023, the Local Government & Social Care Ombudsman published the in-focus report; "Out of

Order': learning lessons from complaints about anti-social behaviour'. Both these documents have been reviewed by the ASB service and the evidence contained within them has helped form the local policy.

- 3.2 An early draft of the ASB Policy was presented to the Tameside Public Engagement Network (PEN) in June 2023. This forum and the feedback received also helped shape the policy.
- 3.3 Furthermore, the policy has been presented to the Council's Place and External Relations Scrutiny Panel in July 2023 and furthermore at a Scrutiny Committee workshop in November 2023. Several recommendations were proposed by the Panel and these recommendations have been considered and where appropriate included into the draft policy. A copy of the letter from the Panel advising of their recommendations is attached at **Appendix 3**.
- 3.4 The Policy was presented to the Assistant Director Delivery Group on 13 February 2024 in order to gather recommendations of groups that could be engaged to contribute to the consultation. A number of groups have already been identified and they will be consulted with.

4. NEXT STEPS

- 4.1 In order to commence the adoption of this policy, the Council will need to conduct a public consultation.
- 4.2 There are no statutory timescale requirements on the length of the consultation process. We are therefore proposing 12-week online public consultation in line with Consultation principles: guidance [Consultation principles: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/consultation-principles-guidance)
- 4.2 Post public consultation, a further report will be devised incorporating any recommendations from the consultation and any amendments in order to progress through the formal governance process to adopt the policy. The EIA will also be updated to reflect relevant points from the consultation.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.