CONWY COUNTY BOROUGH COUNCIL
(Conwy Community Safety Partnership)

PARTNERSHIP FRAMEWORK

ANTI-SOCIAL BEHAVIOUR
POLICY
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1. **Introduction**

1.1 Under Section 12 of the Anti-social Behaviour Act 2003, amending the Housing Act 1996, Conwy County Borough Council (CCBC) is required to publish a statement of policy and procedure with regard to Anti-social Behaviour (ASB). The following document fulfils this legal requirement, and is designed to give a clear statement of approach to Anti-social Behaviour and the way that CCBC intend to work, together with Conwy County residents of all tenure, Registered Social Landlords (RSL), Private Landlords and other organisations, to resolve it.

1.2 The purpose of the Anti-social Behaviour Act 2003 is to provide the tools for practitioners and agencies to effectively tackle Anti-social Behaviour. It contains measures drawn up from across five Government Departments and builds on existing legislation to clarify, streamline and reinforce the powers that are available to practitioners.

1.3 This Policy should be read in conjunction with the CCBC Partnership Framework Agreement - Anti-social Behaviour Toolkit and the Conwy & Denbighshire Community Safety Partnerships ASB Minimum Standards document. The Policy and Toolkit are designed to address all aspects of Anti-social Behaviour within Conwy County.

1.4 Powers under the Anti-social Behaviour Act 2003 include:

- Closure of premises due to unlawful use of drugs and associated nuisance or disorder;
- Closure of premises for persistent disorder or nuisance;
- Dispersal of groups of two or more people where anti-social behaviour is a persistent problem;
- Return of children under the age of 16, not under the supervision of an adult, to their homes between the hours of 9pm and 6am;
- Powers to deal with noisy premises – including closure of premises which are causing a public nuisance;
- Restrictions on sale of aerosol paint;
- Powers to deal with fly-posting, graffiti, litter and fly-tipping;
- Parenting Orders and issue of fixed penalty notices to parents whose children persist in truancy;
- Prohibition of carrying imitation firearms and certain air weapons in public – increasing the lower age limit for air weapons from 14-17yrs;
- Anti-social Behaviour Injunctions (ASBI) and sometimes power of arrest where behaviour affects a Local Authority’s housing management function;
- Power to the Local Authority to apply for Anti-social Behaviour Orders (ASBOs) and prosecute subsequent breaches;
- Power to the Local Authority to apply for Anti-social Behaviour Orders on Conviction (CrASBO);

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1 For the purpose of this document, Registered Social Landlords refers to North Wales Housing Association, Wales & West Housing Association, Cartrefi Conwy Housing Association, Clwyd Alyn Housing Association and Cymdeithas Tai Clwyd.
• Power to the Local Authority to apply for Injunctions under Section 222 of the Local Government Act 1972 to restrain the use or threat of violence;
• Power to apply for Drink Banning Orders (DBOs).

This is not an exhaustive list of powers under the Act.

2. Policy Statement

2.1 CCBC recognises that it has a duty to promote and protect the interests of those living within Conwy County and that it must be effective in tackling the problems created by anti-social behaviour by establishing clear objectives.

This Policy is based on the following principles:

• Everyone has the right to live their chosen lifestyle providing this does not detrimentally affect the quality of life of others;
• The above implies a degree of tolerance and respect for the needs of other people.

2.2 CCBC will clearly establish and publicise:

• The behaviour standards expected from all residents of and visitors to Conwy County and clearly stating behaviour that will not be tolerated;
• The actions that will be taken by CCBC in partnership with other agencies if these standards are breached.

2.3 CCBC recognises its duties under the European Convention on Human Rights and the necessity to ensure the rights of individuals are not infringed by their neighbours.

2.4 CCBC will work in partnership with Registered Social Landlords, North Wales Police and other agencies to assist in the investigation of complaints through the Data Information Sharing Protocol under the Crime and Disorder Act 1998.

2.5 Objectives will be met by:

• Establishing clear guidelines and procedures for staff, in terms of the investigation of complaints, and the appropriate action to be taken;
• Recognising that neighbour disputes and anti-social behaviour may be a result of wider social issues and by establishing a clear protocol for inter-CCBC and multi-agency co-operation in addressing such matters;
• Ensuring that staff are adequately trained to implement CCBC’s Policy;

• Establishing targets for performance monitoring, the results of which will be reported as required by CCBC and shared with partner agencies;

• Regularly reviewing both policy and procedure;

• Regularly reviewing and publicising initiatives that focus on prevention of anti-social behaviour.

3 Definitions/Descriptions (index)

3.1 Neighbour Dispute

A neighbour dispute is where two or more neighbours disagree about any aspect of behaviour which causes a nuisance or annoyance to one or more of the parties.

3.2 Anti-social Behaviour

The legal definition of anti-social behaviour given in Section 1 (1) of the Crime and Disorder Act 1998 is:

*Acting in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator.*

A more general description of anti-social behaviour would be that it includes a variety of selfish and unacceptable behaviour that has a negative effect on the quality of life in a community.

Examples of anti-social behaviour:

• Harassment;
• Violence;
• Verbal abuse or threats;
• Behaviour related to drug or alcohol abuse;
• Behaviour of children or visitors to the property causing serious nuisance or harassment;
• Loud noise from televisions, radios, music centres, and so on;
• Late-night parties;
• Abandoned vehicles;
• Nuisance caused by domestic animals;
• Nuisance caused by a property being used for business purposes;
• Nuisance caused by children; and
• Neglecting a garden or cleaning responsibilities.

This is not an exhaustive list.

3.3 Nuisance
Nuisance can involve deliberate and continuous actions, with one or multiple victims. It is behaviour which is clearly outside acceptable behaviour and infringes on peoples’ legitimate rights.

**Statutory Nuisance** - applies to the following when they are “in such condition as to be prejudicial to health or nuisance”:

- Smoke emitted from premises eg, smoky bonfires;
- Fumes or gases, eg, paint-spraying;
- Dust or smell from industrial trade or business;
- Accumulation or deposit eg, faeces;
- Animals kept in such a place or manner – includes keeping animals in premises unfit to keep them;
- Noise emitting from premises, eg, amplified music; and
- Noise emitting from or caused by a vehicle, machinery or equipment in a street, for example, car alarm.

This is not an exhaustive list.

### 3.4 Harassment

Harassment is persecution or intimidation, by a person or group of people, of a person or group of people for any reason, including race, colour, religion, nationality, sex, sexuality or disability.

Harassment can take many forms including intimidating, threatening or aggressive behaviour, both verbal and physical, and can involve attacks on property as well as people. Incidents of harassment can include sexual comments or gestures, offensive graffiti, abusive language and behaviour, violence and damage to homes or possessions.

Harassment is deemed to be committed where a person or persons continue to pursue a course of behaviour knowingly causing distress to another person.

### 3.5 Racial Harassment

Racial harassment is any incident that the victim or any other person believes to be racially motivated.

“A racist incident is any incident which is perceived to be racist by the victim or any other person”. Stephen Lawrence Enquiry – MacPherson Report.

Racial harassment can take the form of offensive or aggressive verbal remarks, physical violence or threats of violence towards people or their homes because of their race, religion, ethnic origin or colour.

Under the Race Relations Act 1976, Section 71 it is the duty of every Local Authority to make appropriate arrangements to ensure that their functions are carried out with regard to the need to:
(a) eliminate unlawful racial discrimination; and
(b) promote equality of opportunity, and good relations, between persons of different racial groups.

4. **CCBC - Anti-social Behaviour Co-ordinator**

This role has been created by CCBC to co-ordinate the Local Authority response to all anti-social behaviour complaints across Conwy County.

The role will sit under Community Safety as part of Regulatory Services and will work closely with the North Wales Police Anti-social Behaviour Officer for Conwy and with partnership agencies including Registered Social Landlords to co-ordinate action taken against perpetrators of anti-social behaviour.

The post-holder will seek to engage with Private Sector Landlords in order to develop a relationship to promote cooperation from and assistance to Landlords with problem tenants.

The post-holder will, in accordance with Section 115 (Disclosure of Information) of the Crime and Disorder Act 1998, share and obtain information with and from partner agencies for the purposes of investigating nuisance and anti-social behaviour.

The post-holder will liaise internally with CCBC to obtain and share intelligence information and make appropriate referrals. Such contacts would include:

- Legal;
- HOST (Housing Options and Support Team);
- Trading Standards;
- Licensing;
- Community Safety;
- Community Safety Enforcement Team;
- Environmental Planning and Enforcement Team;
- Children and Family Services;
- Adult Services;
- Mental Health;
- Drug and Alcohol Services; and
- Any other departments as appropriate.

The post-holder will seek to apply and share best practice in dealing with anti-social behaviour and will utilise all tools available under the Anti-social Behaviour Act 2003 and any subsequent amendments.

*Please refer to appendix - ASB Co-ordinator – Job Description*

5. **Complaints**

Complaints of ASB can include the following:
- Harassment;
- Violence;
- Verbal abuse;
- Behaviour related to drug or alcohol abuse;
- Other criminal activity involving the property, including drug possession or supply;
- General domestic noise;
- Noise from licensed premises;
- Neighbour disputes;
- Noise from amplified music or late night parties;
- Car repairs in the street;
- Nuisance caused by animals;
- Dog fouling;
- Nuisance caused by using the property for commercial or business purposes;
- Nuisance caused by children;
- Neglect of garden or cleaning responsibilities; and
- Dumping of litter and rubbish.

Whilst some complaints may be deemed more serious than others, CCBC will deal with all cases expeditiously by means of warning letters (where appropriate), referrals to other CCBC departments and other agencies for investigation and or further action such as Acceptable Behaviour Contracts and Restorative Justice. Persistent or serious nuisance will result in prosecution where there are sufficient grounds.

There may be occasions where ASB is so extreme for example in those cases which involve violence or the threat of violence that it may be appropriate to apply to the Court for a Without Notice Order for the protection of victims or witnesses.

Where a complaint is made and there is no reasonable action or assistance that can be offered the complainant will be informed of this and of the reasons why.

6. Procedures

In all its procedures for dealing with ASB CCBC will ensure that:

- It will be easy for complainants to report problems by whichever means they feel most comfortable (eg, email, letter, telephone);
- Information leaflets are accurate and up-to-date in relation to contact information and advice;
- Complaints made out of hours will be taken by the CCBC Out of Hours service and referred to the Anti-social Behaviour Co-ordinator;

For the purposes of this document Anti-social Behaviour Co-ordinator refers to the Co-ordinator appointed and employed by Conwy County Borough Council.
• Every report of anti-social behaviour will be quickly and formally acknowledged in writing and will provide contact details and information for sources of support;

• Complainants will not be given false expectations as to the resolution of complaints;

• Investigation will be instigated within seven working days of receipt of the complaint by the ASB Co-ordinator and whenever practicable we will seek to complete investigations within 21 working days though in some cases this may take longer;

• In serious cases of ASB investigations will be commenced on the same day (where this is a normal working day) and any action taken as soon as practicable;

• Investigations will seek to identify all parties and agencies involved to gain an overview of the situation;

• Every effort will be made to resolve disputes amicably, including the use of restorative justice where appropriate;

• Where possible, every effort will be made to keep the identity of the complainant confidential. Where this is not possible complainants will be notified but details will not be disclosed without the consent of the complainant in any event;

• Where complaints are substantiated appropriate action will be taken;

• Complainants will be kept advised of progress at every stage;

• Where perpetrators of anti-social behaviour are unidentified CCBC will make every effort to gain intelligence on those responsible through blanket community exercises covering all households within the affected area, providing contact information and encouraging reporting.

It should be acknowledged that there may be instances where cases of anti-social behaviour are not resolved to the satisfaction of all parties despite exhaustion of all available tools. If such a situation should arise CCBC will be able to demonstrate that all reasonable action has been taken in order to attempt resolution.

Complaints of serious anti-social behaviour where there is a threat of violence, will initially be dealt with as a priority on the day of receipt and the procedure may not follow those listed below in that, for example, Court action may be required without notice.

Subject to the above paragraph, the following procedure will be used to deal with complaints of anti-social behaviour made to CCBC:

Initial Response:
• All complaints will be recorded on CCBC’s systems and allocated a unique reference number;

• Where the type of complaint is primarily dealt with by another department (e.g., noise nuisance, fly-tipping) a referral will be made to the relevant department and recorded by the ASB Co-ordinator accordingly;

• All complaints (including those referred) will be responded to formally in writing within seven days of receipt of the complaint and provided with Incident Log sheets (if appropriate) except where the complaint is anonymous. The ASB information leaflet will be provided to all complainants;

• The complainant will be allocated a named officer and direct contact details and may also be offered a referral to North Wales Victim Support;

• All complaints will be investigated by the CCBC and North Wales Police ASB Co-ordinator/Officer using available resources and multi-agency contacts;

• Involvement of other agencies will be established prior to any action to enable a co-ordinated response except where an immediate response is required;

• Alleged perpetrators of anti-social behaviour will be sent a first warning letter informing them of the complaint received highlighting possible consequences should complaints be substantiated and requesting contact with the ASB Co-ordinator to discuss (no details of the complainant will be disclosed);

• If no response is received from the alleged perpetrator and no further complaints are made or log sheets received within a period of two calendar months from issue of the warning letter the complaint will be closed and the complainant informed in writing. At this point a Customer Feedback Form will be provided to the complainant for the purposes of performance monitoring;

• In cases of neighbour disputes warning letters will not be issued unless there is a clear establishment of fault (supported by evidence and/or independent witnesses) with one of the parties. In these cases it has been found that warning letters to one side result in the escalation of problems between neighbours. Restorative Justice will be offered in the first instance to attempt amicable resolution through agreement from both parties;

• Where complaints persist following a second warning letter, further intervention should be considered in consultation with all agencies involved e.g., ABC, Restorative Justice…

3 Anti-social Behaviour Log Sheets should only be issued where there is persistent anti-social behaviour. An information leaflet will be provided in all cases.
6.1 Procedure for Issuing an Acceptable Behaviour Contract (ABC)

Following issue of two warning letters with no improvement a standard letter inviting a perpetrator to an ABC meeting should be sent allowing a reasonable notice period and opportunity to re-arrange.

6.1.1 ABC Meeting

The meeting is attended by the perpetrator, the CCBC ASB Co-ordinator, North Wales Police ASB Officer and (where possible) an Officer from the appropriate Neighbourhood Policing Team. The perpetrator may wish to be accompanied by a friend or relative. Where the property is privately rented attempts will be made to engage with the Landlord.

Where the perpetrator is under the age of 18yrs they must be accompanied by a responsible adult and the Youth Justice Service must be consulted and invited to attend the meeting.

The reason for and purpose of the ABC must be fully explained to the perpetrator and they must be provided with an explanatory leaflet.

If a perpetrator refuses to agree to the ABC the refusal to engage will be recorded and may be used as evidence in any subsequent proceedings. In this case the situation should be closely monitored with the complainant and alternative remedies considered.

6.1.2 Following Issue of an ABC

Following a successful ABC meeting the complainant(s) will be written to and informed of the action taken. They will be informed of the conditions of the ABC and what to do if they witness a breach.

The ABC will remain in force for a period of 6 months. If no further complaints are received the perpetrator is written to informing them that the contract has expired and commending the improvement in their behaviour. The complainant(s) will also be written to inform them of the expiry and to close the case.

6.1.3 Breaches of an Acceptable Behaviour Contract

Where minor breaches are reported a 6 month extension of the ABC should be considered. A further meeting with the perpetrator should be arranged.
for the extended ABC to be signed. Complainants will be informed of the action taken.

Where there are serious breaches of the conditions of the ABC, legal action (such as ASBI application [only available where property is managed by CCBC eg, property managed by the Housing Options and Support Team - HOST], Section 222 Injunction or ASBO) may be considered where breaches can be evidenced.

6.2 Restorative Justice Procedure

Use of Acceptable Behaviour Contracts or Neighbourhood Agreements should be considered in conjunction with Restorative Justice. In all cases where the complaint is regarding a neighbour dispute with complaints received from both parties restorative justice will be offered.

6.2.1 Encouragement to Engage

All parties will be written to and provided with an explanatory leaflet about the Restorative Justice procedure. It should be clearly explained that participation is entirely voluntary and no party will be accused of being responsible for the issues that have arisen.

All parties will be requested to indicate whether they will participate with the Conference – they may wish to be represented by a third party and not attend in person or alternatively they may wish to communicate in writing by letters passed via a facilitator.

6.2.2 Refusal to Participate

If one or both parties refuse to participate in any way then this must be recorded as this can be used in evidence in any future actions if problems persist. The situation will be closely monitored for any further escalation. If no additional assistance is possible (such as with two-sided neighbour disputes) both parties will be formed of this.

6.2.3 Meeting Arrangements

Where parties agree to participate, a suitable, neutral venue will be arranged. Every effort should be made to accommodate all parties in terms of time and work arrangements.

6.2.4 Post Conference

Following the Restorative Justice conference all parties will be written to and the matter concluded.

If further complaints are received further interventions may be considered depending on the nature of the complaints.
6.3 **Eviction Planning Procedure** *(index)*

Where a family is threatened with eviction due to anti-social behaviour the Eviction Planning Procedure will be invoked. This will involve arrangement, by the ASB Co-ordinator, of a meeting of appropriate agencies (eg, HOST, North Wales Police, Children & Family Services) to formulate an action plan to support families and communities when eviction occurs.

The ASB Co-ordinator will ensure that relevant Heads of Service are kept fully informed of cases which have, or could potentially have, a serious detrimental impact on the community.

*Please refer to appendix - Eviction planning procedure*

7. **Legal Action** *(index)*

Legal action will be considered and may be taken against perpetrators if no effort is made to amend behaviour and complaints continue to be received. This action may be taken in partnership with other agencies and in all cases alleged perpetrators will be advised to seek independent legal advice. In those cases which involve violence or the threat of violence legal action will be expedited sometimes without notice to protect victims and witnesses. In cases where CCBC's Legal department instigate proceedings, an application for costs will be submitted against the perpetrator(s).

8. **Evidence Gathering** *(index)*

Before any formal action can be taken on complaints of ASB, evidence must be collected. The process of gathering evidence will be co-ordinated by the ASB Co-ordinator.

Complainants can be provided with Anti-social Behaviour Log sheets for the purpose of recording incidents. This information can be used to gather intelligence of the extent of the problem and can also form the basis of a witness statement.

Evidence can be in the form of 4hearsay evidence provided via a third party. Evidence may be from a variety of sources including:

- Tenants / Residents
- Housing Officers
- Officers from Regulatory Services
- North Wales Police Officers
- Professional Witnesses
- Or any other relevant person/agency

9. **Multi Agency Partnerships** *(index)*

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4 Hearsay evidence carries less weight with a Court than Witness Evidence and may not be accepted by the Court in applications for Anti-social Behaviour Orders / Injunctions.
Conwy Community Safety Partnership (CSP) whose membership includes North Wales Police, CCBC, RSLs, North Wales Probation and the Youth Justice Service, has established an Anti-Social Behaviour Review Group. The following CCBC services and external agencies are represented on the Anti-social Behaviour Review Group:

**CCBC services**

- Regulatory Services;
- Legal Services;
- Community Safety;
- Social Services – Adult and Children’s;
- Education Services;
- Youth Services;

**Other agencies**

- Youth Justice Service;
- North Wales Police;
- North Wales Probation;
- Registered Social Landlords;
- North Wales Victim Support.

Other agencies may also be involved as appropriate.

The Anti-social Behaviour Review Group meet on a six weekly basis to discuss cases and agree action plans to deal with and monitor cases of ASB as they arise. Multi-agency meetings are used for individual cases requiring urgent attention and can be arranged at short notice by the ASB Co-ordinator.

10. **Support for Complainants** (index)

CCBC will support complainants by:

- Dealing with their complaint promptly;
- Keeping them informed in writing of any developments relating to their complaint;
- Referring them to support services, including Victim Support and Witness Support, where appropriate;
- Providing interpreters on request for people as per CCBC’s Welsh Language Scheme and Equalities Scheme;
- Providing interpreters on request for people who are hearing impaired;
- Where a complainant is unhappy with the progress made regarding any complaints, he/she can complain via CCBC’s Formal Complaint Procedure.

Where a complainant or perpetrator suffers from disability or impairment the following will be adhered to:
The Disability Discrimination Act 1995 aims to prevent discrimination against disabled people, including through the delivery of services. All service providers must make their services accessible to disabled people either through removal of physical barriers, provision of aids and adaptations or other ‘reasonable adjustments’. The Act will cover the way in which disabled people are able to report ASB equally and the services they receive. Also, the needs of perpetrators with mental ill health must be taken into account when action is taken to prevent ASB.

Where appropriate referrals to support agencies or other departments will be offered.

11. Support for Witnesses (index)

It is CCBC Policy to ensure that all witnesses are supported through their complaint and any Court procedures, kept fully updated of developments and given opportunity to discuss their concerns with measures taken to assist them as appropriate.

For any legal action to succeed, witnesses are usually required to say what they have seen. It is best if these are people who have directly been affected by the anti-social behaviour. Without the evidence of people directly affected it is very difficult to obtain successful outcomes in Court. People may often be unwilling to do this for fear of intimidation if they go to Court.

Where cases are heard in the Magistrates’ Court, witnesses can be referred to the Witness Service for support. Witnesses can be offered a visit to the Court prior to the proceedings to make them aware of procedures. Witnesses can also be offered special measures such as screens within the Court room and steps can be taken to ensure that perpetrators and witnesses are kept separate. It is also possible for evidence in Court to be given by video-link which means that witnesses in some circumstances will not have to be in the same room as a Defendant when giving their evidence.

In some cases CCBC officers or other agency officers may be able to give statements to the Court on behalf of witnesses, without revealing their name and address details. Alternatively, where CCBC officers have witnessed the nuisance for themselves, they can give personal evidence to the Court.

12. Training for Conwy County Borough Council Staff (index)

Training will be provided to all relevant CCBC Staff. Ongoing training requirements will be regularly reviewed to ensure that procedures are adhered to, updated and improved.
13. Consultation  (index)

Consultation on the development of this Policy has been through liaison with the following:

- North Wales Police
- Conwy County Borough Council Staff
- Elected Members
- Cartrefi Conwy Housing Association
- North Wales Housing Association
- Cymdeithas Tai Clwyd
- Clwyd Alyn Housing Association
- Wales and West Housing Association
- North Wales Probation
- Youth Justice Service
- North Wales Victim Support

15. Performance Monitoring  (index)

Monitoring of performance will be carried out regularly by the Anti-social Behaviour Co-ordinator in consultation with the North Wales Police Anti-social Behaviour Officer. Complainants will be asked to complete a Customer Feedback Questionnaire at the conclusion of a complaint (where possible) to provide feedback on where the service may be improved.

The following will be recorded:

- Warning letters issued
- Acceptable Behaviour Contracts issued
- Neighbourhood Agreements
- Restorative Justice Conferences
- Anti-social Behaviour Orders obtained
- Criminal Anti-social Behaviour Orders obtained
- Injunctions obtained
- Dispersal Orders
- Crack-house Closures
- Premises Closure Orders
- Yellow Cards Issued for ASB +/- Alcohol Confiscation
- Youth Restorative Disposal

16. Associated Documents  (index)

The Anti-social Behaviour policy document should be considered in relation to the following documents:

- Partnership Framework Agreement – ASB
- Information Sharing Protocol - ASB
17. **Associated Legislation** (index)

The Anti-social Behaviour policy document is also to be compatible with legislation relating to:

- Race Relations
- Children
- Disability Discrimination
- Crime and Disorder Act
- Human Rights Act
- Local Government Act
- Homelessness Act

18. **Publication of Information (Naming and Shaming)** (index)

CCBC will be pro-active in publishing information where deemed appropriate, having regard, in particular, to the need to publicise details of Orders or Injunctions in order to assist with enforcement.

Publication of Anti-social Behaviour Orders will be through consultation with the Anti-social Behaviour Review Group using the ‘Publication Protocol’.

19. **Review of Policy** (index)

CCBC will review the contents of the policy on an annual basis. The Policy may be reviewed earlier if required by the Scrutiny Committee.

**Appendix 1** (index)

**Anti-social Behaviour Toolkit**

1. **Warning Letters**
2. **Incident Logs**
The above is not an exhaustive list of tools available to deal with Anti-social Behaviour under the 2003 Act but represents those most frequently and effectively used by Local Authorities, Police Authorities and Registered Social Landlords.

1. **Warning Letters** *(index)*

Warning letters can be used to inform alleged perpetrators that a complaint regarding their conduct has been received and that their alleged behaviour is affecting the quality of life of those living in the locality. The identity of the complainant is not disclosed without the permission of the complainant.

The first warning letter provides the alleged perpetrator with the opportunity to contact the 5ASB Team to discuss the complaint received. The letter should explain the possible consequences of further action being taken should complaints be proven and will be accompanied by an explanatory leaflet “First Warning Letter – Anti-social Behaviour”. Where the complaint is in relation to a neighbour the letter will be accompanied by an information leaflet “Be a Good Neighbour”.

The second warning letter will indicate that further complaints have been received and that further action may now be considered.

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5 ASB Team refers to the Conwy County Borough Council Anti-social Behaviour Co-ordinator and the North Wales Police Anti-social Behaviour Officer (Conwy).
The letters can also be used as evidence of perpetrators having been warned that their behaviour is affecting others.

*Please refer to appendix Anti-social Behaviour Warning letter*

2. **Incident Logs** (index)

Incident logs are provided to the complainant to record further incidents of anti-social behaviour.

The information required on the form includes, date and time, description of the incident, details of persons involved (or descriptions if they are unidentified), details of any witnesses and whether the incident was reported ie, to the Police. Complainants will be offered the facility to complete logs sheets electronically.

Incident logs are useful in preliminary situations because:

- They allow an assessment of the case;
- They quantify the seriousness of the case;
- They can establish patterns of behaviour;
- They allow the complainant an expression of their dissatisfaction;
- They can be used to respond to denial by the perpetrator; and
- They provide a form of evidence.

If cases progress to a legal stage, incident logs will become an essential aid for the production of witness statements and can be used in evidence.

*Please refer to appendix - Anti-social Behaviour Incident log*

3. **Multi-agency Meetings** (index)

Multi-agency meetings are used to ensure that all parties involved with a case can come together and form an operational plan to resolve anti-social behaviour. Actions can be allocated to individual officers and all requested to feedback to a single point of contact eg, the ASB Co-ordinator for CCBC. Meetings can be arranged at short notice to deal with serious cases.

4. **Acceptable Behaviour Contract (ABC)** (index)

This is a voluntary agreement given by any person over the age of 10 yrs of any tenure i.e. owner occupiers, private tenants and tenants of Registered Social
Landlords (RSL) to abide by certain conditions, for example “I will not use foul and abusive language which is likely to cause alarm, harassment or distress to other residents of …..”. The Acceptable Behaviour Contract is *not legally binding* but can be used as evidence of intervention at a later stage.

Registered Social Landlords may also issue a Final Tenancy Warning in conjunction with an ABC.

An ABC lasts for a period of 6 months. If there are minor incidents which do not amount to serious breaches during the 6 month period the ABC can be extended for a further 6 months. Serious breaches could result in further action taken against the tenancy.

*Please refer to appendix - Acceptable Behaviour Contract*

Acceptable Behaviour Contract Procedure Flowchart

5. **Restorative Justice** *(index)*

Restorative Justice can be used with all residents regardless of tenure. The process brings together the people involved in and affected by anti-social behaviour in a neutral setting with an independent mediator to discuss issues (all parties must agree to be involved).

*Please refer to appendix RJ procedure flowchart.*

6. **Neighbourhood Agreements** *(index)*

Neighbour agreements are for disputes between groups of neighbours. Disputes can arise in areas where, for example:

- there are older, childless residents in a street complaining about children playing football and kicking balls into gardens and noise;
- children retaliating with verbal abuse;
- parents of children threatening older residents; and
- dispute of neighbours over use of communal path and garden.

Restorative Justice can be used to introduce Neighbour Agreements. These are informal agreements between the parties who will agree to do or not do certain activities eg, children not swearing at other residents, other residents returning footballs to children.

Such agreements are useful tools in showing courts that a solution to a problem has been sought before resorting to legal action to resolve. The agreement and any breaches of it could therefore be used to support any legal proceedings.

*Please refer to appendix Neighbourhood Agreement*

7. **Anti-social Behaviour Injunction (ASBI)** *(index)*
An ASBI is an injunction which can be used by Registered Social Landlords. Application can be made to the County Court under the Housing Act 1996. Application can be made against a person who engages in conduct which is capable of causing a nuisance or annoyance to other residents or their visitors and which has a detrimental effect on how the Registered Social Landlord carries out its duties as a landlord.

Local Authorities may apply for an ASBI where their housing management function is being affected by the behaviour of a resident. CCBC may use this power in relation to property which is managed by them eg, HOST leased property.

ASBIs can be used for serious, violent and threatening situations where an immediate cessation of a particular activity is required. However, they can be effective for many other forms of persistent ASB.

Anti-social Behaviour Injunctions can be applied for very quickly but the same level and quality of evidence is necessary as for other civil proceedings. The witnesses affected need to make statements.

In certain circumstances, a Power of Arrest can be attached. If the Injunction is breached, the person is in contempt of Court and can be given an unlimited fine and or committed to prison for up to 2 years.

8. **Injunctions under Section 222 of the Local Government Act 1972**

This section of the Local Government Act states that:

“Where a Local Authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area – they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name…”

This power can be used to restrain anti-social behaviour – the conduct of which need not be criminal.

Section 222 Applications will be made by CCBC’s Solicitor if appropriate and proportionate following a review of the available evidence provided by the ASB Co-ordinator.

9. **Anti-Social Behaviour Order (ASBO)**

An Anti-social Behaviour Order is a civil preventative order which can be made under the Crime and Disorder Act 1998 through the Magistrates’ Court against any person aged 10 or over in any housing tenure i.e. owner occupiers, private and public sector tenants. The Order is for a minimum of two years and can be granted for an indefinite period. ASBOs cover a wider geographical area than ASBIs.
Local Authorities in consultation with the Police can apply for ASBOs. These were introduced partly to tackle the perceived gap in criminal law to deal with the full range of behaviour which is considered anti-social. It is intended to tackle behaviour which is likely to escalate to a criminal level and patterns of behaviour which cumulatively cause alarm, harassment or distress to the community but which do not consist of single acts which are sufficiently serious or sufficiently clear cut to be prosecuted individually as criminal offences.

Examples of behaviour:

- Serious or persistent unruly behaviour by a small group of individuals on a housing estate or town centre, who may dominate and intimidate others and cause minor damage;

- Families who use verbal abuse, vandalism and threats against neighbours;

- Serious or persistent abusive behaviour towards any person causing them fear or distress;

- Serious or persistent bullying in organised way in parks, schools etc;

- Racial harassment or homophobic behaviour;

- Anti-social behaviour as a result of drug or alcohol abuse.

The use of Anti-social Behaviour Orders is not restricted to behaviour occurring in housing situations. The terms of an Anti-social Behaviour Order can only be prohibitive, and only those necessary to protect people in the area from further anti-social behaviour may be used. Though it is a Civil Order gained in the Magistrates’ Court, a breach of an ASBO is a criminal offence.

*Please refer to appendix - Anti-social Behaviour Order Application*

10. **Publication of Anti-social Behaviour Orders**

Where Anti-social Behaviour Orders are obtained the Anti-social behaviour Review Group will be consulted regarding the publication of details of the Order.

The Publications Protocol Form will be used and a timescale for response given.

A record of the location of all ASBO posters distributed will be maintained by the Anti-social Behaviour Co-ordinator

*Please refer to appendix - Publications Protocol Form and ASBO Publication Guidance*

11. **Criminal Anti-social Behaviour Order (CrASBO)**

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21
A CrASBO is an Anti-social Behaviour Order which is gained following a criminal conviction. If a custodial sentence is imposed at the time of the application the terms can be applied on release from custody. Applications for CrASBOs in Conwy County are made by North Wales Police Anti-social Behaviour Officer. They are for a minimum of two years and can be granted for an indefinite period.

Please refer to the above re: publication of Orders.

12. **Drink Banning Orders (DBOs)** ([index](#))

A Drink Banning Order is a civil order, available from 31st August 2009 under the Violent Crime Reduction Act 2006, which can be applied for by North Wales Police or CCBC. They can be applied for against any person over the age of 16 years who has engaged in criminal or disorderly conduct while under the influence of alcohol and a Court considers it necessary to impose a DBO to protect persons and property from further conduct of that person while under the influence of alcohol.

The Order may last for a minimum of two months and a maximum of two years and may include prohibitions such as not to enter any licensed premises within a specified area.

Applications may be made by CCBC or North Wales Police in consultation.

13. **“Crack-house” Closure** ([index](#))

Under Sections 1 – 11 of the Anti-social Behaviour Act 2003 the Police, in consultation with the Local Authority, have the power to enable swift closure of properties being used by drug dealers and users of Class A drugs which causes disorder or serious nuisance to the local community.

For a Closure Order to be granted the Court must be satisfied that:

1. The premises have been used in connection with supply, production or use of Class A drugs;
2. Activity associated with the above must be evident during the 3 months prior to the Closure Notice being issued;
3. Disorder and or serious nuisance are associated with the premises;
4. The Order is necessary to prevent further disorder or serious nuisance.

A Closure Order can be for a period up to 3 months and may be extended to 6 months. Entering or remaining within the property during the period of the Order is an offence.

14. **Premises Closure Order** ([index](#))
Under Part 1A of the Anti-social Behaviour Act 2003 (as amended by the Criminal Justice & Immigration Act 2008) application can be made to a Magistrates’ Court for a Premises Closure Order. This enables the Court to temporarily close premises associated with significant and persistent disorder or persistent serious nuisance. This is a tenure neutral power that may be used by the Local Authority or the Police – each must consult the other. It is recommended that Registered Social Landlords and other agencies be consulted where their property is affected.

A Closure Order is for a maximum of three months to offer a community an immediate respite from severe anti-social behaviour. The Order prevents access to all persons including those with rights of abode or ownership.

Grounds for a Closure Order:

1. At any time in the preceding three months a person engaged in anti-social behaviour on the premises; and

2. That the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

A breach of a Closure Order is an offence and may result in imprisonment or a fine of £5,000.

Please refer to the Home Office Guidance

15. Dispersal Order (index)

Part 4 (Section 33-36) of the Anti-social Behaviour Act 2003 gives the Police, working with the Local Authority, power to target areas suffering problems associated with groups of people congregating and engaging in anti-social behaviour on a regular basis causing intimidation to people in the area.

A Senior Police Officer can designate an area and the Local Authority must also agree to the designation. The dispersal area must be clearly defined and must be advertised in a local newspaper or by notices in the local area. The Dispersal Order can last for up to six months and can be renewed if necessary.

Within the dispersal area:

1. Groups can be dispersed where there are reasonable grounds to believe that members of the public have been or are likely to be harassed, intimidated, alarmed or distressed.

2. Individuals asked to leave the area may be excluded from the locality for a period of up to 24 hours.

3. Young people under the age of 16yrs who are out on the streets without an adult between the hours of 9pm and 6am can be returned home if they are at risk or vulnerable from anti-social behaviour or crime or they are causing or at risk of causing anti-social behaviour.
16. Possession / Postponed Possession

A Possession Order can be made when a Landlord has made application for possession of a property – the application for possession can be made on the grounds of anti-social behaviour.

CCBC’s Housing Options and Support Team (HOST) may apply for a Possession Order, in relation to properties managed by that team, due to the behaviour of tenants.

17. Parenting Orders

Parenting Orders were introduced by the Crime & Disorder Act 1998, Section 8, and are designed to impose compulsory parenting classes and conditions for parental supervision (eg, ensuring a child attends school) on parents of children who are convicted of a criminal offence or who are the subject of an Anti-social Behaviour Order.

This emphasises the need for parents to take responsibility for their children and is viewed as a complimentary tool in assisting adherence to the conditions of an Anti-social Behaviour Orders and reducing the chances of a breach.

Parenting Orders are supervised by a “responsible officer” – this can be an officer from Social Services, Youth Justice Service or North Wales Probation. Consideration of an application for a Parenting Order is through consultation with all agencies.

A breach of a Parenting Order is prosecutable and may result in a fine of up to £1,000.

18. Noise Abatement Notice

A Noise Abatement Notice is used when any person is proven to be causing a statutory noise nuisance. Noise nuisance is defined as:

“any noise (including vibration) emitted from premises (including garden areas) so as to be prejudicial to health or a nuisance”

The procedure for noise monitoring is undertaken by Senior Environmental Health Officers working under CCBC’s Regulatory Services.

A breach of a Noise Abatement Notice is a criminal offence.

19. Statutory Nuisance

There are a number of other statutory nuisances that can be applied to any person who is causing the problem. Statutory nuisance applies to the following when they are “in such condition as to be prejudicial to health or nuisance”:
• Premises, for example, drains, damp;
• Smoke emitted from premises, for example smoky bonfires;
• Fumes or gases, for example paint-spraying;
• Dust or smell from industrial trade or business;
• Accumulation or deposit, for example faeces;
• Animal kept in such a place or manner – includes keeping animal in premises unfit to keep them;
• Noise emitting from premises, for example amplified music; and
• Noise emitting from or caused by a vehicle, machinery or equipment in a street, for example car alarm.

This is not an exhaustive list.

Statutory nuisance is dealt with by Senior Environmental Health Officers working under CCBC’s Regulatory Services.

Back to top

APPENDIX (index)

• Anti-social Behaviour Co-ordinator – Job Description

• Complaint Response Flowchart

• Customer Feedback Questionnaire
• Eviction Planning Procedure
• First Warning Letter
• Second Warning Letter
• ASB Incident Log
• Acceptable Behaviour Contract
• Acceptable Behaviour Contract Procedure Flowchart
• Restorative Justice Procedure
• Neighbourhood Agreement
• Anti-social Behaviour Order Application
• ASBO Publication Protocol Form
• ASBO Publication Protocol – guidance
• Crack House Closure Policy (available in hard copy)
• Premises Closure Home Office Guidance (available in hard copy)
• Drink Banning Orders – Home Office Guidance (available in hard copy)

Job Description [appendix]

<table>
<thead>
<tr>
<th>Post Title:</th>
<th>Anti-Social Behaviour Co-Ordinator</th>
<th>Post Ref. No.:</th>
<th>Location:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level:</td>
<td>G06</td>
<td></td>
<td>Civic Offices, Abergale Road, Colwyn Bay</td>
</tr>
<tr>
<td>Department/Service:</td>
<td>Regulatory Services (Community Safety)</td>
<td>Directorate:</td>
<td>Business Resources</td>
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</tr>
<tr>
<td>Responsible to:</td>
<td>Head of Regulatory Services</td>
<td>Responsible for: (Staff)</td>
<td>None</td>
</tr>
</tbody>
</table>

### Job Purpose

- To lead on and support the Community Safety Partnership in the development, implementation, promotion, monitoring and review of the Strategy for tackling anti-social behaviour in accordance with relevant legislation.
- To manage and co-ordinate the work of the multi-agency Anti-Social Behaviour Review Group.
- To establish and maintain a communication strategy between all relevant agencies, particularly for and on behalf of the Registered Social Landlords who operate within the County.
- To seek to embed the duties and responsibilities of Section 17 of the Crime and Disorder Act 1998, specifically relating to Anti-Social Behaviour.

### Duties and Responsibilities - Job Specific

1. To develop, deliver and performance manage the Anti-Social Behaviour strategy.
2. To support the development and establishment of a case management/problem-solving framework for achieving the anti-social behaviour priorities established through the Community Safety Partnership. This to include the receiving of referrals, assigning a unique reference number, inputting the information provided onto the relevant database (case register) and informing relevant parties of the referral in line with the agreed information sharing protocol.
3. To maintain the Case Register in order to monitor the progress of all cases being investigated, and establish, maintain and analyse relevant information systems about the level, nature and trends in anti-social behaviour.
4. To monitor and evaluate performance connected with the levels of anti-social behaviour and produce performance data as required by Line Management / Community Safety Partnership.
5. To compile a monthly statistical report to be provided to the Head of Regulatory Services for dissemination to partnership agencies.
6. To facilitate the ASB Review Group in order to ensure that there is a co-ordinated approach between agencies.
7. To regularly review and update the ASBO protocol in line with new legislative requirements.
8. To maintain awareness of relevant national and local developments and contribute proactively to the dissemination of information and best practice, both locally and regionally.
9. To take a personal lead on specific projects to reduce/address ASB.
<table>
<thead>
<tr>
<th></th>
<th>Duties and Responsibilities - Corporate</th>
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<tbody>
<tr>
<td>10.</td>
<td>To promote the service provision connected to Anti-Social Behaviour and develop / maintain informational leaflets for distribution to members of the public who are suffering or are the victim of Anti-Social Behaviour.</td>
</tr>
<tr>
<td>11.</td>
<td>To attract and maximise external finance from government and other sources and to manage delegated funds in accordance with the Council's financial guidelines.</td>
</tr>
<tr>
<td>12.</td>
<td>To provide and deliver reports, training, briefings and presentations as required, to a variety of audiences.</td>
</tr>
<tr>
<td>13.</td>
<td>To facilitate specific casework employing best practice to address specific incidents of anti-social behaviour.</td>
</tr>
<tr>
<td>14.</td>
<td>To assist in the preparation of cases, including obtaining statements and to liaise/keep victims / witnesses informed of upcoming Court dates and case developments.</td>
</tr>
<tr>
<td>15.</td>
<td>To facilitate the network of organisations providing mediation and Alternative Dispute Resolution Services within the County Borough area.</td>
</tr>
<tr>
<td>16.</td>
<td>Carry out research on the North Wales Police ICAD and RMS systems at the direction of the Community Safety Sergeant.</td>
</tr>
<tr>
<td>17.</td>
<td>Maintain confidential information in an appropriate manner.</td>
</tr>
</tbody>
</table>
1. To be responsible for establishing good working relationships both internally and externally.

2. Compliance with the Authority’s Policies and Procedures and to make known to Senior Officers any areas which are not adequately covered.

3. To participate actively in supporting the Authority’s principles and practices of equality of opportunity as laid down within the Equalities Policy.

4. To be responsible for the application of Health & Safety practices within the daily operations, sharing a common responsibility for Health & Safety across the department, directorate and Authority as a whole.

5. Employees will be required to give certain information relating to themselves in order that the Authority may properly carry out its duties, rights and obligations as an employer. The Authority will process and control such data principally for personnel, administrative and payroll purposes.

6. As a term of your employment and in order to maintain effective departmental operations, you may be required to undertake any other reasonable task, commensurate with your grade, as determined by your Line Manager or Head of Service.

Review Date/Right to Vary

This job description is not intended to be an exhaustive list of duties. The Authority reserves the right, after appropriate consultation with you, to vary your duties and responsibilities within the parameters of your grade and occupational competence in order to respond to changes in the needs of the service.

Signed by: .............................................. Date: ..............................................

Employee’s Name and Signature

Approved by

Head of Service: ................................. Date: ..............................................

PERSON SPECIFICATION

Post:  ANTI SOCIAL BEHAVIOUR CO-ORDINATOR
Date:  FEBRUARY 2009
<table>
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<tr>
<th>Factor</th>
<th>Requirements</th>
<th>How Identified</th>
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<tr>
<td><strong>Knowledge &amp; Skills</strong></td>
<td>Must be educated to ‘A’ level standard or equivalent. Significant experience of working in partnership in relation to anti-social behaviour or crime and disorder generally. Demonstrable success in the development and implementation for policies to tackle crime, disorder and anti-social behaviour issues. Good understanding of performance management. Understanding of partnership working. Must have excellent organisational skills. Must be able to produce reports including simple statistical representations. Able to communicate clearly and concisely both orally and in writing. Ability to work as part of a team and maintain constructive working relationships. Must have the ability to priorities work and meet deadlines. Ability to undertake research and prepare reports which will assist decision making. An awareness of Crime and Disorder legislation. Comprehensive knowledge and understanding of statutory requirements and good practice in relation to anti-social behaviour and the relationship to social exclusion. Knowledge of the potential sources of external funding available to support work on these issues. Ability to communicate in English. Ability to communicate in Welsh.</td>
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<tr>
<td><strong>Creativity &amp; Innovation</strong></td>
<td>Must be computer literate and able to use Microsoft Word, Excel and Outlook to a high standard. Have a knowledge of case file preparation, including statement taking. Demonstrate policy development and</td>
<td>AF,I,T</td>
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<td>AF,I</td>
</tr>
</tbody>
</table>
implementation skills. Must have experience of working with the public. | AF | E
| AF,I | E

| Contacts & Relationships | Internal | Elected Members
All Officers within the Directorate.
Officers in other Directorates | I
| External | North Wales Police
North Wales Probation
Youth Justice Service
Members of the Public
Registered Social Landlords
Private Landlords
Statutory and other Voluntary Agencies |

| Resources | Must be flexible in approach to work and willing to work in different locations as meetings dictate.
Presentable appearance | AF,I | E
| I | E

| Physical Demands | Ability to travel throughout the County Borough area. | AF,I | E

Please Note: In order to be shortlisted for this post you will need to demonstrate that you meet all the criteria ranked as E - Essential.

Identification of the requirements will be through the:
Application Form (AF),
Interview (I),
Test at interview (T),
Presentation at interview (P),
Verification (V)
Reference (R)
Complaint Received
Allocate URN and record all details on spreadsheet

RESPOND TO ALL COMPLAINTS
Acknowledge complaint in writing within 7 days of receipt – information leaflet and officer contact details to be provided

If complaint dealt with by another department – refer and record

Establish all parties involved and tenure of property - if complaint is housing related refer to appropriate RSL / contact private Landlord

Where perpetrators are unknown – letter to complainant with log sheets for further information / consider blanket community approach

Where contact is made by the alleged perpetrator in response to letter 1 and counter-allegations made – consider Restorative Justice

No improvement as a result of 1st and 2nd Warning – consider one or both of the following

Follow Acceptable Behaviour Contract procedure (refer to flowchart)

Follow Restorative Justice Conference procedure (refer to flowchart)

MONITOR

MONITOR

within 6 months
rm complainants
provide customer
plaintants)

property
in the first

Note: This flowchart is meant to be used as a guide for dealing with tenants of private rented property and owner occupiers (where a complaint involves tenants of a RSL the matter will be referred in the first instance) – each case will be considered on its own merit.

Remedies should be applied as appropriate and with consultation with partner agencies

If property is privately rented the Landlord is to be informed of complaints and actions taken.

No contact from alleged perpetrator and no further complaint within two months of above – CLOSE CASE – letter to complainant to close

Based on above – send 1st Warning letter to alleged perpetrator with information leaflet

Further complaint received – send 2nd Warning letter to alleged perpetrator

Letter to complainant & Landlord (if relevant) to inform of action taken

No contact to complainant to inform of action taken

If complaint anon – record and share information for purpose of intelligence

Serious cases to be responded to within 24 hours – alert all relevant agencies

Numerous agencies involved – consider MAM

Investigate Complaint
Contact all agencies to establish involvement, background info

Letter to complainant to inform of action taken

Follow Acceptable Behaviour Contract procedure (refer to flowchart)

Follow Restorative Justice Conference procedure (refer to flowchart)

MONITOR

If ASB persists – refer to ASB RG

Consider Legal Measures

MONITOR

No further complaints within 6 months – CLOSE CASE – inform complainants and perpetrators (provide customer survey to complainants)

Partneriaeth Diogelwch Cymunedol Conwy
Conwy Community Safety Partnership

Tim Ymdddygiad Gwrthgymdeithasol / Anti-social Behaviour Team
Gwasanaeth Rheolaethol / Regulatory Services
Pennaeth Gwasanaeth / Head of Service – Phil Rafferty & Chief Inspector Mark Pierce
Community Safety, Civic Offices, Abergele Road, Colwyn Bay, Conwy LL29 8AR

Gweithio gyda’i gilydd i wneud ein cymuned yn ddiogelach
Working together to make our community safer
Please take the time to fill out this form to indicate your experience following your complaint of Anti-social Behaviour to Conwy County Borough Council. Your feedback will be used to improve working practices and the service provided to Residents of Conwy County in dealing with anti-social behaviour.

## INITIAL CONTACT

1. By which of the following methods did you make your initial complaint of Anti-social Behaviour?

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Letter</th>
<th>Email</th>
<th>Out of Hours</th>
<th>In Person</th>
<th>Internet Reporting Form</th>
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<tbody>
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</tbody>
</table>

2. How easy was it to find details of who to contact regarding your anti-social behaviour complaint? (1 being very difficult and 5 being very easy)

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
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<tbody>
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</tr>
</tbody>
</table>

Please use this space to make any additional comments:

3. How would describe the Officer who dealt with your complaint? (1 being not at all 5 being very)

<table>
<thead>
<tr>
<th>Helpful</th>
<th>Courteous</th>
<th>Sensitive / Reassuring</th>
<th>Knowledgeable</th>
</tr>
</thead>
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</table>

Please use this space to make any additional comments:

4. How quickly was your complaint responded to in writing?

<table>
<thead>
<tr>
<th>1 - 5 days</th>
<th>6 - 10 days</th>
<th>11 - 14 days</th>
<th>15 or more days</th>
<th>No response was received</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

5. How would you rate the quality of the information you received (verbal, written or information leaflets)? (tick all that apply)

<table>
<thead>
<tr>
<th>Very useful</th>
<th>Informative</th>
<th>Reassuring</th>
<th>Poorly presented</th>
<th>Useless</th>
<th>Irrelevant</th>
</tr>
</thead>
<tbody>
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<table>
<thead>
<tr>
<th>Well presented</th>
<th>Contradictory</th>
<th>User Friendly</th>
<th>Accurate</th>
<th>Inaccurate</th>
<th>Relevant</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

Please use this space to make any additional comments:

## UPDATE AND SUPPORT

6. How satisfied were you that you were kept up to date with developments with your case?
### 7. How satisfied were you with the support given to you by the Anti-social Behaviour Team during your case?

<table>
<thead>
<tr>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Neither Satisfied nor dissatisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very dissatisfied</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Please use this space to make any additional comments:

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### 8. Were you offered a referral for additional support?

<table>
<thead>
<tr>
<th>North Wales Victim Support</th>
<th>Witness Service</th>
<th>Other</th>
<th>I was not offered any additional support</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

### COMPLAINT CONCLUSION

### 9. Overall how satisfied were you with how your complaint was dealt with by the Anti-social Behaviour Team?

<table>
<thead>
<tr>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Neither Satisfied nor dissatisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very dissatisfied</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

### 10. Taking everything into account, how satisfied were you with the outcome of your anti-social behaviour complaint?

<table>
<thead>
<tr>
<th>Very Satisfied</th>
<th>Fairly Satisfied</th>
<th>Neither Satisfied nor dissatisfied</th>
<th>Fairly Dissatisfied</th>
<th>Very dissatisfied</th>
</tr>
</thead>
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</tbody>
</table>

Please use this space to make any additional comments about how your anti-social behaviour complaint has been handled by the Anti-social Behaviour Team.

---

Please return this form to: **ASB Co-ordinator, Community Safety, Civic Offices, Abergele Road, Colwyn Bay LL29 8AR**
ANTI-SOCIAL BEHAVIOUR
EVICITION PLANNING PROCEDURE

Issue of possession proceedings

ABC & / Restorative Justice
Undertakings / PPO
Tenancy Support
ASBI / ASBO

ASB Co-ordinator
TO INFORM

HOST
Named Contact
Children’s Services
Named Contact

Multi-agency meeting to discuss and develop action plan.

ASB Co-ordinator
TO KEEP AGENCIES INFORMED OF ACTION PLAN

ASB Co-ordinator

Restorative Justice
Undertakings / PPO
Tenancy Support
ASBI / ASBO

DEFINITIONS:
ABC – Acceptable Behaviour Contract
FTW – Final Tenancy Warning
PPO – Postponed Possession Order
ASB – Anti-social Behaviour

Partneriaeth Diogelwch Cymunedol Conwy
Conwy Community Safety Partnership

Tim Ymddygiad Gwrthgyrnol / Anti-social Behaviour Team
Gwasanaeth Rheolaethol / Regulatory Services
Pennieth Gwasanaeth / Head of Service – Phil Rafferty & Chief Inspector Mark Pierce

Community Safety, Civic Offices, Abergele Road, Colwyn Bay, Conwy LL29 8AR
Gweithio gyda’n gilydd i wneud ein cymuned yn ddiogelach
Working together to make our community safer

ABSTRACT

A diagram showing the steps in the ASB eviction planning procedure, including intervention failure, informing the host, and keeping agencies informed of the action plan.
Dear

ANTI-SOCIAL BEHAVIOUR

We have received a number of complaints concerning your alleged unacceptable behaviour at the above property which constitutes a disturbance and nuisance to the people who live within the vicinity of your dwelling.

PRIVATE & CONFIDENTIAL

The subject of the complaints is (insert details of complaints). This matter is being investigated as the behaviour is detrimentally affecting the lives of residents living close by causing fear and anxiety.

This type of behaviour is unacceptable and will not be tolerated. If we continue to receive complaints following this letter we may consider taking legal action to bring this behaviour to an end. We have contacted your Landlord regarding this matter and this could mean that your tenancy of the property is put at risk (applies to rented property only).

Enclosed with this letter is a leaflet entitled “Be a Good Neighbour” and an Information Sheet “First Warning – Anti-social Behaviour” for your information.

Should you wish to contact us so that we may hear your side of the situation please do not hesitate to do so.

Yours sincerely

Partneriaeth Diogelwch Cymunedol Conwy
Conwy Community Safety Partnership

Tim Ymddygiad Gwrthgymdeithasol / Anti-social Behaviour Team
Gwasanaeth Rheolaethol / Regulatory Services
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ANTI-SOCIAL BEHAVIOUR

Following the issue of our letter on the (insert date of first warning) we are disappointed to note that we have received further complaints concerning your unacceptable behaviour at the above property.

The subject of the complaints is:

(insert details of complaint)

This matter is being investigated and we are liaising with North Wales Police and other agencies in seeking to bring this unacceptable behaviour to an end.

Your Landlord has been informed of the further complaints received and this could mean that your tenancy of the property is put at risk. (applies to rented property only)

In light of the continued complaints we are considering asking you to be involved in an Acceptable Behaviour Contract. Enclosed with this letter is an information sheet to explain Acceptable Behaviour Contracts.

Should you wish to contact us so that we may hear your side of the situation please do not hesitate to do so.

Yours sincerely
CONWY COMMUNITY SAFETY PARTNERSHIP
ANTI-SOCIAL BEHAVIOUR INCIDENT DIARY
(This form is for you to keep a record of incidents) (appendix)

Your Name: .................................................................

Address: .................................................................................................................................

I confirm that the records on the following pages are true to the best of my knowledge and I have recorded the information knowing that if it is tendered in evidence I shall be liable to prosecution if I have stated anything which I know to be false

.................................

Signed

<table>
<thead>
<tr>
<th>Date &amp; Time of incident</th>
<th>Where did the incident occur?</th>
<th>Brief details of the incident</th>
<th>Names of people involved if known</th>
<th>Witnesses to the incident (names &amp; addresses)</th>
<th>Did you report this incident to the Police – please record the incident no.</th>
<th>Other comments</th>
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# Acceptable Behaviour Contract

This agreement is between: | and:
---|---
The Anti-social Behaviour Team for Conwy County Borough Council and North Wales Police

| Name | Address |
---|---|

1. I agree to the following in respect of my future behaviour whilst a resident of .

2. In addition, I enter into an agreement with Conwy County Borough Council and North Wales Police not to act in a manner which causes, or is likely to cause harassment, alarm or distress to any person, or to damage property within the locality of my home address.

3. I fully understand the meaning of this Acceptable Behaviour Contract and am aware that if I breach it, the Anti-social Behaviour Unit will consider an Anti-Social Behaviour Injunction/Anti-social Behaviour Order.

| Signed | Date |
---|---|
Witnessed
| Signed | Date |

| Anti-social Behaviour Team: (print name) |
---|
| Signed | Date |

| North Wales Police: (print name) |
---|
| Signed | Date |
ACCEPTABLE BEHAVIOUR CONTRACT
PROCEDURE FLOW CHART

DECISION TAKEN TO ISSUE ACCEPTABLE BEHAVIOUR CONTRACT

Consider Restorative Justice Conference in conjunction with ABC if appropriate

Contract is drawn up by ASB Co-ordinator with appropriate and reasonable conditions

If the property is privately rented – the Landlord will be included in this process

Where the perpetrator has involvement from other agencies – agency representatives will be invited to attend

Standard letter to perpetrator to invite them to attend a meeting with NWP & ASB Co-ordinator – perpetrator may bring a friend or relative if they wish

A reasonable period of notice will be given for the meeting and every effort will be made to arrange the meeting at a time that is convenient to the perpetrator

At the meeting the reason for and purpose of the ABC will be fully explained to the perpetrator. They must be made aware that if the ABC is breached legal proceedings may be taken against them. An information leaflet will be provided - written notes may also be taken

PERPETRATOR REFUSES TO SIGN

It will be explained that a refusal to sign the Contract will be recorded

Letter to complainant to explain action taken – continue to MONITOR

If no further complaints within 3 months – letter to perpetrator and to complainant to CLOSE CASE.

PERPETRATOR ACCEPTS ABC and agrees to the conditions

Follow-up letter to perpetrator re-iterating the conditions and consequences of breach

Letter to complainant to explain action taken, provide conditions agreed to, info leaflet and what to do in the event of a breach.

If no complaints within 6 months – letter to perpetrator and to complainant to CLOSE CASE.

SERIOUS BREACHES / further complaints consider legal action

MINOR BREACHES consider 6 month ABC extension

Note: This flowchart is meant to be used as a guide for dealing with tenants of private rented property and owner occupiers (where a complaint involves tenants of a RSL the matter will be referred in the first instance) – each case will be considered on its own merit. Remedies should be applied as appropriate and with consultation with partner agencies.
DECISION TAKEN TO OFFER
RESTORATIVE JUSTICE CONFERENCE

Consider using ABC procedure or introducing a Neighbourhood Agreement in conjunction with the Restorative Justice Conference

PARTIES CAN BE REPRESENTED WITHOUT BEING PRESENT.

If parties agree to participate a suitable neutral venue to be arranged – every effort to accommodate all parties in terms of time of meeting to be made

PARTIES MAY BRING A FRIEND OR RELATIVE FOR SUPPORT

If parties agree to participate a suitable neutral venue to be arranged – every effort to accommodate all parties in terms of time of meeting to be made

LETTERS TO ALL PARTIES TO ASK FOR WILLINGNESS TO ENGAGE – FULL EXPLANATION OF RESTORATIVE JUSTICE TO BE GIVEN (INFORMATION LEAFLET TO BE PROVIDED)

PARTIES MAY BRING A FRIEND OR RELATIVE FOR SUPPORT

If parties agree to participate a suitable neutral venue to be arranged – every effort to accommodate all parties in terms of time of meeting to be made

If one or both parties refuse to participate – consider facilitation via letters between parties

If one or both parties refuse to participate – consider facilitation via letters between parties

After the Restorative Justice Conference has been held – if SUCCESSFUL, letters to be sent to all parties to conclude the matter

PARTIES MAY BRING A FRIEND OR RELATIVE FOR SUPPORT

If one or both parties refuse to participate – consider facilitation via letters between parties

If one or both parties refuse to participate – consider facilitation via letters between parties

If Restorative Justice Conference FAILS or further complaints received – consider ABC route / if already tried – consider legal remedies

PARTIES MAY BRING A FRIEND OR RELATIVE FOR SUPPORT

NOTE: This flowchart is meant to be used as a guide for dealing with tenants of private rented property and owner occupiers (where a complaint involves tenants of a RSL the matter will be referred in the first instance) – each case will be considered on its own merit. Remedies should be applied as appropriate and with consultation with partner agencies

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Gweithio gyda’n gilydd i wneud ein cymuned yn ddiogelach
Working together to make our community safer
This Neighbour Agreement, which has been facilitated by Conwy County Borough Council, has been made between the parties listed below who have agreed to the following:

<table>
<thead>
<tr>
<th>I/We, of</th>
<th>agree:</th>
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Signed Date

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<th>I/We, of</th>
<th>agree:</th>
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Signed Date

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<tr>
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<td>2.</td>
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Signed Date

Signed (Facilitator) Date

Signed (Witness/Police/CCBC) Date

Signed (Witness/Other agency) Date

APPLICATION FOR ANTI-SOCIAL BEHAVIOUR ORDER
(Section 1 – Crime and Disorder Act 1998)
It is alleged that

a. The Defendant has acted since in and around the Conwy County Borough Council Local Government Area in an anti-social manner, that is to say, in manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself and

b. That an Anti-social Behaviour Order is necessary to protect persons from further anti-social acts by him/her and accordingly an application is made for an Anti-social Behaviour Order containing the following:

The Defendant is prohibited from

Short description of acts

Further the applicant will also reply on the statements of evidence of:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.

which are attached to the application.

The complaint of: Conwy County Borough Council

Address: Bodlondeb

Conwy
LL32 8DU
Who states that the Defendant was responsible for the acts of which particulars are given above in respect of which this complaint is made.

(Iwan Davies) deleted
Head of Legal Services
Monitoring Officer and Proper Officer

Taken (and sworn) before me    Justice of the Peace
(Justices’ Clerk)
DO NOT DIVULGE ANY CONTENTS OF THIS DOCUMENT
or any document attached or referred to
To any person or organisation not entitled to know the content
This document has been prepared in consequence of the Crime and Disorder Act 1998 and is only intended for those persons and agencies forming part of those with a duty to share information under the Act and those agencies required to participate.
To publish the content otherwise may lead to court proceedings.
The participants in this Anti-social Behaviour Review Group have in mind the provisions of the Human Rights Act 1998 and the Articles of the European Convention on Human Rights as far as they are incorporated in the first schedule to the Act, together with a duty to act proportionately.

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
<th>Area</th>
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**Conditions:**

<table>
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<th>Prohibited from:</th>
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<tr>
<td>1.</td>
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**Requested Poster Distribution:**

<table>
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<tr>
<th>Factors to consider</th>
<th>Yes</th>
<th>No</th>
<th>Remarks</th>
<th>To take further action</th>
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<tbody>
<tr>
<td>1. Has the Court imposed any reporting restrictions to protect the defendant and/or his/her family</td>
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<td></td>
<td>No significant issues must have arisen</td>
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<tr>
<td>2. Is the defendant adult (18 years or older)</td>
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<td></td>
<td>No significant issues must have arisen</td>
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<tr>
<td>3. Is the defendant a young person (under 18 years)</td>
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<td>No significant issues must have arisen</td>
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<tr>
<td>4. Is the defendant or his/her immediate family considered vulnerable/at risk</td>
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<td></td>
<td>No significant issues must have arisen</td>
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<tr>
<td>5. Consultation at Prevention Panel &amp; with other agencies – Community Mental Health and Learning Disability Teams</td>
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<td>No significant issues must have arisen</td>
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<td>6. Is it a final not interim order, &amp; has the order been served on the defendant</td>
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<td>Order must have been served</td>
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<td>7. Have the details of the order been placed on the PNC</td>
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<td>Details must have been entered</td>
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<td>8. Has the time limit for appeal expired</td>
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<td>21 days from date of Order.</td>
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<td>9. Are there any early indications that variation will be applied for</td>
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<td>Must be no indications</td>
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<td>10. Is the publicity photo owned by the Police</td>
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<td></td>
<td>Police consent to be gained in a Civil ASBO</td>
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<td>11. Has the appropriate method(s) of publicity been discussed and identified (Internet/Media/Leaflet/Posters/other)</td>
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<td>Method(s) must be proportionate to the needs of each case</td>
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<td>12. Has the target area for the method(s) of publicity been discussed and identified</td>
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<td>Method and distribution area</td>
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### Factors to consider

<table>
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<th>Yes</th>
<th>No</th>
<th>Remarks</th>
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<td><strong>must be stated</strong></td>
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<td><strong>13. If the order is a CrASBO, do the offences need to be publicised</strong></td>
<td></td>
<td></td>
<td>Clear statement - why the offences need to be publicised</td>
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<tr>
<th><strong>14. General checking points for publicity medium</strong></th>
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<th>Checks need to be completed by at least two people</th>
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<tr>
<td>(i) Accuracy of information</td>
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<td>(ii) Bilingual</td>
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<td>(iii) Permission for use of any logos</td>
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<td>(iv) To allow for changes in published details in accordance with any amendments to the order at a later date.</td>
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| **15. Is the disclosure of the information necessary and proportionate to the aim it seeks to achieve, and is within the constraints of the Human Rights Act 1998.** | | | Rationale must be stated clearly |

| **16. Recorded decision to proceed** | | | Decision to proceed must be a majority vote of agencies in attendance at the Anti-Social Behaviour Review Group (1 vote per agency / LA department) and authorised by the Decision Making Panel. |

| North Wales Police | | | |
| North Wales Probation Service | | | |
| Youth Justice Service | | | |
| Licensing & Registration (CCBC) | | | |
| Education Services (CCBC) | | | |
| Regulatory Services (CCBC) | | | |
| Children’s Services (CCBC) | | | |
| Adult Social Services - (CCBC) | | | |
| Youth Services (CCBC) | | | |
| North Wales Victim Support | | | |
| **Other (Specify)** | Cymdeithas Tai Clwyd | | |
| **Other (Specify)** | Wales West HA | | |
| **Other (Specify)** | North Wales HA | | |
| **Other (Specify)** | Cartrefi Conwy | | |
| **Other (Specify)** | Clwyd Alyn HA | | |
Factors to consider | Yes | No | Remarks | To take further action
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Other (Specify) | | | | |

**Deadline for Response:**

**Reference:**

Please return this form, before the stated deadline, with any comments to: Rhian Couling (rhian.couling@conwy.gov.uk – Civic Offices, Abergele Road, Colwyn Bay LL29 8AR)

ANTISOCIAL BEHAVIOUR ORDERS
PUBLICATION
(appendix)
Member agencies of the Anti-Social Behaviour Group within the Conwy Community Safety Partnership will consider the below guidance when seeking to publicise Anti-Social Behaviour Orders within the county.

The guidance published by the Home Office Anti-Social Behaviour Unit in July 2005. (See Appendix 1) shall be referred to by the Anti-social Behaviour Review Group when considering the publicity of an ASBO.

The form “ASBO – Publicity Consideration” shall be used by the ASB Group to record the consultation / decision to publicise. (See Appendix 2)

Consideration for publicity should begin at the earliest opportunity. This avoids delays at the point of a court imposing the order and allows full consideration of the individuals’ circumstances.

The question of whether or not to publicise should be raised at the same time an individual is referred to the group for an ASBO.

The “ASBO – Publicity Guidance” will be circulated to every member / agency representative within the ASB Group to complete prior to the court hearing the ASBO application.

All responses will be noted and considered when making the final decision.

It is not necessary for all members to agree. However where a member gives reason against publicity, this information must be carefully considered.

Lack of response from any agency will infer agreement to publicise.

Having this information at court will address any queries raised concerning publicity and thus avoid further adjournments and assure the public are well informed when necessary.

The format of publicity (eg, Posters) should be agreed prior to the order being imposed and should be proportionate to the circumstances.

Where posters are to be distributed, a record of where and to whom they were given will be kept by the Anti-Social Behaviour Co-ordinator.

This allows for the withdrawal of such posters where there is a variation or discharge of an Order.